SOLICITORS AND THE WIDER COMMUNITY

by
David Podmore

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SUMMARY

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This thesis examines the involvement of solicitors in community affairs and politics. Previous research, largely carried out in the United States, indicates that lawyers have a high level of participation in activities in the wider community. Six conceptual schemes are examined which suggest some reasons why this may be so. One approach has proposed, for example, that lawyers in private practice are "dispensable" in their occupational role and thus can make themselves readily "available" to take part in extra-professional activities; other approaches refer to the advertising value of participation and the ready transfer of skills between law and extra-professional activities. Empirical studies of American lawyers have shown that some participate more than others in such activities, and in different ways - for example, lawyers in large practices participate to a greater extent in civic and community organisations whilst those in small practices take a greater part in politics.

Ten hypotheses are formulated in this study and the principal ones postulate (1) that solicitors in private practice will participate more in extra-professional activities than those practising in business organisations, (2) that amongst solicitors in private practice, participation will be positively related to the size of the practice for non-political and negatively for political activities, and (3) that private practitioners practising in smaller communities will participate more in both types of extra-professional activity than those practising in Central Birmingham.

Data were collected by means of semi-structured interviews with a sample of 128 West Midlands solicitors. The data strongly support the first hypothesis, refute in part the second and weakly support the third. Reasons for the pattern of results found are discussed. The thesis concludes with a consideration of the extent to which solicitors may be involved in the future in activities in the wider community.

Sociology - Professions - Solicitors - Activities - Community

CONTENTS

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Finally, I am greatly indebted to the 128 West Midlands solicitors who consented to be interviewed. Their courtesy and co-operation made this research an agreeable as well as stimulating enterprise.

David Podmore
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INTRODUCTION

There has been little social scientific research on law and the legal profession in Britain until relatively recently.[1] As Jackson (1970: 11) has noted "The bulk of the literature on the legal profession and the practice of law has consisted of writing by lawyers about lawyers for lawyers". This lack of social scientific research may be due, in part at least, to the attitude of the legal profession which on the whole has tended to look with suspicion on attempts to carry out research, whether the attempts were made by lawyers or social scientists.[2] One reason for this suspicion is probably the inherent conservatism of both branches of the legal profession (see Chapter 2, pp.71-75), coupled with a tendency to emphasise strongly the "confidential" aspects of the legal role and the lawyer-client relationship. A second reason is that periodic outbreaks of public criticism of the profession (which, in recent years, have brought references to the Monopolies Commission and the Prices and Incomes Board, and to the establishment of a Royal Commission on Legal Services) have made many solicitors and barristers extremely defensive and unwilling to put their profession under further scrutiny. Another reason why lawyers are suspicious of social scientific research is that many in the profession consider it to be illegitimate to apply such a perspective

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1. "Almost no-one, before 1969/70, defined herself (sic) as teaching or doing research in the sociology of law" (Cain, 1974: 1). Cain's paper reviewed the problems involved in establishing "the sociology of law" in this country, and included reports of developments in the 1970s and surveys of teaching and research activity. For a similar and more systematic review, see Campbell and Wiles (1976).

2. For the fate of one attempted study, of barristers, see Zander (1968: 40). This project was aborted by the last minute withdrawal of co-operation by the Bar Council. See also the controversy generated by the recent study Negotiated Justice (referred to in Chapter 2, footnote 49, p.82) and Zander's (1977) subsequent plea for a better relationship between the legal profession and academic researchers.

to the study of the law. Law is still viewed by many lawyers as a highly formal closed system. This entails, as an American writer has put it "viewing law merely as a set of rules and decisions to be read by students, applied by lawyers, and reacted to as being good or bad by professors" (Nagel, 1970: 7).[3] Campbell has noted, similarly, how legal thinking originates from an acceptance of law as given and that:

> Lawyers habitually operate within the framework of the legal system and adopt for their own standpoint the interpretation of reality contained in the law ... taking as given the legitimacy of established norms and procedures (1974: 13).

This approach to the law has always been the dominant one in this country. Weber noted that it was a feature of English legal reasoning that it:

> always moves from the particular to the particular but never tries to move from the particular to general propositions in order to be able subsequently to deduce from them the norms for new particular cases (Bendix, 1960: 407-408).

The emergence and growth in the United States of the "realist" approach to law - looking at law in action and in its social applications, rather than as a set of formal rules - and its subsequent diffusion across the Atlantic provided the intellectual foundation for the pioneering critical studies of the English legal system, legal profession and legal services which have been published in the last decade. A few lawyers(and social scientists) notably Abel-Smith and Stevens and associates (1967, 1968, 1973) and Zander (1968, 1970) were responsible for these studies, which set a new pattern in this country because of the sceptical nature of their approach to the legal profession and a willingness to consider

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3. Titmuss (1971: 124-125) characterised this view as the "pathology of legalism", i.e. an insistence on the application of legal rules and precedents, with only a very slow response to changing human needs and circumstances. On this, see also Friedman (1975: 247-250).

the impact of law on society. These studies may be contrasted sharply with those published only a few years previously, which maintained the orthodox lawyers' perspective of treating law in isolation from its social context[4] (e.g. Megarry, 1962). The 1970s have thus seen the beginnings of a new awareness within the legal profession of the broader implications of law.[5]

It was in the late 1960s that new directions were pioneered in law teaching and research in a few British universities, where law was set in a wider social system rather than being considered as a self-contained entity. The syllabi of the Law Faculties at new universities such as Warwick and Kent reflected this approach, though the requirements of the professional bodies set some bounds to experimentation. The formation (in 1971) of an independent study group of lawyers and social scientists, the Socio-Legal Group,[6] and the appearance in 1974 of a new journal, the British

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4. An example of this "orthodox" perspective was provided in a letter received from one of the solicitors who refused to be interviewed in this research: "I believe that Faculties of Law at Universities should be entirely separate from sociological and political Departments ... I am strongly opposed to the mixing of Sociology with the study of Law ... Practising Solicitors are, and should be, concerned not with what the law should be but what it is in their daily practice".

5. The changes which have taken place should not be exaggerated, even if a new awareness has begun to emerge. The differences between the typically American and typically English approaches remain considerable and have been summarised by Rosencrantz: "The whole temper of law in England is very different from that in the United States. Whereas in the United States law is viewed as a creative instrument for social policy, law is seen in England as a body of immutable principles. Lawyers (in England) see themselves as responders rather than initiators, and are professionally indifferent to social planning and social change. Neither judges nor lawyers have much interest in sociological or psychological research collateral to their cases, even in such areas as family law and sentencing policy. Judges never ask what is the purpose of legislation. They ask rather, "What does the statute say?"" (1970: 32). It is interesting that when English judges do attempt to be creative and to take changing social norms into consideration they are as often as not criticised for it - as with the recent outcry concerning comments from the Bench on the age of consent, for example.

6. By 1976, the membership of this Group had risen to 250 (Campbell and Wiles, 1976: 568).

Journal of Law and Society devoted to the study of the interaction of law and society, were also significant new developments.

If British lawyers have only recently shown an interest in the wider implications of law sociologists too (in the United States as well as Britain) have been curiously neglectful of the study of law, legal systems and their impact on society. The term "curious" is appropriate in this context because, despite the influential and extensive writings of founding fathers such as Weber and Durkheim, little subsequent work was done until the 1950s. Moreover, when American sociologists did take up the study of law and society again it was not so much to the central concerns of Weber and Durkheim that they turned - the attempt to develop general theories of law and society - as to "micro" studies in the traditions of criminology and occupational sociology (Black and Mileski, 1973: 1-5). More recently, studies in both Britain and America have focussed on the notion of social control through legal systems (e.g., in Britain, the "new criminology", Carlen's (1976) study of "magistrates' justice" and the Marxist critique of Bankowski and Mungham (1976)). Thus contemporary sociologists have begun to turn back towards the central themes of the pioneers.

By the early 1970s two strands could be identified in law and society research in this country, "socio-legal studies" and the "sociology of law" (Campbell and Wiles, 1976). Socio-legal studies, these writers argued, are concerned with the actual operation of law and its effect on people, but are not as subversive of "traditional" law as may appear at first sight, for many of the questions posed in socio-legal research are old and familiar ones, such as the need for law reform to take into account changes in society. Socio-legal research is relatively orthodox in its methodology and empirical methods are particularly suitable. In the

sociology of law, however, the focus is not on the legal system as such, but on comprehending the nature of the social order through the study of law. The great weakness of this approach lies in the present lack of a general theory of social order and law, so that its contributions tend to be piecemeal and ad hoc. Campbell and Wiles questioned the value of studies in the socio-legal tradition and concluded that it was only by paying much greater attention to theory (such as can only be provided by the sociology of law) that contributions will have lasting value. Whilst most social scientists would accept Campbell and Wiles' view of the relationship between theoretical and empirical studies, the scepticism of these authors about the value of empirical socio-legal research is not shared by all. Hunt (1976: 29-30) has objected to the polarisation implied in the distinction drawn between the theoretical and empirical approaches, whilst MacCormick (1977) has argued that the two approaches should be seen as complementary and mutually corrective. White's conclusion seems a very sensible one:

> The fact that an object of study is susceptible to social engineering does not necessarily mean that to study it is to step down from sociology to social administration (1975: 248).

This study of the extra-professional activities of solicitors combines elements of both socio-legal studies and the sociology of law. Orthodox empirical methods are relied on and in this respect this study is firmly rooted in the mainstream of socio-legal studies. An attempt is also made to develop a model which throws light on the crucial variables involved in solicitors' participation in extra-professional activities; theory has thus been used to give direction to empirical aspect of the research.

The origin of this study may be traced to one of the central concerns of Weber, the nature of political leadership in modern society. For Weber, political leadership rested on three foundations - independent judgement, skill in the struggle for power, and economic availability (Bendix, 1960: 435). Bendix went on to pose the question:

> under what social conditions and in what social groups (do) these three attributes occur most frequently?;

the answer was clear:

> lawyers are the prototype of the modern professional politician (1960: 436).

It was soon appreciated that Weber's arguements about lawyers' knowledge, skills, judgement and availability could equally well be applied to their participation in non-political activities in the community. If lawyers are prototypical politicians in modern society, they are also prototypical "committee men" and leaders in all kinds of voluntary associations. As a result of their professional training and daily practice, lawyers seem to be particularly well suited to play an important part in political and non-political community activities.

There are other factors which might also help to account for lawyers becoming involved in community activities and politics. Their extra-professional behaviour might also be understood in terms of the constraints placed upon them by their code of professional ethics. Direct advertising for clients is forbidden, but extra-professional community activities are an acceptable substitute, as a number of writers have noted - for example Schlesinger (1957: 27) writing of American lawyers and Birks (1960: 275) writing of English solicitors. Moreover, it seems possible that expectations have been generated in the community that lawyers will play leadership roles in political and voluntary associations, so that their participation will be solicited by members of the community (Wardwell and

Wood, 1956). It also seems possible that the "service" ideal, inculcated during professional socialisation, may encourage lawyers to play parts on the wider stage and involve themselves in community activities (Council of The Law Society, 1974: 1-2). Finally, there is evidence (Guttsman, 1963: 177-178) that there are legal rewards accruing from politics which make this an attractive sphere of activity for lawyers - especially, in this country, for barristers.

These were the points of departure for this research. The relationship between lawyers and community affairs is complex and it is hoped to draw up some bench-marks from which later studies might proceed. Looking at one branch of the English legal profession, solicitors, this research attempts to throw light on the relationship between a private practice solicitor's participation in community activities and politics and the size and the location of his practice. Differences in the extent of participation in extra-professional activities between solicitors who are partners in private practice and those employed in business, commercial and industrial organisations are also expected, so solicitors in both occupational milieux are included in this study.

The rationale behind the exclusion of barristers from this study needs to be explained. There were two reasons. First, the professional ethics of barristers circumscribe closely - even more closely than those of solicitors - the manner in which they obtain work. Normally, barristers may obtain work only through solicitors and very strict rules exist concerning their relations with solicitors and others who might indirectly be a source of work (Hollander, 1964: 39-42; Abel-Smith and Stevens, 1968: 106-107). Because of this "insulation" of barristers, it was believed that there would be few direct advantages to them in participating in community activities. Moreover they were considered to

be remote from the general public - Banton,(1965: 153) has drawn attention to the social distance between barristers and ordinary people - and hence not perceived as potential community leaders. Second, the Bar is heavily concentrated in London. In 1975, 2598 (71.3%) of the 3646 members of the Bar had their chambers in London (Zander, 1976: 823). The remaining barristers were located in large provincial cities and towns and were members of "circuits"; this often involves a good deal of travelling to the towns where the cases in which they are involved are held. It was expected that this factor, too, would weaken a barrister's relationships with the community in which he lived.

The sequence of the chapters which follow is: Chapter 1 traces the history of the solicitors' profession and introduces data on the present size and structure of the profession. Chapter 2 is concerned with some further aspects of the profession - its internal stratification and differentiation and the nature of solicitors' work - and closes with some consideration of the general characteristics of lawyers. This last section of Chapter 2 highlights features of the profession which are relevant to the subsequent analysis of the extra-professional activities of solicitors. Chapter 3 presents data from other studies about the extent of the involvement of lawyers in community affairs and national and local politics in England and Wales, the United States and some other countries. In Chapter 4 are reviewed some of the conceptual schemes which have been put forward to account for the high level of involvement of lawyers in extra-professional activities. Chapter 5 outlines a model for the study of the extra-professional activities of solicitors and lists the hypotheses to be tested in the empirical research. In Chapter 6 the design of the sample survey of solicitors in private practice and business, the interview schedule and the statistical methods used in the data analysis are outlined.

Chapter 7 is the first of the chapters to present new data and is a brief description of the socio-economic and other characteristics of respondents, their practices, their work, and so forth. A full commentary, together with Tables, appears in Appendices C and D. Chapter 7 also summarises the data on solicitors' participation in community, political and professional activities. Chapter 8 looks at the different degree of involvement in community, political and professional activities of solicitors in private practice and business, whilst in Chapter 9 the influence of the size and the location of the practice on private practice solicitors' involvement in these activities is examined. Chapter 10 brings together the findings on the subsidiary hypotheses and Chapter 11 forms the general conclusion to the study. In Appendix A are reproduced the letters which were sent to solicitors requesting an interview, and in Appendix B the interview schedule is shown.

CHAPTER 1

SOLICITORS IN MODERN SOCIETY

1. The Rise of the Solicitors' Profession

The legal profession in England and Wales is distinguished from that in most of the rest of the world influenced by English common law in that it is a divided profession. Only in the Irish Republic, South Africa, some Australian States and a few present or former British dependencies does the distinction between the solicitors' and barristers' branches of the profession remain (Johnstone and Hopson, 1967: 357). The division of the English legal profession into two separate branches rests on two conventions - that solicitors have no right of audience in superior courts and that barristers, in nearly all circumstances, have no direct access to their lay clients (Gower and Price, 1957: 319; Banton, 1965: 152-157).

A popular belief is that the division of the legal profession centres around the question of advocacy - that the barrister appears in court in wig and gown and the solicitor follows a more sedentary regime in an office. In fact, as Zander (1968: 3) has pointed out, a larger number of clients are represented in court by solicitors than by barristers. (However, solicitors are restricted in that they may appear in certain courts only - in Magistrates' and County courts, in certain circumstances in Crown courts, and before Tribunals.) At the same time, some barristers appear only infrequently in court, their main function being concerned with giving opinions and advice and with legal drafting. Nor is it helpful to view barristers as specialists and solicitors as generalists,

using the analogy from medicine of the specialist consultant and the general practitioner.[1] Some barristers do engage in extremely specialist work, it is true - tax or patent matters or libel work, for example - but others deal with a wider spectrum of work (Abel-Smith and Stevens, 1968: 104). Many solicitors, however, such as those in the West End and City of London dealing with company and business matters, also specialise to a considerable extent.

The division of the legal profession thus has little to do with the functions performed by barristers and solicitors - it has more to do with historical accident and the influence exerted by the legal pressure groups at critical times. The situation has been summarised by two American authors as follows:

> What exists in England are two separate branches of the legal profession, each with its own personnel, professional bodies, regulations, and career opportunities. In many respects these are two separate occupations. Every English lawyer is either a solicitor or a barrister but he may not be both at the same time .... In work performed, each side has its own monopolies, but to a considerable extent the two branches are competitive, performing services open to both and actively engaged in by both (Johnstone and Hopson, 1967: 359).[2]

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1. Hollander, an American lawyer, saw the solicitor as a good ship's captain but a poor engineer, whilst the barrister was the specialist (1964: 22). This is also a misleading analogy.

2. The advantages and disadvantages of a divided profession have generated much debate over the years; the debate has been summarised by Johnstone and Hopson (1967: 385-398). "Fusion" of the two branches of the profession has important implications for basic aspects of law and justice in this country - it is not merely a question of administrative and organisational arrangements (Mann, 1977). Johnstone and Hopson concluded that although division encourages specialisation and hence better legal services for clients, deleterious effects include increased legal costs and an inefficient use of manpower. Zander (1968: 270-332) put the case for fusion after a lengthy examination of the pros and cons of a divided profession. On the other hand the then Lord Chancellor, Lord Gardiner (1970), Jackson (1972: 354-362) and others have argued that there would be no public gain from unification. The question is likely to be one of central concerns of the Royal Commission on Legal Services which was set up in 1976. A small step towards unification was taken recently when a board was convened to supervise the introduction of a common professional examination for barristers and solicitors (The Law Society's Gazette, 73, 1976: 396). However, it now seems that the idea of common professional examination has been deferred, at least for the time being (New Law Journal, 127, 1976: 1179, 1231).

The solicitors' branch[3] of the legal profession assumed its present shape relatively recently (Jackson, 1972: 322), although as early as the late thirteenth century some distinction could be discerned between those who performed the more skilled work of arguing cases in court (counsel) and the attorneys who advised litigants, knew procedures and looked after the business of bringing cases to court (Carr-Saunders and Wilson, 1933: 31-33; Abel-Smith and Stevens, 1967: 15). By the fifteenth century a new role had begun to emerge - wealthy and powerful men were employing their own lawyers, who acquired the name of solicitors (Carr-Saunders and Wilson, 1933: 44; Walker and Walker, 1972: 202). Solicitors had by now become much involved as intermediaries in business, trade and politics and Birks (1960: 96-98) has drawn attention to the fact that Thomas Cromwell, the powerful adviser to Henry VIII, was a solicitor. For solicitors to reach such eminence was exceptional, however. At this time - and the distinction remains to this day - barristers and solicitors were very much the "senior" and "junior" branches of the legal profession.[4] Solicitors, after all, had evolved from a group of men doing relatively menial and clerical tasks (Drewry, 1975: 60) and "Like all middlemen, the solicitor was despised as a profiteer ..." (Harding, 1966: 178). The low social status of the "junior" branch of the profession at this time has been illustrated by Jackson:

> In the fifteenth century the attorneys had often been housed in the Inns of Court where the barristers were organised, but in the later sixteenth century the barristers ejected the attorneys. The barrister was a gentleman, with the rank of esquire and he could not be expected to mix with a mere attorney (1972: 324).

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3. Birks (1960: 3-4), in his history of the solicitors' profession, held that it is misleading to talk of "branches" as this implies that solicitors and barristers stemmed from one trunk, which was not the case.

4. Barristers still sometimes reflect this in their relations with solicitors. As recently as 1973 a leading barrister and academic could write, condescendingly, that "The life of a successful solicitor is not so exacting as that of his opposite number at the Bar ..." (Williams, 1973: 180).

The rise of solicitors to a higher status in society and towards a more equalitarian relationship with the "senior" branch of the profession can be linked to two factors: Parliamentary legislation and professional organisation, and the side-effects of the Industrial Revolution. Taking the second point first, a wide range of opportunities and new perspectives opened up for the solicitors with the industrial and commercial developments of the eighteenth century.[5] For many years solicitors had acted for county families - arranging mortgages, organising election campaigns,[6] and so on (Harding, 1966: 288). With the beginnings of the Industrial Revolution, opportunities abounded for the investment of clients' money in business undertakings, the administration of estates and the like. Land and property changed hands at an unprecedented rate and solicitors were also called upon to use their abilities in connection with the legislation on enclosures, turnpike trusts, canals and (later) railways (Birks, 1960: 182-3, 198, quoted in Abel-Smith and Stevens, 1967: 19).

Parliamentary legislation in 1729 and the subsequent birth of an effective professional organisation also had a profound effect on the development of the solicitors' profession. Legislation was conceived as a means of controlling the growing number of unqualified and often unscrupulous attorneys who hung around the Courts and touted for custom[7] (Birks, 1960: 132-138; Harding, 1966: 287). Parliament embarked on an attempt "to bring order out of chaos" (Carr-Saunders and Wilson, 1933:

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5. On this, Aubert (1969) has noted that lawyers are most important in the early stages of industrialisation, where their skills as "generalists", able to turn their hands to many things, are especially useful (quoted in Friedman, 1977: 24).

6. Mr Perker, the election agent of the Hon. Samuel Slumkey in the Eatanswill election of Charles Dickens' The Pickwick Papers was a solicitor. Dickens is, of course, a marvellous source for the legal historian - see Holdsworth (1928).

7. This was by no means the first legislation introduced in an attempt to control solicitors. The more reputable part of the profession itself had begun to press for legislation by this time (Krotter, 1973: 153-154).

44). The fundamental importance of the Attorneys' and Solicitors' Act of 1729 "lay in the fact that a major step had been taken towards transferring the regulation of the junior branch of the legal profession from the decisions of separate judges to a codified practice which was enshrined in legislation" (Abel-Smith and Stevens, 1967: 20). The Act ensured that only properly articled and enrolled persons could initiate litigation, it laid down one of the bases of solicitors' training which exists to the present day (a period of apprenticeship of five years after which the would-be solicitor was examined by a judge, albeit that this was merely a formal interview) and it introduced the method of charging clients by items of service which became a source of contention for the next 200 years.[8] Largely as a result of the need to ensure effective Parliamentary lobbying following the 1729 Act, a "Society of Gentlemen Practisers in the Courts of Law and Equity" was founded in 1739, embracing not only solicitors but the analogous occupations of attorneys and proctors. From this point the modern profession becomes clearly discernible (Jackson, 1972: 324).

The new professional body began at once to act both in the classic manner of a pressure group, lobbying Parliament for the legislative changes it wanted, and in the classic manner of a professional association, laying down and enforcing a code of conduct for its

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8. Charging by items of service was introduced into the 1729 Act as a means of meeting the complaint that solicitors and attorneys charged very large, even excessive, fees for their services. The latent function of this system was, of course, very beneficial to the profession in that it tended to prevent price competition. Also, of course, to use Goode's (1967: 7) phrase, it tended to "protect the inept".

members[9] and concerning itself with the education and examination of articled clerks (Carr-Saunders and Wilson, 1933: 46; Birks, 1960: 144-153). The barristers soon began to feel the effects of the activities of the "junior" branch of the profession and the period from the middle of the eighteenth century to the present day is marked by a tension between the two branches. This tension waxes and wanes, but is likely to remain as long as there is a divided profession. In the second half of the eighteenth century solicitors began to extend their influence in several ways, two aspects of which are worth noting. The first was through the growth of a "referral system", whereby clients might not approach a barrister direct but only through a solicitor. Barristers tended to be concentrated in a few towns, particularly London, so it was convenient for clients to approach solicitors in the first instance. This put a good deal of power into the hands of solicitors, who were thus in a position to recommend to their clients which barristers should be instructed. Solicitors, Abel-Smith and Stevens have argued (1968: 41-42), would send their clients only to those barristers who did not compete with solicitors in the type of legal work which they did. Young and unestablished barristers were in a particularly vulnerable position.

A second extension of the influence of the solicitors' branch involved the conveyancing monopoly. Ever since its formation, the Society of Gentlemen Practisers had sought this monopoly. The complex manoeuvring and fine detail of how it was achieved cannot be discussed here; sufficient that "It was ultimately achieved in 1804 as a result of what appears to have been a deal with the Younger Pitt" (Abel-Smith and

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9. The first entry in the minute book of the Society was as follows: "At a meeting of the Society of Gentlemen Practisers in the Courts of Law and Equity, held on the 13th February, 1739, the Meeting unanimously declared its utmost abhorrence of all male (sic) and unfair practice, and that it would do its utmost to detect and discountenance the same" (Robson, 1959: 20).

Stevens, 1968: 42). The conveyancing monopoly meant, in simple terms, that it became a criminal offence for an unqualified person to draw up an instrument for the transfer of land or documents concerning estates. At the time, the conveyancing monopoly did not result in a financial windfall for solicitors; it was probably more important symbolically in indicating their growing status and power. Solicitors were, as a whole, very much the subordinate branch of the legal profession and were still, perhaps, little better than tradesmen[10] (Abel-Smith and Stevens, 1967: 24). But a solid base had been established from which could take place a steady improvement in the social and economic status of the profession throughout the nineteenth century. The profession was on "the road to respectability" (Robson, 1959: 134-154).

The activities of the solicitors' professional association in the first half of the ninteenth century were particularly concerned with vital matters of professional conduct and education.[11] A "Law Institution" was founded in London in 1825 and it received a Royal Charter six years later. At this time the old Society of Gentlemen Practisers either amalgamated with the new body or was dissolved - the historical sources are not clear on this matter (Kirk, 1976: 28-30). The Law Institution, which changed its name to "The Incorporated Law Society" in 1832 and was the direct ancestor of the present Law Society (Jackson, 1972: 324),

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10. Although a few solicitors and attorneys had become very wealthy, even by the early years of the eighteenth century (Harding, 1966: 290), George III is reputed to have exclaimed, in the latter years of that century: "Sir you would not have me knight a damned attorney?" (Christian, 1925: 156-157, quoted in Krotter, 1973: 159).

11. In his recent history of the profession Kirk has suggested that: "The master-stroke of the founders of The Law Society was the emphasis they gave to education and to the establishment of the profession as liberal" (1976: 33).

began to undertake proceedings against members of the profession whom it believed to be engaging in unfair practices. It also began to lobby Parliament for legislation to formalise the procedure for suspending or expelling solicitors who engaged in undesirable practices. As a result of this pressure, a National Registrar of Solicitors was created by an Act of 1839 and four years later the administration of the Solicitors' Roll was entrusted to the Society itself (Abel-Smith and Stevens, 1967: 53).[12]

The education of the articled clerks had remained virtually unchanged since the Act of 1729 (though the period of articles for graduates had subsequently been reduced from five to three years). Since the oral examination before a judge was a formality and there was no supervision of a solicitor's instruction of his articled clerk (nor is there today), many articled clerks were transformed into solicitors with an inadequate knowledge of the law. In 1833 The Incorporated Law Society began a programme of lectures for articled clerks at its headquarters in London and 20 years later these were being delivered twice a week and attended by 200 students (Millerson, 1964: 123). Written examinations were instituted in 1836, but the Society had to wait 40 years before it received the right to conduct these examinations itself. Despite these developments, a Select Committee of the House of Commons could still report, in 1846, that "the education of solicitors by apprenticeship

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12. The growth of the Society's responsibilities from this point has been summarised by Millerson (1964: 42-43):

Solicitors' Act, 1843 - responsible for maintaining the Roll of Solicitors
Solicitors' Act, 1877 - responsible for conducting its own examinations
Solicitors' Act, 1888 - responsible for investigating professional conduct
Solicitors' Act, 1919 - responsible for exercising disciplinary powers over the profession
Solicitors' Act, 1933 - responsible for making rules of professional conduct.

still gave too little of that grounding in principles which was proper to gentlemen of a liberal profession" (Harding, 1966: 347).[13]

The reform of local institutions which was characteristic of the early Victorian period brought direct benefits to solicitors. Though the loss of debt collecting seriously affected some (Birks, 1960: 235), the inception of County Courts in 1846 - more than 500 were established, in 60 circuits (Krotter, 1973: 165) - resulted in a great increase in the volume of work carried out by the profession, because of the monopoly solicitors held on the handling of the early stages of litigation. The nature of solicitors' work began to change, too, for they were permitted to act as advocates in the new Courts (Abel-Smith and Stevens, 1967: 35). However, solicitors were denied the possibility of rising to become judges of the County Courts, an exclusion which rankled for more than a century.[14]

The increase in the level of business and commercial activity and the more widespread prosperity of the middle years of the nineteenth century were as significant as legislative changes in further improving the social

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13. A full discussion of the findings and recommendations of the 1846 Select Committee is given in the report of its most recent successor, the Ormrod Committee (Committee on Legal Education, 1971: 5-8, paras. 14-19).

14. Perhaps it is relevant that barristers outnumbered solicitors in the House of Commons by nine or ten to one when the County Courts Act of 1846 was passed! Today the ratio is three or four to one. Important changes regarding the possibility of solicitors being raised to the Bench have taken place recently, however. Under the Courts Act, 1971, solicitors of not less than ten years standing became eligible to serve as Recorders. In 1973 the Solicitors' Journal reported the Lord Chancellor as saying that 20 to 30 solicitors had been appointed Recorders (117, 1973: 97). Solicitors with five years service as Recorders may be appointed Circuit Judges (Administration of Justice Act, 1977) and in 1977 five Recorders who were solicitors were elevated to the Bench, the first solicitors to be so appointed (The Law Society's Gazette, 74, 1977: 125). The pros and cons as to whether solicitors should be allowed to become judges have been strenuously argued and have been summarised by Abel-Smith and Stevens (1967: 456-457) and Jackson (1972: 355-356).

and economic position of solicitors. Reader has noted that "Sir George Stephen, writing of attorneys' practice about the end of the eighteenth century ... said "the bulk of legal practice ... was to be found in petty personal disputes or delinquencies - in small controversy between small people." By 1840 ... "There is scarcely any important transaction in which a merchant can engage that does not more or less require the counsel of his solicitor"" (1966: 162-163). The conveyancing monopoly proved particularly valuable as the pace of industrialisation and urbanisation quickened and more and more land changed hands. Solicitors did not have things all their own way, however. Other professions and occupations were emerging at this time which posed a threat - bankers, accountants, house agents, debt collectors and the like (Birks, 1960: 229).

The half century between 1860 and 1910 has been described by Abel-Smith and Stevens (1967: 187) as being the period during which solicitors transformed themselves from being "not quite" socially and financially respectable into one of the prosperous pillars of English society. Birks has written, similarly, that "it was not until the last three decades of the century, years which call to mind John Galsworthy and the Forsytes, that the profession can be said to have come into its own" (1960: 227). The Incorporated Law Society was an important instrument in raising the status of the profession, operating in a number of different ways. One was to press for a minimum standard of education for entrants to the profession, and the Solicitors' Act of 1860 provided that there should be a Preliminary examination in general knowledge for all would-be articled clerks.[15] Another important activity of the Society continued to be

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15. This was a conscious attempt to raise the social standing of recruits. Abel-Smith and Stevens quoted the Solicitors' Journal of the day as stating that the purpose of this measure was "to exclude from the profession all who are not gentlemen by birth and education" (1967: 67). And Birks noted, perhaps exaggerating a little, that "The boy who was removed from school at fifteen or sixteen now stood little chance of entering a profession whose requirements were equal to those of the universities" (1960: 238).

the tracking-down of unqualified practitioners (legislation passed in 1860 and 1874 provided more effective penalties against non-enrolled practitioners) and the pursuit of solicitors whose unethical or dishonest practices brought the whole of the profession into disrepute. Once again the Society was able to persuade Parliament to legislate. The Solicitors' Act of 1888 gave the Discipline Committee of the Society the right to investigate complaints against solicitors and report to the High Court, and in 1919 further legislation widened the Committee's powers so that it could order a solicitor's suspension, or order his name to be struck off the Roll (Jackson, 1972: 327). This was an ultimate step in the professionalisation process.[16]

A third activity of The Incorporated Law Society in the latter years of the nineteenth century was to lobby directly concerning the remuneration of its members. Fees for County Court work were increased and, if the Society was less successful in its campaign against the introduction of percentage scales for conveyancing which when introduced in 1883 temporarily reduced some solicitors' incomes, it continued (and was ultimately successful) in its fight against the compulsory registration of land which might ultimately have knocked the bottom out of the lucrative conveyancing work. The Society was also defeated in its opposition to the establishment of the Public Trustee Office in 1906 and a good deal of probate and trust business was

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16. Parliament in fact granted The Law Society disciplinary powers over individuals who were not even members of the Society. Membership of The Law Society was and is voluntary - although 90% of today's practising solicitors are members (National Board for Prices and Incomes, 1968: 4) - despite a number of attempts over the years to make membership compulsory and a provision in the Solicitors' Act, 1941 for this to be done following a poll of all practising solicitors (Jackson, 1972: 324). (Membership of The Law Society of Scotland is, incidentally, obligatory for practise as a solicitor in Scotland (Monopolies Commission, 1970: 9).)

thereby lost to the profession. Thus, the Society was not always successful in its activities on behalf of its members - though it may be concluded that, over the years, it won more battles than it lost.

A crucial development in establishing beyond doubt the respectability of the solicitors' branch of the legal profession lay in the considerable improvement in the standard of solicitors' education which resulted directly from The Incorporated Law Society gaining the right to conduct its own examinations in 1877. It may be that the granting of this right was as much a reflection of the enhanced status of the profession as a cause of it (Abel-Smith and Stevens, 1967: 169), but it is clear that solicitors' education was invigorated by this change. The pattern of professional training was continued much as before - five years articles for non-graduates and three for graduates, but the educational requirements were rearranged so that articled clerks were required to pass Intermediate and Final examinations as well as the Preliminary. Arrangements were made to extend the range of lectures offered by the Society to articled clerks in London and to set up centres in the provinces at which lectures and classes could be held.[17] Other developments followed: "Articled clerks were allowed some time off for preparing for examinations and they mostly went to the law coaches, Gibson and Weldon. In an attempt to improve the position The Law Society[18] set up its own school of law in 1903" (Jackson, 1972: 337).

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17. Initially, in Birmingham, Liverpool, Manchester and Newcastle (Abel-Smith and Stevens, 1967: 170).

18. The title of the professional body was changed from "The Incorporated Law Society" to "The Law Society" by Charter in 1903.

Grants were made by the Society to provide lectures for articled clerks at further provincial centres. One notable side-effect of this was the encouragement of the teaching of law in the emerging provincial universities and in several cases law faculties sprang from the courses financed by the Society (Committee on Legal Education, 1971: 9, para. 21).

Thus by the end of the nineteenth century the solicitors' branch of the legal profession was firmly established, both socially and economically. In 1881, for example, it could be said that solicitors were largely recruited from the public schools, that 16% of those successful in the Final examination were Oxbridge graduates and that there were 17 solicitors in the House of Commons compared with eight 30 years previously (Abel-Smith and Stevens, 1967: 187). Certainly the profession had come a considerable way since the early years of the century when Sir George Stephen, speaking of his contemporaries of that period, could comment that "looking at the profession generally it consisted certainly of inferior men both in point of education and station" (Kirk, 1976: 48).

2. Solicitors in the Twentieth Century

The First World War brought in its train fewer changes to the profession than to society in general, even though in 1919 The Law Society finally agreed to allow women to enter the profession, the first woman being admitted a solicitor in 1922 (Birks, 1960: 277).[19] The straightened

19. By 1975 1,563 (5.2%) of the 29,850 practising solicitors were women (Open University, 1976: 28, Table 21). The proportion of women in the profession had more than doubled since 1957, when only 337 women held practising certificates (Birks, 1960: 278). According to an official of The Law Society as many as one third of those admitted to the profession in 1976 were women (Solicitors' Journal, 120, 1976: 682-683).

economic climate of the twenties and thirties meant that The Law Society had to devote considerable attention to the elimination of unethical competitive practices which were on the increase, notably price-cutting on conveyancing and "touting" for custom. The Solicitors' Act, 1933, was highly significant in this context and laid the basis of the current code of professional conduct and etiquette, the Solicitors' Practice Rules.

Another area of activity which became particularly important during a time of economic recession concerned the kind of protection which the public could be afforded against dishonest solicitors.[20] A number of legislative measures were introduced concerning solicitors' accounts and bankruptcies, culminating in the Solicitors' Act, 1941, which set up a compensation fund. Every practising solicitor was required to pay £5 per annum into a fund which could be used to reimburse clients suffering financially at the hands of errant solicitors. At the same time solicitors were required to produce accountants' certificates as to the good health of their accounts when applying for their annual practising certificates.

A change was made in the professional educational requirements in 1922. The attendance of articled clerks at a recognised law school was now made compulsory. They were required to attend lectures on a part-time basis for one year (the "Statutory Year") either at The Law Society's

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20. This had been a matter of public concern for a long time. Birks (1960: 271) has referred to the large number of insolvencies against solicitors in the early 1900s, whilst Abel-Smith and Stevens (1968: 43) noted that the fraudulent practices of some solicitors in the mid-nineteenth century encouraged the public to appoint their bankers as trustees, thus leading to the development of trustee departments in the banks.

School of Law or at one of the provincial universities. Graduates with "approved degrees" were exempted from most of the Intermediate examination and the Statutory Year. Managing clerks with ten years service ("ten year men") who took articles were also exempted from the Statutory Year. The Solicitors' Act, 1922, at the same time extended considerably the powers of the profession to control its own destiny and to make and enforce its own rules of conduct. As Abel-Smith and Stevens commented: "The extent of self-government which Parliament granted to solicitors was exceptional. While the legislature had insisted on introducing non-professional members on the bodies responsible for the education and discipline of doctors, nurses, midwives, dentists, pharmacists and architects, no non-lawyer could interfere with the affairs of solicitors" (1967: 192).[21]

Another important matter at this time was The Law Society's rearguard action against compulsory land registration (which would have reduced considerably the profits from conveyancing), which was successfully concluded in the 1920s, thus laying the basis for much of the recent prosperity of the profession (Offer, 1977).

The turmoil of the Second World War and post-war years of change and the torrent of social reform legislation affected the structure of legal institutions and citizens' access to the law, rather than the solicitors'

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21. It was not until February 1975 that laymen became involved, when a "lay observer" was appointed to review the way in which The Law Society looked into complaints against solicitors by members of the public. It should be noted that the lay observer (a position created under the Solicitors' Act, 1975) does not actually take part in The Law Society's deliberations on complaints; he merely considers the way in which a complaint has been investigated if the complainant notifies him of dissatisfaction with The Law Society's deliberations (New Society, 36, 1976: 531-532).

branch of the legal profession, which remained for some years after 1945 much as it had been in the inter-war period. To become a solicitor remained an expensive business, which meant that the social background of recruitment was as restricted as it had been in the period between the wars.[22] The Stamp Duty on Articles was £80 (reduced in 1947 and abolished in 1949) and Admission to the Roll cost a further £25 (Jackson, 1972: 325). Still heavier charges were the premia which most solicitors required from would-be articled clerks. These were lump sum payments demanded before young men or women would be taken on as articled clerks. The more prestigious the firm (generally speaking) the greater the premia demanded. Gilbert has suggested that premia were usually in the range £300-£500 in the 1930s (1977: 30) and Abel-Smith and Stevens quoted a similar figure for the immediate post-war period (1967: 349), whilst Birks estimated the post-war range somewhat lower, at £200 to £300[23] (1960:286). These were, at those times, very substantial sums. Moreover, once taken on, articled clerks received little or no payment, perhaps ten shillings or a pound a week or a token sum each June and December but not, in most cases, a living wage. It was not until the mid- and late-1950s that the practice of demanding premia began to decline.[24] Articled clerks were in short supply at this time, probably as a result of more attractive employment opportunities elsewhere. There was also a shortage of solicitors, whose numbers had not expanded

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22. For an indication of the barriers to the entry to the profession of the ordinary man two generations ago, see the Webbs' comments (1917: 5-6).

23. Gilbert argued that the profession was prepared to tolerate this "exaction" because it was thought that heavy premia enhanced the profession's respectability by restricting entry.

24. An enquiry amongst law graduates (1955 to 1962) of Durham and Manchester, who were known to be articled to solicitors, showed that 74% of those taking up articles in 1955 paid premia, but in 1960 only 26% (Elliott, 1963: 202).

to keep pace with the demands made on the profession.[25] By the late 1960s the practice of demanding premia from articled clerks was virtually extinct - only 5% of the firms responding to the 1968 Prices and Incomes Board enquiry actually charged premia (National Board for Prices and Incomes, 1968: 5) - and most articled clerks now received a salary, though still a relatively poor one (Freeman, 1974: 106). The Law Society played an important part in encouraging these changes. After all, the Society's declared aim of attracting more graduates to the profession was hardly compatible with the premium system and the derisory salaries paid to articled clerks.[26] Nor was the educational and training programme of the profession particularly inviting to graduates - three years articles with Finals at the end. It was the desire to make the profession more attractive to graduates which led to important changes in the system of solicitors' education in 1963. Linked to this desire from above for change was a pressure from below, particularly from the non-graduate articled clerks on compulsory Statutory Year courses at provincial universities. These found their lectures, in which they were usually combined with law undergraduates, too "academic" and not very helpful in preparing for The Law Society

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25. Between 1939 and 1955 the number of practising solicitors increased by only 5% (see Table 1.1, p.32).

26. The proportion of practising solicitors who were graduates has been put at 17% in 1900, 37% in 1950 and "over half" in 1968 (Abel-Smith and Stevens, 1968: 130). Newly admitted solicitors are, today, typically graduates. Of the 6,264 individuals admitted between 1964 and 1969, 2,574 (41%) were law graduates and 359 (6%) graduates in non-law or "mixed" subjects (data calculated from Committee on Legal Education, 1971: 122, Table 14). By 1974, 70% of new admissions to the Roll were graduates (Green, 1976: 137). In 1974 The Law Society announced that with effect from 1980 only graduates (not necessarily in law) would be admitted to the profession, apart from "mature students" who would be considered on their merits (The Law Society's Gazette, 71, 1974: 1). However, in a later statement The Law Society deferred the target of an "all graduate entry from 1980" (The Law Society's Gazette, 73, 1976: 1031).

examinations. Consequently, many non-graduate articled clerks also undertook a period of full-time instruction at The Law Society's school or at a "crammer" (Hall, 1962: 24).

Under the new scheme introduced in January 1963 (and slightly modified subsequently) law graduates are exempt from the Part I examination and are allowed to sit their Part II examination prior to taking up articles; usually this involves attending a full-time course at the College of Law (The Law Society's school) or a Polytechnic. Two years articles follow. Some law graduates prefer to take Part II at the end of their articles. Non-law graduates are required to pass Part I before taking Part II at the end of articles. The Statutory Year for non-graduate articled clerks was abolished from 1963 and replaced by a requirement to attend a nine month course leading to the Part I examination at a "designated" institution, to be followed by four years articles and the Part II examination. A solicitors' clerk with ten years service need serve only two and half years articles after taking Part I, with Part II at the end. "Approved courses" are provided at The Law Society's schools (now merged with the best known "crammer", Gibson and Weldon) at Guildford, London and Chester, and at a number of Polytechnics.[27]

As well as restructuring the form of legal education, The Law Society was much concerned with ensuring that solicitors' remuneration kept pace with post-war inflation. Other professions could unilaterally

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27. Fuller descriptions of the arrangements may be found in Hughes (1964), The Law Society's memorandum to the Ormrod Committee (Committee on Legal Education, 1971: 211-223, Appendix F) and Green (1976). In 1974 and 1975 The Law Society announced changes in education and training, including a "common professional examination" (i.e. common to barristers and solicitors), more time spent on formal education courses and the intention to move towards an all graduate entry. These proposals have aroused considerable controversy amongst solicitors (see, for example, Sammons and Pickthorn, 1977).

adjust their charges to keep pace with inflation, but most charges of solicitors were governed by detailed scales and subject to the surveillance of taxing masters (Abel-Smith and Stevens, 1967: 377).[28] It was not until the 1950s that solicitors found support in Parliament for changes in their scales of fees and in 1953 a Solicitors' Remuneration Order was passed. This Order was revolutionary, in that the system of charging by items of service for non-contentious matters (which could be traced back directly to the 1729 Attorneys' and Solicitors' Act) was abandoned and replaced by charging on a lump sum basis.

Solicitors prospered as never before in the 1950s and 1960s. The increase in work brought about by the Legal Aid Scheme[29] after 1949 contributed to solicitors' improved remuneration, but it was on the returns from conveyancing - "described by their own journal in 1962 as "probably one of the largest single price-fixing agreements in the country"" (Harding, 1966: 390) - that the profession's increased prosperity was based. In 1968, a report of the National Board for Prices and Incomes showed that, on average, 55.6% of solicitors' income originated from conveyancing, although such work accounted for only 40.8% of their expenses.[30] Although as long ago as the latter years of

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28. Two thirds of the charges which make up solicitors' incomes are directly controlled by statute and other charges which they make are subject to scrutiny by an officer of the court or The Law Society, if disputed by the client (National Board for Prices and Incomes, 1971: 5).

29. As an example of professional control, it is worth noting that the Legal Aid Scheme is administered by the profession itself, through The Law Society. The precedent was set with the "Poor Person's Procedure" of 1914, the administration of which was given to The Law Society in 1926 (Jackson, 1972: 435-442).

30. In fairness, it must be pointed out that the report went on to estimate that 28.8% of solicitors' total expenses were incurred on contentious business to earn only 18.4% of total income (National Board for Prices and Incomes, 1968: 16).

the nineteenth century conveyancing fees accounted for about half of the income of the average English solicitor (Offer, 1977: 505), the trend towards owner-occupation and increasing geographical mobility, together with the effects of inflation, pushed house prices higher and higher and with them solicitors' returns from conveyancing. Some very strong criticisms of the profession were generated as a result (outlined in Abel-Smith and Stevens, 1967: 389-396 and Zander, 1968: 171-178), culminating in Lees's monograph (1966: 40-45) and a reference to the National Board for Prices and Incomes in 1967 (from which reports followed in 1968, 1969 and 1971). In the same year the Monopolies Commission was asked to investigate restrictive practices in the professions generally. Reports on solicitors followed in 1970 and 1976. The abolition of scale fees for conveyancing in January 1973 was expected to bring down the cost of conveyancing; however, conveyancing remained expensive and continued public concern over this matter was intensified by a Which report in 1975,[31] followed by the publication of an exposé by a solicitor of the "conveyancing fraud" (Joseph, 1976).

Public debate over the continued high cost of legal services was one of the factors which led to the setting up of the Royal Commission on Legal Services early in 1976. The appointment of the Commission can be seen as the culmination of decades of mounting criticism of both branches of the legal profession. (It should be noted, incidentally, that the restrictive practices of the Bar have generated far greater obloquy than those of solicitors.) It seems likely that the Royal Commission

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31. The report concluded that "the abolition of scale fees ... doesn't seem to have led to any overall drop in fees charged" (Which, 18, 1975: 164-167).

will prove to be a watershed in the modern history of the legal profession because, in the words of the Chairman of the Bar Council, "(it) is by its terms of reference a complete organisational inspection of the whole of the legal profession, its organisation, practices, and remuneration" (The Law Society's Gazette, 73, 1976: 341).

3. The Size of the Modern Profession

The number of lawyers per head of population in England and Wales (barristers as well as solicitors) is less than that in most Western European neighbours and does not approach the number per capita in the United States. Cross-national comparisons of any kind are fraught with difficulties and estimates of the per capita number of lawyers in England and Wales and the United States vary from one writer to the next,[32] but most sources suggest that there are per capita two-and-a-half to three times more practising lawyers in the United States than in England and Wales (e.g. Griswold, 1964: 4; Harvey, 1965;[33] Friedman, 1977: 23). 20 years ago there was about one lawyer in private practice per 870 of the population of the United States and one per 2220 in England and Wales, if barristers and solicitors are included (Gower and Price, 1957). The proportion of lawyers has increased on both sides of the Atlantic in recent years and in 1973 it was estimated that there was

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32. This is because the basis of calculations has varied. Some writers have included all the legally qualified; others all currently practising lawyers, whilst some estimates are of lawyers in private practice only.

33. Harvey noted elsewhere that there are twice as many lawyers in New York State alone as there are solicitors and barristers in England and Wales! (1964).

one lawyer per 620 people in the United States and one solicitor to every 2000 people in England (Morrison, 1973: 58).[34]

Table 1.1 shows the number of practising solicitors in England and Wales at various dates and gives estimates of the ratio of solicitors to the total population. The information is shown in the form of a graph at Figure 1.1. These figures should be regarded as indicative rather than wholly accurate, the early figures for obvious reasons, the more recent ones because they exclude qualified solicitors engaged in legal work who do not hold practising certificates.[35] These data suggest that the proportion of solicitors in the population declined quite considerably between the first half of the nineteenth century and the early 1960s and that this trend was reversed in a few years during the late 1960s and early 1970s. The decline took place in two phases. The first, beginning in the 1840s, was almost certainly a consequence of restrictions on entry to the profession following the institution of examinations for articled clerks in 1836 under the auspices of the Courts of Common Law and Chancery. Millerson (1964: 268) has shown that whilst in the period immediately before 1836 between 500 and 600 solicitors were admitted each year, from 1837 to 1852 the annual average

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34. These figures have been used as evidence for claiming that the United States is "lawyer-ridden" or, alternatively, that England and Wales are "under-lawyered". Abel-Smith and Stevens (1967: 398) have pointed out, however, that the thousands of managing clerks and legal executives in England and Wales need to be included in the equation because their work overlaps with the work done by the legally qualified "associates" who are included in the American figures.

35. Solicitors must take out an annual certificate (issued by The Law Society) in order to be eligible to practise. There are substantial numbers of qualified solicitors who do not hold certificates but who nevertheless carry out legal work in industry, commerce, central and local government, teaching, etc. Although they are on the Roll of qualified solicitors they do not appear in these numbers of practising solicitors. There is probably about one qualified solicitor engaged in legal work who does not hold a practising certificate for every ten who do (see Chapter 6, pp.154-155).

TABLE 1.1

NUMBER OF PRACTISING SOLICITORS AND THE POPULATION OF ENGLAND AND WALES

Year*	Number of Practising Solicitors	Total** Population (000s)	Ratio of Solicitors to the Total Population
1729	4,000	5,500	1 : 1375
1802	5,270	9,130	1 : 1732
1832	8,702	14,165	1 : 1628
1841	10,073	15,929	1 : 1581
1861	10,229	20,119	1 : 1967
1881	12,688	26,046	1 : 2053
1901	16,265	32,612	1 : 2005
1911	17,000	36,136	1 : 2125
1921	14,623	37,932	1 : 2594
1931	15,608	39,988	1 : 2562
1939	17,102	41,460	1 : 2424
1947	15,567	43,050	1 : 2765
1951	17,396	43,815	1 : 2519
1955	17,966	44,441	1 : 2474
1959	18,740	45,386	1 : 2422
1961	19,438	46,196	1 : 2377
1963	20,269	46,901	1 : 2314
1965	21,255	47,540	1 : 2232
1967	22,233	48,113	1 : 2164
1969	23,574	48,540	1 : 2059
1971	25,366	48,854	1 : 1926
1973	27,379	49,175	1 : 1796
1975	29,850	49,219	1 : 1649
1976	31,250	49,184	1 : 1574

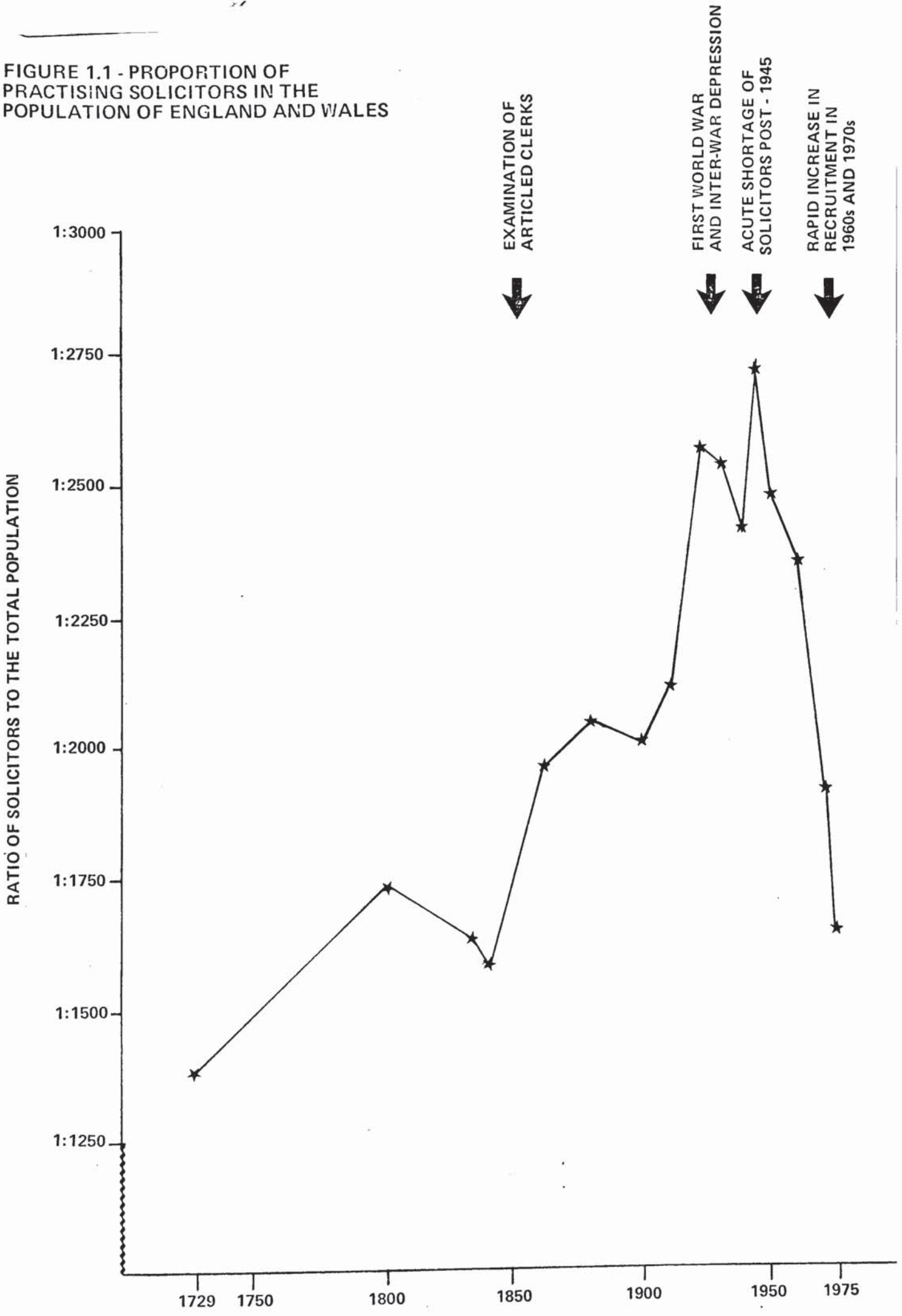
Sources: Number of Practising Solicitors 1729 - Birks, 1960: 139-140; 1802, 1832 - Harding, 1966: 351; 1841-1931 - Kirk, 1976: 42; 1939-1976 - The Law Society, Annual Reports.

Total Population 1729 - Birks, 1960: 139-140; 1802-1939 - Mitchell, 1962: 8-10; 1947 - Central Statistical Office, 1952: 7, Table 6; 1951-76 - Central Statistical Office, 1977: 7, Table 21.

* From 1955, the number of practising solicitors is the number who had taken out practising certificates for the year commencing the previous November 1.

** Estimated mid-year population.

FIGURE 1.1 - PROPORTION OF PRACTISING SOLICITORS IN THE POPULATION OF ENGLAND AND WALES



was only 391. The second period of decline in the proportion of solicitors in the total population occurred in the period between the World Wars, when the profession was badly hit by the depression. Table 1.1 shows that the number of practising solicitors was virtually the same at the beginning of the two World Wars. In 1951 only 717 new solicitors were admitted, fewer than in 1938 (Hall, 1962: 28) and in the six years between 1958 and 1963 an average of only 714 were admitted in each year. However, an estimated 1,009 new solicitors were admitted in 1964, 1,365 were admitted in 1969 rising to 1,849 in 1974 (data calculated from Green, 1976: 149, Table III) and 2,203 in 1975 (The Law Society, Annual Report 1975-76: 10). Thus, it was not until the late 1960s that the proportion of solicitors in the population began to increase, helped by The Law Society's recruitment campaign[36] and the greatly increased output of law graduates from the rapidly-expanding universities.

The last 70 or 80 years have thus been characterised by periods of "over-" and "under-solicitoring". Early this century there were probably too many solicitors for the work available (Birks, 1960: 284) and this was also the case in 1930s (Abel-Smith and Stevens, 1968: 46). At the end of the Second World War, however, there was a chronic shortage of solicitors - in 1945 the number of practising solicitors was the lowest since 1882 (Birks, 1960: 295) - and this situation continued, as has been suggested, until quite recently.[37] The absolute and per capita increase

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36. In the early 1960s an unpublished manpower study (the Hyams Report) suggested that 5000 more solicitors were needed. This encouraged The Law Society to begin a recruitment campaign (Zander, 1976: 823).

37. An unheralded consequence of the twenty year shortage of qualified manpower in the post-war period was that solicitors delegated more and more work to a growing body of clerical, etc, staff. Another consequence was that solicitors were obliged to revolutionise their attitudes towards the use of modern office equipment, in order to be able to "shift" work more effectively (Wickenden, 1975: 10-11).

in the number of solicitors and the considerable expansion of higher education courses in law in recent years (referred to in Chapter 2, p. 63) raises the possibility that there may be too many solicitors for the work available in the not-too-distant future.[38] It may be that trends in the "welfare and administrative state" will reduce the need for lawyers (as suggested by Krause, 1971: 165-166), though there is little evidence of this happening at present. (Indeed it has been argued that as societies industrialise and urbanise legal activity increases, at the same time changing in nature from being mainly concerned with litigation to being much concerned with arbitration (Friedman, 1977: 30-32).)

Table 1.2 shows the number and percentage of practising solicitors at two-yearly intervals since 1959, in terms of whether they worked in private practice or elsewhere (business, local government, etc) and, for private practice solicitors, their status - assistants (i.e. salaried but fully-qualified solicitors), sole practitioners or partners. Almost two out of every three practising solicitors in 1976 were independent practitioners, that is, either partners or sole practitioners. Though the proportion has declined since 1959 the legal profession is alone among the older professions in this country in having a majority of independent practitioners (Routh, 1965: 12, quoted in Elliott, 1972:60). Table 1.2 suggests three trends in the employment of solicitors in recent

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38. In its evidence to the Royal Commission on Legal Services in mid-1977, The Law Society noted that there were at that time 8200 clerks serving articles plus about 5000 enrolled students. The Society commented that "this rate of recruitment to the profession is higher, probably much higher, than the existing prospects justify ... it is probable that within the next two or three years there will be an appreciable surplus of newly-enrolled solicitors" (The Law Society's Gazette, 74, 1977: 621). See also similar comments by the President of The Law Society, who pointed out that these 13,000 "applicants to be solicitors" in the pipeline in 1977 should be compared with only 5,000 in 1967 (The Law Society's Gazette, 74, 1977:821).

TABLE 1.2

NUMBER OF PRACTISING SOLICITORS IN RECENT YEARS, BY TYPE OF PRACTICE
(percentages in brackets)

Sources: The Law Society, Annual Reports.

years. First, a steady rise in the proportion of salaried assistant solicitors in private practice so that about one in every five practising solicitors is now an assistant. This trend can be accounted for by the increase in the number of medium size and large firms in which most assistants are typically employed (see Chapter 2, pp.43-45). Second, a considerable decline in the proportion of sole practitioners which has accompanied the growth of large practices. Third, a slight increase in the proportion of solicitors who have taken out practising certificates and who do not work in private practice. The factors accounting for the relative decline of sole practices and the rise of large firms are discussed in Chapter 2, p.43, but the third point, concerning solicitors not in private practice, is now considered.

About one in eight solicitors with practising certificates work outside private practice, a total of 3,845 in 1975 and 4,255 in 1976. There were probably a further 3,000 solicitors engaged in legal work who did not hold practising certificates, almost all outside private practice (see footnote 35 on p. 31). In Table 1.3 is shown, at four-yearly intervals since 1959, the area of employment of solicitors holding practising certificates but not practising privately. The number in commerce and industry and other employment has doubled since 1959,[39] whilst the number in local government has increased by about a half

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39. In 1975 there were about 1,100 members of The Law Society's Commerce and Industry Group. Membership of the Group is open only to solicitors employed in commerce and industry who are members of The Law Society. The reason for there being more members of the Group than appear in Table 1.3 is, as already noted, that many solicitors working in commerce and industry do not take out practising certificates. In an interview in The Law Society's Gazette (73, 1976: 368-369), the Chairman of the Commerce and Industry Group estimated that there were about 3,500 solicitors working full-time in commerce and industry.

TABLE 1.3

AREA OF EMPLOYMENT OF SOLICITORS WHO PRACTISE OTHER THAN IN PRIVATE PRACTICE
(percentages in brackets)

Sources: The Law Society, Annual Reports.

with a doubling in the total number of non-privately practising solicitors. (The seven-fold increase in the number of practising solicitors in central government between 1971 and 1975 was probably the result of a change in policy during this period so that central government solicitors who formerly did not take out practising certificates were now encouraged to do so.[40]) The implications of increasing numbers of professional men being employed outside private practice - in industrial and business organisations, in local and central government, and so forth - have been considered by a number of writers in recent years (see, for example, Vollmer and Mills, 1966: 264-294; Abrahamson, 1967). Amongst the questions raised have been: how far are professionals employed in organisations subject to role strain because of their dual loyalties to their employer and to their profession? To what extent do professionals in organisations lose some of their autonomy to their "corporate patrons" (Johnson, 1972: 65-74)?

In the following Chapter some further aspects of the solicitors' profession are considered - its stratification and differentiation (in terms of the size of practices, their geographical distribution, solicitors' clientele and solicitors' social origins and education), the work of the solicitor, and some characteristics of lawyers (i.e. to

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40. A full study of lawyers, solicitors and barristers, in central government is overdue. A start was made by Griffith (1961) who found that 309 barristers and 354 solicitors were employed in central government departments (see also Wheatcroft (1962: 15)). These data make Abel-Smith and Stevens' (1967: 444-445) assertion that the Bar has traditionally been the main supplier of legal advisers to central government difficult to accept. Information on solicitors in local government is similarly scanty - Hobson and Stewart's (1969) research is a useful starting point, whilst Hamilton (1963) and Jobson (1963) have written on the role of the solicitor in local government. Lawyers in commerce and industry have been studied by Stanway (1972) and there are useful accounts of the work of solicitors in this field by Lynex (1954), Webb (1963) and Gottschalk (1963).

what extent lawyers are conservative, mystery-makers, self-interested and compromisers). Comparative data from studies of American lawyers arealso introduced.

CHAPTER 2

ASPECTS OF THE SOLICITORS' PROFESSION

1. The Stratified Nature of the Profession

Until quite recently writing on the sociology of the professions tended to view professions as homogeneous entities, characterised by consensus and internal solidarity, whose members were usually independent practitioners enjoying high status and considerable financial rewards (Parsons, 1954; Goode, 1957; Greenwood, 1962). The importance of professional associations in ensuring adherence to a common set of values was also emphasised. Differences between members of the same profession were largely ignored, as was conflict and divergent opinion within the professional body. This unitary and functionalist view of the professions was challenged by the "processual" or "emergent" approach of Bucher and Strauss (1961) who drew attention to the diversity, variation and conflict within professional groups. Bucher and Strauss argued - and others have supported this view (e.g. Ladinsky and Grossman, 1966; Perrucci, 1973) - that the modern profession typically contains a number of different "segments", which have developed distinctive identities which mark them off from other groups within the same profession. Professionals within these segments differ from each other in terms of their work situations, professional careers, socialisation and recruitment patterns, in terms of their public images and relations with other professions and with respect to the nature of their leadership.

It is important to keep Bucher and Strauss's analysis in mind when considering the solicitors' profession. There are considerable variations within the profession in terms of the size and geographical distribution of solicitors' practices, their status, the nature of the work which they do and the type of clientele they enjoy, and in the education and work histories of the partners, their earnings and social origins. The most cursory investigation shows that the legal profession is far from homogeneous and is in fact marked by a considerable degree of stratification and differentiation so that making generalisations about lawyers is a dangerous business, as a number of writers have observed. For example, Hazard (1965: 50) suggested that the term "lawyer" refers less to a social function than a type of training, because lawyers in fact do a bewildering variety of tasks in varying work settings. Riesman (1962: 15-16) similarly deplored the misleading tendency to talk about "the law" or "the lawyer" as though these were coherent and singular entities, and called for a more pluralistic set of images. What Lortie wrote of American lawyers can be said, with equal truth, of solicitors in England and Wales in the 1970s: "The legal profession encompasses, in a sense, many occupations" (1959: 352).

Bearing in mind the limitations of any generalisations made, stratification and differentiation amongst solicitors in private practice will be discussed under four headings - the size and the type of practice; geographical distribution; clientele; the social origins and education of solicitors. There is very little published research on solicitors in England and Wales, so indicative data from studies of lawyers in the United States is included.

The Size and the Type of Practice

Solicitors' practices in England and Wales vary considerably in terms of the number of staff which they employ, from "one man and a girl" practices to firms with over 40 partners, twice that number of fully-qualified assistant solicitors and legions of legal executives and ancillary workers, perhaps 300 to 400 staff in all. The trend today, as in accountancy, architecture, and the medical profession, is towards amalgamations forming larger and larger practices.[1] Not only are large practices becoming more common, but sole practitioners are a declining species.[2]

The causes of these trends are fairly obvious and involve not only economic factors, but also the growing complexity of the law which puts a premium on specialisation (see the discussion in Appendix C, pp.325-327). The advantages of the larger firm are evident not only in areas such as company and commercial work, but also in the more general work of the family solicitor (Wickenden, 1975: 122-140). Indeed, as much as a generation ago a President of The Law Society was questionning the viability of the one man practice (reported in Birks, 1960: 283-284).

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1. Until quite recently the maximum size for solicitors' practices in England and Wales was limited to 20 partners. This limit applied to partnerships generally and dates back to the Companies Act, 1862 (Johnstone and Hopson, 1967: 365). The limit was relaxed by the Companies Act, 1967, whereby the formation of partnerships with more than 20 members was permitted (Graham-Green and Gordon, 1968: 461). Solicitors may not form their practices into limited liability companies, however, and a partner has unlimited personal liability for his actions and those of his partners.

2. A similar trend has taken place in the United States, where "one man" law firms have always been more numerous than in England and Wales. In 1955 about 70% of qualified lawyers in private practice in the United States (excluding salaried associates) practised on their own; in 1964 about 61% and in 1970 about 56% (Gower and Price, 1957: 325; Griswold, 1964: 5; United States Bureau of the Census, 1975: 163, Table 276). The proportion of American firms with four or more partners rose from 11.6% in 1947 to 17.0% in 1967 (Rueschemeyer, 1973: 41). Wardwell has suggested that the legal profession has actually shown the least tendency of all the American professions towards amalgamation and bureaucratisation, because of its very strong tradition of independence (1955: 359).

As the sole practitioner is becoming less common and partnerships the typical mode of practice, so the "giant" solicitors' practice is emerging, paralleling the "law factories" of the American cities. Sampson has written that: "Large partnerships have grown up to deal with a specialist age. Four huge ones ... dominate the City of London .... They are, with their numbers of partners: Slaughter and May, 28; Linklaters and Paines, 25; Allen and Overy, 25; Freshfields, 21" (1971: 347-348).[3] It seems possible that partnerships are no longer a suitable form of organisation for such large firms, and The Law Society's committee on "The Future of the Profession" is considering whether solicitors should be permitted to practice in corporate form (The Law Society's Gazette, 73: 1976, 585).

TABLE 2.1

SIZE OF FULL-TIME SOLICITORS' PRIVATE PRACTICES, 1966 AND 1969

Sources: Adapted from National Board for Prices and Incomes,1968: 33, Table 1 and 34, Table 2, and National Board for Prices and Incomes, 1969: 29, Table 2.

3. These practices have grown bigger since Sampson's study. According to the 1976 Law List, Slaughter and May had 40 partners (and 72 assistants); Linklaters and Paines 43 partners (and 85 assistants); Allen and Overy 32 partners (and 27 assistants); Freshfields 28 partners (and 8 assistants).

Precise information on trends in the size of practices is difficult to come by, but Abel-Smith and Stevens (1968: 144) have provided some data which serves as a bench-mark - in 1939, 36% of solicitors who were in private practice in England and Wales (excluding salaried assistants and inactives) practised alone and in 1955 about 27%. Calculations from the data in Chapter 1, Table 1.2, p.36 indicate that the percentage of sole practitioners had declined to about 25% in 1959, 22% in 1963, 19% in 1967, 17% in 1971 and 15% in 1975. Thesedata do not, of course, reveal anything about the size of practices, other than pointing to a decline in sole practices, and the best information available is that collected in two surveys carried out in 1966 and 1969 by the National Board for Prices and Incomes (1968, 1969).[4] Table 2.1 shows that two out of every five practices in 1969 were those of sole practitioners whilst one in ten had five or more partners. In the three years between 1966 and 1969 there was a slight decline in the total number of private practices due to a fall of 210 in the number of small practices (with a sole practitioner or two partners). The number of practices with three or more partners increased in the same period by 70.

Abel-Smith and Stevens (1968: 144-148) have reviewed the kinds of solicitors' practices which are found in England and Wales, in terms of the work done and some other characteristics, and their schema, somewhat expanded and amended, follows:-

London Solicitors

(i) Large firms in the City, with 20 or more partners, twice that number of assistant solicitors, hundreds of staff in all,

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4. Because of the response rates achieved in these surveys and the method of calculating the total numbers of practices, these data must be regarded with some caution.

involved mainly in commercial work, advice to companies and so on, little involved in criminal or family work. Such firms often have overseas offices, their partners are essentially "City men" and they tend to recruit Oxbridge graduates as assistants (see footnote 25 on p. 64).

(ii) Medium-size City firms, with up to 15 or 20 partners, often specialising to a high degree (for example in shipping or insurance).

(iii) West End firms, specialising in commercial matters not related to the City, (for example, publishing, the theatre).

(iv) Lincoln's Inn firms - prestigious family solicitors, long-established, specialising in family law, trusts and the like.

(v) Temple firms - specialising in litigation work, civil and criminal.

(vi) Mayfair and St. James' firms - aristocratic family solicitors.

(vii) Oxford Street firms - commercial firms whose work is almost exclusively connected with relatively new commercial ventures in property, oil, and so on.

(viii) Suburban firms in residential areas - family firms, concerned mainly with conveyancing and probate.

(ix) Firms located close to County and Magistrates' courts and carrying out work arising from the courts.

(x) A small number of relatively small size firms in poorer areas which, in Abel-Smith and Stevens' phrase, "act as a general advice centre for the neighbourhood" (1968: 146).

Solicitors outside London

(xi) In large urban centres, a small number of large "City type" firms, doing much the sort of commercial work normally carried out in the City of London, with a high degree of specialisation.

(xii) Family solicitors, large and small (though the largest probably would have no more than six or seven partners) located in both town and country areas, concerned mainly with conveyancing probate and related matters, with some litigation but a limited amount of commercial work. A large proportion of all practices fall into this category. Wickenden described the family solicitor's practice in the following terms:

> the kind of firm which tends mainly, although probably not exclusively, to serve the individual citizen and his private domestic and business problems rather than the larger commercial or company client (1975: 7).

To this characterisation might be added, this research indicates, two other categories:

(xiii) Small practices specialising to a large degree in legal aid and litigation work (similar to (ix) above).

(xiv) Large or medium-size practices engaged in a broad variety of work, with many small "High Street" branch offices. These firms result from the amalgamation of small, localised practices and are in effect a sub-category of (xii) above.

The essential distinction between practices, Abel-Smith and Stevens argued, rests on the highly specialist approach of the large firms and the "more generalist, amateur approach of the ordinary provincial solicitors" (1968: 148) - and the gap between the two is widening, they suggested. It is probably true to say that the pecking order of prestige

amongst solicitors' practices generally follows size, large firms having a higher status than small firms, with sole practices being lowest in status. However, the nature of the legal work done tends, to some extent, to cut across size because some categories of work are much more prestigious than others. Company and commercial work, particularly where the clients are large organisations, being of a higher prestige than conveyancing, for example. Litigation is traditionally regarded - except for a few firms handling specialist cases - as being less worthy of respect than conveyancing and one writer has suggested that solicitors doing a lot of legal aid work are looked down upon by their fellow solicitors with "disdain" (White, 1975: 246-247).

The stratification of solicitors in England and Wales by size and type of practice which has been described is probably more clear-cut amongst the legal profession in the United States, where there has been detailed research on this subject. Wells (1964: 175-184) has suggested that the American legal community is differentiated hierarchically into segments in terms of different "styles" of practice. Ladinsky (1963a: 2) referred to the "bifurcation" of legal practice in the United States, whilst Hourani (1966: 7) suggested that there is in fact a "trifurcation", between the large law firms at the top of the stratification hierarchy, with smaller group practices in between and sole practitioners at the bottom There is a negligible amount of social and professional contact between these strata of the profession (Carlin, 1962b: 19). Hourani's classification closely followed that of Mills, who described the stratification of American lawyers in typically vivid terms (1951: 121-129). He distinguished between the corporation law offices or "law factories",

with 20 or 30 partners and twice as many legally-qualified assistants,[5] organised on rational-bureaucratic lines and earning huge fees from handling the affairs of large business enterprises; medium size law offices, rooted in local affairs, local litigation and local politics; and sole practitioners: "at the bottom of the legal pyramid is the genuine entrepreneur of the law, the individual practitioner who handles the legal affairs of individuals and small businesses" and at the lower fringe of this group, Mills wrote, are lawyers living "dangerously close to the criminal class", a "lumpen bourgeoisie" of ambulance-chasers (1951: 127-128).

The differences between the work of lawyers in the large American firms and the sole practitioner are considerable. The lawyer in the large firm is mainly concerned with prestigious company and business law and advice, corporation tax matters, and the like.[6] He rarely appears in court. His clientele is typically companies and corporations, together with perhaps a few wealthy individuals who return time and again to "their" lawyer. The work of the sole practitioner, on the other hand, tends to be routine non-repeat work, for "one-shot" clients (Ladinsky, 1963b: 139) including a lot of litigation in criminal, matrimonial and injury cases for individual clients, what Freund unflatteringly called "the grubbier aspects of practice" (1963: 689).

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5. The large law firms in the United States are now very big indeed. In 1973 28 firms had over 100 qualified lawyers, the largest, in New York City, having 71 partners and 118 salaried associates. In Chicago, one firm had 111 partners and 32 associates (Solicitors' Journal, 117, 1973: 606).

6. Large firm lawyers specialising in business affairs, have for long been the elite of the American legal profession: "the best paid metropolitan lawyers almost without exception after 1900 made business counselling the focus of their work, at the expense of traditional advocacy" (Miller, 1951: 66). The classic account of the large firm lawyer and his work is that of Smigel (1969). For another picture of the "corporation lawyer", see Bazelon (1970).

The differences in income between lawyers in large and small firms in the United States are considerable. Carlin (1966: 27, 38) showed that, in 1960, 70% of partners in large New York City practices had incomes over $35,000 compared with only 13% of sole practitioners and small firm lawyers, whilst Blaustein and Porter (1954: 1-40) found that lawyers in firms with nine or more members earned nearly six times as much average net income as sole practitioners.[7] The vast distance between the top and bottom of the American Bar is reflected in the derogatory images which the two groups have of each other. Lawyers in large, high status firms see small firm lawyers as unethical, cut-throat operators, shysters, and so on, whereas small firm lawyers see the large firm men as servants of big business who have "sold out" their professional integrity (Rueschemeyer, 1973: 51-52). Small firm lawyers, according to Reichstein (1965), particularly resent the way in which (they feel) the professional elite seeks to control them using the ethical code as an instrument.[8]

One interesting and paradoxical (to use Hughes' (1966: 69) term) result of this pattern of stratification is that sole practitioner lawyers are really less "free" and "independent" than lawyers working in the large law firms. Lawyers "on their own" find it difficult, the

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7. Sole practitioners are also more likely to have a second job than large firm lawyers. In his study of Detroit lawyers Ladinsky (1964: 20) found that 20% of solo lawyers had second jobs (usually salaried employment in insurance and real estate) compared with 10% of large firm lawyers, whose second job was typically in teaching.

8. There has been an echo of this in this country, where letters in the professional journals (e.g. New Law Journal, 127, 1977: 1230) have suggested that recent Law Society regulations seem to have the effect of trying to put the sole practitioner out of business - as with regard to the heavier premia demanded of sole practitioners compared with partners under the Compulsory Indemnity Insurance scheme (see Appendix C, footnote 7, p.298) and also the difficulty of ensuring that the office is properly manned whilst the sole practitioner is in court (Solicitors' Practice Rules, 1975).

American research suggests, to widen their clientele, their experience and the range of work performed. Many find economic survival difficult since competition is fierce and other occupations such as bankers and estate agents have for many years been moving into these lawyers' spheres of activity. The solo lawyer finds that he needs to cultivate those who will send clients his way, such as policemen and insurance brokers, and his independence is therefore reduced. The large law firms, though organised into specialist departments, tend to be relatively under-bureaucratised and to have adaptive and informal internal structures which encourage new recruits to take on responsibility, widen their experience and develop their careers. Such firms are anxious to overcome the image held by some members of the profession that the firm lawyer is a "kept" lawyer who, being salaried, is lacking in autonomy and is controlled by the organisation for which he works (Smigel, 1969; Delany and Finegold, 1970).

Another important difference between lawyers in large firms and sole practitioners and related to the points made above was noted by Carlin (1962a; 1966). His studies indicated that the sole practitioner is under much greater pressure to violate the ethical norms of the profession than the lawyer in a large practice. The "man on his own" is more likely to succumb to client demands which cut across professional norms, as Wood's (1959) study of criminal lawyers, O'Gorman's (1963: 58-59) study of matrimonial lawyers and Reichstein's (1965) research on lawyers' attitudes towards "injury solicitation", have shown.[9] O'Gorman's

9. However, it may be that large law firms dependent on a few "institutional" clients also find it difficult to maintain professional ethical standards in the face of their clients' demands, as suggested by Berle (1933: 341). Nonet and Carlin (1968) used the evocative term "captivity" to refer to the situation where lawyers find it difficult to resist the demands of their clients for fear of losing them. One of the solicitors interviewed in this research, speaking of a Birmingham practice he had been in, said that 60% of its work came from one institutional client. The dangers of this situation are obvious.

research also suggested that the sole practitioner is more likely to be in a situation whereby he exploits his clients, who usually lack the "savoir faire" of the clientele of the large law firm. Etheridge (1973) similarly argued that lawyers defending "indigent" clients do not always put the clients' interests first.[10] The individual clients of the large firm, on the other hand, are typically people of equal social, economic and educational standing to the lawyer and hence less likely to be exploitable; moreover they are very often regular clients whom he would want to see return.[11]

The Geographical Distribution of Solicitors

The stratification amongst solicitors in terms of the size and status of their practices, etc, is mirrored in the unequal geographical distribution of solicitors in England and Wales. The south coast of England and certain northern counties have a much higher proportion of solicitors per head of population than industrial areas. 65% of all solicitors practise in large towns with a population of more than 100,000 (Foster, 1973: 156) and one third of all English solicitors practise in London (Johnstone and Hopson, 1967: 361). Within London, solicitors are unevenly spread - Zander (1968: 212) estimated that 69% of all practices within the 118 London postal districts had their offices in only six of these districts! There is a regional imbalance too. Table 2.2 shows

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10. These studies were all carried out in the United States. Whetton (1973) has suggested that, for a number of reasons, solicitors specialising in legal aid in this country come to serve the goals of the legal aid organisations rather than the interests of the clients themselves.

11. All lawyers, of course, "manage" their relationships with their clients to some extent, as Reed (1972) has noted. However, the argument above can be summed up as follows: lawyers in small practices with poor clients are more likely to oscillate between the extremes of "succumbing to client demands" and "managing their clients" than lawyers in large practices with wealthy clients.

TABLE 2.2

DISTRIBUTION OF SOLICITORS' PRIVATE PRACTICES IN ENGLAND AND WALES AND POPULATION, BY REGION

Sources: Data for solicitors' practices adapted from National Board for Prices and Income, 1969: 28, Table 1. Population calculated from the 1971 Census figures in Whittakers' Almanac, 1973: 631.

* The Regions are those used in the N.B.P.I. solicitors' survey and include the counties shown below. The population figures have been calculated for the same areas, except for Central London which arbitrarily has been assumed to consist of the City of London plus those parts of Camden, Hackney, Islington, Kensington and Chelsea, Tower Hamlets and Westminster identified as being in the Greater London "Conurbation Centre" by the 1971 Census.

Region	Consisting of
Central London	EC, WC, SW1 and W1 postal districts
North	Cheshire, Cumberland, Durham, Lancashire, Northumberland, Westmorland and Yorkshire
Midlands	Derbyshire, Leicestershire, Northamptonshire, Nottinghamshire, Staffordshire, Warwickshire and Worcestershire
Central and South East	All Greater London outside the districts mentioned above, Bedfordshire, Berkshire, Buckinghamshire, Cambridgeshire, Essex, Hampshire, Hertfordshire, Huntingdonshire, Kent, Lincolnshire, Norfolk, Oxfordshire, Rutland, Suffolk, Surrey and Sussex.
West and Wales	Cornwall, Devonshire, Dorsetshire, Gloucestershire, Herefordshire, Shropshire, Somersetshire, Wiltshire, and Wales.

how private practices are unevenly distributed throughout England and Wales, with an extremely high concentration of practices in Central London and, interestingly, a high proportion of practices to the general population in the West of England and Wales.

Working class areas are notoriously under solicitored - in 1968 there was only one firm of solicitors in Poplar, with a population of 68,000 (Freeman, 1974: 167). Foster (1973), in his study of the distribution of solicitors, noted how large towns extend their influence over surrounding suburbs and "satellite towns", so that these are under-solicitored. Similarly, rural areas around large country towns have a relatively low proportion of solicitors and solicitors' offices; for example the City of Hereford had one solicitor for every 1600 persons, but the County of Herefordshire had 4000 people per solicitor. Foster argued that it is the level of economic activity of a particular area which is related to the number of solicitors in that area,[12] a view supported by Blaustein and Porter's study of American lawyers (1954: 13). As might be expected, there are geographical differences in the size of solicitors' practices, with a high proportion of large practices in London and a high proportion of small practices in more rural areas such as the West of England and Wales. Table 2.3 has been adapted from the National Board for Prices and Incomes report of 1969 and shows the position in that year.

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12. Foster disproved, incidentally, the commonly held belief that solicitors gravitate towards areas with large proportions of owner-occupiers because of the availability of lucrative conveyancing work in these areas.

TABLE 2.3

SIZE OF FULL-TIME SOLICITORS' PRIVATE PRACTICES BY REGION, 1969
(percentages)

Source: Calculated from: National Board for Prices and Incomes, 1969: 29, Table 2.

* For a definition of these Regions, see Table 2.2, p.53.

A similarly uneven spread of lawyers has also been found in the United States, with a heavy concentration in urban areas and county seat towns and a low concentration in rural areas. 30% of American lawyers practised in eight major cities[13] (Jeffery , 1962: 317) and 40% were located in 21 cities with populations exceeding half a million. Rural states such as South Carolina had half as many lawyers per capita as more urbanised states such as California, Ohio and Illinois (Johnstone and Hopson, 1967: 17).

13. Boston, Chicago, Cleveland, Detroit, Los Angeles, New York, Philadelphia and Washington D.C.

Solicitors' Clientele

Complex social, cultural and psychological factors influence the manner in which lawyers and their clients come together (Ladinsky, 1976). Social class is one important factor and the different proportions of solicitors in different areas, which has been noted, is largely a function of the social class composition and income levels of these areas. The clientele of solicitors is disproportionately a middle class one. Zander (1969) has referred to a survey carried out by a market research company, with a random sample of 2000 respondents, which showed that the higher his social class the more likely a respondent was to have consulted a solicitor in the previous 12 months. Respondents in the highest social class were twice as likely than those in the lowest to have seen a solicitor. Similarly Abel-Smith, Zander and Brooke, in their study of legal advice facilities in three London boroughs, showed that precise knowledge of where a solicitor could be found was directly related to a respondent's social class and income, as was a respondent's actually having seen a solicitor in the previous seven years (1973: 192-193).

It is not simply a question of ability to pay which is responsible for this pattern. Freeman (1974: 161-171) has reviewed the situation in which contact with solicitors is essentially a middle class activity, and suggested several reasons for this. To begin with, solicitors are typically organised to serve property and problems associated with it rather than consumer, welfare or "rights" matters. Also, middle class people are more likely than working class people to recognise the legal implications of their problems, are more likely to be aware of the availability of legal aid and advice and are more likely to seek out a

solicitor to help them.[14] Middle class people are also more likely to have a solicitor's office near their homes and indeed to have "their" solicitor, who has probably handled their conveyancing. They are also more likely than working class people to feel able to talk on relatively equal terms with solicitors and are less likely to feel intimidated by the formal atmosphere of solicitors' offices. Finally, middle class people are more likely than working class people to have the economic resources necessary to employ a solicitor (though it must be stressed that access to a solicitor is not just a question of ability to pay), for the legal aid and advice scheme is, for most of the population, certainly not gratis[15] and restrictive rules inhibit the extent to which solicitors (and barristers) may give free legal assistance to the poor (Zander, 1968: 234-251).

A similar situation applies in the United States, as Carlin and Howard have shown (1965: 381-431). Half of the visits to American lawyers are about matters such as property, wills or inheritances - that is, matters especially relevant to the lives of middle class people (Mayhew, 1975: 409-410). The American research also indicates that, insofar as working class people do consult lawyers, they tend to become clients of less well trained lawyers who practise "on their own" or in small firms. This is partly a function of the geographical location of lawyers' offices, partly of the level of fees which working class people can pay and partly

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14. On this point, in his study of lawyers and their clients in Scotland, Campbell found that lower class respondents viewed lawyers in "curative" terms, whereas middle class people viewed them in "preventive" terms (1976: 31).

15. In 1954 64% of married couples with children were eligible for legal aid on income grounds, but the proportion had declined to 23% by 1974 (New Law Journal, 126, 1976: 1229).

(probably more importantly) a function of the informal "referral" networks which in effect "tie" working class people to one stratum of the legal profession (Mayhew and Reiss, 1969).

The Social Origins and Education of Solicitors

It has been argued above that the solicitors' profession is more heterogeneous than would appear at first sight. There is one aspect, however, where solicitors reveal quite a high degree of homogeneity - in terms of their family backgrounds. Solicitors typically come from middle class homes. If there is no evidence of an 'ethnic" sector of the English profession as in the American legal profession (see below), this may well be largely due to the costs of qualifying, which have tended to exclude all but middle class recruits (Zander, 1968: 40-41).[16] The virtual disappearance of premia, and the payment of salaries to articled clerks in recent years (see Chapter 1, p.26) might be expected to broaden the socio-economic base from which recruits to the profession are drawn. However, the salaries of articled clerks are, on average, very low. A recent survey by the Low Pay Unit found that many articled clerks were dependent on other sources of income (especially their parents) during their articles. This, it was suggested, meant that working class recruits are largely excluded from the profession (New Society, 39, 1977: 659). Becoming an articled clerk and following professional training is still an expensive business. Membership of The Law Society's Associate Members' Group (which is compulsory) costs £24 for the period of articles; not all firms pay their articled clerks' examination fees or for their absences and tuition fees at The Law

16. The Law Society has been a little worried about the possible loss of talent to the profession implied by the narrow social base of recruitment. In 1973 The Council of The Law Society expressed the view that "no worthwhile recruit should be lost to the profession because he or she could not meet the expenses involved in qualifying" (The Law Society's Gazette, 70, 1973: 1923). See also the similar view of the Ormrod Committee (Committee on Legal Education, 1971: 41, para.98).

Society's schools or Polytechnic courses, though discretionary awards are available from Local Education Authorities.[17]

There are other influential factors which tend to narrow the social base of recruitment to the profession, particularly the system of apprenticeship which places a great emphasis on "family contacts" and militates against those who do not "know the ropes" and how to go about the difficult business of obtaining articles (Abel-Smith and Stevens, 1968: 131; Committee on Legal Education, 1971: 60, para.130; see also the report in The Times, 15 May 1973).[18]

There is little published research on the social origins of solicitors, but a study of 81 articled clerks in the Manchester area showed that only four (4.9%) were the sons of manual workers and five (6.2%) the sons of clerical workers, the remainder coming from professional and managerial homes (Hilton and Lerner, 1965: 101). Solicitors not only come from the middle class, there is also a high degree of family recruitment to the profession. It was recently estimated that 20% to 30% of newly admitted solicitors had fathers or grandfathers who were or had been solicitors

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17. Articled clerks, traditionally docile and unorganised, have become increasingly militant in recent years. Signs of growing self awareness and discontent were indicated by the controversy between The Law Society and its Associate Members' Group in 1973. This was followed by the formation of an Articled Clerks' Action Group (which The Law Society does not recognise) and the beginning of a legal workers' branch of the Transport and General Workers' Union (O'Dwyer, 1977; see also the report in The Times, 29 November 1976).

18. Obtaining articles is a chancy (and, today, highly competitive) business and would-be articled clerks often write dozens and dozens of letters to firms, seeking articles. It is particularly difficult for those who lack informal contacts with solicitors. In 1976 a Central London practice received 247 applications for articles though there were only four vacancies available in the following year (Wallace, 1977: 628). Wallace suggested that a centralised body - such as was designed to overcome the problem of multiple applications to universities - is needed to "ensure that the process of finding articles is as straightforward and humane as it can be" (629).

(Solicitors' Journal, 120, 1976: 682-683).[19] Kelsall (1954: 313) identified research, from the inter-war years, showing evidence of this tendency - nearly half the Cambridge graduate sons of lawyers themselves became lawyers, whilst family recruitment was even higher for Aberdeen (52%) and Glasgow (74%) law graduates. The recent study of Kelly (1976) paints a similar picture for Scottish university students - lawyers' sons were seven times more likely to study law than expected on the null hypothesis that the father's occupation does not affect the university course chosen by the son.

For the United States there are a number of studies which show that a high proportion of lawyers come from middle class families, (e.g. Derge, 1962: 21; Eulau and Sprague, 1964: 75-76). Many have fathers who were lawyers. Zelan (1967) showed a high degree of "sons following in fathers' footsteps" and quoted a study in Indianopolis which revealed that 23% of lawyers had lawyer-fathers, higher than for any other occupation. Blaustein and Porter (1954) found that 30% of American lawyers had relatives who were lawyers; a similar proportion to that found in White's (1967) research amongst law school graduates, whilst Thielens' (1957: 134) survey of law students showed that as many as 51% had a relative who was a lawyer.

The social, economic, educational and ethnic backgrounds of lawyers in the United States have been related in a number of studies to the different types of law firm in which they practise (Lortie, 1958, 1959;

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19. The degree of family recruitment to the profession found in this research was rather lower - 19 (14.8%) of the 128 solicitors interviewed had solicitor-fathers and two (1.6%) had fathers who were solicitors' managing clerks.

Carlin, 1962a; Smigel, 1960, 1969; Ladinsky, 1963a, 1963b, 1963c, 1964, 1967). The large law firms recruit predominantly male WASP (white, Anglo-Saxon, Protestant) graduates of elite law schools.[20] Lawyers working as sole practitioners come disproportionately from minority ethnic groups, from working or lower middle class homes and from the less prestigious law schools. This is partly a function of the selective recruitment policies of large firms, partly a function of education (for sons from higher social class homes are more likely to attend the "high quality" law schools which lead to openings in the glamorous large law firms (Lortie, 1959)) and partly a function of the way in which law students from lower social class and "ethnic" (non-WASP) homes, knowing the recruitment policies of the large firms, "select themselves out" of this section of the legal labour market (Warkov, 1965).[21]

One consequence of the recruitment policies of the large American law firms is that many lawyers from minority group or "ethnic" backgrounds go into the government service. All of the 26 lawyers employed in the United States Government agency studied by Spector (1972) were from minority groups; none had been to a law school with a national reputation. As one respondent remarked: "The Service is a repository

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20. It has been suggested that the large law firms discriminate against Jewish applicants in their recruitment policies (Yale Law Journal, 73, 1964: 625; Ladinsky, 1964: 19-20). Certainly the large firms screen applicants with great care and take the cream of law school graduates. Smigel (1960: 57) showed that 74% of lawyers in 18 of the 21 biggest New York City law firms were graduates of the law schools at Harvard, Yale and Columbia (they were a social elite, too, 30% being listed in the Social Register). The position seems to be changing - Hall (1975: 91) has argued that the large New York firms are now recruiting more women, and from minority group backgrounds and a wider range of law schools. No doubt the recent Equal Opportunities legislation has been significant here.

21. Ladinsky (1963b: 131) showed that 94% of a sample of Detroit lawyers with non-manual worker fathers were in law firms (as opposed to sole practices), compared with 70% of lawers with manual worker fathers. As many as five sixths of the black graduates of Howard University Law School who were in private practice were sole practitioners! (Mayer, 1966: 98).

for all kinds of ethnic groups, but not just Negroes, but Jews, Catholics, Southerners, too. People from two-bit law schools" (1972: 175). Women lawyers are also found to a disproportionate extent in the government service - in 1960, only 14.0% of all male lawyers in the United States were employed in the government service compared with 27.0% of all women lawyers[22] (and 20.1% of all male negro lawyers) (Epstein, 1970: 970-971). This over-representation of women and negroes is presumably due to disproportionate application rates and to the strictly universalistic criteria on entry applied by government departments. One writer, Dorsen (1971: 190-191), has argued that the racial, religious, ethnic and sexual barriers to employment and advancement in the American legal profession are fast disappearing. Dorsen believed that a new division in the profession was emerging, between those who engage in public service law (assisting previously unrepresented interests in society - helping the poor, protecting the environment, advancing individual rights generally) and those who do not. It has been estimated that as many as 6,000 American lawyers (but only 2% of all the profession) fall into the former category (Moonan and Goldstein, 1972).[23]

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22. 2.6% of American lawyers in 1960 were women, and the proportion had scarcely changed by 1970 (United States Bureau of the Census, 1975: 163, Table 276). Epstein has argued elsewhere that the private practice of law is a hostile environment to women. One way in which a supportive environment is produced is where a woman lawyer is married to a lawyer-husband. In her study of women lawyers in private practice in New York City and its suburbs, she found that 45.0% of those who were married had a lawyer-husband (1971: 551). For a full discussion of the barriers against women in the American legal profession, see White (1967) and Barnes (1970). There has been no research on women in the legal profession in Britain.

23. The Law Society's Gazette, (73, 1976: 11) recently estimated that there were 50 salaried solicitors in 20 Law Centres in England and Wales and possibly half a dozen community lawyers employed by local authorities or Citizens' Advice Bureaux - this is the extent of "public service law" in this country, although private practice solicitors are incidentally involved in this sector.

The American legal profession is also stratified in terms of the educational background of its practitioners. The differences in quality and prestige between American law schools, which have been noted, are considerable. Lortie has shown how a legal education can vary from attendance at the law school of a famous university to part-time tuition by working lawyers in a small evening school, or even a correspondence course alone (1959: 354), whilst Riesman has observed that the "differences among law schools are enormously wider than among medical schools or even, in all probability, those among graduate schools of arts and sciences" (1962: 12-13). Riesman went on to list the pecking order, ranging from the high status "Ivy League" law schools, through private law schools and state university law schools to the part-time "night schools". English solicitors, of course, all take the same examinations set by The Law Society and, as far as university legal education is concerned, so clear a pecking order cannot be perceived at present amongst the law faculties of English universities. It may be, however, that the rapid expansion of legal education at universities and polytechnics in recent years will lead to the establishment of a similar hierarchy in this country.[24] Abel-Smith and Stevens' characterisation of the recruitment policies of the large law practices in London and the big provincial cities, mentioned above, implies that

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24. The expansion of law teaching in universities and polytechnics has been very rapid. In 1948, 576 students obtained law degrees at British universities (Abel-Smith and Stevens, 1967: 370); in 1958, 821 and in 1968, 1,704 (Committee on Legal Education, 1971: 105, Table 3). By 1975 the number had risen to 2,503 (Department of Education and Science, 1977: 46-47, Table 22). In addition, in 1975 435 first degrees in law were awarded to students of polytechnics, etc (Council for National Academic Awards, Annual Report, 1974/75: 35, Table M.1). In 1974-75 27 universities in England and Wales had law faculties and 19 polytechnics offered C.N.A.A. law degrees, with 8,795 and 2,779 full-time equivalent students respectively. In the same year 1,822 students were studying at The Law Society's schools (Green, 1976: 146, 157, 161). Green's article is a comprehensive account of the numbers in legal education in England and Wales at the present time. See also Wilson and Marsh's (1975) recent survey.

this is already the case insofar as these firms have a policy of recruiting heavily from Oxbridge.[25]

2. The Work of the Solicitor and his Practice

It may be useful to outline some of the main elements which make up the work role of the solicitor. The solicitor's work role has been described in general terms by Birks:

> The solicitor is the practical man of affairs who looks after the day-to-day management of legal business, the man to whom the layman takes his troubles. He sees all the preliminary stages before an action comes on for trial. He arranges the transfer of land, draws up wills, winds up the estates of deceased persons, looks after family trusts and undertakes the foundation of companies. In fact he takes care of the legal formalities relating to business transactions generally (1960: 3).[26]

Little information is available as to how the solicitor divides his time when attending to all these matters,[27] apart from the suggestive data in the 1968 Prices and Incomes Board report and the investigations of the

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25. In the four large London practices referred to on page 44 above, the percentages of graduates and non-graduates amongst the partners and assistants was as follows:

	Graduates of Oxbridge	Graduates of other Universities	Non-Graduates
Slaughter and May	42.0%	32.1%	25.9%
Linklaters and Paines	39.5%	26.4%	34.1%
Allen and Overy	65.6%	13.1%	21.3%
Freshfields	44.4%	30.6%	25.0%

(Data calculated from the 1976 Law List)

26. A similar description was given, at more length, in the Ormrod Report (Committee on Legal Education, 1971: 37-38, para.90).

27. The problem is, of course, that solicitors are reluctant to reveal information about details of their professional work because of the norm of confidentiality. One American writer has argued that, because of this, survey research techniques will not be fruitful when applied to the legal profession and research must be carried out by other means (Hazard, 1965: 53). This is not a view with which this writer concurs.

Institute of Judicial Administration at the University of Birmingham (see below). Research using "activity sampling" methods would be most useful.

The functional significance of the lawyer in contemporary society has been noted by Krause (1971: 164), the lawyer being the possessor of expertise concerning the body of laws which lie between a generalised set of social norms and values on the one hand, and the individual on the other. The lawyer's role is to act as an "interpreter" - or "information broker" in Friedman's account (1977: 114-115) - of this body of laws to the individual citizen or corporate body. The central aspects of this role have been described by Mayer (1966: 28-57) in terms of fighting, negotiating, securing (through the drafting of documents) and counselling, whilst another characterisation has seen the lawyer's central occupational function as that of advocacy, not in the sense of pleading in court but in the sense of directly or indirectly looking after his clients' interests (Krause, 1971: 155). These observations get close to the heart of the solicitor's role, but "looking after clients' interests" does not convey any impression of what solicitors actually do. Johnstone and Hopson (1967: 77-130) identified no less than 19 different activities, or "work tasks", carried out by lawyers in the United States and many of these are also applicable to English solicitors. The two most frequently performed activities are giving advice (counselling) and negotiation,[28] and the other work tasks listed by Johnstone and Hopson included: drafting,

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28. Rueschemeyer (1973: 203) has referred to a study of large Milwaukee firm in 1950, which similarly suggested that counselling and negotiation were the two most important functions of lawyers.

litigation, investigation of facts, legal research and analysis, lobbying (influencing decision-makers), acting as a broker, public relations, filing (of documentary submissions), adjudication, financing, property management, referrals (of clients to other lawyers or professions), supervision of others, emotional support (very necessary, since "Crisis, uncertainty and tension are characteristic of much of the lawyer's work" (1967: 119)), immoral and unpleasant tasks (taking care of disagreeable matters for clients), acting as a scapegoat (taking criticism that would otherwise be directed at clients), and getting business. The authors noted that these activities overlapped to some extent and, of course, no one lawyer would perform all these tasks.

Until quite recently it was a matter of conjecture as to how solicitors divided their time amongst their various work tasks.[29] Only broad generalisations can be made with any confidence. Enough is known to reject the popular stereotype of solicitors being concerned mainly with litigation. Litigation and trustee work may have been the backbone of the mid-nineteenth century solicitor's practice, but Carr-Saunders and Wilson were certainly already out of date when they wrote, in 1933, that "The solicitor's primary function, upon which the rest of his practice is based, is that of acting as a general agent to persons engaged in litigation" (19). Megarry has noted how little of the modern solicitor's work is concerned with litigation, in or out of court, and that: "A vast part of his practice takes him nowhere near the courts, he drafts documents, writes letters, negotiates" (1962: 13). As many as two thirds

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29. Solicitors themselves may not know. Most may not keep reliable statistics, even for their own purposes such as billing clients (Abel-Smith and Stevens, 1968: 12).

of the solicitors in private practice interviewed in this research appeared in court fewer than two or three times a week (see Appendix C, Table C.13, p.296). As Friedman (1977: 25-26) has observed, the centre of gravity of the law in modern society has moved from the courtroom to the office and many lawyers do not see the inside of a courtroom from one year to the next (indeed, more than a quarter of private practice respondents said that they never appeared in court - see Appendix C, Table C.13, p.296). Even in criminal justice, Friedman argued, the crucial work today goes on outside the courtroom, where "the lawyer's job is to strike a good bargain" (1977: 26). Friedman was writing of the situation in the United States, but the extent to which justice is "negotiated" in criminal cases in this country also has just begun to be recognised (see footnote 49 on p.82 below).

Although it has been suggested that it is difficult to generalise about the nature of the workloads of solicitors, it is clear that conveyancing, for at least the last 40 or 50 years, has been the most important element of the average solicitor's practice. Three quarters of the private practice respondents interviewed rated conveyancing as "very important" in the work of their practices (see Appendix C, Table C.25, p.310).[30] Johnstone and Hopson (1967: 372) estimated that 50% to 60% of the time of the average English solicitor was spent on conveyancing work, with probate and litigation next in importance. Jackson (1972: 326) also estimated that about half of solicitors' work was concerned with conveyancing, and Campbell's (1976: 32-33) survey of Scottish solicitors found similarly, that something over 50% of the work done in solicitors' offices was conveyancing. The 1968 National Board for Prices and Incomes

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30. This readily available and lucrative work may have made solicitors complacent and less energetic in adapting their role to new social requirements (Abel-Smith and Stevens, 1968: 47).

report (16) has given a rather more precise indication, based on expenses incurred rather than time spent - conveyancing 40.8%, other non-contentious business 30.4%, contentious business 28.8%.[31] Finally, Bridges et al's (1975: 31) study of Birmingham solicitors revealed the following pattern:

Contentious work	- matrimonial and domestic (magistrates' court)	3.5%
	- divorce	3.8%
	- criminal	5.6%
	- other	21.6%
Non-contentious work		65.5%

Bridges et al's unit of measurement was "bills delivered", it should be noted. It is a pity that the non-contentious category was not sub-divided, but the figure of 65.5% is quite near to the Prices and Incomes Board figure of 71.2% mentioned above. An educated guess from these data is that the average practice's workload is split 2:1 or 3:1, non-contentious: contentious business, with conveyancing work forming considerably over half of the non-contentious category.

An important part of the solicitor's work role is not immediately concerned with law qua law; the solicitor, as a "man of affairs" and "man of the world" is concerned with advising clients in a general way. Megarry (1962: 25-32) saw the solicitor as a "benevolent spider" who sits in the middle of his web and pulls on each of a number of radial cords for advice, as need dictates.[32] Rueschemeyer has observed,

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31. Contentious business may be defined as business where court proceedings or proceedings before an arbitrator have been initiated. Non-contentious business is the remainder of solicitors' work, and includes conveyancing, wills, probate, commercial work, etc (Walker and Walker, 1972: 210).

32. The choice of simile may be felt to be unfortunate!

similarly, that:

> a good deal of the lawyer's competence is connected with his legal knowledge only indirectly or not at all. Since the law is a generalised mechanism of social control, its application covers a great variety of social situations. Different applications require a grasp of these social contexts as well as of the law. From the good lawyer we may therefore expect a generalized capacity for defining situations and a great variety of "wordly knowledge". On the basis of this non-legal knowledge and ability lawyers act often outside their speciality, giving economic advice or providing their clients with organizational "know-how" (1964: 21).

The solicitor's role in fact extends into areas where his legal training, lacking as it does any systematic sociological or psychological perspectives, provides little guidance:[33] "He gives emotional support, sympathy, understanding, compassion, reassurance to a distraught client. The lawyer as social worker has barely been explored" (Freeman, 1974: 101).

One final point about the work of the solicitor. Typically, he operates under some pressure and deals with many pieces of work and many different problems each working day. Few of the 103 interviews with solicitors in private practice which were carried out in this research were not interrupted by urgent telephone calls. On some occasions the solicitor was delayed in court or with a client and a wait was necessary or, sometimes, a fresh appointment. Megarry has illustrated this fact of life well:

> solicitors professionally lead broken lives. An uninterrupted hour in the office is a rarity. The telephone is the worst tyrant, but there are also clients, partners, staff, other solicitors and sometimes the Bar (1962: 22).

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33. A point recognised by the Ormrod Committee (Committee on Legal Education, 1971: 38, para.92). Lord Goodman (a solicitor) recently suggested that "the human race" should be included in each year of the curriculum of law students, because lawyers need to be instructed in how to deal with human beings (1977: 35-36).

The consequence of this is that many solicitors find that their work spills over into their domestic lives. For many it is necessary to take work home with them in the evenings and at weekends, and a quarter of the respondents in private practice did so three or four times a week or more (see Appendix C, Table C.12, p.295).[34]

3. Some Characteristics of Lawyers

Since this study is concerned with the activities of solicitors in the wider community, it is necessary to consider to what extent solicitors can be regarded as a special kind of people and to what extent, if any, they bring a unique perspective with them when they participate in extra-professional activities. Griffith has suggested that lawyers are a unique and easily recognisable species:

> there is something by which a lawyer can be instantly recognised ... and by which lawyers, however dissimilar otherwise, are more closely linked than they are separated by their differences ... A man who has had a legal training is never quite the same again. And ... is never able to look at institutions or administrative practices or even social and political policies free from his legal habits of belief (1959: 118).

40 years ago it was claimed that the legal habit of mind was "universal" between lawyers in different countries and even between lawyers across the centuries! (Amos, 1933: 41-42). The argument is that lawyers possess a particular style and approach which marks them off from other

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34. Many respondents, naturally, resented having to do this, because of the way it cut into family life. Some had made a firm rule never to take work home, but would stay late at the office as long as was necessary.

men, derived from their professional training and socialisation and polished by their practice.[35]

Four alleged characteristics of lawyers are considered - lawyers as conservatives; lawyers as mystifiers; lawyers as a selfish and self-interested group; and lawyers as mediators and compromisers.

Lawyers as Conservatives

It is frequently alleged that lawyers are conservative and opposed to change. Sawer (1965: 124-125) has suggested that three reasons for this are usually given: lawyers are typically preoccupied with applying a continuing set of rules and principles, they have a selfish interest in preserving their intellectual capital, and they become closely identified with the "establishment" of the politically powerful and prosperous. Over a century ago de Tocqueville noted that lawyers "have nothing to gain by innovation" (1947: 328) whilst Laski wrote in the 1920s that "It is almost an inevitable characteristic of the legal mind that it should tend to conservatism ... Lawyers ... are more definitely the servants of tradition than any other class in the community ..." (1925: 572). These views have been restated more recently by, amongst many others, Hyneman (1959: 264), Kaupen (1970), Friedmann (1972: 519), and Sampson who, in his Anatomy of Britain Today, characterised the

35. The approach of the lawyer has been described as follows:
"A lawyer ... is not trained to think like a scientist. He is preoccupied with the specific case - not so much to understand it or explain it in any scientific sense but to reach a decision with respect to the issues the case presents. This he does through logical analyses and appeals to established rules and the precedents set by tradition and decisions in previous similar cases. He is extremely dubious of the validity of generalisations arrived at from the analysis of mass data and applicable when these generalisations go counter to his common sense ... He is interested primarily in decisions of practical policy and operating issues and in the manipulation of the factors affecting these issues and is much less concerned with the study of social processes simply to "explain" them" (Cottrell and Sheldon, 1963: 128). The considerable differences when compared with, for example, the approach of the natural or social scientist need no elaboration.

English legal profession as being "trapped in its conservatism and mystique" (1965: 162). Two American lawyers similarly concluded that:

> It (the English legal profession) is a complacent profession more concerned with maintaining its present position than expanding it, more defensive than aggressive and very cautious about even trivial changes in professional structure or requirements ... Even the Law Society, least complacent of major professional institutions in England, devotes an inordinate amount of effort to perpetuating the status quo (Johnstone and Hopson, 1967: 11).

To a considerable extent it is in the interests of lawyers to oppose change, just as it is for other professionals. Lawyers have a vested interest in opposing changes to "the law", in the learning of which they have invested a great deal of time and effort. They might not want to see that time and effort vitiated by frequent changes. The point was well made by Morris Finer, Q.C., in a radio talk:

> The lawyer, almost irrespective of his politics, is by training and self-interest a conservative in the affairs of his own profession. The status quo is part of his mental capital. Every legal reform robs him of an asset he has worked hard to acquire (1970: 47-48).

As evidence of conservatism, there is certainly some strength in the allegation that lawyers in England and Wales have been slow to expand into new fields (such as welfare and civil rights, the law regarding consumers, and so on) and to become involved with what Friedmann called "the wider social, economic and political implications of a problem" (1972: 519-520). 60 years ago the Webbs referred to the "arrested development" of English lawyers and their lack of interest in education and training or the service offered to the public (1917: 7). More recently, Wedderburn has argued that the narrowness of legal education has tended to cut lawyers off from many of the problems encountered by ordinary citizens (quoted in Abel-Smith and Stevens, 1967: 373), a view

echoed by Morris (1973: 61-62) and Davies (1975: 295). It is clear that solicitors are oriented predominantly towards middle class clients and their problems (see above) so that: "The ordinary solicitor (has) remained isolated ... to a very large extent, from the day-to-day problems of the man in the street" (Abel-Smith and Stevens, 1967: 403).[36] The position is much the same in the United States, where the legal profession is predominantly organised to serve the needs of property and a few specialist problem areas such as divorce and accidents and shows little interest in tackling problems involving citizens' relationships with vendors, public authorities, etc. (Mayhew and Reiss, 1969).

A factor which is sometimes said to contribute to the conservatism of lawyers is their close association with vested interests and the world of business. This was the burden of Mills' criticism of the American legal profession. American lawyers were, he claimed, the servants of "Not persons, not unorganised publics of small investors, propertyless, workless, consumers, but a thin upper crust and financial interests ..." (1951: 122). Mills' argument is rather difficult to accept because he went on to describe the stratification of the legal profession, with large law firms acting for business interests and an upper class clientele, whilst middle and small size practices served a very different range of clients (see above). So, all lawyers cannot be stigmatised as

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36. Research is now being published which shows the considerable extent of unmet need for legal services - see, for example, Zander and Glasser (1967). A recent survey of the Medway area reported in New Society (36, 1976: 84) showed that solicitors' advice had been sought in only 39% of cases where a person had to appear in court, in only 33% of cases of claims for compensatable accidents, and in only 12% of industrial injury cases. See also the remarks of the Lord Chancellor's Advisory Committee on Legal Aid (Lord Chancellor's Office, 1974: 36).

servants of business, etc, because they are such a heterogeneous group. Parsons' critique of Mills similarly questioned Mills' view of lawyers as exclusively the servants or "captives" of big business (1960: 219). Parsons' conclusion was that Mills' preoccupation with the power processes of modern society led to a misunderstanding of the real nature of the relationship between law and business. Whatever may be thought of Mills' account, it can scarcely be applied to this country, where a common criticism has been that the great majority of solicitors have held themselves aloof from the affairs of business, industry and commerce (Birks, 1960: 278; Abel-Smith and Stevens, 1967: 403).

The alleged conservatism of lawyers has given rise to particular concern where, as in the United States, they numerically dominate legislative bodies. Agger has written that "The phenomenon of conservatism among lawyers to the extent that it exists is not disturbing per se, but when political mechanisms for social change are monopolized by lawyers ... the great number and influence of lawyers in politics deserves to be questioned" (1956: 439). The implicit assumption that lawyer-legislators are conservative does not, however, stand up to close investigation. Derge's (1959: 431) analysis of the voting behaviour of lawyer-legislators in the Missouri State legislature revealed that the political attitudes and behaviour of lawyers were similar to those of non-lawyers, whilst an attitudinal study of the political ideology of lawyers and non-lawyers in four State legislatures carried out by Eulau and Sprague (1964: 26-27) revealed that very slightly greater proportions of lawyers than non-lawyers were "liberal". These authors concluded that, for all practical purposes, lawyer-legislators did not differ from non-lawyers in their ideological stance.

It may be concluded that criticisms of lawyers as "conservative" and opposed to change are strictures which can be applied to other professions and occupational groups as well - for example the doctors' continuing skirmishes with the National Health Service and the resistance of mechanisation by skilled trades in the printing industry. Further, it may be that the alleged "conservatism" of lawyers is no more than a general feature of the social class from which most of the profession is recruited.

Lawyers as Mystifiers

It is a common criticism of lawyers that their profession is wrapped around in a web of mystery which the layman finds it difficult to penetrate. Not surprisingly, laymen often come to view lawyers with a certain amount of distrust (Sanctuary, 1974; Bridge, 1975: 489). The complexity and elaboration of court proceedings, the ritualised relationships and "esoteric technical patois" (Drewry, 1970: 366), the whole panoply and trappings of the law, all serve to cut the layman off from a comprehension of legal processes and the legal profession.[37] Titmuss (1971: 122) has observed, for example, that when lawyers become involved in welfare appeal processes the proceedings become more and more mystifying to the claimants. Even the routine work which the lawyer does is as often as not exceedingly difficult for the layman to understand. For instance in 1968 there were, according to The Law Society, no less than 73 possible steps in the process of the conveyancing of

37. For a discussion of these considerations in the context of magistrates' courts, see Carlen (1974, 1976: 18-38) and King (1977: 17-34).

property![38] (National Board for Prices and Incomes, 1968: 12).

Not only are the processes and procedures and language of the law difficult for the layman to comprehend, but the written sources of the law are also unnecessarily lengthy and obscure, in the opinion of a former Chairman of the Law Commission for England and Wales, Sir Leslie Scarman. He noted that the law reports consist of 300,000 reported cases, that a judgement in a recent libel case ran to 40,000 words and that a trust case ran to 93 pages of the law report (1970: 9).[39] The amount of time which even a specialist lawyer might spend in consulting these sources would obviously be very considerable and "the ordinary lawyer up and down the country has neither the time nor the resources to do the job effectively, cheaply or swiftly" (10). Moreover, the written sources are all too frequently unintelligible and unnecessarily obscure: "only specialists can read a Finance Act with any hope of understanding it" (10). Sir Leslie went on to suggest ways of simplifying the written sources of the law, developing some of the ideas first put forward in his Lindsay Memorial Lectures (1968), for example by legislation consolidating case law.

It seems clear that this element of mystification is highly functional for the legal profession:

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38. Joseph, a solicitor and a scathing critic of the "conveyancing fraud", referred to the conveyancing process as a "ritual dance" deliberately extended through many stages and over a three month period, which was necessary to conceal from the public the fact that solicitors charge between £80 and £138 an hour for conveyancing work on an average house (1976: 30-39, 92).

39. To some extent, of course, it is inherent in a legal system adhering to the doctrine of judicial precedents (as opposed to a civil law system) that judgements will be lengthy.

> The lawyers are a priesthood with prestige to maintain. They must have a set of doctrines that do not threaten to melt away with the advances of psychological science. They must, in order to feel socially secure, believe and convince the outside world that they have techniques requiring long study to master (Robinson, 1935: 28, quoted in Riesman, 1951: 125).

This view has recently been reformulated by Bankowski and Mungham, in their polemical critique of the law from a Marxist position. They noted how the special language, life styles and mythologies of the law and the deliberate attempt to dehumanise and reify it served to set the law apart from the man in the street.[40] This insulation of the profession has been highly functional in protecting its privileges (1976: 82-86).

Lawyers as Selfish and Self-Interested

The view of lawyers as a selfish and self-interested group focuses on the way in which both branches of the legal profession have established and extended their privileges, and on the zeal with which they defend them. All professions (and many occupations) engage in restrictive practices of some sort; however, the contention of critics such as Zander (1968) and Abel-Smith and Stevens (1968) is that, over the years, the restrictive practices of lawyers, maintained via their professional bodies The Law Society and Bar Council, have had the effect of making the English legal system antiquated, expensive and contrary to the public interest. The restrictive practices of the Bar are usually regarded as being more far-reaching than those of the solicitors' branch, but as far as solicitors are concerned their conveyancing monopoly represents the most frequently quoted example of an activity contrary to the public interest. Solicitors also have a monopoly of the early stages of litigation; no-one but a solicitor may issue a writ or process in court on behalf of

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40. On this, with special reference to the Bar, see Cain (1976: 227-234).

another person. Preparing papers for probate is also a monopoly of solicitors. The hostility shown by some solicitors towards "public sector law" such as law centres is often quoted as an example of the selfishness of the profession - local solicitors have been known to put pressure on The Law Society to veto a law centre, fearing competition, especially for legal aid work.[41]

Underpinning all this is the very considerable control which the legal profession has gained over its own destiny and its powers to become "judge in its own cause" (Zander, 1968: 8). As has been suggested, all professions are characterised to some extent by restrictive practices and all cherish their real or imagined autonomy, but solicitors have more or less complete control over their own destiny, in terms of entry to the profession, control of examinations, and discipline and conduct (see Chapter 1, footnote 12, p.17). The case for restrictive practices by professions is well known and can be summarised very briefly: high standards of competence and ethics are maintained and the public is protected by the careful control of entry, education, training and practise.[42] In other words, restrictive practices may raise costs, inhibit the service given and in some respects be inefficient but the public interest is protected, since all practitioners are certified as competent and are subject to strict controls on their behaviour.[43]

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41. As in the case of Hillingdon law centre (see the report in The Guardian, 7 July 1976).

42. This view has been epitomised as follows: "Would you want a graduate of an "alternative university" medical school to remove your appendix?"

43. An example of the way in which the public is protected is The Law Society's compensation fund, whereby members of the public whose money is embezzled by defaulting solicitors are paid from the fund, contributions to which are levied from the profession as a whole. Thus the profession as a whole makes recompense for the depredations of the black sheep.

It has also been claimed that the presence of disproportionately large numbers of lawyers in law making bodies means that members of the profession have been able to further their own interests by ensuring that legislation favourable to their interests is enacted and that unfavourable legislation is negatived (Eulau and Sprague, 1964: 20; Abel-Smith and Stevens, 1968: 361-362). Certainly there are a large number of lawyers in the House of Commons, an average of about 15% to 20% of all M.P.s in the post-war period (see Chapter 3, p.90). Rosencrantz (1970: 140) has argued that these lawyer-M.P.s have tended to oppose proposed changes to the legal profession and that both the Bar Council and The Law Society expect their members who are in the Commons to look after the interests of the profession.[44] It seems that lawyer-M.P.s maintain a close liaison with their professional bodies:

> An all-party solicitors group of M.P.s meets bi-monthly and debates upon matters on which its members have previously been circularized by The Law Society. Every bill affecting The Law Society's interests comes before this group .... Solicitor-M.P.s also have their antennae attuned to pick up warning signals. When other M.P.s, for example, began to complain about the solicitors' monopoly over conveyancing, Solicitor-M.P.s introduced a modification which appeased opponents of the monopoly[45] (1970: 141).

This seems clear enough but, to balance this account, it must be noted that detailed research on voting behaviour in the United States has indicated that there is no evidence of a "lawyer bloc" in State legislatures voting cohesively on matters concerning their profession

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44. The Law Society certainly regards the large number of solicitor-M.P.s with some pride and publishes prominently in The Law Society's Gazette before each General Election a list of the solicitor-candidates (see, for example, 71, 1974: 977).

45. Kirk (himself a solicitor) argued the reverse - that solicitors in the Commons have been ineffective in standing up for their profession and in their support for legislation proposed by The Law Society. He contrasted this with the success of barrister-M.P.s in obtaining for their branch of the legal profession "comparative immunity ... from unfriendly action and comment in the House" (1976: 189). Offer has claimed that Lloyd George, the only solicitor to become Prime Minister, was indifferent to the professional interests of solicitors (1977: 522).

(Derge, 1959, 1962). Green et al (1973) published a definitive study based on the voting behaviour of lawyers in the United States Congress on matters related to the Supreme Court during the period 1937 to 1968. These writers refuted the view that the lawyer-legislator "is in the position of making the law while wearing one hat, then using the same law to his personal advantage in the capacity of private citizen practitioner" (442) and concluded that "This research should lay to rest the notion that lawyers are a breed of legislators apart from their colleagues" (450).[46]

Perhaps a balanced conclusion is that these studies are not really contradictory. The difference is between lobbying and pressurising on the one hand, and voting on the other. Rosencrantz's evidence was that lawyer-M.P.s look after their profession's (and hence their own) interests by lobbying and behind-the-scenes activity, whilst the American empirical studies of voting behaviour provide no evidence of a "lawyer bloc".

Lawyers as Mediators and Compromisers

There is a further aspect of the legal role which is worth consideration because it is likely to be carried over when lawyers play a part in extra-professional affairs. Lawyers, by their professional training and practice, are constrained to become "compromisers", men who know "the art of the possible". Gold (1961) has described how a legal

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46. However a recent small scale study in four State legislatures did indicate that lawyer-legislators were less likely than non-lawyers to support "no fault" insurance proposals (which would have adversely affected the livelihood of the legal profession). But there was no evidence of "bloc voting" by the lawyer-legislators (Dyer, 1976).

training encourages the development of a person more concerned with "means" than "ends", a person who is generally more compromising and less ego-involved in issues than the non-lawyer. These qualities, of compromise, accommodation and flexibility, of "bringing people together", of mediation, arbitration and "brokerage" - as Newton (1968: 15-16) called it - are the result of professional training and socialisation and the daily practise of law, as a number of writers have noted (Parsons, 1954: 379-380; Agger, 1956: 436; Derge, 1959; Blumberg, 1967).[47] Such qualities will profoundly affect the contribution which lawyers make to community life and politics.

This view of the lawyer as a "mediator of forces" (Hurst, 1950: 335), broker, compromiser, and so forth may seem to be strange in the light of the popular stereotype of the lawyer who "fights" a case for "his" client in and out of court, willing to manipulate the law to the utmost on behalf of his client; perhaps, if Sir Robert Mark (1977: 64-67) is to be believed, prepared even to break the law in the interests of his client.[48] This view of the lawyer as "partisan" is, however, more apparent than real, as Riesman (1951: 130-131) has observed. The "rules of the game" of law make it seem that lawyers fight each other on their clients' behalf, but they could scarcely do their job day in,

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47. Wahlke et al's (1962: 329) empirical research on American State legislators does not, however, support the view of these authors. In the four State legislatures studied, lawyers were no more "compromising", etc, in their behaviour than other legislators.

48. See also the similar comments about "legal gamesmanship" recently made by Lord Shawcross (The Guardian, 25 November 1977).

day out, if they were truly partisan.[49] Even though part of an "adversary" system, lawyers rarely criticise their colleagues in public (Moore, 1970: 110). In fact, the maintenance of good relations with legal colleagues is very important, as Wood (1956) has shown in his study of criminal lawyers. Here, informal relationships with colleagues were highly functional in relieving the strains and problems of legal practise. It must be noted, too, that lawyers are "officers of the court" and as such their responsibilities are not solely to their clients, a point which The Law Society's guide to the professional conduct of solicitors makes very clear (Council of The Law Society, 1974: 58).

Finally, there is another quality which lawyers possess and which they bring when they participate in extra-professional activities - a commitment towards "rationality", the notion of "legality" and "doing things properly" (Nonet and Carlin, 1968: 66-72). In other words legal training and legal practise encourage lawyers to demand and bring about rational and orderly procedures in the organisations and activities in which they participate. The implications of this are further considered in Chapter 4, pp. 121-122).

In this Chapter some aspects of the solicitors' profession have been considered - the stratification of the profession, the nature of the work

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49. Riesman noted that anyone who has seen opposing counsel fraternising before and after cases would soon reject the notion of "partisanship", a point reinforced in the context of the United States by Reichstein (1965) and Blumberg (1967). The latter even argued that defence lawyers in the United States sometimes act as "double agents", trying to convince the accused ("their" clients!) to plead guilty so as to limit the scope and duration of court cases. For an indication that a similar process may occur in this country, see Baldwin and McConville (1977). A considerable controversy was generated by this study, the history of which has been outlined by Zander (1977).

carried out by solicitors, and some of the general characteristics of lawyers. In Chapter 3 empirical studies are reviewed which throw light on the involvement of lawyers in extra-professional activities.

CHAPTER 3

LAWYERS IN THE COMMUNITY AND POLITICS - EMPIRICAL RESEARCH

This Chapter presents evidence from empirical studies of the extent to which lawyers are involved in community affairs and politics. The evidence on lawyers' involvement in national politics is considerable and this is discussed in the first part of the Chapter. Unfortunately, little research has been carried out on the personal characteristics, legal background and so on of those lawyers who participate in politics at a national level, although Matthews' study of United States Senators indicated that lawyers in the Senate tended to be drawn mainly from medium size cities rather than urban areas, and from larger firms rather than small practices (1960: 35). Rosencrantz's (1970) study of lawyers in the House of Commons did not, alas, have much to say, except in the most general way, on these matters. Data on lawyers' involvement in community affairs and local politics are discussed in the second part of the Chapter. Evidence is available from a number of American studies, but the data from this country are scanty and scattered amongst various studies of communities and local political organisations.

1. Lawyers in National Politics

Lawyers play a leading part in political life not only in Britain but also in other Western European societies, in North America, South Africa and Australasia.[1] This prominence is to some extent a reflection of the important part played in politics by people from professional occupations generally (Kornhauser, 1960: 183-185; Milbrath, 1965: 110-141). Lawyers, however, are the most politically active of all professionals[2] (Lipset and Schwartz, 1966: 306-307). This section examines the extent of the involvement of lawyers in national politics, with particular reference to this country and lawyers' membership of the House of Commons.

Lawyers in the House of Commons

Lawyers have been numerous in the House of Commons for more than 500 years. In 1422 about 40 of the 262 members were lawyers and by 1593 there were 60 barristers in the House (Harding, 1966: 212). Lawyer-M.P.s were heavily involved in the constitutional struggles of the seventeenth century - in the Long Parliament of 1640, for example, there were 75 barristers, every one opposed to the King's notion of his prerogative (Harding, 1966: 213). Though rather less numerous than they are today, lawyers formed a significant group in the House of Commons during the

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1. Lawyers are prominent in politics in some third world countries, too. The leaders of Iraq and Cuba, Saddam Hussein Takriti and Fidel Castro, were legally trained. The Prime Minister of Singapore, Lee Kuan Yew, the former Prime Minister of Pakistan, Zulfiquar Ali Bhutto and the late Malaysian Prime Minister, Tun Abdul Razak, were lawyers as was President Ferdinand Marcos of the Philippines. In India both Mahatma Gandhi and Pandit Nehru were, of course, barristers and in the recent coup in the Seychelles one lawyer replaced another as President.

2. Hourani (1969: 154-155) found that 86.1% of a sample of lawyers he interviewed in Michigan were "very active" politically and quoted research which found that only 10.3% of the American population and 31.0% of professionals generally were "very active", whilst Rueschemeyer (1973: 215-216) estimated that the ratio of political participation of American lawyers was ten to 15 times higher than that of the average citizen.

eighteenth and early nineteenth centuries. According to the estimate of Sir Lewis Namier there were about 40 lawyers in the House in 1761 (1963: 44), and in the 1832 Reformed Parliament, 71 (Woolley, 1969: 56). Guttsman's (1974b) estimate of the proportion of lawyers in the Commons at various dates is shown in Table 3.1. The lawyer-member until the middle years of the nineteenth century was almost always a barrister, but from this time onwards the profession of solicitor gained in social prestige and solicitors began to enter the Commons in some numbers.[3] In 1851 there were eight solicitors in the Commons, in 1881, 17 (Abel-Smith and Stevens, 1967: 187) and by 1900 there were 24 solicitors (and 84 barristers) in the House (Cole, 1955: 131).[4]

TABLE 3.1

LAWYERS IN THE HOUSE OF COMMONS

AT SELECTED DATES

(percentages)

Source: Guttsman, 1974b: 28, Table 2.

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3. Kirk has pointed out that solicitors had been influential behind-the-scenes, as political managers, since the emergence of the party-political system in the late seventeenth century. This was particularly true in the days of corrupt elections, but as late as 1871 the Law Times could write that: "solicitors are the real Parliament makers". Electoral reform, with all its legal requirements and ramifications, meant that solicitors continued to be influential as political managers and organisers and this lasted down to 1939 and beyond in some party organisations, particularly amongst the Conservatives (1976: 189-193).

4. The ratio of barristers to solicitors in the Commons at this last date was 3.5 : 1 and this ratio has been maintained throughout this century. Some of the reasons for this pattern are discussed by Rosencrantz (1970: 88-90). Kirk (1976: 194) has suggested that solicitors do not make their mark in national politics to the same extent as barristers because of the need to spend years in establishing themselves in professional practice before they can think of embarking on a national political career.

As well as being numerous in the House of Commons, lawyers have for very many years held a high proportion of senior Government positions. There were 14 lawyers amongst the 50 individuals identified by Butler and Sloman as occupying the offices of Prime Minister, Chancellor of the Exchequer and Foreign Secretary in the period 1900 to 1970[5] (1975: 62-64). At Cabinet level lawyers have been particularly numerous during Conservative and Liberal administrations since at least the beginning of the nineteenth century. Laski's study of the 306 individuals holding Cabinet office between 1801 and 1924 (immediately before the first Labour Government) showed that 42 (13.7%) were lawyers[6] (1932: 184-190). On the Labour side, of the 61 men and women who made up the Cabinets in the administrations of 1924, 1929 to 1931, 1945 to 1950 and 1950 to 1951, eight (13.1%) were lawyers (Bonnor, 1958: 42). The proportion has been similar in recent Labour administrations - in Harold Wilson's October 1964 Cabinet three of the 23 members were lawyers, in his March 1974 Cabinet there were three lawyers out of 22 members and in James Callaghan's April 1976 Cabinet there were five lawyers out of 23 members. In contrast, Edward Heath's Cabinet formed in July 1970 contained seven lawyers amongst the 18 members.

When all Government positions are considered, including Parliamentary Private Secretaries and Junior Ministers as well as Cabinet Ministers, the legal profession is again well represented. Buck's detailed analysis

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5. The sole solicitor-Prime Minister being, of course, Lloyd George.

6. Most of these were, as has been suggested, barristers. Although Disraeli had been an articled clerk, the first solicitor to become a Cabinet Minister was Sir Henry Fowler, President of the Local Government Board in 1892. In 1905, for the first time, there were two solicitors in the Cabinet (Kirk, 1976: 195).

of Parliamentary careers between 1919 and 1955 showed that 19.7% of those who held Government positions were barristers (solicitors were not separately listed) - 8.0% of all who held official positions in Labour Governments and 26.8% of office holders in Conservative Governments (1963: 122, Table 33).

There is other evidence that, when the Conservatives are in office, lawyers are more likely than non-lawyers to receive Government appointments as Ministers and Junior Ministers. Berrington and Finer, in their study of backbenchers in the House of Commons between 1955 and 1959, estimated that 13.0% of Conservative backbenchers were lawyers by previous occupation (1961: 601)[7] whereas 22.4% of all Conservative members elected in 1955 were lawyers (see Table 3.3, p.91). Allowances must be made for differences in the classification of members' occupations by Berrington and Finer and Butler, from whose study the data for 1955 in Table 3.3 are derived, but it is clear that the proportion of lawyers holding Government office between 1955 and 1959 exceeded their proportion in the Conservative ranks in the Commons.

TABLE 3.2

LAWYERS IN THE HOUSE OF COMMONS, 1918-1935

Source: Ross, 1943: 58-77.

7. Unfortunately the data on Labour backbenchers were not so classified that lawyers were identifiable as a separate group.

A useful starting point for an examination of the number of lawyers in the House of Commons today is Cole's analysis of the social composition of the House in 1900, when 108 (16.0%) members were lawyers (1955: 131-137).[8] In the inter-war period the average number of lawyers rose to 137 (23%) (see Table 3.2) - 35.5% of Liberal, 26.5% of Conservative and 7.0% of Labour M.P.s. The Table is derived from Ross's (1943) exhaustive study of the socio-economic backgrounds of the 1,823 members who sat in the Commons at some time between December 1918 and the end of 1935, excluding Irish members. 635 of the 1,823 M.P.s were from professional occupations and well over half of these were barristers or solicitors: "Nearly one member in every four is a lawyer", Ross wrote, "... and there are 200 times as many lawyers and 970 times as many barristers in the House as there are in the country" (76).

It is perhaps worth noting here the difficulties inherent in categorising the occupations and previous occupations of Parliamentary candidates and M.P.s. Buck came up against this difficulty in his statistical study of the House of Commons and concluded that: "Assignment to an occupation for statistical purposes must often be made on the basis of training for a calling, an intention to follow it, and perhaps some actual experience of it" (1963: 62-63). However, some M.P.s have had

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8. Cole's calculation of 108 lawyer-members in 1900 cannot be reconciled with the 145 members "of legal occupation" identified for the same year by Greaves (1929: 178). Greaves also listed as lawyers 90 of the members in the Commons of 1928, which figure is low compared with Ross's calculation (see Table 3.2). Nor can Cole's figure be reconciled with that of Thomas (1939: 19) who put the 1900 figure of lawyer-M.P.s at 137. These discrepancies are due to the employment of different criteria in identifying lawyer-members. Some of the difficulties in classifying the previous occupations of M.P.s are discussed below.

a number of previous occupations or might follow two simultaneously;[9] amongst lawyers, barristers may not always practise though they have been called to the Bar; solicitors may be "sleeping partners" in their firms; and so on. Information provided by the political parties about their candidates and members is often incomplete or inconsistent with that in Who's Who or in The Times House of Commons series. The criterion used for categorising the occupations of candidates in the Nuffield College series - at least since 1951- has been to select the first or "formative" occupation rather than the "present" occupation, which often may be a temporary one whilst the candidate is seeking election.[10] The data from the Nuffield College series are used in the following discussion.

Since 1945 the proportion of M.P.s of the three main parties who are or were lawyers has varied between 15% and 20% (see Table 3.3). Lawyers were better represented in Conservative ranks than in Labour; the percentages for the Liberals were, of course, derived from very small numbers. The percentage of Conservative lawyer-members has been only slightly less than the inter-war average of 26.5%; the Labour proportion, however, has doubled from 7.0% between the wars to between 12% and 16% in recent years. The overall proportion of lawyers in the House of Commons

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9. This seems to be particularly true of lawyer-M.P.s. Johnson (1973: 58-59) has calculated that 42.5% of lawyers in the House of Commons in 1972-1973 also held directorships in business companies.

10. The Nuffield College studies and the sections regarding Parliamentary candidates' occupations are:-

1945 General Election - McCallum and Readman (1947: 77-87, 272-274)
1950 " " - Nicholas (1951: 47-56, 306)
1951 " " - Butler (1952: 40-41)
1955 " " - Butler (1955: 43)
1959 " " - Butler and Rose (1960: 127)
1964 " " - Butler and King (1965: 235)
1966 " " - Butler and King (1966: 208)
1970 " " - Butler and Pinto-Duschinsky (1971: 302)
February 1974 General Election - Butler and Kavanagh (1974: 214-215)
October 1974 General Election - Butler and Kavanagh (1975: 215).

TABLE 3.3

LAWYERS IN THE HOUSE OF COMMONS, 1945-OCTOBER 1974

(percentages of M.P.s in the three main parties)

Sources: The Nuffield College Studies (see footnote 10, p. 90).

has varied from 15% to 20%, compared with an average of 23% between the wars. Table 3.3 also shows that the number and proportion of lawyers successful in the General Elections since 1950 has remained very stable which is remarkable, considering the differing composition of the House in terms of party over these years.

The number of lawyers put forward as candidates for election in the post-war period has also varied little, if 1945 is discounted as an exceptional year when many candidates were ex-servicemen whose previous occupations (if any) had been interrupted by six years of war. Table 3.4 shows the data for Conservative and Labour candidates at the nine General Elections since 1950 (no data are presented for Liberal candidates, or those of other parties, since the number of seats they have contested has fluctuated considerably.) The number of lawyer candidates has remained stable around the 200 mark. The Conservatives chose up to twice as many lawyers as candidates as the Labour party and in both parties a higher proportion of barristers than solicitors were chosen. Ranney's analysis of non-incumbent candidates (i.e. not sitting members) in the General Elections of 1951, 1955, 1959 and 1964 produced a similar pattern - of 1,311 non-incumbent Conservative candidates, 174 (13.2%) were barristers and 101 (7.7%) solicitors and of 1,431 Labour non-incumbents 85 (5.9%) were barristers and 55 (3.8%) were solicitors (1965: 105-107, 204-206).

Whichever of the two principal parties they represented, lawyer candidates were more likely to win than to lose their General Election contests. On the whole, Labour lawyer candidates were rather more likely to win than Conservatives, but both had a better than even chance of winning, as the data in Table 3.5 show. (The "electability index" is the percentage of lawyers successful in the election concerned, divided by the percentage unsuccessful. An "electability index" of 1.00 occurs when the percentage

TABLE 3.4

CONSERVATIVE AND LABOUR LAWYER CANDIDATES IN NINE GENERAL ELECTIONS, 1950-OCTOBER 1974

(percentages, numbers in brackets)

Sources: The Nuffield College Studies (see footnote 10, p. 90)

TABLE 3.5

THE PERFORMANCE OF CONSERVATIVE AND LABOUR LAWYER CANDIDATES IN NINE GENERAL ELECTIONS, 1950-OCTOBER 1974

Sources: The Nuffield College Studies (see footnote 10, p. 90)

of lawyers elected and unsuccessful are equal.) An investigation into the reasons for this pattern is needed; it seems that, in the Conservative party (no data were given for Labour candidates) there was a tendency for lawyers to be chosen for the safer seats (Berrington and Finer, 1961: 612-613, Table 13).

The data considered above show the extent to which lawyers dominate the House of Commons. The professions are, of course, over-represented, and barristers in particular are grossly over-represented, but solicitors too have a much greater representation than their numbers in the population at large would seem to justify. In the Commons which was elected in 1970 there were, in the three main parties, 97 barristers and 28 solicitors, compared with only 13 members of the medical profession (surgeons, doctors and dentists) and 66 from all branches of the teaching profession. Comparison with the 1971 Census figures indicates that lawyers were over-represented in the 1970 House of Commons about 134 times in terms of their numbers in the economically active population (barristers 779 times, and solicitors 34 times) and the medical and teaching professions seven and four times respectively! The situation had not changed very much compared with that in the inter-war period studied by Ross (1943).

Lawyers in Other Legislatures

It is not only in Britain that lawyers form an important part of the political elite. In the United States and Canada, in Germany, in France, in Italy and in many other countries too, large proportions of the memberships of legislatures are lawyers.[11]

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11. The proportions vary between countries, of course. Pederson (1972: 28) has drawn together data from 22 countries which show the proportion of lawyers in legislatures (at different dates in the 1950's and 1960's) as follows: 56% - United States; 33% - Canada; between 20% and 29% - Lebanon, Turkey, Ceylon, India, Belgium, Italy, United Kingdom; between 7% and 11% - Switzerland, Ireland, Israel, France, Finland, West Germany, Japan, Iceland, The Netherlands; between 4% and 2% - Austria, Denmark, Norway, Sweden. Some possible reasons for the different proportions of lawyers in these legislatures are discussed in brief in Chapter 4, footnote 30, p.135 and footnote 33, p.139.

United States

The prominence of American lawyers in politics is, one writer has noted, "proverbial" (Rueschmeyer, 1973: 71). In the middle of the last century de Tocqueville observed that:

> The government of democracy is favourable to the political power of lawyers; for when the wealthy, the noble, and the prince are excluded from the government, the lawyers take possession of it in their own right, as it were, since they are the only men of information and sagacity, beyond the sphere of the people who can be the object of popular choice (1947: 285, quoted in Derge, 1959: 408).

Other groups in modern society now share in "information and sagacity", yet lawyers so dominate the political scene in the United States that they have been called the "high priests" of American politics[12] (Eulau and Sprague, 1964: 11). 70% of the Presidents, Vice-Presidents and Cabinet members between 1877 and 1934 were lawyers, nearly half of the State Governors between 1870 and 1950 and a majority of the members of the United States Senate and House of Representatives (Derge, 1962: 19; Eulau and Sprague, 1964: 11-12).

The preponderance of lawyers in American politics goes back a very long way - as many as 25 of the 52 signatories of the Declaration of Independence were lawyers (Matthews, 1954a: 30). In 1789 law was the principal occupation of 54% of the Senate, in 1845 of 86%, in 1895 of 60% and in 1945 of 64% (Matthews, 1954b). Between 1937 and 1968 the proportion of lawyers in the House of Representatives varied between 55% and 59% and in the Senate between 57% and 74% (Green et al, 1973: 440). The domination of the United States Senate by lawyers is remarkable. Matthews' studies of the 180 Senators who served between January 1947 and

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12. The American public seems to hold decidedly ambivalent attitudes regarding this domination of the political scene by a "priesthood" (Doby, 1950).

January 1957 showed that 88 of them began their working lives as lawyers (1960, 1961: 627). Though the legal profession comprised only one tenth of one per cent of the American labour force, half of all United States Senators were lawyers.

Lawyers are also well-represented in State legislatures, as an impressive quantity of research testifies. For example, Hyneman's comprehensive pioneering study, covering the members of 25 legislative chambers in 13 States between 1925 and 1935 and totalling 12,689 legislators, revealed that lawyers were the largest single occupational group in 17 of the 25 chambers and that 3,555 (28.0%) of the total number of legislators were lawyers (1959: 255, Table 1). A study of the occupations of State legislators in the 48 States in 1949 showed that 1,078 (19.1%) of 5,650 lower house legislators were lawyers and 596 (32.7%) of 1,825 State Senators (Zeller, 1954: 70-73). The sources reviewed by Derge put the proportion of lawyers in American State legislatures slightly higher, at about a quarter of all lower house members and more than 40% in upper houses (1959: 410). Three examples will further illustrate this preponderance of lawyers. Derge's own research on the State legislatures of Missouri and Illinois in the period 1937 to 1957 showed that lawyers made up 23% and 27% of the lower houses and 49% and 42% of the Senates in the two States (1959: 410). Lawyers so dominated the leadership positions in these legislatures that of 44 Speakers of the lower house and Presidents of the Senate, no fewer than 28 were members of the legal profession (1959: 423). In Washington State lawyers have historically been numerically less strong; however, between 1941 and 1951, 15% and 17% of members of the House of Representatives and the Senate were lawyers (Beckett and Sunderland, 1957: 194-199). Finally, in New Jersey, Ohio,

California and Tennessee 52%, 36%, 30% and 30% of members of the State legislatures in 1957 were lawyers (Eulau and Sprague, 1964: 12).

Canada

The considerable importance of lawyers in Canadian national politics has been described by Brady, who concluded that lawyers had been "conspicuously more important (in the Canadian Parliament) than at Westminster .... Lawyers commonly constitute about a third of the House" (1964: 74-75). Kornberg and Thomas (1965: 94) have shown, similarly, that one third of the members of the House of Commons in 1962 held law degrees, whilst Kunz (1965: 66) calculated that 26.7% of Senate members in the period between 1925 and 1963 were lawyers.[13] The domination of the office of Prime Minister by members of the legal profession is quite startling. Fifteen men have been Prime Minister of Canada since Confederation in 1867 and ten of these have been lawyers. Canada has had a lawyer as Prime Minister for 77 of the 110 years since Confederation; for 22 of the remaining years the Prime Minister was Mackenzie King, whose first degree was in law and whose father was a Queen's Counsel!

West Germany

Estimates of the proportion of lawyers in the Bundestag vary. According to one argument, the proportion is lower than in most Western European and North American Parliaments. Kirchheimer (1959: 269) put the percentage of deputies in the 1950 Bundestag who were lawyers at 6.3%, whilst Loewenberg (1966: 107-110) estimated that in 1961 7.5% of deputies were lawyers, figures with which Guttsman (1974a: 108-109) concurred. However, Dahrendorf has argued that the proportion of lawyers in the Bundestag is usually under-estimated by the exclusion of the legally trained who are

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13. See also Ward (1950: 115-149) and Dawson (1964: 345-346) for similar estimates.

not barristers; he estimated that 21.9% of deputies in 1961 were legally trained (1969: 298-299). Rueschemeyer (1973: 71) put the percentage of lawyers at about 15% or 16% in 1963, somewhere between Loewenberg's and Dahrendorf's estimates. Dahrendorf has also pointed to a predominance of lawyers in Cabinet offices in the early years of the Federal Republic (between 1949 and 1965) so that "all eight ministers of justice ... one of the two chancellors, both foreign secretaries, all four home secretaries, and all three ministers of finance" were lawyers (1968: 234).

France

Lawyers have been numerous in French Parliaments for well over a century. In the 1870s as many as 40% of Deputies were lawyers, falling to 29% in the period before the First World War and 24% between the Wars (Dogan, 1961: 69-70). The leading Parliamentary figures of the Third Republic (1870 to 1940) were nearly all lawyers (Aron, 1950: 126-127). In the Fourth Republic (1945 to 1958) the number and proportion of lawyers declined sharply - in this period 142 (12.8%) of the 1,112 individuals elected to the Chamber of Deputies from metropolitan France were lawyers by occupation (Hamon, 1961: 550). There has thus been a considerable reduction throughout the last 100 years in the proportion of lawyers elected - however, even during the Fourth Republic lawyers were still the most numerous occupational group in the Chamber - and the decline in the proportion of lawyers in the Chamber has been accelerated in the Fifth Republic since 1958, possibly as a result of the Gaullist preference for technocrats.

At Ministerial level also, lawyers have been well-represented. Lewis has shown that 32.7% of French Ministers in the period between 1944 and 1967 held law degrees whilst 21.2% described themselves in the French Who's Who as lawyers by occupation, by far the largest single occupational group. However, the proportionate decline of lawyers in the Chamber of Deputies in the Fifth Republic has been paralleled by a fall in the proportion of lawyer-Ministers (1970: 565-567).

Italy

In Italy 27.2% of the 1,358 deputies elected to the Constituent Assembly and Chamber of Deputies between 1946 and 1958 were, or had been, lawyers. Over half of all Senators and deputies held law degrees. As in France during this period there was some evidence of a decline in the proportion of lawyers elected - 32.8% in 1946, 27.7% in 1948, 24.3% in 1953 and 20.8% in 1958 (Sartori, 1961: 592-595) - but the political elite has continued to be dominated by members of the legal profession. In August 1970, for example, 20 of the 27 Ministers of the Colombo Government were law graduates (Adams and Barile, 1970: 61).

Australia

The data are rather scanty, but at State level, Martin (1959: 245) has put the proportion of lawyers in the New South Wales Legislative Assembly between 1856 and 1900 at between 10.4% and 19.8% (barristers, 2.4% to 12.5%; solicitors, 1.8% to 13.5%). Rueschemeyer (1973: 73) has identified a source showing that in 1952 12% of the members of the Australian House of Representatives and Senate were lawyers, whilst in 1951 as many as five of the 19 Federal Cabinet members were lawyers (Encel, 1961: 34). As in Britain, the number of lawyers in the Federal Parliament and Cabinet seem to have been lowest when the Labour Party was in power.

New Zealand

Though less numerous than in Britain, lawyers still form a large grouping in the New Zealand Parliament. Milne has estimated that between 1896 and 1902 about 10% of all M.P.s were lawyers; between 1911 and 1935, 14%; between 1935 and 1949, 11%; and between 1949 and 1960, 9% (1966: 20, Table II).

2. Lawyers in Community Affairs and Local Politics

The Evidence from the United States

There has been no systematic research on the extra-professional activities of solicitors in England and Wales though there is a little evidence fragmented amongst studies of local communities and political systems; consequently, this section relies largely upon American research. A number of studies provide a strong indication that, in a society characterised by a high degree of associational activity, American lawyers are highly active in community affairs and local politics. Matthews (1952) showed that lawyers participated in four times as many community organisations as the remainder of the population of a medium size town in New York State. Compared with men of a similar educational background in the town, lawyers were more than twice as active in organisations. A study by Wood and Wardwell (1956) showed that lawyers were more active in community organisations than some other professional men (doctors and insurance agents) in both a small New England town and a large Southern city. These authors concluded that "however one attempts to measure community and political participation, lawyers are more active than other citizens" (163). Jordan's (1956) research showed that a high proportion of lawyers in Cleveland participated in activities which took them into the community. 74% of lawyers in Jordan's sample attended

civic and political meetings (attending an average of 18 meetings annually) compared with 29% of a random sample of the population (attending an average of eight meetings each year).

Lawyers also have occupied a large proportion of the leading positions in community life as well as having high levels of membership in organisation as a large number of studies have shown. For example, Hunter (1953: 77) found that five of the 40 community leaders in a Southern city of half a million population were lawyers in private practice and in a later study (1959: 123-124) showed that as many as 35 of the 73 "top county leaders" in South Carolina were lawyers. Dahl (1961: 40) identified five lawyers amongst the 11 mayors of New Haven, Connecticut since 1900, whilst Presthus (1964: 187) for two communities in New York State and Jennings (1964: 48) for Atlanta, Georgia, found lawyers occupying a disproportionately large number of prominent positions in community affairs. Finally, on the other side of the North American continent, Prewitt (1970: 225) found that 10% of a sample of 351 councilmen (local councillors) in the San Francisco Bay area were lawyers.

The dominant position of lawyers in local affairs in the United States - a domination which seems to be inversely related to community size (see below) - has been graphically described, in the context of small town politics, by Vidich and Bensman:

> Power in local political affairs ... tends to be based on accessibility to sources of decision in larger institutions. Frequently, this accessibility consists merely of the knowledge of the source, or it may mean a personal contact, or an ability to correspond to get necessary information. Under these circumstances, power in the political arena is delegated to those with contacts in and knowledge of the outer world and to those who are experts in formal communication with impersonal bureaucratic offices .... The lawyer gains his paramountcy through technical knowledge and personalised non-party contacts up the political hierarchy with other lawyers. He is the mediator

> between the local party and the party hierarchy and transforms his personalised contacts into political indispensability in the local community. His access to outside sources of power determines his power and predominance in the community (1958: 100).

Some lawyers are more active in community affairs and politics than others. The American research indicates that activity varies according to:

(i) the lawyer's position in the practice and the type of practice (sole practice or partnership);

(ii) the kind of work carried out in the practice;

(iii) whether the practice is in an urban area or a small town, and the size of the community;

(iv) the age of the lawyer;

(v) the status of the practice.

Each of these points will be considered in turn.

(i) The lawyer's position in the practice and the type of practice

Wardwell and Wood (1956: 306-307) found the following pattern amongst a representative sample of 215 lawyers in a large Southern city:

	Were or had been active in political organisations	Were or had been active in non-political organisations
Sole practitioners	56%	36%
Partners	40%	48%
Associates (salaried legally qualified employees)	28%	23%

Looking at differences in terms of the lawyer's position in a practice, the lower level of participation in both political and non-political community organisations of associates was explained in terms of the fact that, as salaried employees, associates did not need to attract clients

to themselves and thus they had no incentive to become active in the community. Partners, however, as the senior members of their firms, had a special responsibility for attracting clients, hence their higher rate of participation in community and political organisations.

Looking now at the type of the practice, Wells (1964: 175-176) considered that the type of practice, i.e. partnership or sole practice, was one of the two key variables in the stratification of the American legal profession (the other key variable being an urban-metropolitan or small town location, see para. (iii) below). Wells argued that the political activity of lawyers was differentially associated with these key variables. Sole practitioners often have difficulty in getting established and attracting a clientele, and participation in extra-professional activities is a useful way of building up business and contacts (just as it is for partners in larger firms, see Chapter 4, footnote 19, p.127). Politics, however, is an easier field for a low status "man on his own" to enter than non-political organisations where a high social standing if often a sine qua non of attaining prominence. Politics also offers more opportunities for "catching the public's eye" than work in non-political organisations. (This relationship between participation in politics and the development of the legal practice is emphasised by the finding that lawyers often withdraw from politics once their practice has become established[14] (Wardwell and Wood, 1956: 307).) A recent study

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14. Epstein (1958: 111-115) similarly found that lawyer-legislators in Wisconsin had relatively short periods of membership in the State legislature and interviews confirmed that they did not see themselves as spending many years there. He concluded that: "As a group, the lawyer-legislators are distinctly on the make" (113).

of lawyers in Wichita, Kansas, also found an inverse relationship between participation in politics and type of practice - 41% of sole practitioners and partners in small firms were active politically, compared with only 21% of partners in large firms (McIntosh and Stanga, 1976: 436).

(ii) The kind of work carried out in the practice

Wood (1956, 1967) has shown that a different type of involvement in community affairs can be related to the work carried out in the legal practice. He looked at lawyers mainly concerned with "criminal" work and those whose work was mainly on "civil" matters. The former tended to dissociate themselves from the business community and were less frequently found to be officers and members of non-political community organisations. Indeed, some criminal lawyers expressed a dislike for civic and recreational activities, which they felt were dominated by businessmen. Civil lawyers were more frequently found in civic and recreational organisations, associating with the businessmen who were often their legal clients. Criminal lawyers, on the other hand, were most commonly members of charitable organisations and were more heavily involved in politics than their civil counterparts. An analysis of the differences between the two categories of lawyers led Wood (1956: 49-50) to conclude that criminal lawyers had a lower status in the community than civil lawyers, that participation in civic and recreational organisations was much less useful for getting clients for criminal lawyers than it was for civil lawyers and that criminal lawyers were more likely than civil lawyers to be motivated by "humanitarian" motives and to identify with under-privileged groups.

(iii) The location of the practice (urban or small town), and the size of the community

The extent to which lawyers participate in community affairs and politics seems to be related to the size and the location of the community. Lawyers in a small New England town were more active in community organisations, political and non-political, than those in a large Southern city (Wardwell and Wood, 1956; Wood and Wardwell, 1956). Matthews (1960: 48-49) has noted how politics were particularly attractive to small town lawyers who, being unable to move into the prominent law firms of the cities, saw politics as a way of "getting ahead". He showed that 80% of the lawyers who were so numerous in the United States Senate came from small towns and medium size cities, rather than the large cities and urban areas in which most of the profession was concentrated (1960: 35). Wardwell and Wood found that almost all the lawyers in the small New England community which they studied were politically active at some time in their careers, whereas lawyers in a large Southern city could be divided into the politically active and politically inactive (1956: 305). Following this suggestive research, Cohen (1969b) investigated lawyers' participation in politics in four New York counties. He found that lawyers in three small rural counties were significantly more likely than those in a large, relatively urban county to be holding or have held in the past an elective or appointive political office. He concluded that :

> the demands of urban occupations and careers and the greater demands of political office in urban areas at least partly accounts for the greater differentiation among urban lawyers into the politically active and the politically inactive (1110).

Bromall (1968: 760-761) similarly demonstrated that lawyers in urban areas of Wisconsin were less likely to hold political office than lawyers in non-urban areas; lawyers in non-urban areas were also very much more

likely to try for political office than urban lawyers,[15] though it must be reiterated that urban lawyers were substantially involved in politics and community affairs.

(iv) The age of the lawyer

The extent to which a lawyer participates in community activities will also depend, to some extent, on his age. It has been suggested that the young lawyer striving to build up a practice will be most likely to get himself involved in community affairs (Lortie, 1958, 1959: 356-357). Matthews (1952) also showed that participation was dependent on the lawyer's age; moreover, that the nature of participation differed, too. Older lawyers tended to be less active and were more likely to hold "honorific" offices in organisations, whereas younger men were more likely to be "ordinary" members of organisations. Hourani (1969: 162) reached a similar conclusion - lawyers in the "initial" stages of their careers were more likely to participate in political and community affairs than those in the "stable" stage.

Two illustrations will illuminate these points. On the former:

> When I first started I didn't belong to a thing, but I quickly joined as many as I could afford .... (Why?) to help my practice .... That way I got a lot of business from the people I met. You can't sit around an office and pray for clients to come .... The lawyer who gets around gets the business (Wood and Wardwell, 1956: 165).

On the second point:

> I still belong to all those organisations but I attend less because I don't need the business .... (Wood and Wardwell, 1956: 166).

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15. This author also noted that there were proportionately fewer lawyers and more political posts to be filled in non-urban compared with urban areas, so the "opportunities" were greater in rural areas.

(v) The status of the practice

Hourani (1966, 1969) carried out research on the political involvement of lawyers in Ingham County, Michigan. He constructed a composite index of the status of the lawyer's work situation, which included some of the variables already discussed. The main elements comprising the index were: the type of practice (salaried associate, sole practitioner, partner, etc), the number of partners in the practice, the stage of the lawyer's career, the lawyer's income and the nature of the legal work undertaken in the practice (for further details, see Chapter 8, pp.187-191). Using this index, Hourani classified the status of his respondents' work situations into "high", "middle" and "low" and showed that 72.3% of low and 70.2% of middle status lawyers belonged to one or more political organisations, compared with only 45.8% of high status lawyers (1969: 158). Hourani also suggested an interesting distinction regarding the nature of political involvement, similar to the difference in participation relative to age noted by Matthews (1952), referred to above - low status lawyers tended to be active in "the politics of hierarchy" (serving on committees, etc.) whereas high status lawyers participated in "the politics of bargaining, discussion and influence" (talking to public officials, membership of public bodies etc.).[16] Hourani concluded that the active participation of lawyers in political organisations was closely related to their work situations - the lower the status of the work situation, the higher the degree of involvement - and that lawyers tended to use participation as a means for professional advancement (1969: 167).

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16. Smigel noted, of the elite Wall Street lawyers he studied: "Few ... are active in grass-roots politics", but that "The list of those who have been appointed to high public office is almost endless ..." (1969: 8-10).

Hourani's findings on political participation and the status of the practice are supported by those of Handler (1967) who studied lawyers in "Prairie City", a medium size mid-West town. Handler classified his respondents into four status groups based on their income and the wealth of their clients. He found that only 10% of respondents in the two highest status groups had run for political office, compared with 39% of the low status group. Elite lawyers were found to be much more cautious than lower status lawyers about their political commitment (1967: 50, 52). Handler also investigated participation in non-political organisations, finding a positive association between the lawyer's status and participation in civic and social clubs (48).[17]

Finally, it is worth referring again to McIntosh and Stanga's (1976) research, which indicated that lawyers' participation in politics also varied according to political party. In Wichita, Kansas, Democratic lawyers were much more active in politics than lawyers who were Republicans, regardless of the size of the law practice. As in other research, solo and small firm lawyers were more active in politics than those in large firms, but this evidence that political participation varied with party is a reminder that political as well as legal-structural variables are important.

The Evidence from England and Wales

Evidence regarding the participation of solicitors in community affairs in England and Wales is scanty.[18] There are, however, some studies of

17. Handler also discovered that the lawyers in Prairie City did not fit the usual pattern found in smaller towns. They were rather less involved in political and community affairs than were lawyers elsewhere, possibly because Prairie City had for many years been governed on the "city manager" principle, i.e. the scope for voluntary involvement was somewhat limited (1967: 151-152).

18. See for example, Brennan, Cooney and Pollins' (1954: 94-95) study of Swansea and Clements' (1969: 193) study of Bristol. There is also useful, if very brief, data on community involvement in Bealey, Blondel and McCann's (1965: 200) research on politics in Newcastle-under-Lyme and Newton's (1976: 182) study of politics in Birmingham.

local political life which provide a little information about the political activity of solicitors.[19] Solicitors seem to have been quite prominent in local politics since the reform of municipal government in the middle years of the nineteenth century. In Birmingham, for example, there were three solicitors on the Council in 1852, 4.7% of all members, and four (6.3%) ten years later. In Nottingham there were five (8.9%) in 1843-1844 and in Leeds five (7.8%) in 1856. Solicitors made up 9.2% of the Council in Bristol between 1835 and 1851 and in Exeter as much as 17.4% between 1836 and 1847 (Hennock, 1973: 27-28, 203). In 1876 there were 12 solicitor-mayors, according to the Law Journal of the day, and in 1901 four mayors and 11 aldermen were solicitors in the London boroughs alone (Kirk, 1976: 197). By 1892 6.9% of Birmingham councillors were solicitors, rising to an all time high of 16.7% in 1912 (Hennock, 1973: 43-49). In 1920 the proportion of solicitors on Birmingham Council had fallen to 9.2%, in 1930 it was 7.5%, in 1945, 5.9%, and the proportion has varied from 3% to 6% since the Second World War. As in the House of Commons, the number of solicitors on the Council has tended to be largest when the Conservatives were in power. At all times, however, solicitors have been the most numerous group of professionals on the Birmingham Council (Morris and Newton, 1969: 8-9).

It seems from the above that the latter years of the nineteenth century and the early years of this century were the heyday of the solicitor in local politics.[20] One writer has shown, for example, that no less than

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19. Unfortunately, many of these studies do not break down the occupations of local councillors beyond a broad division into "professional" etc., occupational groups, e.g. Hampson's (1970) study of politics in Sheffield. In particular, it is a pity that the report of a survey of local councillors carried out at the request of the Maud Committee did not indicate the specific occupations of the 3,500 councillors who responded (Ministry of Housing and Local Government, Committee on the Management of Local Government, 1967: 19-24).

20. Rosencrantz (1970: 18) similarly identified the 30 years beginning in 1886 as the "golden age" of lawyers in national politics. This was the era of Haldane, Isaacs, Simon, Carson, F E Smith, Asquith and Lloyd George.

six of the 15 "outstanding personalities" on Sheffield Council between 1893 and 1926 were solicitors (Hawson, 1968: 318-338). There was certainly much to be gained by the solicitor who took part in local politics at this time. Jones (1969: 293-295), in his study of Wolverhampton, has pointed out that at the turn of the century there were two important positions within the patronage of the Council, and this attracted solicitors to serve on the Council. These positions were those of Borough Coroner and Clerk to the Magistrates, the former elected by the whole Council and the latter by J.P.s (many of whom were councillors). Through membership of the Council, Jones noted, solicitors "had the opportunity to gain a good reputation among their colleagues who would ultimately decide who was to be appointed" (293). Another inducement for solicitors to enter local politics was that they could further the interests of their clients and, having won esteem by an effective defence of their clients' interests, attract more clients: "Publicity gained from being a member of the Council would tend to raise their status and spread the name of the individual" (293).[21]

Although the proportion of solicitors serving on the larger local authorities in recent years seems to have been fairly high - 3% to 6% in Birmingham since 1945, and 12.7% (barristers and solicitors are included in this figure) in London in 1961 (Sharpe, 1962: 42-43) - they do not seem to have been attracted to serve on smaller local authorities

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21. A classic statement of the "advertising value" of extra-professional activities (see Chapter 4, pp.125-128). Jones reported that one solicitor, who acted for many local trade associations, was also Chairman of the Council Markets Committee and thus well placed to further his clients' interests. Another solicitor-councillor, in the 1930s, was a director of a local building society and effectively lobbied in the interests of property owners on the question of who paid for a street widening scheme (293-294). Not surprisingly: "Solicitors always aroused suspicion on the Council, particularly amongst Labour supporters"! (295).

to the same extent. Newton (1969a: 12-13) reviewed 13 studies of local councils, mostly in smalltowns and rural areas, covering 500 councillors, and found that only two solicitors were mentioned. He noted that this may well have been an under-representation, but concluded: "there is a possibility that, in clear contrast to their American counterparts, British lawyers are not involved in local politics in large numbers"[22] (1969a: 13).

In this Chapter evidence from empirical studies (largely from the United States) has been examined which suggests that lawyers have a high level of involvement in community affairs and politics (in politics, in this country, more particularly at the national level). It was argued that the level of involvement varies according to the lawyer's age and position in his practice, the type of practice, its status, geographical location and the nature of the work carried out in the practice. The following Chapter draws together some of the conceptual schemes which have been used to account for this high degree of involvement in extra-professional activities.

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22. Possible reasons for this are discussed in Chapter 9, pp.224-225.

CHAPTER 4

LAWYERS IN THE COMMUNITY AND POLITICS - A REVIEW OF THEORETICAL STUDIES

In certain occupations, a number of factors influencing participation in political and community activities come together cumulatively (Newton, 1968: 16-17). Law is one such occupation. Lane (1959: 331-334) has suggested that there are four characteristics of an occupation which might facilitate political participation by a person following that occupation: the extent to which the occupation develops and uses social and intellectual skills which may be helpful in politics, the opportunity to interact with like-minded others, the extent to which the occupational role stresses the "community service" ideal, and the extent to which political decisions affect the occupation.[1] (The first three characteristics also affect participation in non-political community activities, of course.)

The following discussion draws together and examines some of the conceptual schemes which have been advanced to account for the high degree of involvement of lawyers in community affairs and politics. Though sometimes referred to in the literature as "theories" or "hypotheses", these schemes are best regarded as "explanatory", since they are, strictly speaking, neither theories nor hypotheses. The argument of this Chapter is that it is features of lawyers' occupational role and their position in the social structure which are the crucial elements which account for their

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1. Milbrath (1965: 125) developed Lane's ideas and created an "index of occupational propensity towards politics" using four criteria. Lawyers scored "high" on three of these, and "medium" on the fourth.

high level of involvement. Finally, it will be noted that some of the evidence considered is drawn from studies in the United States and that some explanations considered apply more obviously to the American case than to this country, particularly on the question of the opportunities for political advancement which are open to American lawyers.

1. The Combination of a Legal Career with Work in Community Affairs and Politics - The "Dispensability" or "Availability" of Lawyers

The argument in this section points to a connection between legal and political activities, but the same considerations also apply to a connection between legal practice and a wider range of community activities. The contention is that the lawyer can very easily make himself available for participation in extra-professional activities. Lipset (1960: 197-198) has drawn attention to Weber's comment that the work activities of the lawyer can be structured so that they leave time available for political and other activities in the community. In this connection it is useful to recall Weber's distinction between politics as a full-time career in itself and the situation where politics is followed in combination with some other career. Weber argued that there are two ways in which politics becomes a person's vocation - either he lives "for" politics (für politik) or "off" politics (von politik): "He who strives to make politics a permanent source of income lives "off" politics ... whereas he who does not do this lives "for" politics" (Gerth and Mills, 1948: 84). (This distinction is an economic one, not an evaluative one. Living "off" politics does not mean that the person concerned does not give devoted public service, nor do those living "for" politics never use their political position to their personal advantage.) The lawyer, Weber went on to note, is able to live "for" politics because he is, typically,

economically independent and, in his occupational role, "dispensable". The organisation of the legal profession is such that remunerative private practice can be combined with a political career without any disturbance to either: "For purely organisational reasons it is easier for the lawyer to be dispensable and therefore the lawyer has played an incomparably greater, and often even a dominant, role as a professional politician" (Gerth and Mills, 1948: 85).

Weber contrasted the freedom of the lawyer with the constraints on the business entrepreneur and industrial worker, who tend to be tied to particular hours and places of employment and who can combine their work activities with a political career only with the greatest difficulty.[2]

In a situation where politicians are unsalaried it is only by the combination of a remunerative career with politics that elected members can be drawn from any social group other than the most wealthy. Sir Ivor Jennings wrote of the House of Commons in the eighteenth and nineteenth centuries:

> many members ... depended on fees and salaries ... the law was a profession which enabled a person without great estate to earn a living in London and yet spare time to look into the House of Commons during the course of the evening (1957: 46).

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2. Laski (1932: 84) made a similar point when he compared the relative freedom of the lawyer, thanks to the flexible organisation of his professional activities, with the rigidities of the businessman's regime (see also Guttsman, 1951: 134). Rosencrantz's research showed that two thirds of barristers in the House of Commons continued their legal practise alongside their Parliamentary duties. He did not quote a figure for solicitors, but recognised that it was easier for solicitors than barristers to combine the two careers (1970: 128-136). Loewenberg has shown that five out of every eight West German lawyer-deputies continued their law practise in parallel with their political careers (1966: 122), whilst nearly three quarters of lawyers in American State legislatures in 1934 and 1935 continued to practise (Hyneman, 1959: 260-261).

The business arrangements of the Commons have tended to be particularly favourable to members of the legal profession, who could be in court or with clients in the morning and early afternoon and in the House in the later afternoon and evening.[3] It has been suggested, moreover, that whips of both main parties "go out of their way to accommodate practicing lawyers" (Rosencrantz, 1970: 165). M.P.s have been salaried since 1912, but the payments have never been generous and it is frequently argued that members have been unable to carry out their duties properly on the salaries provided.[4] Many present day members subsidise their political role from earnings outside the House[5] - directorships and "consultancies" are one method of supplementing the Parliamentary salary, a legal practice is another. In recent years such well known members as Quintin Hogg and Selwyn Lloyd have practised at the Bar and Leo Abse and the late Sydney Silverman and others have continued to practise as solicitors.[6]

In local government, it is only with the recent reorganisation that a realistic reimbursement of lost earnings has been introduced. Hitherto, service on a local council had involved considerable financial sacrifice (not to mention difficulty in getting time off from employment) for many representatives. The lawyer's work activities are, when contrasted with most other occupations, highly flexible. He can fit in clients in the

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3. Rosencrantz's interviews with solicitor-members illustrated this: "one solicitor M.P. indicated that he goes up to Manchester from Friday to Monday, and "everything dovetails nicely". Another, whose practice is closer to London, attempts to practice for half a day on Wednesday in addition to Monday and Friday" (1970: 135).

4. For a comment on these considerations, see Guttsman (1960: 145).

5. 241 of the 253 Conservative M.P.s in the Commons elected in 1966 derived income from activities outside the House (Roth, 1967: xiii, quoted in Rosencrantz, 1970: 75-76).

6. One commentator has predicted that, as careers in politics and law become more and more specialised, it will become increasingly difficult to combine the two (Sampson, 1965: 172).

morning and be off to a council meeting in the afternoon. His clerk or his partner (if he is a solicitor) can keep the practice going whilst he is temporarily absent. Both physically and financially the lawyer is "dispensable" in his occupational role and a political career is more conveniently "available" to him than to those in most other occupations. Bendix's comment provides a suitable summary:

> For Weber, lawyers are the prototype of the modern professional politician ... through arrangements with their associates they can free their time for politics and continue to receive an income or at least can expect to return to a secure and profitable profession when their political activity has come to an end [7] (1960: 436).

Exactly the same sorts of argument which apply to the relative ease of combining a legal and political career apply to community activities in general. It is a simple matter for the self-employed lawyer to "make time" for community activities by arranging his work appropriately. In a word, the lawyer is in a unique position to make himself "available" at times which would be grossly inconvenient to others.

2. The Transfer of Skills between Law and Politics and Community Affairs

Although the section which follows is principally concerned with a transfer of skills and an affinity between law and politics, it is argued that a similar transfer occurs - if less dramatically - with regard to community activities generally. The argument may be summed up thus: because of the affinity between the occupational role and politics lawyers (and some other occupational groups too, such as trade union officials) are drawn

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7. An important consideration here is that the lawyer's professional knowledge does not decay as rapidly as that of other professions, such as medicine, science and engineering, so that the lawyer is less likely to find himself "out of date" when he returns to the profession (Matthews, 1954a: 31).

into contact with politics almost willy-nilly, as Prewitt has argued (1970: 90).

Weber noted how a legal training and the practise of law develop skills which are of vital importance to the politician - in speaking, in writing, in arguing and in organising (Gerth and Mills, 1948: 95; Bendix, 1960: 436). By virtue of his training and daily activities the lawyer becomes a master of both the spoken and written word - in Lasswell, Lerner and Rothwell's (1952: 29) words, "specialists on persuasion". Michels (1962: 75) likewise stressed that oratory was an essential attribute for a politician in a democratic society and there can be no doubt that this, together with the self-confidence, debating skills, persuasive abilities and articulateness which lawyers typically develop through the practise of their profession are formidable assets to a political career. A further attribute which lawyers learn in their work is the ability to "handle people" - that is, to understand them and to get along with them. What Ranney (1965: 104) called "getting along with people" is obviously a vitally important skill for a politician to develop.

So far some of the common "role skills" of lawyers and politicians have been identified. The two activities are also closely related in a structural sense, a structural interweaving which Prewitt (1970: 160) referred to as "isomorphism".[8] This structural isomorphism can be seen in three ways. First, in the way in which the lawyer develops a very considerable knowledge and experience of the complex administrative

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8. Eulau and Sprague (1964: 9), referring to the affinity between legal and political roles, used the term "convergence". For a critique of this approach, see Grossman (1965).

apparatus of the modern bureaucratic state.[9] Such expertise is obviously invaluable to an elected representative in advising, and pursuing the interests of, his constituents. Second, the technical skills which the lawyer acquires in training and polishes and perfects during practice are particularly useful to members of legislative bodies. Familiarity with legal language and procedure is obviously a great asset to those who make laws in Parliament or interpret them and put them into effect in local authorities. In the House of Commons it is very likely that non-lawyer M.P.s (particularly new ones) will find the procedure and terminology confusing, whereas lawyers feel very much at home. As Sir Lewis Namier observed:

> The connection between the courts of law and the High Court of Parliament is so obvious that it is hardly necessary to enlarge upon it. They are akin in methods, to some extent even in the business they transact, and some of the qualities most required are the same in both (1963: 42).

This is not to say, of course, that non-lawyers cannot acquire a familiarity and facility with the language and procedure of Parliament but, as Lasswell has pointed out (quoted in Agger, 1956: 451) it will take the non-lawyer considerably longer to develop these skills compared with the lawyer.[10]

Ross, in his study of British M.P.s between the wars (1943: 162-163), argued that there was no need for barristers and solicitors to be in

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9. The usefulness of this sort of knowledge and experience to the politician was also noted, towards the end of the nineteenth century, by Mosca (1939: 60).

10. This may help account for the fact that lawyers in American State legislatures are more likely to sponsor bills than non-lawyers (Derge, 1959: 424-426, 1962: 50-51). This was first noted by Rutherford 40 years ago. In the Pennsylvania legislature, 1935-1936, 20.5% of the members were lawyers but they introduced 32.0% of the bills. Lawyers also had a better chance of being Committee chairmen than non-lawyers. In the Ohio legislature, 1937, 27.6% of the members were lawyers compared with 37.5% of the Committee chairmen (1938: 56-59).

Parliament merely because of their expertise in preparing and comprehending legal documents. There are, Ross wrote, specialist Parliamentary draftsmen whose job it is to translate the directions of Parliament into specific items of legislation and advise on proper legal forms. However, the number of draftsmen (Parliamentary Counsel) is small the volume of legislation very heavy and its complexity enormous. The facility which lawyers have with legal forms is a skill which other membe would find most useful. In the United States, in the State legislatures studied by Derge, lawyers' special technical skills were obviously considered to be important for

> lawyers were given preference in certain committee assignments. Committees dealing with legislation relating to the state judicial system, civil and criminal procedures, and technical legal problems were almost exclusively the province of the lawyer-legislator. The powerful Judiciary Committees of the two legislatures were made up wholly of lawyers (1959: 423).

Derge went on to show that lawyers were assigned to Judiciary Committees irrespective of party affiliation and described situations where the political composition of the legislature was not reflected in the Committee, so that a Democratic legislature appointed a Republican-dominated Judiciary Committee, and vice-versa. He noted laconically that "the occupational characteristics of the committee memberships apparentl loomed greater than their party affiliation. This in itself is a tribute to the image of the lawyer-legislator as subject-matter expert" (423).

A third aspect of the interweaving of law and politics can be seen in the way in which lawyers have a monopoly over judicial offices in legislatures, which often gives them a foothold on the ladder of politica advancement, as Hain and Piereson (1975: 42-46) have shown. This link between law and politics is explored further in the discussion on "careerism" or "ambition theory" below.

Structural isomorphism is particularly true of the American political system, which can be characterised as highly "legalistic", where the intimate relationship between law and politics is enshrined in the Constitution and where the powers of the legislature are carefully circumscribed by legal limitations. The consequences of this have been described by Eulau and Sprague:

> as in the higher reaches of the American polity the Constitution became the sacred symbol of judicial over executive or legislative supremacy, in the lower reaches the courthouse became the symbol not only of the country's legal but also of its political culture. The "courthouse gang" became the prototype of the urban political machine. The lawyer was on his way to political dominance (1964: 15).[11]

Although it has usually been assumed that there is a close relationship between the qualities and abilities inculcated by a training in law and the practise of politics and, by implication, community affairs in general - for example, in skills of analysis, in synthesis, in oratory, and the like - it should be noted that in some respects legal professional training may not be an ideal preparation. Eulau and Sprague have argued that the formal training of lawyers is weak in areas where the politician needs to be strong, such as in personnel management and public relations;[1] moreover, professional training "fails to educate the young lawyer in the clarification and selection of alternate values and goals" (1964: 27). These authors' argument was that lawyers are not trained to consider the wider implications of their discipline - in a word, a training in law tends to create a "narrow" individual, lacking the capacity to set issues

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11. The nature of the political process also seems to be important in relation to the extent to which lawyers are involved. Wahlke et al (1962: 120) studied legislators in four American States and concluded that the more competitive the structure of the political party system, the greater the likelihood that legislators would have legal training and skills.

12. Legal training in this country in particular is neglectful of behavioural and social aspects (see Chapter 2, p.69).

in a wider context. Veblen's notion of "trained incapacity" (Merton, 1952: 364) is a useful concept here, referring to a situation where an individual's training and talents in one direction (law) may be a positive handicap when applied in another field (community affairs and politics). Scheingold (1974) illustrated this consideration in a recent study. Lawyers have played a key role in the formation of organisations to press for legal rights in the United States:

> What lawyers provide at the outset are organising skills and resources together with a credible strategy. Their technical skills can be useful in dealing with the details of establishment such as drafting a charter .... More generally, the lawyer's presence at an organizational meeting can ... lend an air of importance and legitimacy ... (139).

However, lawyers are, as a result of their professional training, socialisation and practice, rather cautious creatures:

> The same traits and skills that make lawyers helpful in the early stages can make them unreliable strategists over the long haul (139).

Lawyers may thus steer clear of confrontations and it may be that "the attorney's caution is likely to run counter to deeply felt needs of the membership" (141).[13]

The argument of this section has been that, although there are some dysfunctional aspects, many of the qualities and skills which lawyers acquire during their professional training and polish in their daily practice are the same qualities and skills which are essential for success in community and political activities.

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13. The weaknesses and strengths of lawyers as politicians can be illustrated by reference to a speech by the Solicitor-General to the American Bar Association convention in 1958. The Solicitor-General argued that the lawyer made a good legislator because of his "lucidity of expression, a belief in courteous debate, refusal to reach a conclusion until the evidence and arguments of each side have been heard, and a conviction that his opponent must have his say, however much he disagrees with him" (Gilb, 1966: 205). Some of these qualities, however, might well be dysfunctional in political debate!

3. Pressures on Lawyers to Participate in Community Affairs, and the Inculcation of the "Service" Ideal

Lawyers tend to be prominent in the power structures of the communities in which they live and active in many social, recreational and political organisations (see Chapter 3, pp.101-103). Wardwell and Wood (1956) have argued that lawyers have an "extra-professional" or "citizenship role" thrust upon them as a result of the expectations of the communities to which they belong. This "citizenship role" they defined as "those behavioral expectations pertaining to the lawyer in relation to his community and society which are not those of every citizen and which are not part of the technical function of the lawyer" (304). Wardwell and Wood suggested three components of the citizenship role - it is generally expected that a lawyer will be available as a public servant (i.e. become politically involved), that he will make himself available for leadership in non-political activities such as charitable and community service organisations, and that he will give a lead in "law related activities" in the community such as legal advice schemes and so on. Lawyers are thus perceived by the public as having special expertise and qualities which fit them admirably for participation in community life.[14] Public service, then, has come to be an expected extra-professional role of lawyers.[15]

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14. Agger (1956: 442-443) has noted how lawyers perform important "linking functions" between the several aspects of community, social and political life - their legal practice brings them into contact with most of the diverse groups which make up a community. On this see also Parsons (1954).

15. A point also noted by Matthews (1952), and Krastin, who felt, however that the skills involved in such roles were relatively uncomplicated and could be mastered easily by many non-lawyers (1957: 453).

The professional socialisation of lawyers also encourages them to undertake active "citizenship roles". Lawyers, from the earliest days of their professional training, learn that they are, inescapably, public servants. In evidence to the Monopolies Commission in 1968 The Council of The Law Society (1974: 1-2) discussed the characteristics of a "fully-developed" profession and included as an essential element the notion of practitioners being willing to "serve the public". Further, practising lawyers are "officers of the court" with responsibilities and duties towards the wider public in addition to those which they have towards their clients. Like other professionals, lawyers internalise in their training the "service" ideal - that they should provide a service to the public without immediate regard to their own interests[16] (Parsons, 1954: 381; Barber, 1963: 671). Blaustein and Porter, when writing up their survey of the American legal profession, took the notion of "service" one step further, arguing that there is a professional <u>obligation</u> on lawyers to serve the community, listing among the objectives of law school: "training the future legal practitioner to solve not only the problems of individual clients <u>but of the society in which he lives, and of providing many, if not most, public leaders at all levels of authority</u>' (1954: 162, emphasis added). Similarly, an essay by Wickersham (1962) in a volume prepared by the Association of American Law Schools was entitled

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16. On this Parsons wrote that "payment for the services of lawyers is not on an ordinary "commercial" basis, but on a "sliding scale" with a presumption that the lawyer will be willing to help his client relatively independently of whether it is financially worth his while' (383-384). The dangers of accepting uncritically professionals' (and functionalist sociologists'!) definitions of themselves have been noted by Johnson (1972: 25-26). However, several solicitors interviewed in this research remarked how they might quite frequently spend half an hour or an hour talking with and advising "people with problems" (usually stereotyped as "a little old lady") to whom they would not dream of presenting a bill.

"Public Service, the Highest Ideal of the Bar" and held public service to be a duty that lawyers owe to the community of which they are part.[17]

The argument, then, is that lawyers both respond to the community's expectations and become actively involved in community life and politics and also learn during their professional socialisation that they are expected to serve the community in which they live.

4. "Getting Known in the Town" and "Visibility Theory"

In most countries of the Western world lawyers are not allowed to advertise their services. In England and Wales The Council of The Law Society has issued A Guide to the Professional Conduct of Solicitors (1974) which is regularly revised and contains advice and instructions on, amongst other things, the extent to which solicitors may make themselves known. Detailed advice is given on such important matters as the height of the lettering of solicitors' nameplates on office doors or windows, visiting cards, professional notepaper and the like. (It is interesting that, in appropriate circumstances such as a dark arcade, an illuminated nameplate is permissible. However, this must on no account be of the flashing "on-off" type!) The prime consideration is that

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17. It is not just in professional training that this "obligation of public service" is stressed. Matthews' (1952) study of lawyers in a small town showed that those who were not active in community life were not regarded by their fellow lawyers as "promising"; they were, moreover, censured for "not doing their share".

anything that smacks of advertising is forbidden.[18]

How, in an "ethical profession", do solicitors build up their practices and ensure a regular flow of clients? Birks, in his history of the profession, described one strategy as follows:

> Despite all these restrictions on advertising there are of course methods which a solicitor can employ to obtain business that are perfectly legitimate. Assiduous attendance at the magistrates' court may result in his name appearing at regular intervals in the local press. Membership of the local council, charity committees and sporting clubs, or even becoming a church warden are activities which may prove professionally profitable (1960: 275).

Active participation in public life is thus a great asset to a practice, helping the solicitor to get about the community and to "get known" by coming into contact with a great range of potential clients, building

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18. Important changes have taken place recently. A Monopolies and Mergers Commission Report (1976) suggested that solicitors should be allowed to advertise and viewed the restrictions on advertising as disadvantageous to the public interest. The Report did not recommend unrestricted advertising, which might lead to a loss of public confidence in the profession, but suggested limited advertising by firms of solicitors describing the nature of the practice, the service offered, the fees charged, and where the practice is located (39). The Report summarised the current rules regarding advertising as follows: "A solicitor shall not obtain or attempt to obtain profession business by (a) directly or indirectly without reasonable justificatio inviting instructions for such business, or (b) doing or permitting to be done without reasonable justification, anything which by its manner frequency or otherwise advertises his practice as a solicitor, or (c) doing or permitting to be done anything which may reasonably be regard as "touting"" (10-11). After consideration of the Monopolies and Mergers Commission Report, The Law Society began a national advertisin campaign on television and in the press, scheduled to run from October 1977 to February 1978. The campaign, called a "National Information Campaign", was concerned to draw attention to the profession generally and the names of individual solicitors or practices were not to be mentioned. This fell short of the programme envisaged by the Monopoli and Mergers Commission. The aims of The Law Society's campaign were described by the managing director of their advertising agency as follows: to build an awareness and understanding of the whole range of solicitors' services, to increase understanding of the contribution made by solicitors to the community, and to obtain the active support of solicitors for the campaign. Longer term commercial aims were also mentioned: safeguarding solicitors' existing markets and building a platform for increasing solicitors' shares of existing markets and any markets created by new legislation. The advertising agency planned to spend £170,000 on television and £60,000 on press advertisi and offered facilities to help local law societies to mount their own campaigns in local media (Neill, 1977).

up what Lortie (1959) has called "linkages", and so advancing his professional career.[19] Community activities, including politics, in effect become a form of "ethical advertising" (Schlesinger, 1957: 27) or "free and professionally legitimate advertising" (Matthews, 1960: 35). This point was well made by one of the lawyers interviewed in Barber's study of State legislators in Connecticut:

> But - that's law - a lawyer cannot advertize, The only way that he can let people know that he is in existence is by going to this meeting, going to that meeting, joining that club, this club, becoming a member of the legislature - so that people know that there is such a person alive. And they figure that - "Oh, X, I heard of him. He's a lawyer. Good. I need a lawyer, I don't know one. I'll call him." Otherwise you're just in your cubby-hole waiting for someone to come in off the street. And it doesn't happen (1965: 82).

A young lawyer interviewed by Lortie similarly remarked:

> It's a rat race. No one is pounding on the door. No one but your friends know you're in business. You rely on friends to stimulate business - and it's an active campaign with a narrow line between stimulating and soliciting. Sometimes I dream of a big colored advertizement that says: SEE ME FOR DIVORCE! Do that, you're out. You meet as many people as you can, make as many friends - that's the key to the whole business ... (1959: 357).

In the United States, lawyers' professional associations actually encourage participation in community affairs as a form of ethical advertising (the encouragement of public service by the American professional bodies has already been noted). Mayer's lengthy study of the American legal profession contains an excerpt from A Lawyer's Practice Manual, which is endorsed by the American Bar Association:

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19. The problems of attracting clients are particularly acute for the solicitor starting out on his own, but large partnerships must also ensure a flow of new clients. Jeffery has described how many large firms in the United States have a partner who specialises in getting business, known as "the public partner", who "belongs to the right clubs and serves on bar association committees and makes contacts in this way with influential members of the community who are potential clients for his firm" (1962: 323).

> The corporation president with whom you work on the orphan's milk fund drive may soon need a lawyer. If you impressed him favourably ... he may decide you are just the man to handle the important transaction his corporation is going to undertake (1966: 10).

Not all lawyers are happy when stepping out of their legal roles, despite their training in public speaking and forensic skills. Wardwell and Wood quoted one lawyer who was involved in politics as saying:

> Other things being equal I would like not to be in politics. I suffer the torture of the damned when I have to speak ... It's not the money in politics, it's the contacts (1956: 306).

What is significant here is that this lawyer participated in politics <u>despite</u> his difficulties on the public platform.

A further perspective has been supplied by Cohen (1969a: 570-572), who applied March and Simon's "visibility theory" to lawyers and politics. March and Simon (1958: 103-104) proposed that individuals move into and out of organisations depending on the degree to which the organisation is visible to the individual and the degree to which the individual is visible to the organisation. The lawyer's work, Cohen argued, brings him into contact, more than in any other occupation, with the political sub-culture - central and local government departments, legislative and judicial bodies, and the like. Once he is in contact with this sub-culture the more clearly can the lawyer see the advantages of political participation <u>and</u> the more "visible" he becomes to others, so that "opportunities ... come knocking on the lawyer's door ... because he moves in this sub-culture" (Cohen, 1969a: 571). The argument can be extended to community affairs generally - participation renders a member of an ethical profession more "visible" and so he gets drawn into more and more activities; at the same time he realises how advantageous to

his practice "participation" is.[20]

At this point it may be useful to summarise the six important functions of lawyers' participation in community activities identified by Matthews (1952):[21]

(i) providing a way of becoming known in the community;

(ii) enabling the lawyer to exhibit the general abilities he possesses;

(iii) building a reputation, securing public confidence, bringing clients and reinforcing relationships with existing clients;

(iv) helping in the handling of legal cases by providing the lawyer with background information and giving him an entree to strategic persons in the community;

(v) "working with people" in community affairs enables the lawyer to perform his legal role more effectively in the courtroom or office;

(vi) a lawyer active in the community, and "known" is more likely to have his presentation of cases favourably received in court than an "unknown" ....

5. Official Legal Appointments often Depend upon Political Considerations - "Careerism" or "Ambition Theory"

Political factors are often taken into account when official legal appointments are made. This interweaving of law and politics is particularly obvious in the United States where the appointment to most legal offices, including the judiciary from Supreme Court to local level, is dependent on political considerations and credentials (Schlesinger,

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20. This illustrates the concept of an "heuristic career strategy", an orientation towards advancement without regard to organisational or occupational boundaries, developed by Thompson, Avery and Carlson (1962, quoted in Hall 1975: 276-277).

21. This author also identified a dysfunctional aspect - participation in community and political activities takes up time which otherwise could be spent on developing the legal practice. Data on this aspect from this research are discussed in Chapter 9, pp.220-222 and p.226.

1957: 278; Hain and Piereson, 1975).[22] The lawyer who aspires to become a judge, United States attorney, marshal, or even the executor of an estate, must hold the appropriate party ticket. Better still for the aspirant to be a member of the party in the State legislature or in Congress (Matthews, 1961: 629-630; Ruchelman, 1966: 485-488).

In Canada, too, there is ample political patronage available to the lawyer:

> The lawyer will not be forgotten by the party when it becomes necessary for the government to select individuals to handle the enormous amount of its legal business. The position of the legal profession in and out of Parliament provides great opportunities for the distribution of patronage (Innis, 1956: 400).

This argument is much less true of this country, since political patronage is now less extensive than it once was and is negligible compared with that in the United States. Insofar as the argument can be applied to England and Wales it is true of barristers rather than solicitors, since the range of appointments open to the latter is very limited.[23] Some consideration of this question will be useful. First, it is worth bearing in mind that political factors are not unknown when judicial appointments are being made, as Sir Ivor Jennings has noted

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22. Levine and Cornwell have brought together data which show how small was the proportion of appointments to Federal Judgeships of men of contrary political affiliations by the successive Presidents Roosevelt Truman, Eisenhower and Kennedy in the years 1933 to 1963 (1968: 115). A vast literature exists about the attempts to take the selection of judges out of the party-political arena. One well known attempt is the so-called "Missouri plan", the "non-partisan Court plan" (Watson and Downing, 1969).

23. However, since 1971 solicitors may be appointed as Recorders and the first solicitor-Recorders were raised to the Bench in 1977 (see Chapter 1, footnote 14, p.18). There are, too, an increasing range of appointments open to solicitors on Tribunals and other "official" bodies.

(1969: 453-454).[24] Certainly it is true that such appointments are made by or on the advice of politicians. Although technically made by the Crown, the Prime Minister in fact appoints to senior judicial positions, such as Lords of Appeal, whilst the Lord Chancellor nominates puisne judges, etc. Additionally there are hundreds of minor judicial appointments controlled by the Lord Chancellor's Office, both full-time and part-time positions, such as County and Crown Court judges, Recorders and posts associated with the various administrative Tribunals. The senior legal office, Lord Chancellor, is a political appointment filled, in recent times, from the Commons and, as Richards has pointed out, this office:

> personifies the British rejection of the separation of powers. He is the head of the judiciary and plays a dominant role in the selection of its members; he presides over the House of Lords; he is a senior member of the Cabinet. His appointment is essentially political and he leaves office when the political complexion of the Government changes (1963: 121).

Richards has reviewed the recent history of political patronage to judicial appointments in Britain (1963: 120-136). He was highly critical of the use of political considerations in appointments to the Bench and was happy to conclude that, at the present time, political patronage has virtually died out as far as judicial appointments are

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24. Until quite recently the Chief Justiceship was invariably awarded to a Government law officer. Lord Goddard, appointed in 1946, was the first Lord Chief Justice who had notbeen a party-political figure (Baker, 1971: 75). Given the norm that British judges are not political appointees and are expected to be politically inactive, an American author found it "surprising" that as many as 22% of 317 higher court judges between 1876 and 1972 had held elective political office (Tate, 1975: 117). As recently as 1956, 23% of the Supreme Court judges had been M.P.s or Parliamentary candidates! (Abel-Smith and Stevens, 1968: 176).

concerned, a view with which Paterson (1974) has concurred.[25] In the nineteenth century however, as both authors showed, politics played a large even a blatant part in the choice of judges. For example, of 139 judges appointed between 1832 and 1906, 80 were appointed direct from the Commons and a further 11 had been Parliamentary candidates. 63 of the 80 reached the Bench when their party was in power (Laski, 1932: 168, quoted in Richards, 1963: 123). The recent decline in political patronage to judicial appointments is due, Richards suggested, to three reasons:

(i) a generally accepted view that the operation of the law should be divorced from political considerations;

(ii) judicial appointments are less attractive financially nowadays;

(iii) longer sessions at the House of Commons make it difficult to combine a busy law practice with an M.P.'s duties, so that lawyer-M.P.s are no longer front rank figures in the legal profession.

"Politics and Law" Richards argued, "have drifted a little apart from each other through a combination of political and economic pressures. And this is not a matter for regret" (1963: 129). Notwithstanding this, Rosencrantz showed that ten of the 93 Recorders in England and Wales in 1970 were barrister-M.P.s (one in nine) yet only one active barrister in 30 was an M.P. (1970: 201). Clearly it is a great advantage to be in the House if one aspires to a Recordership!

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25. However, in a recent study Griffith (1977: 19-24) has suggested that though political patronage has been weakened in recent years, it is by no means dead: "During the 1950s, being an M.P. came once again to be regarded as a qualification for appointment to a judgeship" (24).

A further connection between law and politics is of interest, which applies only to the barristers' branch of the legal profession. Richards (1963: 136) noted the convention which existed until quite recently whereby a barrister elected to Parliament was able to become a King's or Queen's Counsel merely by applying to do so, no matter how junior he might be in the profession - this convention provides a very clear case of politics helping the legal career.[26] Hyde, in his biography of the famous advocate Lord Birkett, wrote that:

> Being in Parliament (he was elected in December 1923) prompted Birkett to take an important step in his professional career. He applied to the Lord Chancellor, then Lord Sankey, to be made a King's Counsel, knowing that his application must stand a good chance of success, since it has always been the custom that a junior barrister who is also an M.P. and asks for permission to exchange his stuff gown for the silk gown of a K.C. usually has his request granted (1964: 121).

Birkett was named as a new "silk" in April 1924 - the most junior of the 12 named in point of call, havingbeen in practice for less than 11 years.[27]

Although Richards', and Paterson's, argument was that the decline in political patronage means that the legal rewards of a political career are less great and less enticing than half a century ago and before, it must be noted that there still remains a separate "career structure"

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26. It seems that this practice ceased in 1959, but Lord Chancellors still seem to look with special favour on barrister-M.P.s (Rosencrantz, 1970: 197-201).

27. It is a tricky decision for a relatively junior barrister to take "silk" in this way and Hyde remarked that "There is always a certain element of risk for a successful junior counsel who takes "silk" since his former solicitor clients may be reluctant to incur the additional expense which instructing him involves. For one thing the etiquette of the profession requires that as a "leader" he must always be accompanied in court by a "junior" ... for which the junior receives two thirds of his leader's fees" (1964: 122-123). Birkett, in fact, succeeded in doubling his earnings in his first year after becoming a K.C.! On this question see also Megarry (1962: 41).

for lawyer-M.P.s when their party is in office, that is, Ministerial positions to which only lawyers may be appointed.[28] Guttsman's (1963:177-1 research is relevant here. He claimed that some lawyers entered politics merely because they saw politics as a means of furthering their legal careers and drew attention to what he called "legal careerists" amongst lawyers in Parliament who had shown little interest in politics prior to their election, who tended to be elected relatively late in life and for whom "politics ... would complement their professional activity and perhaps help them enter a lucrative career of a Law Office".[29] Guttsman footnoted that:

> Of the 33 men who held the office of Solicitor-General between 1868 and 1955 only thirteen had entered Parliament before the age of forty. Of this group, twelve had ended their career on the bench and nine as Lord Chancellors. Only nine can be described as leading party politicians, who had a general career in ministerial office (1963: 177).

What Sir Lewis Namier wrote of the mid-eighteenth century remains at least partly true today: "most of the highest honours of the profession were usually reached through the House of Commons" (1963: 43).

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28. The law officers of the Crown are the Attorney-General, Lord Advocate, Solicitor-General and the Solicitor-General for Scotland.

29. Law officers often seem to have changed their political allegiance, which may be evidence of "careerism". Haldane, the first Labour Lord Chancellor (1924) was formerly a Liberal. Rosencrantz noted that two recent Solicitor-Generals "discovered the Labour Party relatively late in their careers; Sir Arthur Irvine ... twice contested seats as a Liberal .... His predecessor, Sir Dingle Foot, actually served as a Liberal M.P. from 1931-45, and was not elected as a Labour Member until 1957. Birkenhead, Hastings, Simon, Jowitt and Shawcross are among the more prominent Attorneys-General who have, at one time or another, "ratted" on their party" (1970: 178-179). (Jowitt's was a clear case of "careerism". He was returned to Parliament as a Liberal in the 1920s. Immediately after the Labour victory in 1929 he switched to the Labour party and was at once made Attorney-General! He became Lord Chancellor in the post-war Labour Government.)

A similar perspective on the link between lawyers and politics is that provided by Schlesinger's (1966) "ambition theory", which has been summarised as "The greater the perceived ability to succeed in the opportunity structure of public office, the greater the ambition to pursue a political career" (Cohen, 1969a: 571). For the lawyer, participation in politics offers a vista of progressively more rewarding opportunities becoming available.[30] This sort of argument is obviously very much more true of the United States than England and Wales - in America the lawyer involved in politics can, at each rung on the political ladder, see more enticing opportunities ahead, from District Attorney to a State appointment, then on to Washington and who knows what? But even in this country political activity also opens a "career", particularly to barristers, as has been argued. There are "consolation prizes" too - just as lawyers who lose elective office or fail to get elected in the United States can look forward to a State or Federal judicial appointment, so the English judiciary contains a fair proportion of former politicians.[31]

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30. Rueschemeyer (1973: 72-73) has suggested that there are two major factors which account for the high proportion of American lawyers in politics. The first is essentially "ambition theory", whilst the second factor concerns the readiness of the electorate to vote for lawyers and of party organisations to nominate lawyers. Rueschemeyer argued that the chances of lawyers attaining political office are lowest where voting is strongly based on class position; where leftist parties take a large share of the vote; where leftist parties have a political apparatus linked to trade unions and where lawyers are regarded as a conservative group. On the first point, in England, the lower level of participation of solicitors in national politics compared with barristers may be accounted for in terms of the greater "opportunity structure of public office" open to barristers.

31. As recently as 1971, the Lord Chancellor, Lord Hailsham, could say that "Activity in politics is not, and never has been, a bar to appointment to the Bench, lay or professional ... When I first went to the Bar many, if not most, of the Common Law High Court judges had actually been in Parliament at one time or another, and this was no bad thing" (1971: 914).

It may be concluded that political patronage is less "direct" in England and Wales today than it was in the nineteenth century and early years of this century, and far less important and overt than it is in the United States. Nevertheless, the Bench and politics are still closely related. Political patronage has never been of great significance to the solicitors' branch of the legal profession, as has been argued, because solicitors are ineligible for most judicial appointments. Finally, it should be noted that the legal rewards accruing from politics are by no means confined to judicial appointments. Rosencrantz demonstrated how a political career enhanced the professional reputation of barristers who returned to the Bar from politics (a by no means rare occurrence). One example will suffice, that of Sir Hartley Shawcross, who was reputed to have earned ten times as much at the Bar after serving as Attorney-General than he did before (Rosencrantz, 1970: 194-197).

6. Law as a "High Status" Occupation

A further possible explanation of the high degree of involvement of lawyers in politics and community life needs to be considered. This explanation was first advanced, of lawyers in the political life of the United States, by de Tocqueville (1947). The essence of the argument is that law is perceived by the public as a high status occupation, and the public believes that leaders should be drawn from such occupations.[32] Eulau and Sprague observed that de Tocqueville's was a theoretically plausible explanation:

> The legal profession fills institutionally and functionally necessary governing roles that cannot be left unoccupied. In a democracy the legal profession has no competition as an enlightened class because of the absence of an aristocracy and the unacceptability of the wealthy in governing roles (1964: 33).

32. Keller (1963: 325-326) has noted that lawyers are prominent not only in the political elite of the United States, but in the business and diplomatic elites as well.

This line of argument was also adopted by Matthews in his study of the United States Senate:

> Lawyers meet what seems to be the first prerequisite of top level political leadership: they are in a high prestige occupation (1954a: 30).

The high prestige of lawyers in the United States has been demonstrated by Hodge, Siegel and Rossi (1967). Hodge et al described a 1947 National Opinion Research Centre study of occupational prestige in which lawyers were ranked 18th out of 90 occupations in "general standing" and their own 1963 replication, where a random sample of 651 adults ranked lawyers 11th out of 90 occupations, behind United States Supreme Court Justice, physician, nuclear physicist, scientist, government scientist, State Governor, Cabinet Member in the Federal Government, college professor, United States Representative in Congress, and chemist (1967: 324). In England country solicitor was ranked third in a list of 30 occupations in Hall and Jones' (1950) pioneering study of the social grading of occupations, behind medical officer and company director and immediately before chartered accountant. More recently, self employed professionals (doctors, lawyers, accountants) were ranked highest of the 124 occupational categories devised by Goldthorpe and Hope in their enquiry into the social grading of occupations (1974: 96, Table 6.4).

Although lawyers as a group are highly placed in the hierarchy of occupational prestige, in a profession containing 300,000 members in the United States and over 30,000 in England and Wales it is obvious that there will be considerable variation between members. It has been suggested (see Chapter 2, p.42) that there is a considerable degree of differentiation in the profession in terms of solicitors' education, income, work situation, clientele and so forth and it is clear that their status positions also vary a good deal. Some solicitors in some

practices, doing certain kinds of work with a certain level of income undoubtedly enjoy high status, but all are not so placed. Eulau and Sprague's discussion of the prestige ranking, education and income of American lawyers similarly led them to conclude that "It seems questionable ... to attribute the dominance of the lawyer in politics to the alleged high-status position of his profession in American society" (1964: 39).

Further evidence that this explanation of lawyers' involvement in politics, taken on its own, is not very satisfactory can be derived from an examination of the degree of political participation of another high status occupational group. In Hodge et al's study mentioned above, doctors (physicians) were second and lawyers 11th amongst 90 occupations ranked, yet Glaser (1960: 233-234) has referred to studies which showed that there were only four doctors in the 86th United States Congress, compared with 315 lawyers in the 88th Congress (Hourani, 1966: 2). Amongst State legislators in 1949, only 0.8% of lower house members were doctors compared with 19.1% who were lawyers, and in the Senates 1.9% were doctors, compared with 32.7% who were lawyers (Zeller, 1954: 70-73). Only 13 (1.3%) of 1,040 State Governors in the period 1870 to 1956 held medical degrees (Glaser, 1960: 233-234) compared with 456 (45.8%) lawyers out of 995 Governors between 1870 and 1950 (Schlesinger, 1957: 28). In the House of Commons in the post-war period the proportion of doctors has varied between 0.6% and 2.3%, whilst that of lawyers from 15% to 20% (barristers 14.8% to 16.4%, solicitors 3.3% to 5.3%) (see Chapter 3, p.90). It seems clear that the predominance of lawyers in national politics in the United States and this country cannot be attributed solely to the high status position of the legal profession.

7. Conclusion

Some of the reasons put forward to account for the high degree of involvement of lawyers in politics and community affairs have been examined. No one of these is sufficient, on its own, to provide a convincing explanation. A multi-faceted approach is needed if what for one writer is the essential question is to be answered: why do some people enter politics (and community affairs) and others do not? (Bromall, 1968: 752). If the approaches discussed above are moulded together, then they have more persuasive power than each on its own. As Cohen has written: "instead of a multitude of small theories, each one of which moves only a short distance towards explanation, we need a broader-gauged theory"[33] (1969a: 570).

The shortcomings of the approaches discussed above are fairly obvious, for example:

> "Dispensability" or Availability" - draws attention to the ease with which legal and political careers and participation in community activities may be combined, but on its own does not account for the high degree of involvement of lawyers compared with other "dispensable" professionals, such as clergymen and doctors.

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33. Pederson has also argued that "single factor" theories are unsatisfactory and drew attention to the low percentage of lawyers in the Danish Parliament, 4% compared with over 50% in the United States House of Representatives. He examined Denmark as a "deviant case" and showed that Danish lawyers were no less dispensable than those in America, had equally transferrable skills, were similarly a high status occupational group and that the convergence between the law and politics was equally great in the two countries. Pederson concluded that the predominance of lawyers in the United States legislature and their relative absence in Denmark could be at least partially explained in terms of the class orientation of Danish political parties which had led to hostility towards lawyers in some parties, and selection procedures in the Danish judicial system which have hampered the interplay of judicial and political careers which is so striking a feature of the United States (1972: 62-63). Similar points were made by Rueschemeyer (see footnote 30 on p.135) in his comparative study of American and German lawyers. These two studies indicate just how important comparative research is in the understanding of complex phenomena.

"Transfer of Skills" - other occupational roles demand and produce the qualities necessary for success in public activities - lecturers develop debating skills, in numerous occupations the mastery of complex written forms is developed, yet members of these occupational groups are less involved in politics and community activities than lawyers.

"Professional Socialisation" - other professions stress the "service to others" ideal in the socialisation of new members, but have much lower rates of community involvement than lawyers.

"Getting Known in Town" - argues that lawyers become involved in extra-professional activities as a form of "ethical advertising", but does not explain why members of other professions are less-involved than lawyers.

"Law as a High Status Occupation" - is unsatisfactory for the reasons already suggested - other high status occupational groups are much less involved in politics than lawyers.

It is the combination of these approaches that seems to offer the best hope for a convincing explanation of the involvement of lawyers in community affairs and politics because "single factor theories" are ultimately unsatisfactory.

There are two final and complicating points. First, lawyers are sometimes, from their earliest days, "politicians in disguise". The close relationship between law and politics is such that, in the United States in particular, law has come to be regarded almost as a necessary path along which the aspiring politician must tread.[34] As Woodrow Wilson said: "The profession I chose was politics; the profession I entered was the law. I entered one because I thought it would lead to the other" (quoted in Eulau and Sprague, 1964: xiii). This may be

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34. Matthews (1954b) has suggested that a "vicious circle" has developed in the United States, whereby the preponderance of lawyers amongst the political elite attracts the politically ambitious to the legal profession, thus ensuring that lawyers will be well represented in future generations of politicians.

true of Britain also. Rosencrantz has told an anecdote about two men who became very famous in both law and politics, John Simon (later Lord Simon) who served as Home Secretary, Foreign Secretary and Chancellor of the Exchequer as well as Lord Chancellor, and F.E. Smith (later the Earl of Birkenhead) who held office as Solicitor-General, Attorney-General and Lord Chancellor. As students at Oxford they were said to have decided they had better go into different political parties so as not to compete against each other. On the toss of a coin, Simon became a Liberal and Smith a Conservative and "Both chose law as an occupation congenial to their political aspirations" (1970: 275).

The second point concerns psychological factors. The nature of the explanations considered have been structural.[35] There are, as Agger (1956: 443-448) has pointed out, other, possibly crucial, variables which need to be considered. For example, the personality of the lawyer. Does law attract a "manipulative" kind of personality? ("Manipulation" Agger defined as "influencing others by concealing or distorting presumably relevant information" - activities in which such well known legally trained politicians and quasi-politicians as Messrs. Nixon, Haldeman, Ehrlichman, Mitchell, Dean, etc., etc., were apparently well-versed.) How useful is this ability to "manipulate" in political life - presumably it is extremely important? What are the personality differences between lawyers active in political and community life and those who play little part? An approach to the lawyers in politics and the community question using psychological variables would provide

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35. Psychological factors have been ignored. It will also be noted that this research pays little attention to the ways in which solicitors "construct their own realities" (Berger and Luckmann, 1967), for example by changing the practice in which they work in order to facilitate (or the reverse) participation in extra-professional activities.

a useful, if not essential, component of a general explanation.[36]

This Chapter has brought together a number of conceptual schemes which may be used in the study of lawyers' involvement in community affairs and politics. In Chapter 5 which follows a model is developed which draws on these studies and the empirical research referred to in Chapter 3. The hypotheses developed from this model, which are to be tested in the empirical research, are also formulated.

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36. There have been no studies of the personality of lawyers apart from Weyrauch's (1964) study of German and American lawyers. However, the methodology of this research has been severely criticised by, amongst others, Hazard (1965) and Eulau (1969: 337-345).

CHAPTER 5

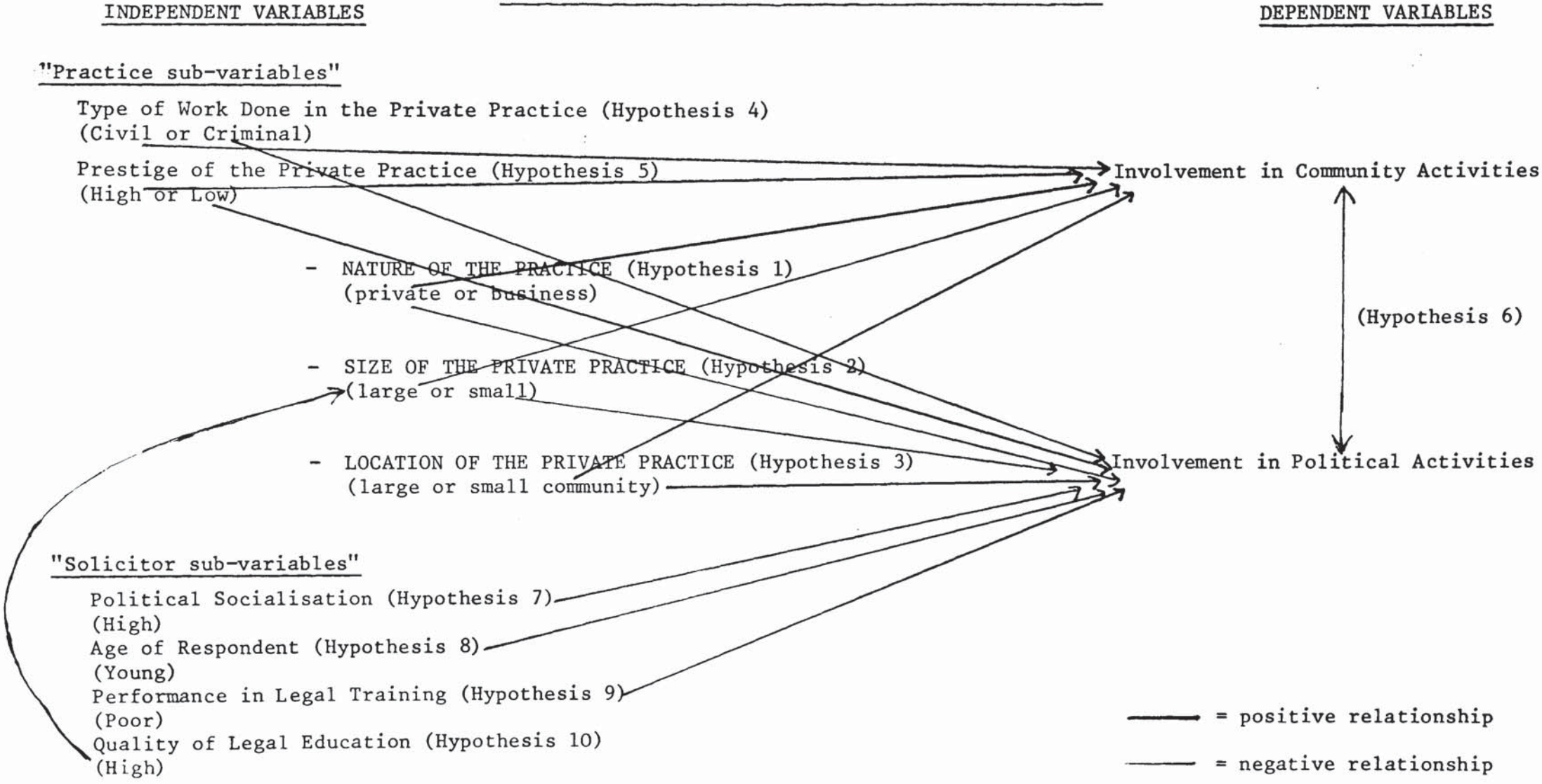
TOWARDS A MODEL FOR THE STUDY OF SOLICITORS IN COMMUNITY AFFAIRS AND POLITICS

In Chapters 3 and 4 some of the empirical and theoretical approaches to the study of lawyers in community affairs and politics were reviewed. These studies indicated that lawyers participated to a high degree in extra-professional activities, and that some lawyers participated more than others. In this Chapter a model is developed which suggests that the differential participation of solicitors in community affairs and politics can be related to the nature of their practices (private, or in business organisations), the size of their private practices, the location of their private practices, and other features such as their age and legal education. In Figure 5.1 are shown the relationships which are postulated between the independent variables and the dependent variables of involvement in community activities and politics. The hypotheses to be tested are derived from this model and these are listed below. In the absence of relevant research in this country, the hypotheses are largely drawn from American studies and variations between the two cultures therefore need to be borne in mind.

The Nature of the Practice and Community and Political Involvement

Hypothesis 1 "Solicitors in private practice will be more involved in community and political activities than solicitors working in business organisations"

FIGURE 5.1 - MODEL SHOWING THE RELATIONSHIPS HYPOTHESISED BETWEEN SOLICITORS, THEIR PRACTICES AND INVOLVEMENT IN COMMUNITY AND POLITICAL ACTIVITIES



The reverse of the arguments associated with the need to "get known in town" (Chapter 4, pp.125-129) suggest this hypothesis: solicitors in business organisations have an assured source of work and are so unlikely to feel the need to go out and make themselves known and to "ethically advertise", compared with their counterparts in private practice. It also seems likely that business solicitors will be expected to keep "office hours" and hence be less "dispensable" than private practitioners. As salaried employees of organisations solicitors in business lack, in the last resort, the considerable power to organise and control their work as they please which is enjoyed by private practitioners. Business solicitors are also less likely to be known by and accessible to members of the public than are private practitioners. The latter typically depend for much of their work on individual members of the community; private practitioners are thus more in contact with the public and likely to be "expected" by them to play a part in community affairs. Solicitors in private practice may well feel that they must respond to community pressure to participate, for fear of alienating their clients or potential clients. Finally, although the opportunities of appointive office are less great for solicitors than for barristers, there are an increasing number of opportunities for paid service on public boards and Tribunals which may be attractive to privately practising solicitors. As employees of commercial and industrial organisations such opportunities clearly do not exist for business solicitors, so participation in extra-professional activities as a means of drawing the attention of the appropriate authorities to themselves has no merit for business solicitors. These considerations led to the formulation of Hypothesis 1 - that solicitors in private practice will be more involved in community and political activities than those working in business organisations.

The Size of the Private Practice and Community and Political Involvement

Hypothesis 2a "Solicitors in large size private practices will be more involved in community activities than solicitors in small size practices"

Hypothesis 2b "Solicitors in large size private practices will be less involved in political activities than solicitors in small size practices"

Amongst solicitors in private practice, it is hypothesised that those in large size practices will participate more in community activities than those in small practices (Hypothesis 2a) and that the reverse will apply for political activities (Hypothesis 2b). The research of Wardwell and Wood (1956) and McIntosh and Stanga (1976) referred to in Chapter 3, pp.103-105, pointed to an inverse relationship between political participation and size of practice. It was suggested that politics offered more and easier opportunities for quickly achieving publicity than did activity in non-political community organisations. For community activities, Wardwell and Wood (1956) also showed that partners in large law practices were more involved than sole practitioners. It was argued that it was more difficult for an individual to make an "impact" and achieve leading positions in community organisations than in politics - particularly the small firm man or sole practitioner, who often lacked the necessary prestige, social background and connections (see Chapter 2, pp.60-64). Further, the lawyer in the large practice will need to take into account his partners' views regarding the desirability of his engaging in public controversy and taking up a position on political issues. For both these reasons, it seems likely that solicitors in large firms will be less involved in politics and more involved in community activities than their counterparts in sole or small practices.

The Location of the Private Practice and Community and Political Involvement

Hypothesis 3a "Solicitors in private practices in smaller and medium size communities will be more involved in community activities than those practising in Central Birmingham"

Hypothesis 3b "Solicitors in private practices in smaller and medium size communities will be more involved in politics than those practising in Central Birmingham"

The American research reviewed in Chapter 3, pp.106-107 indicated that lawyers in smaller communities were more likely to be involved in community affairs and politics than those in large communities and urban areas (Wardwell and Wood, 1956; Wood and Wardwell, 1956; Bromall, 1968; Cohen, 1969b). In smaller communities not only are there fewer "eligibles" qualified to play their part in community activities, but it seems likely that pressure (see Chapter 4, p.123) on solicitors to participate will be greater in a situation where their accessibility is hi and their relationship to the local community more close. Moreover, it seems possible that the workload of practices in smaller and medium size communities will be less heavy than those in central urban areas, where high overheads are likely to demand a greater throughput of clients. (The American research also indicated that the structure of opportunity to serve in political offices was greater in rural than in urban areas, but this consideration is much less important in this country.) Taking all these factors into account, it is hypothesised that solicitors in practices in Central Birmingham will be less involved in both community

activities (Hypothesis 3a) and politics (Hypothesis 3b) than those in medium size towns and smaller communities.

The Type of Legal Work Done in the Private Practice and the Respondent's Involvement in Community and Political Activities

Hypothesis 4 "Solicitors in private practice mainly concerned with civil work will be more involved in community activities than those concerned with criminal work. Conversely, those mainly concerned with criminal work will be more involved in politics than those concerned with civil work"

In Chapter 3, p. 105 the work of Wood (1956, 1967) was discussed. Wood showed that American lawyers concerned mainly with criminal work were involved in extra-professional activities of a rather different nature compared with civil lawyers. Civil lawyers were more likely to be involved in civic and recreational community organisations than criminal lawyers, whilst the latter were more involved in charitable organisations and in politics than civil lawyers. Wood concluded that not only were criminal lawyers more likely to identify with under-privileged groups and to be motivated by a "desire to help", but that taking part in most community organisations was of little value to them as far as getting clients was concerned. For civil lawyers, however, participation in community organisations, particularly the civic and recreational ones, was highly functional in terms of its "advertising" value. It is therefore hypothesised that solicitors who in their work are primarily concerned with criminal work will be more likely to be involved in politics and less likely to be involved in community activities than solicitors involved in civil work.

Prestige of the Private Practice and Community and Political Involvement

Hypothesis 5 "Solicitors in high prestige practices will be more involved in community activities than those in low prestige practices. Solicitors in low prestige practices will be more involved in politics than those in high prestige practices"

The research reviewed in Chapter 3, pp.108-109 (Hourani, 1966, 1969; Handler, 1967) indicated that, in the United States, high prestige, high status[1] lawyers were less involved in politics than low prestige, low status lawyers. Handler also showed that high status lawyers were more likely to be involved in civic and social clubs and organisations than lawyers of low status. Handler's argument was similar to that put forward for Hypotheses 2a and 2b above - low status lawyers find it difficult to make an "impact" and achieve positions of leadership in community organisations, where individuals' social characteristics and length of service in the organisations are likely to be counted as highly important in determining advancement. In political organisations, however, the competition for office and "involvement" is much less severe and the chances of rapidly achieving prominence are better. Also, the small firm lawyer or sole practitioner in a relatively low prestige firm does not have to take into account his colleagues' or clients' views of the desirability of political activism to the same extent as does a partner in a large firm, with partners and corporate and individual clients of high socio-economic status to consider. It is therefore hypothesised that solicitors in low prestige, low status practices will participate more in politics and less in non-political community organisations than their counterparts in high prestige, high status practices.

1. It will be recalled that these authors used as indicators of the prestige or status of a practice factors such as the size of practice, the wealth of the clientele and the income of the partners. A full [illegible] in Chapter 8, pp.187-191.

Private Practitioners - Non-Political or Political Activities in the Community?

Hypothesis 6 "Solicitors much involved in community activities will be little involved in politics and those much involved in politics will be little involved in community activities"

The researches of Hourani and Handler referred to above indicated that lawyers' participation in extra-professional activities might be related to the size and prestige of their practices, with differential degrees of participation in political and non-political activities. It was argued that both kinds of activity brought publicity to the participant and his practice. Although it may be that solicitors are "dispensable" in their occupational role, although "community pressure" may be brought to bear on them, and although professional socialisation into the "service" ideal may also play its part, it is obvious that solicitors do not have unlimited time in which to participate in extra-professional activities. In this situation it was considered that solicitors would take an instrumental view and restrict their activities to either community or political affairs. It is therefore hypothesised that solicitors who make themselves "visible" in the one sphere of activity will be relatively little involved in the other, i.e. that those participating much in non-political community activities will be relatively uninvolved in politics, and vice-versa.

Political Socialisation and Political Involvement

Hypothesis 7 "Private Practice solicitors who had an early association with politics will be more involved in politics than those who did not"

The research of Eulau and Sprague (1964: 59) and Bromall (1967, 1968: 754-757) showed that American lawyers in private practice who had an early association with politics were more involved in political activities than those who were first exposed to politics in later life. It was decided to test this hypothesis on the sample of private practice solicitors.

Age and Political Involvement

Hypothesis 8 "Younger solicitors in private practice will be more involved in politics than older solicitors"

The research of Matthews (1952), Epstein (1958: 111-115) and Hourani (1969: 162) (see Chapter 3, p.107) suggested this hypothesis. Their argument was that politics was an important means of "getting known in the town" and it was much easier for the young man to enter and make an impact in politics than in other forms of extra-professional activity.

Performance in Legal Training and Political Involvement

Hypothesis 9 "Solicitors who performed less well in their legal training will be more involved in politics than those who performed well"

Bromall's (1967, 1968: 757-760) research suggested that participation in politics was negatively associated with performance in legal training. Bromall argued that men who had not performed well at law school might view politics as an alternative means of achieving professional success, bearing in mind the close connection between law and politics in the United States referred to in Chapter 4, pp.135-136. He showed an inverse

relationship between "rank in class" in law school and lawyers' attempts to gain election to political offices.[2] It was hypothesised that private practice solicitors who performed less well in legal training will be more involved in politics than those who performed well in their legal training.

"Quality" of Legal Education and the Size of Firm in which Practising

Hypothesis 10 "Solicitors in large size private practices will have a better quality of legal education than solicitors practising in small size firms"

The research of Ladinsky (1963a, 1963b, 1963c, 1967) and others discussed in Chapter 2, pp.60-61 showed that large law firms in the United States take a disproportionately high number of graduates from "top quality" law schools. It was therefore hypothesised that solicitors in large private practice firms will have a better quality of legal education than those in small firms.

The indicators which were developed to test these hypotheses are discussed in Chapters 8, 9 and 10 below, together with the research findings. In the following Chapter, Chapter 6, are outlined the sample design, interview methods and tools of statistical analysis used.

2. Matthews' (1954b) research on American Senators led him to conclude that lawyers in the Senate were not "marginal" members of the legal profession, it should be noted. Whilst few came from the very large metropolitan firms or were leading members of the national Bar, most were the leading lawyers of small and medium size towns and cities. There was no evidence that unsuccessful lawyers succeeded in getting elected to the Senate, though Matthews recognised that politics might well appeal to them.

CHAPTER 6

SAMPLE DESIGN, INTERVIEWS AND STATISTICAL METHODS

This Chapter falls into four sections. In the first two sections the sample design for the surveys of solicitors in private practice and in business are outlined. The third section briefly discusses the interviews (the interview schedule is at Appendix B) and the fourth section indicates the statistical techniques used in the analysis of the data in Chapters 8 to 10.

1. The Sample Design - Solicitors in Private Practice

The aim of the sample design was to obtain a cross-section of solicitors' practices in the West Midlands. The research hypotheses included the suggestion that a solicitor's involvement in extra-professional activities and his relationship to the community would be associated with the size of the practice and the location of the practice, i.e. whether the practice was located in the centre of Birmingham, or in smaller and medium size communities. It was decided to concentrate on three locations - central Birmingham, suburban areas and towns around Birmingham and medium size "independent" towns some distance from Birmingham, and small towns in rural areas. The sample of solicitors was obtained by the method described below, which involved first identifying the practice at which an interview was to be requested, then identifying the individual solicitor who would be approached. The sampling frame, as originally conceived, was to include only practices in Birmingham, Solihull and Worcestershire, but a few practices from outside these areas were eventually included, for reasons described below.

Practices in Central Birmingham

The basis used for drawing the sample was The Law List, which is issued annually with the approval of The Law Society.[1] This, amongst other things, lists solicitors issued with practising certificates. Without valid certificates, solicitors may not practise. Each year, when applying for the issue of their annual practising certificates, solicitors are required to complete a form listing their professional particulars, some of which are reproduced in The Law List. The fact that a solicitor's name is not in this publication does not mean that he has not been issued with a practising certificate, because there is a discrepancy between the number of solicitors to whom The Law Society has issued certificates and the number actually appearing in The Law List. In the 1971 List Foster (1973: 154) found that 20,100 solicitors in private practice were listed, whereas The Law Society had issued 22,184 practising certificates. The difference between the two figures was due to the omission from the List of solicitors who did not supply the particulars requested, or whose returns were illegible. The Law List thus under-accounts for solicitors in private practice by a factor of 9% to 10%. Despite this shortcoming, the method of listing solicitors in the List - under the firms with which they practise, and firms by the towns in which they are located - makes it a particularly useful source.

As well as solicitors holding practising certificates, whether they work in private practice or business, local government and so forth, there is a body of solicitors who do legal work but who do not hold current

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1. The Law List has recently been superseded by a new publication, the Solicitors' Diary and Directory. The information in the new publication is very similar to that in its predecessor.

practising certificates (see Chapter 1, footnote 35, p.31). The annual renewal of the certificate to practise cost £30 in 1977 and £45 in 1978 and some solicitors (or their employers) may not feel that the expenditure is justified if they are not likely to avail themselves of the privileges which a current practising certificate brings - the right to appear in court or to do conveyancing work, for example. Solicitors who teach or who are engaged in advisory work in government or business are examples of this group, virtually all of whom are outside the private practice sector. The precise numbers of such qualified but non-practising solicitors are not known. In 1963 Johnstone and Hopson (1967: 360) estimated that there were 2,000 solicitors working as lawyers but not holding current practising certificates at a time when 20,269 current practising certificates had been issued, i.e. a ratio of about 1:10. Solicitors not holding current practising certificates were excluded from the sampling frame of this study.

TABLE 6.1

SOLICITORS IN PRIVATE PRACTICE: THE STRATIFICATION OF THE SAMPLE AND THE SAMPLING FRACTIONS USED

Location of the Practice	Size of the Practice		
	Small (1-2 Qualified Solicitors)	Medium (3-5 Qualified Solicitors)	Large (6 or more Qualified Solicitors)
Central Birmingham, including Edgbaston	1 in 4	1 in 3	1 in 2
Birmingham suburbs, Black Country towns and medium size towns*	1 in 2	1 in 1	1 in 1
Small rural towns**	1 in 1	1 in 1	1 in 1

* including, in the original sample design: all the Birmingham suburbs, Solihull, Worcester, Kidderminster, Stourbridge, Smethwick, Blackheath, Halesowen, Dudley, Cradley Heath, Bromsgrove and Redditch.

** including, in the original sample design: Droitwich, Pershore, Evesham, Malvern, Upton-on-Severn, Bewdley, Stourport and Tenbury Wells.

The following procedure was adopted in drawing up the sampling frame. Using The Law List, 1973, a note was made of every private practice in Central Birmingham, including the separate entry under Edgbaston. The practices were divided into three groups, according to the number of qualified solicitors working in each practice. The three groups were "small" practices (one or two qualified solicitors), "medium size" practices (three, four or five solicitors), and "large" practices (six or more solicitors). In order to ensure that a sufficient number of practices would be selected in each of the three groups, the sampling fractions were weighted. Amongst the "small" practices, every fourth practice was selected; amongst the "medium size" practices, every third practice; and amongst the "large" practices, every other practice (see Table 6.1). A sample of practices had now been obtained, stratified by size. Having identified the practices at each of which an interview was to be sought, it was next necessary to identify the individual solicitor who was to be approached. The names of the partners[2] in the chosen practices were listed and a name was selected at random using random numbers[3] (Lindley and Miller, 1966: 13). The solicitor identified was then contacted by letter (shown in Appendix A) followed by a telephone call requesting an interview.

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2. The focus of the research was partners, rather than assistant or associate solicitors who are typically paid a salary rather than sharing in the profits and direction of the practice. Assistant solicitors are usually found in the larger firms and are recently qualified men who will spend something like two to five years as assistants before, in many cases, being offered a partnership. Assistants often change practices in order to widen their experience.

3. There seem to be two styles of presenting solicitors' names in The Law List, presumably depending on the way in which the information is sent to The Law Society. For some practices names are listed alphabetically, whilst in others names are listed in order of seniority.

Practices in suburban areas and towns around Birmingham and medium size "independent" towns some distance from Birmingham

Solicitors' practices were listed in suburban areas of Birmingham and in the towns of Solihull, Worcester, Kidderminster, Stourbridge, Bromsgrove, Redditch, Smethwick, Blackheath, Halesowen, Dudley and Cradley Heath. With the exception of Solihull, all of the towns were shown in The Law List as being in Worcestershire. These towns and suburbs are independent and distinct from central Birmingham even though, apart from Worcester, Kidderminster, Redditch and Bromsgrove, they are part of the continuous urban sprawl of Birmingham and the West Midlands.[4] Practices in these towns and suburbs were listed and weighted sampling fractions were used to identify the practices to be contacted - amongst "small" practices, every other practice was selected and for "medium size" and "large" practices (less numerous than in central Birmingham) every practice was selected (see Table 6.1). Individual partners' names were then chosen, using the procedure described above.

Practices in small towns in rural areas

The small towns chosen were all in Worcestershire - Droitwich, Pershore, Evesham, Malvern, Upton-on-Severn, Bewdley, Stourport and Tenbury Wells. These towns have two features in common, their size (all having a population of less than 40,000) and their location (all being situated in rural areas, some distance from the nearest large town). Every one of the practices

4. Despite the urban sprawl, there is a considerable degree of local identity amongst Birmingham's suburban dwellers and, especially, amongst those in Black Country. Birmingham suburbs such as Harborne, Northfield, Rubery, etc. are in effect separate "towns" with their own "High Streets", shopping centres and community identification (in these suburbs, for example, people still refer to going into "the village" to shop). In the Black Country, the inhabitants are particularly conscious of locality - Lye is as distinct from Stourbridge as Wednesbury is from West Bromwich, even though the stranger cannot distinguish where one ends and the other begins.

in these towns shown in The Law List was included in the sampling frame and individuals were chosen by the means already described.

Three other points are important. First, where a firm of solicitors had offices in more than one town, or branch offices in the same town - as was quite common, particularly with some large firms - only one office or branch was included in the sample because it was intended to interview only one solicitor in each practice. Second, it is usual for a practice with a number of branches to include in The Law List the name of each solicitor under each branch, so that an individual is listed at each of his practice's branches. Consequently, when an individual solicitor was contacted at a particular address it was occasionally found that he worked at a different office. In these cases, eight in all, the interviews were completed at the office where the solicitor actually worked, resulting in a slightly great "spread" of towns in the sample than was originally intended. Interviews were thus also carried out at Bloxwich (one case), Sutton Coldfield (two), Oldbury (one), Bilston (one), West Bromwich (two) and Tewkesbury (one). These cases were grouped with practices in the "suburban areas and towns around Birmingham and "independent" towns" category, with the exception of the Tewkesbury case, which was categorised under practices in "small towns in rural areas". Third, it was decided after visiting Bromsgrove and Redditch that these towns would be more sensibly included in the "small towns in rural areas" group. Both have populations of less than 40,000 and are thus rather smaller than most of those in the "suburban areas and towns around Birmingham and "independent" towns" category, and both are surrounded by rural belts which set them apart from the Birmingham and West Midlands urban sprawl. The locations of practices at which interviews were actually carried out are shown in Chapter 7, Table 7.1, p.172.

TABLE 6.2

SOLICITORS IN PRIVATE PRACTICE - SUMMARY OF RESPONSE RATES IN TERMS OF THE ORIGINAL STRATIFICATION SCHEME

The Location of Practice	The Size of Practice: Small (1-2 Qualified Solicitors)			Medium (3-5 Qualified Solicitors)			Large (6 or more Qualified Solicitors)			Total		
	Interviews Possible	Interviews Achieved	% Achieved	Interviews Possible	Interviews Achieved	% Achieved	Interviews Possible	Interviews Achieved	% Achieved	Interviews Possible	Interviews Achieved	% Achieved
Central Birmingham, including Edgbaston	17	11	64.7	16	12	75.0	12	9	75.0	45	32	71.1
Birmingham suburbs, Black Country towns and medium size towns	20	17	85.0	26	21	80.8	16	16	100.0	62	54	87.1
Small rural towns	12	11	91.7	5	5	100.0	1	1	100.0	18	17	94.4
Total	49	39	79.6	47	38	80.9	29	26	89.7	125	103	82.4

Response Rates

The response rates achieved are summarised in Table 6.2, in terms of the sample stratification variables of the location and the size of the practice (the number of qualified solicitors in the practice).[5] The overall response rate for solicitors in private practice was 82.4%, with the lowest response rate amongst solicitors in small practices in Central Birmingham. This can be accounted for in terms of the pressures on the "small man" in a practice in the centre of a large city, where the press of events means that there is often little free time which can be spared to see an interviewer. In fact, it sometimes proved difficult to see Central Birmingham solicitors in small practices, who were often with clients or unexpectedly delayed in court at the time which had been arranged for the appointment.[6] The interview was usually a more leisurely affair in the small country towns, with coffee or sherry offered and little sense of the press of clients and telephone calls that was typical of the interview situation in Central Birmingham, particularly in the small practices.

In all, 103 interviews were completed amongst solicitors in private practice and there were 22 refusals (eight other solicitors were identified in the original listing and approached but were found to be retired, deceased or no longer practising).

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5. The size of practices at the time of interview had sometimes changed compared with the size as obtained from The Law List. This was because new partners or assistant solicitors had joined or firms had amalgamated. The size of practices in terms of the number of qualified solicitors at the time of the interview is shown in Appendix C, Table C.19, p.305.

6. Central Birmingham solicitors were more likely to appear in court "frequently" or "very frequently" compared with solicitors elsewhere (see Appendix D, p.354). Bridges et al (1975: 22-24) found that city centre solicitors in Birmingham did disproportionate amounts of contentious and legally aided work, the nature of which implies spending a great deal of time in court.

2. The Sample Design - Business Solicitors

The next part of the research design was to identify solicitors who practised, but not privately. There are two broad groupings of solicitors not in private practice. One group consists of those working for business, commercial and industrial organisations and for statutory and nationalised bodies. The second group consists of solicitors employed in local government. (A third group exists, solicitors who are civil servants working in central government, but none of these appeared, according to The Law List, 1975 to be located in the West Midlands area.) The List showed that there were 51 solicitors at 25 different business, etc, addresses in the West Midlands towns from which the sample was derived in the survey of privately practising solicitors. It was decided not to interview amongst the similar number of solicitors employed by local authorities - in the Town Clerks' departments, or as full-time Clerks to the Justices, and so forth. This group, it was considered, would be atypical as their holding of "official" positions might well inhibit their participation in community life.[7]

In order to obtain the widest spread of business, etc, organisations the decision was taken to seek an interview with at least one solicitor at each of the 25 business addresses identified. Further, so as to obtain an adequate total number of respondents, it was decided to seek interviews with three out of every four (38) of the 51 solicitors identified. So, where only one practising solicitor was employed in an organisation, an interview was sought with that individual. 25 names were derived in this way. The remaining 13 names were obtained by the use of random number

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7. Two of the private practice solicitors interviewed who had formerly worked in local government mentioned that, at that time, they had felt inhibited about joining local associations and taking a part in community activities. One remarked that he made a point of joining nothing, to show his impartiality!

tables. The 38 solicitors identified were contacted by letter (shown in Appendix A) followed by a telephone call requesting an interview. Of the 38 solicitors approached, interviews proved impossible to complete in nine cases; eight had left the organisation concerned[8] and one was based in his firm's London office. There were four refusals amongst the remaining 29 cases, so 25 interviews were completed, a response rate of 86.2%. Of the 25 solicitors interviewed, 11 worked for industrial and commercial organisations, ten in statutory and nationalised bodies, three in banking and insurance and one worked for a property company. Of the four solicitors who refused to be interviewed, one worked in each of the four categories - industry, statutory bodies, insurance and property.

The percentage of interviews achieved amongst solicitors in private practice was 82.4% and amongst business solicitors it was 86.2%. The overall response rate was 83.1%.[9] This compares favourably with other recent surveys of the profession. Elliott (1963) achieved a 71% response rate in a survey of graduate articled clerks, whilst Hilton and Lerner (1965) had only 81 questionnaires returned out of 145 distributed in a survey of articled clerks in Manchester, a response rate of 56%. More recently, two postal surveys carried out by the National Board for Prices and Incomes (1968, 1969, 1971) achieved response rates of 68% and 62%, and Abel-Smith, Zander and Brooke (1973) succeeded in carrying out 40

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8. The Law List, 1975 was less than a year old when the sample was drawn, so eight of 38 solicitors had changed their jobs in just over a year, a high rate of mobility.

9. It seems likely that this high response rate was achieved in part at least because the timing of the interviews (which were carried out in 1975 and 1976) was fortunate, coinciding with the setting-up of the Royal Commission on Legal Services and with a time when the legal profession was undergoing one of its periodic bouts of self-examination and self-criticism.

(76.9%) of a possible 52 interviews with solicitors in a survey of legal advice facilities in three London boroughs. In Scotland, Campbell and Wilson had a response rate of 82.7% to a postal questionnaire sent to lawyers (reported in Bridges et al, 1975: 46), whilst in Bridges et al's own research amongst Birmingham solicitors, 43 interviews were completed out of a possible 53, a response rate of 81.1%. Finally, Thomas and Mungham (1977) interviewed 40 (86.9%) of the 46 solicitors in the Cardiff duty solicitor scheme.

3. Interviews

Interviewing any group of well educated and sophisticated subjects poses special problems; interviewing solicitors involved an additional challenge, for these were people whose everyday practise inevitably involved them in a great deal of interviewing and eliciting information from clients and, in some cases, cross-examination. It was therefore especially important to make sure that the interviews were conducted effectively because, as Smigel has written of his research amongst Wall Street lawyers: "A researcher approaching these men on their home ground must be wary lest he become the respondent and the lawyer the interviewer!" (1958: 159-160).

Little resistance to the enterprise was encountered on the grounds that the researcher was not himself a lawyer (some difficulty had been expected here - on this see Smigel, 1958: 162). In recent years there have been a number of research studies of solicitors (see above) as well as questionnaires circulated by The Law Society[10] and it seems likely that

10. The latest being a questionnaire sent by the Royal Commission on Legal Services to all firms of solicitors in England and Wales. The President of The Law Society asked for the full co-operation of the profession in completing the questionnaire (The Law Society's Gazette, 74, 1977: 25).

solicitors have become familiar with the notion of research on their profession.[11]

The interviews began with essentially "factual" questions about the respondent's education, practice, and the like. This "settled" the respondent quickly and kept the initiative with the interviewer. It was hoped to arouse the respondent's interest by outlining the broad aims of the research at the outset and by mentioning, not only at the beginning but two or three times during the interview, that information would be treated in the strictest confidence. It was found to be helpful to slip into the opening conversation an indication that a high rate of co-operation had been obtained from other solicitors, in order to instil confidence into the respondents. Remarks implying a familiarity with the structure of the profession and its current problems also served to reassure respondents (this technique was also followed by Smigel, 1958: 162). The intention was to convey the impression that the interviewer was a well informed and sympathetic layman, an approach which often put the interviewer into the position of being "a shoulder on which to cry". Many solicitors felt uncertain about the future of their profession and were very sensitive to the frequent public criticism of solicitors and hence tended to "open out" when given a sympathetic ear.[12]

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11. One of the respondents remarked, incidentally, that he was "fed up" with receiving postal questionnaires to complete and invariably put them straight into the waste paper basket. However, he was only too willing to talk to someone who had taken the trouble to come out to his office to interview him ...

12. For a typical comment from a solicitor, pessimistic about the future prospects for the profession, see Salmon (1973), or the letter columns of almost any current issue of The Law Society's Gazette and the Solicitors' Journal. See also Appendix C, pp.297-298.

It was found that asking solicitors to complete the sections in the interview schedule about the nature of work carried out in the practice, the nature of their own work and the source of their practices' clients (see questions 25 to 27 in Appendix B, pp. 273-274) was an important element in stimulating the interest of respondents. Several, having completed this exercise, remarked how salutary it had been.

One question which was not included, after much consideration, concerned income. After piloting, it was felt that even an indirect attempt to ascertain solicitors' incomes might prejudice the relationship which the interviewer had been trying to build.

The schedule used in the interviews is at Appendix B - it will be noted that many of the questions were common to both private practice and business solicitors. The questions were piloted on three colleagues and a solicitor who is a personal friend before the schedule was drawn up in its final form. The time taken for the interviews ranged from 20 to 70 minutes for solicitors in private practice (mean 32.7, median 30 minutes) and from 20 to 60 minutes for business solicitors (mean 31.0, median 30 minutes).

4. Statistical Methods

In this section are discussed the statistical methods which have been used in the analysis of the data in the chapters which follow. The nature of the data collected determines, of course, the type of statistical test which may be used. The data collected was of "nominal", "ordinal" ("ranked") and "equal interval" types.

Nominal data is that where responses are simply classed in groups and no assumptions are made about relationships between the groups. For example, a classification in terms of religion (Protestant, Roman Catholic, etc.) or, as in this research, in terms of the respondent's secondary education (secondary grammar, independent, etc.). As Blalock has noted: "As long as the categories are exhaustive (include all cases) and non-overlapping (no case in more than one category) we have the minimal conditions necessary for the application of statistical procedures" (1972: 16).

Ordinal data differs from nominal data in that it can be ranked in terms of the extent to which respondents possess some characteristic or property, although the exact amount is not known. An example of this sort of data is the ranking of respondents into "upper", "middle" and "lower" social classes (assuming that norms about such a ranking exist in the population concerned). It may be known that a respondent is in the "upper" social class and that he is ranked higher than a respondent in the "lower" social class, but it cannot be said that the former is three times higher than the latter in terms of social class.

Equal interval data is data which is both ranked and for which the intervals between the rankings are known. Age is an example - here it can legitimately be claimed that a man aged 48 is twice as old as a man aged 24 whereas, as has been suggested, it cannot be said that the social class of a man in the bottom category of a three point ranking is only "one third" that of a man in the top category. A number of questions were asked where respondents were invited to check off categories presented to them on cards, e.g. the importance of nine types of legal work in the respondent's workload. Here the respondent checked one of seven possible points on a dimension ranging from "very important" to

"not at all important" for each type of legal work. Strictly speaking, this data was ordinal (ranked), but because the instruments presented to respondents were rather like "rulers" (i.e. with three, five or seven points) it was considered that these instruments approximated to a scale, that the data could be treated as equal interval and parametric statistical tests applied. This procedure is frequently adopted in the social sciences although, strictly speaking, parametric tests should not be used on ordinal (ranked) data. However, as Kerlinger has pointed out, this is legitimately done "without a qualm by most researchers[13] (1965: 426).

The importance of distinguishing between these three types of data lies in the different statistical techniques which are applied to each. The scheme outlined by Blalock in the endpapers of his book Social Statistics (1972) has been followed and in the subsequent chapters the following statistical techniques have been used:

(i) Chi Square (X^2)

This is used to test for differences between groups of nominal data, as in the following example:

Nominal Data	Nominal Data	
	Place of Birth	
Type of Secondary Education	In the Town of Interview	Elsewhere in the Midlands	Elsewhere in the UK
Secondary Modern			
Secondary Grammar			
Secondary Direct Grant			
Independent			

13. Kerlinger's book contains a useful discussion of the practical considerations which need to be taken into account in the application of statistics assuming equal interval scales to ordinal (ranked) data (1965: 425-428).

Using this test the researcher can decide whether or not the data obtained differs significantly from that which might be expected to occur by chance.

(ii) Analysis of Variance (F) and (t)

This is used to test for differences in the means of equal interval data (or ordinal data when scalar properties are assumed, see above) when associated with nominal data, as in the following examples:

Ordinal Data	Nominal Data
Importance of Criminal Work in the Respondent's workload	Sex

Equal Interval Data	Nominal Data
Respondent's Age	Sex

This test, in essence, enables a comparison to be made of means. In the second example, the mean ages of male and female respondents will be obtained. The researcher can then decide whether or not the difference between the two means differs significantly from that which might be expected to occur by chance. In the first example mean scores for the importance of criminal work in the workloads of male and female respondents may be compared.

(iii) Pearson's Correlation (r)

Pearson's correlation analysis is used to test for a relationship between equal interval data. For example:

Equal Interval Data	Equal Interval Data
Respondent's Age	Number of Partners in the Practice

This test not only indicates the direction of a relationship, but also its strength.

In addition to these statistical techniques, two simpler tools are used in the following chapters, where they are felt to be useful: the arithmetic mean (the sum of the scores of a group of data, divided by the total number of cases involved) and the median (a positional measure which indicates the score of the mid-way case in a group of data).

Finally, it will be noted that not only statistically significant relationships are reported but also other relationships in the data which seem to be relevant. Significance levels are given where appropriate and the convention has been adopted whereby confidence levels of 90% (i.e. $<.10$) or better are shown. It is accepted that it is more usual to show only confidence levels of 95% ($<.05$) or better, but as this research is breaking new ground it is felt to be important to draw attention to even relatively weak relationships among the data. Where the 90% level of confidence is not achieved relationships will be assumed to be "non-significant" (n.s.) in the statistical sense. It is as important not to claim too much for findings with 95% levels of confidence or better as it is to draw attention to interesting relationships amongst the data where the confidence levels are low. In this connection Moser (1958: 293-294) is one of a number of writers who have cautioned against an over-reliance on tests of statistical significance. Moser has drawn a useful distinction between the statistical significance of data and its substantive significance. Highlighting consistent trends in data can, he argued, be as useful as the application of tests of statistical significance. In the chapters which follow the term "significant" is used to refer to "statistical significance" and undue weight is not attached to statistically significant relationships except where these also appear to be of substantive and/or theoretical interest.

The remaining chapters report, comment on and analyse the data collected in the empirical research. The following Chapter, Chapter 7, briefly summarises the characteristics of respondents in terms of their background, education, careers, present work, etc (a full description is given in Appendices C and D) and presents a summary of data on involvement in community, political and professional activities.

CHAPTER 7

A BRIEF DESCRIPTION OF THE CHARACTERISTICS OF RESPONDENTS AND THEIR WORK

In this Chapter are presented data on the social background, education and careers of respondents, the practices or employment of private practitioner and business solicitors, and a summary of their replies to the questions on involvement in community, political and professional activities. Only the main characteristics of respondents, their work and their practices, etc, are indicated; a full commentary, together with appropriate Tables, is given in Appendix C. The data are presented, for the most part, in terms of comparisons between solicitors in private practice and those in business, commerce, industry and statutory bodies (hereafter referred to as business solicitors).

A total of 103 solicitors (partners or senior partners) in private practice were interviewed, and 25 in business. All of those interviewed were male - one female solicitor was drawn in the private practice sample, but she was one of those who refused to be interviewed.

Table 7.1 shows that the place of work of over a quarter of all respondents was in Central Birmingham or the Five Ways areas of Edgbaston, which constitutes an important and growing offshoot of the central business area of the City. About one fifth of respondents worked in the towns of the Black Country and a similar proportion in the small country towns of Worcestershire. The remainder practised either in the suburbs of Birmingham (including Solihull and Sutton Coldfield) or in the two medium size Worcestershire towns of Kidderminster and Worcester.

TABLE 7.1

THE LOCATION OF THE INTERVIEWS*

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
Central Birmingham (including Edgbaston)	4	16.0	32	31.1	36	28.1
Birmingham suburbs (including Solihull and Sutton Coldfield)	10	40.0	11	10.7	21	16.4
Black Country**	7	28.0	22	21.4	29	22.7
Worcester and Kidderminster	1	4.0	15	14.6	16	12.5
Small rural towns***	3	12.0	23	22.3	26	20.3
Total	25	100.0	103	100.0	128	100.0

* All the respondents were interviewed in their offices except for three, two of whom were interviewed in their homes and one in a waiting room at a magistrates' court. The office addresses were recorded as the locations of these interviews.

** Stourbridge, Smethwick, Halesowen, Dudley, Cradley Heath, Bloxwich, Oldbury, Bilston, West Bromwich.

*** Droitwich, Pershore, Evesham, Malvern, Bewdley, Stourport, Tenbury Wells, Tewkesbury, Bromsgrove, Redditch.

1. Personal Characteristics, Professional and Career Background

Business solicitors were somewhat younger than their counterparts in private practice and were more likely to have been educated at secondary grammar, rather than independent, schools. Proportionately more business solicitors than private practitioners held a university degree. Half of private practitioners, compared with less than one in ten of business solicitors, were practising in or within ten miles of the town in which they were born.

The social class backgrounds of the two groups of solicitors were very similar. Most came from middle class homes, though a much higher proportion of private practice solicitors than those in business had fathers who were also solicitors. The data also indicated a closer relationship to the profession amongst the families of private practice compared with business solicitors. Higher proportions of private practitioners had wanted to be a solicitor "Ever since I remember", were following family wishes or traditions in choosing a career in the profession and had help from their families in obtaining articles.

The legal education of the two groups was similar except that a higher proportion of business solicitors than private practitioners had studied full-time (in part, at least) for The Law Society examinations. The professional careers of private practice solicitors seem to have been rather more limited than those in business. Although many of the latter had worked in private practice, few private practitioners had business experience. Two thirds of all private practitioners had worked in one or two private practice firms only during their whole careers. A similar proportion of private practice solicitors had never worked outside the town of interview or within a ten mile radius of it. The data suggested a much more restricted and "local" orientation amongst private practice compared with business solicitors.

Business solicitors were rather less likely to take work home in the evenings and at weekends than private practitioners. The latter were much more likely to appear in court frequently than were business solicitors, though over half of the respondents in private practice appeared in court on average once a month or less.

2. The Present Practice or Employment

Only four of the 25 business solicitors did not have substantial legal duties. These respondents were senior members of their organisations at Company Secretary, etc, level. The remainder spent 60% or more of their time on legal work and 15 of the 25 spent 90% or more of their time on legal duties. By far the most important types of legal work carried out by business solicitors were Company and Commercial work and Property and Conveyancing. The least important categories of work were Matrimonial, and Wills and Probate work.

TABLE 7.2

PRIVATE PRACTICE RESPONDENTS - NUMBER OF PARTNERS IN THE PRACTICE

	N	%
One	14	13.6
Two	22	21.4
Three-Five	38	36.9
Six-Nine	20	19.4
Ten-18	9	8.7
Total	103	100.0

Looking at private practice solicitors, there was a very considerable range in the size of the firms in which they practised, from sole practitioners to 18 partner practices, from a firm with 130 employees (including partners) down to a two person firm. Table 7.2 shows the size of practices, in terms of the numbers of partners. In half of the 103 practices at least one assistant solicitor was employed, in two thirds at least one articled clerk was employed and in nearly 40% of practices there were ten or more fee-earners (a fee-earner is a member of a firm who directly generates income for the practice).

Property and Conveyancing was the most important type of work carried out in the great majority of practices, followed by Wills, Probate, etc, and Matrimonial work. European and International work was important in only a tiny minority of practices. There was evidence of specialisation in Criminal, and Company and Commercial work, with some practices doing a lot and others very little of such work. Correlation analysis suggested that the work of practices tended to fall into three areas of specialism - contentious matters, business and commercial work, and matters connected with wills, probate, capital transfer tax, etc.

The work of respondents was concentrated much more into a few fields than was the work of practices, indicating intra-firm specialisation. However, few respondents did little or no work in the areas of Property and Conveyancing, and Wills, Probate, etc, (in these areas the volume of work is large in most practices). Correlation analysis confirmed the high degree of specialisation in the work of respondents; this was supported many times by remarks made by solicitors during the interviews, where the importance of specialisation was widely recognised.

The most important source of clients in the practices was Existing Clients returning and their recommendations. Casual Callers as a source of clients was regarded as being of little importance by most respondents.

Private practice solicitors were asked to say what, in their opinion, made for a successful practice in the present day world. The two most frequently mentioned points were attention to clients, the personal touch, etc, and hard-working partners. The need to run a practice on business lines was often mentioned, as was the need to offer both a broad range

of services to clients and specialisation. An underlying antagonism between the personal touch and running a practice on business lines, and between offering a broad range of services and specialisation, was noted.

3. Solicitors' Involvement in Community, Political and Professional Activities

TABLE 7.3

NUMBER OF NON-POLITICAL COMMUNITY ORGANISATIONS, CLUBS, ASSOCIATIONS, ETC, OF WHICH RESPONDENT IS AT PRESENT A MEMBER

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
Nil	7	28.0	7	6.8	14	10.9
One	4	16.0	17	16.5	21	16.4
Two-Four	14	56.0	54	52.4	68	53.1
Five or more	-	-	25	24.3	25	19.6
Total	25	100.0	103	100.0	128	100.0

Solicitors in private practice were more likely than business solicitors to be members of non-political community organisations, associations, etc, (see Table 7.3). Private practitioners belonged, on average, to twice as many organisations as business solicitors. Private practitioners were also more likely to be on the committees of such organisations and were more likely than their counterparts in business to believe that participation in organisations in the community had helped their legal careers.

TABLE 7.4

MEMBERSHIP OF A POLITICAL PARTY

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
At present a member	4	16.0	33	32.0	37	28.9
Not a member	21	84.0	70	68.0	91	71.1
Total	25	100.0	103	100.0	128	100.0

For political activities, although the degree of interest in politics amongst the two groups of solicitors was virtually identical, twice the proportion of private practice compared with business solicitors were members of a political party (see Table 7.4). Private practitioners were also more likely to be members of the committee of a political party, to have stood for election in a local or General election, to sit on a local council and to have helped a candidate in an election campaign.

TABLE 7.5

MEMBERSHIP OF PROFESSIONAL BODIES

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
Member of The Law Society	20	80.0	92	89.3	112	87.5
Member of a local law society	14	56.0	99	96.1	113	88.3

Solicitors in private practice were more involved in professional activities than business respondents. Private practitioners were rather more likely to be members of The Law Society or a local law society (see Table 7.5). Only a handful of both groups of solicitors

were directly involved in the work of The Law Society (in the sense of being on committees, etc) at national level, but many private practitioners were committee members and office holders in their local law societies. Private practitioners were also more frequent attenders than business solicitors at local law society meetings.

4. Respondents in Private Practice - Differences by the Location and the Size of the Private Practice

Hypotheses 2 and 3 in Chapter 5 postulated that the size and the geographical location of a private practice would be important in relation to the extent to which solicitors participated in community and political activities. In this section data on the social background, etc, of private practice respondents, their careers, practices and so on are briefly analysed in terms of the location and the size of the practice. A fuller commentary, together with appropriate Tables, is given in Appendix D.

Location of the Practice

The differences between private practice respondents who worked in Central Birmingham and Edgbaston (N = 32) and those who worked elsewhere (i.e. the Birmingham suburbs, Black Country towns, Worcester and Kidderminster, and small rural towns, N = 71) were not very great (it was recognised, however, that the numbers of respondents in the various sub-categories were sometimes quite small). Their educational backgrounds were similar, except that graduate solicitors in Central Birmingham were more likely to be graduates of Oxbridge and London than those elsewhere. Solicitors elsewhere seemed to have a rather stronger "family connection" with the profession than those in Central Birmingham. The mean size of private practices in Central Birmingham was slightly larger than those

elsewhere. Practices in Central Birmingham were more likely than those elsewhere to do European and International work (though this was, overall, the least important of all nine types of work) and less likely to do Property and Conveyancing, and Wills, Probate etc, work. There was good evidence that solicitors in firms in Central Birmingham specialised much more in their work than did those in practices located elsewhere.

Size of the Practice

Respondents educated in independent schools were rather more likely to be found in larger firms, as were Oxbridge and London graduates (compared with non-Oxbridge graduates). Though the evidence was rather weak, there was a tendency for respondents with a "family connection" with the legal profession to practise in smaller firms. There was also some evidence of more geographical and inter-practice mobility in the careers of partners in smaller firms. Respondents in larger practices seemed to be somewhat more satisfied with their occupation as a solicitor than those in smaller practices. Property and Conveyancing, and Matrimonial work, were of equal importance in the work of a practice whatever the size of a firm, but Company and Commercial work, and Tax Matters, were more important in larger compared with smaller firms. In larger firms all of the nine categories of work were important with the exception of European and International work. Respondents in larger firms were especially likely to rank as important in their personal workloads Company and Commercial work and to rank as not important Criminal work. The data indicated that partners in smaller firms tended to spread themselves across a number of different types of legal work, whereas those in larger firms specialised to a much greater extent.

In the following three Chapters, 8, 9 and 10, the hypotheses listed in Chapter 5 are tested. In Chapter 8 indicators of involvement in community, political and professional activities are developed and these are used to test the hypothesis concerning the community and political involvement of private practice and business solicitors. In Chapter 9 the involvement of private practice solicitors in community and political activities is considered, using the size and the location of the practice as independent variables. Chapter 10 reports the findings on the remaining hypotheses.

CHAPTER 8

SOLICITORS IN BUSINESS AND PRIVATE PRACTICE - INVOLVEMENT IN COMMUNITY, POLITICAL AND PROFESSIONAL ACTIVITIES

The first of the hypotheses, Hypothesis 1, postulated that business solicitors would be less involved than private practitioners in community and political activities. It was argued in Chapter 5, p.145 that solicitors employed in business organisations would not need to make themselves known and to "advertise ethically" in the same manner as did private practitioners, nor would the expectations of members of the community that business solicitors should involve themselves in activities be as strong as in the case of solicitors in private practice. In this Chapter this hypothesis is examined and indicators of community and political involvement are developed. The involvement of the two groups of solicitors in professional activities is also considered and indicators of professional involvement are also developed.

1. Indicators

It is first necessary to discuss the indicators which will be used to measure participation in community, political and professional activities An attempt to create a composite indicator of the "prestige of the work situation" - which one American author (Hourani, 1966, 1969) considered to be an important factor in determining the degree of lawyers' participation in community and political activities - is also discussed.

Community Activities

Data were collected on a number of items which were thought to have potential as indicators of a solicitor's participation in community affairs: (i) the number of organisations, clubs, and associations of which the solicitor was a member, and (ii) a committee member; (iii) whether or not the solicitor was a member of a public board or committee (such as a Mental Health Tribunal); (iv) whether or not the solicitor attended a voluntary law "surgery"; (v) the extent to which the respondent believed that participation in community activities had helped his legal career; (vi) the extent to which the partners' extra-mural activities were regarded as important as a source of clients in the practice; (vii) whether or not "getting known and making contacts" was mentioned by the respondent as one of the factors making for a successful practice.[1] Correlation analysis showed an association between the number of organisational memberships (i) and the number of committee memberships (ii) held by respondents ($r = 0.5977$, $p < .001$), so it was decided to combine these into an indicator of "involvement in community activities", item (viii).

TABLE 8.1

CORRELATION MATRIX OF SOME OF THE INDICATORS OF PARTICIPATION IN COMMUNITY ACTIVITIES (N = 128)

	(i)	(ii)	(v)
(i)	1.0000	0.5977***	0.3430***
(ii)	-	1.0000	0.1539*
(v)	-	-	1.0000

*** $p < .001$

* $p < .05$

1. These seven items tapped two rather different aspects of "involvement", in that (i) to (iv) are about membership and so are essentially "factual" in nature, whereas (v) to (vii) are concerned with what respondents believed to be the case. It might have been misleading to combine items concerned with membership with those concerned with belief in the construction of general or composite measures, and in fact this was not done.

It was also hoped to create a composite measure of community participation using all or some of the individual items (i) to (vii) mentioned above. Items (iii) and (iv) could not be included because only a very small proportion of respondents were involved in these activities and items (vi) and (vii) could not be used because these questions were applicable to respondents in private practice only. Two of the remaining three pairs correlated reasonably well, as Table 8.1 shows.[2] However, since only three items, (i), (ii) and (v), were left (and items (i) and (ii) had already been used to form the combined indicator of "involvement in community activities" item (viii), and item (v) was a "belief" rather than a "membership" item) it was decided not to proceed to create a composite measure of participation in community activities. In the following discussion, only the individual indicators of participation in community activities (and the combined indicator) are used.

Political Activities

Items on which information was collected included: (i) the extent to which the solicitor was interested in politics; (ii) whether or not he was a member of a political party, and (iii) a committee member or officer of a political party; (iv) whether or not the solicitor had been a candidate at a local or General election; (v) whether or not he had ever been a local councillor; (vi) had the solicitor ever helped a candidate in a local or General election campaign?; (vii) the extent to which the solicitor believed that participation in politics had helped

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2. Items (i) and (ii) were quantitative items and item (v) was scored from five "helped a lot" to one "hindered a lot" and non-participation in community activities was scored nil.

or hindered his legal career.[3] A general indicator of "political involvement" (viii) was also created, using a Guttman scaling technique (Nie, Bent and Hull, 1970: 196-207). Four items were used which, it was felt, might meet the criteria necessary for the construction of a Guttman scale in that they were cumulative and also indicated movement towards or away from a common object - had the respondent helped in an election campaign? (vi); was the respondent a political party member? (ii); was the respondent the member of a committee of a political party? (iii); was the respondent at present a local councillor? (v). The coefficient of reproducibility achieved was 0.9531 and the coefficient of scalability was 0.7692 (coefficients of more than 0.9 and 0.6 respectively are usually considered to be adequate indicators of the validity and cumulative nature of a Guttman scale). It was therefore decided to use this scale in the analysis of the influence of the independent variables.

TABLE 8.2

CORRELATION MATRIX OF SOME OF THE INDICATORS OF PARTICIPATION IN POLITICAL ACTIVITIES (N = 128)

	(i)	(ii)	(iii)	(iv)	(vi)
(i)	1.0000	0.2317**	0.2713***	0.3048***	0.3526***
(ii)	-	1.0000	0.5648***	0.3721***	0.4987***
(iii)	-	-	1.0000	0.5091***	0.6361***
(iv)	-	-	-	1.0000	0.3916***
(vi)	-	-	-	-	1.0000

*** $p < .001$

** $p < .01$

3. Items (ii) to (vi) were "factual" questions whereas (i) and (vii) were about interests and beliefs, so the same considerations outlined in footnote 1 on p. 182 apply.

It was also hoped to construct a compositive measure of participation in politics, using all or some of the items mentioned above. Five were used: items (i), (ii), (iii), (iv), and (vi). Item (v) was omitted because only a very small proportion of respondents had ever been local councillors and item (vii) was omitted because a very large proportion of candidates replied in the "neutral" category of response. The correlation matrix for these items is shown in Table 8.2.[4] The inter-correlations between these items were generally higher than for those on community participation. It was decided to discard items (i) and (iv), for which the inter-correlations were lower, and create a composite measure of political participation based on items (ii), (iii) and (vi). Item total correlation was carried out, giving correlations of $r = 0.5669$, $r = 0.6923$ and $r = 0.5997$ respectively (for each, $p < .001$). The reliability of this collection of items was tested using a form of Cronbach's "Coefficient Alpha" test (Nunnally, 1967: 193-194).[5] A reliability coefficient of 0.8301 was obtained - a value of more than 0.5 is usually regarded as an acceptable indication of internal reliability in the construction of a new measure.

A composite measure of political participation had now been drawn up which could be used in the testing of the effect of the nature (private or business) and the size and the location of the private practice on political participation. It was recognised that this composite measure

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4. Item (i) was scored three for "very" to one for "not at all interested"; item (ii) was scored three for "at present a member", two for "formerly a member" and one for "never a member"; item (iii) was scored two for "at present or formerly an office holder" and one for "never held office"; (iv) was scored three for "has been a candidate at both levels", two for "has been a candidate at one level", one for "never been a candidate"; (vi) was scored three for "helped at both levels", two for "helped at one level", one for "never helped".

5. In this test $r_{kk} = \frac{kr}{1 + (k - 1)\bar{r}}$, where r_{kk} is the reliability coefficient, where k is the number of items and $\bar{r}$ is the average of the correlations between them.

was only an approximate indicator of the degree of participation in political activities, because the item total correlations were not high in terms of shared variance. However, it was considered to be worthwhile using this composite measure in addition to the individual indicators (and the general indicator) of political participation.

Professional Activities[6]

There were a number of items which provided information on a solicitor's professional activities: membership of (i) The Law Society; (ii) a local law society, and (iii) other lawyers' associations and groups; (iv) whether or not the solicitor sat or had in the past sat on a law society committee at national, or (v) local level, or (vi) was a member of a local legal aid committee; (vii) the frequency of the solicitor's attendance at national, and (viii) local law society meetings.[7] A general indicator of "professional involvement" (ix) was also created, using a Guttman scaling technique, in a manner similar to that for the indicator of political involvement. The items used were: was the respondent a member of his local law society? (ii); did the respondent attend local law society meetings "usually" or "occasionally"? (viii); was the respondent the member of a local law society committee? (v). The coefficient of reproducibility achieved was 0.9792 and the coefficient of scalability was 0.9140, indicating that the validity and cumulative nature of the scale was satisfactory. It was therefore decided to use this scale in the analysis of the influence of the independent variables.

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6. Involvement in professional activities did not figure in any of the hypotheses, but it was felt to be logical to discuss the findings on this in this Chapter.

7. All of these items were concerned with membership or were "factual" rather than belief questions.

TABLE 8.3

CORRELATION MATRIX OF SOME OF THE INDICATORS OF PARTICIPATION IN PROFESSIONAL ACTIVITIES (N = 128)

	(i)	(ii)	(v)	(vi)	(viii)
(i)	1.0000	0.2559**	-0.1380	0.0454	0.0004
(ii)	-	1.0000	0.6046***	-0.0669	0.1823*
(v)	-	-	1.0000	-0.0195	0.0755
(vi)	-	-	-	1.0000	0.1696*
(viii)	-	-	-	-	1.0000

*** $p < .001$
** $p < .01$
* $p < .05$

An attempt was also made to construct a composite measure of participation in professional activities using items (i), (ii), (v), (vi) and (viii). Items (iii), (iv) and (vii) were omitted because only a small proportion of respondents were involved in these activities. The correlation matrix for the remaining items is shown in Table 8.3.[8] The inter-correlations between these items were very low, except for one pair, and it was decided not to go on to create a composite measure of professional participation. In the discussion which follows, only the individual indicators of participation in professional activities (and the general indicator) are used.

Prestige of the Work Situation

In his research based on a sample of 144 lawyers in Ingham County, Michigan, Hourani created an indicator of the prestige of the lawyer's work situation (1966: 102-105, 1969: 149-150). He was primarily

8. Items (i), (ii), (v) and (vi) were scored two for "yes" and one for "no"; item (viii) was scored from three for "usually" to one for "rarely", and non-attendance was scored nil.

interested in the political activities of lawyers and argued that the prestige of the work situation was a key variable in influencing the degree and nature of a lawyer's participation in politics. Hourani's indicator was made up of six items:

(a) the type of lawyer's practice (solo, partnership, or salaried employee),

(b) the number of partners in the practice (if the lawyer was not a sole practitioner or salaried employee),

(c) the stage of the legal career of the lawyer (based on the number of years he had been in practice),

(d) the lawyer's income,

(e) whether the lawyer was in full-time or part-time practice,

(f) whether the lawyer handled mainly domestic, or business and commercial cases.

TABLE 8.4

HOURANI'S CORRELATION MATRIX OF INDICATORS OF THE PRESTIGE OF THE WORK SITUATION (N = 144)

Source: Hourani, 1966: 103, Table V.1

Hourani created a correlation matrix (see Table 8.4) which he considered to have established inter-relationships between these items.[9] He assigned scores to each category of each item - e.g. on item (a) a solo lawyer or salaried employee scored one, a partner in a firm with two partners scored two, a partner in a firm with three or four partners scored three, and a partner in a firm of five or more partners scored four. Total scores based on the six items were obtained for each respondent. Hourani was then able to assign each respondent to a "high", "middle" or "low" prestige work situation, depending on the total score registered. Hourani then used the prestige of the work situation as an independent variable in the analysis of a number of dependent variables concerning political activity, voting behaviour, and so forth.

This procedure, Hourani recognised, was arbitrary, but he argued that the scores which he assigned to each of the categories of each item reflected "the estimated norms held by lawyers and the impressions received from writings on the profession" (1969: 150).

It was decided to create a correlation matrix of items reflecting the general prestige of the solicitor's work situation, in order to see if it was possible to proceed to the creation of a composite indicator in the way in which Hourani had done. Where possible, items analogous to those of Hourani were used, as follows:[10]

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9. The associations between the items in Table 8.4 are weak and seem scarcely to have justified Hourani's proceeding further.

10. Items (1) and (2) are very similar to those used by Hourani, (b) and (c). Items (3), (4) and (5) were selected as analogous to his for domestic, and business and commercial, work, (f). Data on solicitors' incomes were not available and the category of part-time or full-time practice did not apply to the respondents in this study.

(1) the size of the practice, in terms of the number of partners

(2) the number of years since the respondent was admitted a solicitor

(3) the extent to which Matrimonial work was important in the solicitor's workload

(4) the extent to which Company and Commercial work was important in the respondent's workload

(5) the extent to which Tax Matters were important in the respondent's workload

TABLE 8.5

CORRELATION MATRIX OF INDICATORS OF THE PRESTIGE OF THE WORK SITUATION DEVISED IN THIS STUDY (N = 103)

	(1)	(2)	(3)	(4)	(5)
(1)	1.0000	-0.1435	0.2040*	0.2293*	0.1296
(2)	-	1.0000	0.3085***	0.0975	0.0016
(3)	-	-	1.0000	0.2242*	0.1966*
(4)	-	-	-	1.0000	0.4131***
(5)	-	-	-	-	1.0000

*** $p < .001$

* $p < .05$

The correlation matrix obtained is shown in Table 8.5, and this may be compared with that obtained by Hourani shown in Table 8.4. The correlations obtained using these data were similar to those of Hourani. Nine of Hourani's 15 correlations were 0.2 or better and three of the 15 were 0.3 or better, compared with five of the ten and two of the ten in this study, respectively. Hourani concluded that although the correlations he obtained were not always significant: "yet they help summarize the relationship of these elements to each other" (1966: 102).

Hourani was confident enough of the inter-relationships of these items making up the prestige of the work situation to go on to construct a composite measure in the manner described above. However, it was decided not to proceed any further along these lines in this research, because the correlations between the individual items were regarded as not sufficiently strong to justify their use as a composite measure.[11] Rather than create a composite measure of the prestige of a solicitor's work situation it was decided to abandon this line of enquiry. This meant that Hypothesis 5 could not be tested as it had not proved possible to construct an indicator of the prestige of the work situation.[12]

2. Results

In this section are presented findings on the involvement of private practice (N = 103) and business (N = 25) solicitors in community, political and professional activities, using the indicators discussed in the previous section.

Hypothesis 1 "Solicitors in private practice will be more involved in community and political activities than solicitors working in business organisations"

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11. When Cronbach's "Coefficient Alpha" test (see above) was applied by this writer to Hourani's inter-correlations shown in Table 8.4, a reliability coefficient of 0.3088 was obtained, indicating that the internal reliability of his items did not justify his construction of a composite measure!

12. Another attempt to gauge the prestige of practices was unsuccessful. It was known that solicitors build up in their minds a rough "pecking order" of the practices with which they deal year in, year out. A solicitor who is a personal friend of the writer was asked to rank the 103 private practices at which interviews were carried out in terms of their prestige within the profession. This procedure was not successful because of the ranker's inadequate knowledge of some practices and an unwillingness to commit himself in some instances.

Community Activities

The findings for six of the indicators[13] were as follows:

Item No.		
(i)	Number of clubs, organisations, etc, of which a member	Business solicitors, mean number 1.56 clubs Private practice solicitors, mean number 3.06 clubs $t = 3.62$ ($p < .001$)
(ii)	Number of clubs, organisations etc, of which on the committee	Business solicitors, mean number 0.52 clubs Private practice solicitors, mean number 1.20 clubs $t = 2.29$ ($p < .05$)
(iii)	Member of a national or public board or committee	Business solicitors, nil respondents Private practice solicitors, 6.8% (7) respondents $x^2 = 1.80$ df = 1 (n.s.)
(iv)	Attends a voluntary law "surgery"	Business solicitors, nil respondents Private practice solicitors, 14.6% (15) respondents $x^2 = 4.12$ df = 1 ($p < .05$)
(v)	The extent to which the respondent believed that participation in community activities had helped his legal career	Business solicitors, mean score 2.24† Private practice solicitors, mean score 3.48† $t = 3.47$ ($p < .001$)
(viii)	Indicator of involvement in community activities	Business solicitors, mean number 2.08 memberships Private practice solicitors, mean number 4.26 memberships $t = 3.44$ ($p < .001$)

† For this indicator, the mean score for all respondents was 3.24

13. Items (vi) and (vii), mentioned on the section on the development of indicators above, were not used because they were specifically concerned with features of private practice work and so these questions were not asked of business solicitors.

The above data show clearly that private practitioners participated to a much greater extent in community activities than did business solicitors - the direction of the data was uniform and for five of the six items the differences were statistically significant, according to the criteria defined in Chapter 6, pp.165-169.

Political Activities

The findings for the nine indicators were as follows:-

Item No.		
(i)	Interest in politics	Business solicitors, mean score 2.24† Private practice solicitors, mean score 2.18† $t = 0.37$ (n.s.)
(ii)	Member of a political party	Business solicitors, 16.0% (4) respondents Private practice solicitors, 32.0% (33) respondents $x^2 = 1.80$ df = 1 (n.s.)
(iii)	Member of the committee of a political party	Business solicitors, 4.0% (1) respondents Private practice solicitors, 9.7% (10) respondents $x^2 = 0.27$ df = 1 (n.s.)
(iv)	Been a candidate at a General or local election	Business solicitors, nil respondents Private practice solicitors, 11.7% (12) respondents $x^2 = 1.99$ df = 1 (n.s.)
(v)	Been a local councillor, past or present	Business solicitors, nil respondents Private practice solicitors, 9.7% (10) respondents $x^2 = 2.63$ df = 1 (n.s.)
(vi)	Helped a candidate in a General or local election campaign	Business solicitors, 24.0% (6) respondents Private practice solicitors, 44.7% (46) respondents $x^2 = 2.75$ df = 1 ($p < .10$)

(vii)	The extent to which the respondent believed that participation in politics had helped his legal career	Business solicitors, mean score 0.84† Private practice solicitors, mean score 1.20† t = 1.03 (n.s.)
(viii)	Indicator of involvement in political activities	Business solicitors, mean score 0.44† Private practice solicitors, mean score 0.90† t = 2.03 ($p<.05$)
	Composite measure of participation in political activities	Business solicitors, mean score 7.30† Private practice solicitors, mean score 7.96† t = 1.75 ($p<.10$)

† For item (i), the mean score for all respondents was 2.19, for item (vii) it was 1.13, for item (viii), 0.81 and for the composite measure, 7.43.

Three of the above relationships were statistically significant. The uniform direction of the data was also indicative. Private practice solicitors were rather more likely than business solicitors to be (or have been) members of political parties and on the committees of political parties, to have been candidates and to have been elected as councillors. Private practitioners were also more likely to have helped in election campaigns and this group also had a higher mean score for the indicator of political involvement and for the composite measure. It is of considerable importance, however, that for the item concerning general <u>interest</u> in politics, item (i), there was virtually no difference between the two groups of respondents. It seems, therefore, that the different degree of <u>participation</u> in politics can be understood in terms of the different work situations of private practice and business solicitors.

Professional Activities

The findings for six of the indicators[14] were as follows:

Item No.		
(i)	Member of The Law Society (national)	Business solicitors, 80.0% (20) respondents Private practice solicitors, 89.3% (92) respondents $x^2 = 0.86$ df = 1 (n.s.)
(v)	Member of a local law society committee	Business solicitors, nil respondents Private practice solicitors, 22.3% (23) respondents $x^2 = 5.37$ df = 1 ($p < .05$)
(vi)	Member of the local Legal Aid committee	Business solicitors, nil respondents Private practice solicitors, 13.6% (14) respondents $x^2 = 3.92$ df = 1 ($p < .05$)
(vii)	Attendance at national Law Society meetings	Business solicitors, mean score 0.88† Private practice solicitors, mean score 0.92† t = 0.45 (n.s.)
(viii)	Attendance at local law society meetings	Business solicitors, mean score 0.68† Private practice solicitors, mean score 1.67† t = 2.28 ($p < .05$)
(ix)	Indicator of involvement in professional activities	Business solicitors, mean score 0.68† Private practice solicitors, mean score 1.69† t = 5.70 ($p < .001$)

† For item (vii) the mean score for all respondents was 0.91, for item (viii) it was 1.38, and for item (ix), 1.49.

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14. As a very high proportion of private practice respondents (96.1%, 99) were members of a local law society (item (ii)) it was decided to exclude analysis using this indicator. Only a very small number of respondents had sat on a national Law Society committee (item (iv)) or were members of other lawyers' groups (item (iii)) and it was similarly decided not to use these items.

The above data indicate clearly that solicitors in private practice were much more involved in professional activities than those employed in business. The direction of the data was uniform and for four of the six items the differences were statistically significant.

3. Discussion

The results presented above show that solicitors in private practice were more involved in community and professional activities than their counterparts working in business. For involvement in political activities, the results were slightly less clear-cut, nevertheless the direction of the data revealed a similar tendency.

Community Activities

Looking first at community activities, private practitioners were members of, and committee members of, a mean of twice as many organisations, clubs and associations as business solicitors. The data in Appendix C, Table C.38, p.330 throw further light on this. This Table indicates that business solicitors were a little more likely to belong to "hobby" (20.0%, 5) and "religious" (16.0%, 4) bodies than private practice solicitors (16.5%, 17 and 10.7%, 11 respectively). However, very much higher proportions of private practitioners were members of organisations in the "social and ex-service" (20.4%, 21 compared with 4.0%, 1), "business and semi-professional" (13.6%, 14 compared with nil) and "social and charitable" (18.4%, 19 compared with nil) categories. This latter group of organisations is precisely that where the spin-off for professional purposes might be expected to be the greatest. In "hobby" and "religious" associations and to a lesser extent "sporting" and "cultural" clubs, it seems reasonable to suppose that the spin-off for the professional career will be less direct, though by no means totally absent.

Private practice solicitors recognised the help which participation in community activities had given to their legal careers - 60 (62.5%) out of the 96 who were involved in community activities said that participation had helped, whereas 17 (94.4%) out of 18 business solicitors said that participation had neither helped nor hindered their legal careers (see Appendix C, Table C.39, p.331). One of the few solicitors in private practice who did not take part in community activities nevertheless recognised the importance of these: "I would like to participate in outside activities, but I just don't have the time" was the comment of a sole practitioner in Central Birmingham.

Many private practitioners were at pains to stress that, although being involved in various voluntary organisations, clubs, and the like was beneficial to their practices, they were not members primarily in order to solicit business:

> As a mason you enter into an obligation not to seek business through masonry. But you don't refuse to see people if you meet them in the Lodge! I've had a lot of clients who know me, though I can honestly say I've never sought business from them. I don't pursue my interest in masonery for business reasons, but any organised social activity must help you get clients (partner in a six partner practice in Central Birmingham).

Another respondent said:

> Put it like this. If I hadn't had these activities, the practice wouldn't have had so many clients. But I don't do these things to get clients! (partner in one of the largest practices in Birmingham).

And:

> It has helped tremendously. One meets many people socially - at a shoot, for instance - and it enhances your business, though you don't, of course, tout for it (senior partner in a practice in a country town).

Participation in extra-professional activities was also seen by many private practice respondents as having a broadening function and hence

as a necessary activity for the practising solicitor:

> It is essential that a lawyer has outside experience. The solicitor straight out of law school or university is useless. "Broadening out" - you can only advise people if you know how they live, and this you find out from mixing with non-lawyers in outside activities (solicitor in a small partnership in a medium size town).

A partner in a firm in Central Birmingham (Edgbaston) put the point as follows:

> Solicitors should mingle. One meets people, gets known, you can show you've got a grasp of affairs (I like the old description of solicitors as "men of affairs") and this rubs off, so that people turn to you naturally.

Another solicitor mentioned that:

> My work at the ... neighbourhood centre has widened my approach as a lawyer. I think lawyers' training is too "traditional" and includes little "welfare law". Working at the neighbourhood centre introduces you to this sector (partner in a small Central Birmingham practice).

One respondent, who spent a lot of time in court, saw his activities outside the profession as, amongst other things, a form of useful diversion:

> I believe that lawyers should get involved in activities outside their profession. One balances out the other, helps to preserve sanity; and a lawyer can make an effective contribution. You may be on a murder case all day, then a ... meeting in the evening is a form of relaxation (senior partner in a Central Birmingham practice).

A few solicitors in private practice said that the pressure of work or family commitments prevented their getting too much involved in activities in the community:

> I am far too busy to get involved. My work is very much on the company-commercial side, with heavy demands in reading and keeping up with all the new legislation - such as this Housing Finance Act (senior partner in a practice with three partners in Central Birmingham).

And:

> One gets asked to go onto all sorts of committees. Some years ago I had one night "in" at home in a whole month and my wife put her foot down! (partner in a small firm in Central Birmingham).

Younger solicitors and those setting up in practice stressed the importance of community activities, as the American research of Hourani, of Lortie, and of Matthews similarly indicated (see Chapter 3, p.107) A sole practitioner who had set up in practice a few years previously in a small country town said:

> When I first came here I banged the drum a lot - I make no bones about it. You can't just sit in an office and hope people will come. The ironical thing is, I got so tired as a result of being out most evenings that I often fell asleep at the office! You see, when I bought this practice I didn't even know where ... was, I had to look it up on a map.

A minority of respondents felt that involvement in extra-professional activities might, unless great care was taken, border on the improper and unprofessional. One forcefully commented:

> I believe very strongly in keeping the two spheres separate ... I deplore the mixing of one's professional and social activities (partner in a medium size firm in Central Birmingham).

Solicitors in business recognised that many of their counterparts in private practice were much involved in extra-professional activities and several mentioned that this was an aspect of private practice which they found unattractive. A solicitor in a large manufacturing organisation commented:

> My experience of legal colleagues in industry is that we get out and about much less than those in private practice.

Another said:

> This would put me off private practice - I dislike intensely the social round of the private practitioner (a solicitor in banking).

A respondent in another industrial organisation said:

> My spare time is for unwinding, not leaping around from meeting to meeting. I had enough of that in private practice.

For some solicitors in business, their routine was in any case not conducive to active participation in community associations:[15]

> In our jobs, though it hasn't affected me so much, some of us are sent abroad or about the country frequently, as the need arises, to the individual Group companies. This messes up your home life and tends to curtail your outside activities. And frequently travelling means you have less energy for outside activities (a solicitor in a large industrial conglomorate).

Another commented:

> It is often impractical for a solicitor in industry to get involved in community affairs. He cannot get someone else to do his work and he has to keep the general management function "ticking over". And he often goes abroad a lot at short notice (a solicitor in a large manufacturing organisation).

Business solicitors thus saw themselves as being much less "dispensable" than their counterparts in private practice.

Political Activities

The data above indicate that private practice solicitors were somewhat more involved in political activities than business solicitors; for three of the indicators the differences between the two groups were statistically significant. Looking first at both groups of respondents together, a much lower proportion of solicitors were involved in politics than they were in community activities. A comparison of Tables C.36 and C.43 in Appendix C, p.328 and p.335 shows that whereas 89.1% (114) of all respondents were members of at least one non-political organisation, only 28.9% (37) were members of a political party.

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15. It should be noted that business solicitors appeared (on the basis of the admittedly crude data gathered) to have more free time available for participation in outside activities - 44.0% (11) of business solicitors took work home in the evenings and at weekends "seldom" or "never" compared with 28.1% (29) of those in private practice (see Appendix C, Table C.12, p.295).

Respondents in private practice were much more ambivalent about the notion of solicitors taking part in politics than they were with regard to participation in other forms of extra-professional activity. A substantial minority, one in five, disapproved of solicitors involving themselves in politics (Appendix C, Table C.48, p.340). Although 29.1% (30) recognised that solicitors had the appropriate training and experience to enable them to make an effective contribution, 14.6% (15) of private practitioners referred to the danger of conflicts of interest (Appendix C, Table C.47, p.339). One respondent argued that solicitors should "stand aside":

> Like a doctor, a solicitor should be remote from the rest of the world. He shouldn't be a councillor or on committees, where conflicts of interest develop. There should be rules to stop people doing this. And I don't believe solicitors should be directors of companies or property developers - you can't serve two masters (senior partner in a small Black Country practice).

Another, senior partner in a medium size firm in Central Birmingham, felt that there was something unethical about combining law and politics:

> I have been approached to stand in local politics but I have always refused ... I do not think it right for practising lawyers to involve themselves in party political activity, as this doesn't measure up to the best ethical standards and etiquette. I abhor anything savouring of personal advertising and have the feeling that many "political" lawyers are trying to help their legal work. Such behaviour leads to declining professional standards and the "cut throat" attitude.

Although, as indicated above, some disapproved for ethical reasons of solicitors combining law and politics, the problem of finding the time to do so was seen as a major difficulty by three out of ten solicitors in private practice (Appendix C, Table C.47, p.339). A typical comment was:

> Although it seems a natural springboard for a lawyer to go into politics, I've never been involved, because you have to be large enough to devote enough time to both. I know a case in point, where a Birmingham solicitor devoted a lot of.

> time to a career in local government and this adversely affected his practice. He would spend two or three days a week out of the office and was unobtainable - and clients like to feel that you're at their beck and call when they want to speak to you (sole practitioner in Central Birmingham).

A few respondents in private practice mentioned that the "political" solicitor ran the risk of offending at least some of his clients, those of the opposite political complexion. This worry echoed the view of one of the American "Prairie City" lawyers interviewed by Handler:

> When a lawyer commits himself publicly on controversial issues, he runs the risk of displeasing clients (1967: 49).

The extent to which an active political career eats into the legal career (and private life) was revealed in the comments of a solicitor, a partner in a large practice, who was a prominent County Councillor:

> I reckon I spend the equivalent of three or four "nine to five" working days on politics. I can do this because every Sunday I take five hours work home and I stay until seven p.m. in the week quite frequently.

(There can be little doubt that this respondent was, to some extent, "carried" by his partners!) Another respondent who had been on the local council for eight years gave it up "because of the vast amount of committee work" involved.

In summary, solicitors in private practice were rather ambivalent about the combination of a legal career and political activity. The ethical problem and the difficulty of finding the time loomed large, but the value of the contribution which solicitors might make was widely recognised. On the last point, one solicitor commented:

> I have always said to my partners that we should take more part in local politics than we do. We have a lot to offer. My senior partner, for example, would be admirable

> as a chairman of a committee on a local authority. I think solicitors have a great deal to contribute to the community[16] (partner in a medium size firm in the Black Country).

Some respondents explicitly mentioned the benefits of participating in politics. One, a member of a Black Country practice who had been a member of the town council, said of local politics:

> I think the general advertising value is very important. Everyone knows who you are and the very nature of the thing gets you a lot of publicity.

Business solicitors were not only less involved in politics than private practitioners, they were also less ambivalent about the idea of combining law and politics, possibly because they had not needed to consider the matter as carefully as private practice solicitors. 64.0% (16) approved of combining the two, compared with 29.1% (30) of private practice respondents (Appendix C, Table C.48, p.340). Half of the business respondents (48.0%, 12) saw lawyers as having the technical skills appropriate for legislative work. This was a typical comment:

> I think it is very useful and advantageous .... Lawyers are, after all, the people who have to fathom out and interpret the law and if they're involved in legislation, their experience is invaluable. They can be wary of loopholes and dangers in the law, e.g. the Breathalyser Law, which was a shambles (solicitor in industry).

Professional Activities

The higher degree of involvement in professional activities of private practice compared with business solicitors needs little comment. All of the indicators of professional involvement were concerned with some

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16. This respondent and his partners were evidently not as instrumental as was an American lawyer and State legislator interviewed by Wahlke et al (1962: 119): "It was decided that I would be the first one in the firm to run for office. I also felt that it would help the firm in general and me in particular to be in the legislative process .... So I was chosen by the senior partner in the firm as having the best chance"!

aspect of national or local law society activities and these bodies are dominated by privately practising solicitors. Although in 1976 over 4000 solicitors holding current practising certificates did not work in private practice and there were probably 3000 others outside private practice not holding current practising certificates (see Chapter 1, p.37 and Chapter 6, p.155), there were in that year almost 27,000 solicitors in private practice. So, privately practising solicitors outnumber the rest by four to one. Moreover, and more importantly, the history and traditions of the profession, as in the other ancient professions, tend to stress the pre-eminence of the private practitioner.

Business solicitors were much less involved in local law society activities compared with private practitioners - the data in Appendix C, Table C.49, p.341 show that 96.1% (99) of private practice but only 56.0% (14) of business respondents were members of their local law society.[17] Of those respondents who were members of a local law society, only one in five of business solicitors attended meetings at least "occasionally", compared with over half of private practitioners (Appendix C, Table C.50, p.343). 89.3% (92) of private practice and 80.0% (20) of business respondents were members of the national Law Society (Appendix C, Table C.49, p.341). These data lead to the speculation that the professional identification of business solicitors may have been eroded somewhat by their employment in large organisations (on this, see Chapter 1, p. 39, Chapter 11, p.246 and the quotation regarding the role of the solicitor in business in Appendix C, p.300).

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17. Only two of the 34 officers and members of the Council of the Birmingham Law Society in 1975 were not in private practice. One was an official administering the Legal Aid Scheme and the other was employed in local government.

In Chapter 9 the involvement of private practice solicitors in community, political and professional activities is discussed, using the size and the location of the practice as independent variables.

CHAPTER 9

SOLICITORS IN PRIVATE PRACTICE - INVOLVEMENT IN COMMUNITY ACTIVITIES, POLITICS AND PROFESSIONAL ACTIVITIES

In this Chapter the influence of two variables - the size of the practice and the location of the practice - on the degree of involvement of private practice solicitors in community affairs, politics and professional activities is discussed. It will be recalled that two of the originating Hypotheses (2 and 3) postulated that community and political involvement would be related to the size and the location of respondents' practices.

Similar indicators of community, political and professional involvement to those outlined in Chapter 8, pp. 181-187 are used.

1. The Size of the Private Practice and Involvement in Community Activities, Politics and Professional Activities

Size was measured in terms of the number of partners in the practice and the 103 private practices ranged from sole practices to a firm with 18 partners (see Chapter 7, Table 7.2, p.174). This indicator of size correlated very well with other possible indicators of size, such as the total number of staff in the practice - see the discussion in Appendix D, pp 356-357.

Community Activities

Hypothesis 2a "Solicitors in large size private practices will be more involved in community activities than solicitors in small size practices"

The findings for the eight indicators were as follows:

Item No.		
(i)	Number of clubs, organisations, etc of which a member	r = 0.0976 (n.s.)
(ii)	Number of clubs, organisations, etc of which on the committee	r = 0.0474 (n.s.)
(iii)	Member of a national or public board or committee	Yes: mean size of firm 6.14 partners No: mean size of firm 4.39 partners t = 1.28 ($p < .10$)
(iv)	Attends a voluntary law "surgery"	Yes: mean size of firm 4.53 partners No: mean size of firm 4.54 partners t = 0.17 (n.s.)
(v)	The extent to which the respondent believed that participation in community activities had helped his legal career	r = 0.0614 (n.s.)
(vi)	Mentioned "getting known" as a factor making for successful practice	Yes: mean size of firm 4.93 partners No: mean size of firm 4.51 partners t = 0.28 (n.s.)
(vii)	The importance of "getting known" and "making contacts" as a source of clients in the practice	r = 0.0441 (n.s.)
(viii)	Indicator of involvement in community activities	r = 0.0855 (n.s.)

Only one of the above relationships was statistically significant (and that only at the 10% level) and the associations were virtually non-existent. However, with the exception of item (iv), where the mean sizes of firms were virtually identical, the direction was uniform - the larger the practice, the greater respondents' degree of involvement in community activities. There was a hint of a tendency in the data, therefore, which may be illustrated in another way, by reference to two of the items where further analysis was carried out by sub-dividing the practices into three groups by size. Table 9.1 shows that a higher proportion of solicitors in

large compared with medium, and medium compared with small size practices, belonged to two or more organisations, etc, (item (i)).

TABLE 9.1

THE SIZE OF PRACTICE AND ORGANISATION, ETC, MEMBERSHIP
(percentages)

Number of Organisations of which a Member	Small Size Practices (1-2 partners)	Medium Size Practices (3-5 partners)	Large Size Practices (6-18 partners)
Nil	11.1	5.3	3.4
One	22.2	15.8	10.3
Two or more	66.7	78.9	86.2
	100.0	100.0	100.0
N	36	38	29

Further, Table 9.2 shows that solicitors in large and medium size practices were rather more likely to be on the committee of at least one organisation (item (ii)) than those in small practices.

TABLE 9.2

THE SIZE OF PRACTICE AND COMMITTEE MEMBERSHIP
(percentages)

Number of Committee Memberships	Small Size Practices (1-2 partners)	Medium Size Practices (3-5 partners)	Large Size Practices (6-18 partners)
Nil	50.0	31.6	31.0
One or more	50.0	68.4	69.0
	100.0	100.0	100.0
N	36	38	29

These findings are not really strong enough to support Hypothesis 2a, so it must be concluded that no relationship between size of practice and respondents' involvement in community activities has been demonstrated.

Political Activities

Hypothesis 2b "Solicitors in large size private practices will be less involved in political activities than solicitors in small size practices

The findings for the eight indicators and the composite measure were as follows:

Item No.		
(i)	Interest in politics	r = 0.0115 (n.s.)
(ii)	Member of a political party	Yes: mean size of firm 5.12 partners No: mean size of firm 4.21 partners t = 1.22 (n.s.)
(iii)	Member of the committee of a political party	Yes: mean size of firm 5.30 partners No: mean size of firm 4.42 partners t = 0.75 (n.s.)
(iv)	Been a candidate at a General or local election	Yes: mean size of firm 5.00 partners No: mean size of firm 4.44 partners t = 0.51 (n.s.)
(v)	Been a local councillor, past or present	Yes: mean size of firm 5.40 partners No: mean size of firm 4.41 partners t = 0.84 (n.s.)
(vi)	Helped a candidate in a General or local election campaign	Yes: mean size of firm 4.98 partners No: mean size of firm 4.12 partners t = 1.23 (n.s.)
(vii)	The extent to which the respondent believed that participation in politics had helped his legal career	r = 0.0741 (n.s.)
(viii)	Indicator of involvement in political activities	r = 0.1653 ($p < .05$)

Composite measure of participation in political activities	r = 0.0953 (n.s.)

Only one of the above relationships was statistically significant and the associations were generally of a low order. However, the direction of the data was uniform - the larger the firm, the greater the degree of involvement of the respondent in politics. The trend of this data can be highlighted further by analysis of four of the items, (ii), (iii), (iv) and (vi) in terms of large, medium and small size practices. Table 9.3 shows that for each of the four items - respondent is a member of a political party (ii), is on the committee of a political party (iii), has been a candidate at a local or General election (iv), and has helped a candidate at an election (vi) - a higher proportion of solicitors in large firms gave affirmative responses than solicitors in medium size firms, and medium compared with small size firms. For the composite measure of political participation, the mean scores for respondents in small, medium and large size firms were 7.66, 8.05 and 8.24 respectively (where the mean score for all respondents was 7.96).

TABLE 9.3

THE SIZE OF PRACTICE AND POLITICAL ACTIVITY
(percentages)

Political Activity	Small Size Practices (1-2 partners)	Medium Size Practices (3-5 partners)	Large Size Practices (6-18 partners)
Is a political party member	19.4	36.8	41.4
Is a member of committee of a political party	2.8	10.5	17.2
Has been a candidate in an election	5.6	13.2	17.2
Has helped a candidate at an election	36.1	44.7	55.2

These findings refute Hypothesis 2b. Political involvement is not negatively associated with the size of the respondent's practice. In fact the trend of the data implies a very weak positive association between the size of the practice and political involvement.

Professional Activities

The findings for the six indicators of involvement in professional activities were as follows:

Item No.		
(i)	Member of The Law Society (national)	Yes: mean size of firm 4.71 partners No: mean size of firm 2.82 partners t = 1.69 ($p < .05$)
(v)	Member of a local law society committee	Yes: mean size of firm 5.13 partners No: mean size of firm 4.33 partners t = 0.96 (n.s.)
(vi)	Member of the local Legal Aid committee	Yes: mean size of firm 4.71 partners No: mean size of firm 4.47 partners t = 0.24 (n.s.)
(vii)	Attendance at national Law Society meetings	r = 0.1942 ($p < .05$)
(viii)	Attendance at local law society meetings	r = -0.0475 (n.s.)
(ix)	Indicator of involvement in professional activities	r = -0.0605 (n.s.)

Two of the above relationships were statistically significant and for four of the six items there was a positive association between size of firm and participation in professional activities. Though the evidence is not strong, solicitors in larger firms seem to participate slightly more in professional activities than their fellow solicitors in smaller firms.

A discussion of this pattern of results on community, political and professional involvement and the size of the practice follows below, on pp. 219-227.

2. The Location of the Private Practice and Involvement in Community Activities, Politics and Professional Activities

Differences in respondents' involvement in community, political and professional activities were analysed in terms of the location of practices in Central Birmingham (N = 32) and elsewhere, i.e. Birmingham suburbs, Black Country towns, Worcester, Kidderminster and small towns in rural areas (N = 71).

Community Activities

Hypothesis 3a "Solicitors in private practices in smaller and medium size communities will be more involved in community activities than those practising in Central Birmingham"

The findings were as follows:

Item No.		
(i)	Number of clubs, organisations, etc, of which a member	Central B'ham, mean number 2.53 clubs Elsewhere, mean number 3.30 clubs $t = 1.84$ $(p < .05)$
(ii)	Number of clubs, organisations, etc of which on the committee	Central B'ham, mean number 0.84 clubs Elsewhere, mean number 1.37 clubs $t = 1.72$ $(p < .05)$
(iii)	Member of a national or public board or committee	Central B'ham, 6.2% (2) respondents Elsewhere, 7.0% (5) respondents $x^2 = 0.08$ df = 1 (n.s.)

(iv)	Attends a voluntary law "surgery"	Central B'ham, 18.7% (6) respondents Elsewhere, 15.5% (11) respondents $x^2 = 2.09$ df = 1 (n.s.)
(v)	The extent to which the respondent believed that participation in community activities had helped his legal career	Central B'ham, mean score 3.25† Elsewhere, mean score 3.58† t = 1.14 (n.s.)
(vi)	Mentioned "getting known" as a factor making for a successful practice	Central B'ham, 12.5% (4) respondents Elsewhere, 14.1% (10) respondents $x^2 = 0.05$ df = 1 (n.s.)
(vii)	The importance of "getting known" and "making contacts" as a source of clients in the practice	Central B'ham, mean score 3.84† Elsewhere, mean score 4.77† t = 2.35 ($p < .05$)
(viii)	Indicator of involvement in community activities	Central B'ham, mean number 3.38 memberships Elsewhere, mean number 4.66 memberships t = 2.01 ($p < .05$)

† for item (v) the mean score for all respondents was 3.48 and for item (vii) it was 4.26.

For four of the eight items the differences between solicitors in Central Birmingham and those elsewhere were statistically significant, with solicitors elsewhere having a greater amount of involvement in community activities. For all but one of the remaining items, however, the direction was uniform. For the aberrant item (iv), it seems possible that there are fewer opportunities for solicitors to attend voluntary law "surgeries" outside the urban Central Birmingham area because these are much less commonly found elsewhere. These data support consistently (though not strongly) the hypothesis concerning solicitors' involvement in community activities and the size of the community, Hypothesis 3a.

Political Activities

Hypothesis 3b "Solicitors in private practices in smaller and medium size communities will be more involved in politics than those practising in Central Birmingham"

The findings were as follows:

Item No.		
(i)	Interest in politics	Central B'ham, mean score 2.19† Elsewhere, mean score 2.18† t = 0.03 (n.s.)
(ii)	Member of a political party	Central B'ham, 25.0% (8) respondents Elsewhere, 35.2% (25) respondents x^2 = 0.64 df = 1 (n.s.)
(iii)	Member of the committee of a political party	Central B'ham, 6.2% (2) respondents Elsewhere, 11.3% (8) respondents x^2 = 0.19 df = 1 (n.s.)
(iv)	Been a candidate at a General or local election	Central B'ham, 9.4% (3) respondents Elsewhere, 12.7% (9) respondents x^2 = 0.23 df = 1 (n.s.)
(v)	Been a local councillor, past or present	Central B'ham, 9.4% (3) respondents Elsewhere, 9.9. (7) respondents x^2 = 0.006 df = 1 (n.s.)
(vi)	Helped a candidate in a General or local election campaign	Central B'ham, 43.7% (14) respondents Elsewhere, 45.1% (32) respondents x^2 = 0.008 df = 1 (n.s.)
(vii)	The extent to which the respondent believed that participation in politics had helped his legal career	Central B'ham, mean score 0.84† Elsewhere, mean score 1.37† t = 1.52 ($p < .10$)
(viii)	Indicator of involvement in political activities	Central B'ham, mean score 0.81† Elsewhere, mean score 0.94† t = 0.57 (n.s.)

Composite measure of participation in political activities	Central B'ham, mean score 7.43†	
	Elsewhere, mean score 8.12†	
	t = 1.59 ($p < .10$)	

† for item (i) the mean score for all respondents was 2.18, for item (vii) it was 1.21, for item (viii) it was 0.90, and for the composite measure it was 7.96.

Although only two of these findings were statistically significant, the direction of the data points to a very slightly higher degree of participation in politics amongst respondents elsewhere compared with those in Central Birmingham, notwithstanding the fact that the degree of interest in politics (item (i)) amongst both groups of solicitors was virtually identical.

It is worth noting here that solicitors elsewhere were also much more likely to approve of the principle of solicitors taking part in politics, an item not included in the above list. On a five point scale ranging from five ("strongly in favour") to one ("strongly against"), solicitors "elsewhere" scored 2.48 and those in Central Birmingham 1.75, where the mean score for all respondents was 2.25 ($t = 1.98$; $p < .05$).

The originating hypothesis (Hypothesis 3b) is therefore supported, though rather weakly.

Professional Activities

The findings were as follows:

Item No.		
(i)	Member of The Law Society (national)	Central B'ham, 87.5% (28) respondents Elsewhere, 90.1% (64) respondents $x^2 = 0.003$ df = 1 (n.s.)
(v)	Member of a local law society committee	Central B'ham, 25.0% (8) respondents Elsewhere, 21.1% (15) respondents $x^2 = 0.03$ df = 1 (n.s.)

(vi)	Member of the local Legal Aid committee	Central B'ham, 18.7% (6) respondents Elsewhere, 11.3% (8) respondents $x^2 = 1.05$ df = 1 (n.s.)
(vii)	Attendance at national Law Society meetings	Central B'ham, mean score 0.97† Elsewhere, mean score 0.90† t = 0.81 (n.s.)
(viii)	Attendance at local law society meetings	Central B'ham, mean score 1.66† Elsewhere, mean score 1.68† t = 0.10 (n.s.)
(ix)	Indicator of involvement in professional activities	Central B'ham, mean score 1.72† Elsewhere, mean score 1.68† t = 0.24 (n.s.)

† for item (vii) the mean score for all respondents was 0.92, for item (viii) it was 1.67, and for item (ix) it was 1.69.

None of the differences between Central Birmingham respondents and those elsewhere were statistically significant, nor were the findings uniform in direction. It seems that the location of the practice is not a good predictor of the degree of participation in professional activities.

A discussion of this pattern of results on community, political and professional involvement and the location of the practice follows on pp. 219-227 below.

3. Involvement in Community, Political and Professional Activities and the Size and the Location of the Private Practice

In the sections immediately above it was suggested that there was no clear evidence of a relationship between the size of the practice and solicitors' involvement in community activities, but that Central Birmingham solicitors were somewhat less involved in such activities than solicitors elsewhere. The inter-relationship of the size and the location of the practice and involvement in community affairs is now considered. When location of the

practice was taken into account, solicitors in Central Birmingham were found to have much the same level of involvement in community activities irrespective of the size of firm. For solicitors elsewhere the same pattern held true (see Table 9.4), but with a higher overall level of involvement.

TABLE 9.4

INDICATOR OF INVOLVEMENT IN COMMUNITY ACTIVITIES BY THE SIZE AND THE LOCATION OF THE PRACTICE

Location of Practice	Small Size Practices (1-2 partners)	Medium Size Practices (3-5 partners)	Large Size Practices (6-18 partners)	All Practices
Central Birmingham	3.24	3.59	3.29	3.38
Elsewhere	4.84	4.97	5.44	4.66
All Practices	4.12	4.31	4.38	4.26

TABLE 9.5

INDICATOR OF INVOLVEMENT IN POLITICAL ACTIVITIES BY THE SIZE AND THE LOCATION OF THE PRACTICE

Location of Practice	Small Size Practices (1-2 partners)	Medium Size Practices (3-5 partners)	Large Size Practices (6-18 partners)	All Practices
Central Birmingham	0.61	0.80	1.01	0.81
Elsewhere	0.77	1.00	1.11	0.94
All Practices	0.73	0.95	1.06	0.90

It was shown above that there was a weak positive relationship between respondents' political involvement and the size of the practice and similarly between size and a practice being located other than in Central Birmingham. Data are presented in Table 9.5 on involvement in political activities and the size and the location of the firm. The trend of the data in this Table is particularly interesting, showing a steady increase in respondents' political involvement from small practices in Central Birmingham to small practices elsewhere, etc, through to the highest level of involvement in large practices elsewhere.

TABLE 9.6

INDICATOR OF INVOLVEMENT IN PROFESSIONAL ACTIVITIES BY THE SIZE AND THE LOCATION OF THE PRACTICE

Location of Practice	Small Size Practices (1-2 partners)	Medium Size Practices (3-5 partners)	Large Size Practices (6-18 partners)	All Practices
Central Birmingham	1.32	1.72	1.98	1.72
Elsewhere	1.73	1.73	1.55	1.68
All Practices	1.60	1.71	1.74	1.69

For professional activities it was shown above that solicitors' involvement was very weakly and positively associated with the size of firm. Table 9.6 indicates that this relationship is true of practices in Central Birmingham, respondents in the smallest size group of practices having a particularly low level of professional involvement.[1] This relationship

1. Of the 30 Officers and Council of Birmingham Law Society in 1975 who were in private practice, only four came from practices with one or two partners and 16 came from firms with seven or more partners.

did not apply to solicitors in firms elsewhere where the level of involvement was much the same whatever the size of firm.

4. Discussion

The results may be summarised as follows:

	Size of the Practice	Location of the Practice: Elsewhere
Involvement in Community Activities	Seven out of eight indicators positively associated. One statistically significant.	Seven out of eight indicators positively associated. Four statistically significant.
Involvement in Political Activities	Nine out of nine indicators positively associated. One statistically significant.	Eight out of nine indicators positively associated. Two statistically significant.
Involvement in Professional Activities	Four out of six indicators positively associated. Two statistically significant.	Two out of six indicators positively associated. None statistically significant.

Hypothesis 2a, postulating a positive relationship between the size of the practice and the respondent's involvement in community activities, was not supported because the relationships were very weak (although Tables 9.1 and 9.2 suggested the hint of a relationship). Hypothesis 2b, suggesting a negative relationship for political involvement, was not supported because a weak positive relationship between the size of the practice and political involvement was found.

On the location of the practice, Hypothesis 3a was supported, though weakly; Central Birmingham solicitors were less involved in community activities than those elsewhere. Hypothesis 3b, suggesting a similar

relationship between location and political involvement was also supported, though again rather weakly.

Some possible reasons for this pattern of results are now considered.

Community Activities

Tables 9.1 and 9.2 hinted at a distinction between solicitors in large and medium size firms on the one hand, and those in small firms with one or two partners on the other hand, and showed that solicitors in large and medium size firms were slightly more involved in community activities than those in small practices. This finding needs to be explored further, but might be understood in terms of the more extensive "support" services and ancillary staff which exist in the bigger firms and which make it possible for a partner to spend substantial amounts of time out of the office. Partners in small firms or sole practitioners enjoy fewer support facilities and are hence less "dispensable". A sole practitioner in Central Birmingham made the point vehemently:

> Until the last five or ten years solicitors like me did have the time to take part in voluntary associations. You could pay a legal executive £1,000 a year and leave a lot of lucrative work, such as conveyancing, to him. Now a legal executive wants £3,000 plus and he won't do the job so well. So you have to overload yourself with work in order to make a living.

When arranging the interviews, it was found that solicitors in small practices were rather less easy to contact on the telephone and, when interviewed, seemed to be more harassed and interrupted than those in large practices.[2] The meeting with one respondent, in a two partner

2. It seems very likely that the differential response rates reflected the pressures on the smaller solicitors. The response rate was 79.6% for practices with one or two solicitors, 80.9% for those with three, four or five solicitors but, for practices with six solicitors or more, it was 89.7% (see Chapter 6, Table 6.2, p.159).

practice, was broken into by the telephone seven or eight times in the course of a 50 minute interview - the magistrates' clerk at Carlisle, the local police, a query about a conveyance, etc. The sole practitioner is particularly likely to be pressed and harassed on all sides. Ultimately, he must personally become involved with virtually all of the work that comes into his office, because "the buck stops here". His lot is not always a happy one.[3] As one respondent, a partner in a medium size firm, put it:

> I wouldn't be in a sole practice for all the tea in China. Even a two or three partner firm is too small these days.

More than one respondent mentioned the danger of being out of the office too much and unavailable to one's clients. Clients become frustrated and uneasy if they can never reach "their" solicitor on the telephone or see him personally. In a large or medium size practice it is usually possible for another partner, or a legal executive, to speak authoritatively with a client in the absence of the partner concerned, but this is not always possible in a small firm.[4] It is therefore undesirable for sole practitioners or partners in small firms to be absent too frequently from their offices and engaged in extra-professional activities during office hours, as this may adversely affect their practice. Moreover, a recent change in The Law Society's regulations

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3. See the plaintive comments of two respondents practising in small firms in Appendix C, pp.297-298.

4. In 32.0% (33) of the private practices at which interviews were carried out there were only one or two qualified solicitors and 15.6% (16) of firms had only one or two "fee-earners" - see Appendix C, Tables C.19 and C.23, p.305 and p.307.

governing the conduct of practices means that solicitors are less free than hitherto to leave their offices without a responsible person in charge.[5]

Another factor which almost certainly reduces the amount of time which solicitors in small practices have for participation in extra-professional activities is their involvement in court work. It is shown in Appendix D, p.367 that solicitors in small practices were significantly more likely to make appearances in court than those in large practices. Court work is notorious in that considerable amounts of time are spent waiting for a case to be called, attending hearings that are put back and so on. (One respondent in this research was interviewed in a waiting room at a magistrates' court, waiting for a long delayed case to be called.) This element of unpredictability means that the solicitor who does a lot of court work will find it difficult to plan lunchtime or afternoon, or even evening meetings (because of the backlog of work to be tackled) and activities with any degree of certainty. It thus seems very likely that his participation in community activities will be inhibited.

The location of the practice was associated, though not strongly, with the extent of respondents' participation in community activities, Central Birmingham solicitors being less involved than those elsewhere. It might be assumed that, generally speaking, solicitors elsewhere had lighter workloads than those in Central Birmingham and thus had more free time in which to take part in voluntary activities.[6] However, the evidence, in

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5. Solicitors' Practice Rules, 1975 (see The Law Society's Gazette, 72, 1975: 538).

6. Cohen (1969b: 1110) has suggested that the demands of legal careers in urban areas in the United States are greater than in rural areas (see Chapter 3, p.106).

terms of frequency of taking work home at the weekends and in the evenings, is against this interpretation. In Appendix D, pp.354-356 it is shown that solicitors elsewhere were slightly more likely than their counterparts in Central Birmingham to take work home "very frequently" or "frequently". It seems possible therefore, that other factors are important in accounting for the higher level of participation in community activities of solicitors elsewhere compared with those in Central Birmingham. For example, it is easier for a solicitor in a smaller community to make himself "known" than in a metropolitan city centre area and, as one might expect, the "community pressure to participate" seems to be greater in a smaller community. One respondent, in a small market town, put it in the following way:

> In a small town like this ... you are expected to make a subscription and take a part in all sorts of organisations. Taking part has helped a lot, simply because it brings you into contact with people whom you wouldn't otherwise come into contact with. In a small place like this, if you're not involved in this sort of thing you're not going to be very successful.

A solicitor who had recently started a practice (with a partner) in a town in Worcestershire, after years as an assistant elsewhere, said:

> In an "out in the sticks" area like this, one is part of the community. You meet your clients in the street ... and "have the temperature" of the local community.

This sense of being part of and involved in a local community was also mentioned by a solicitor in a large suburban practice in Birmingham:

> You must realise that it's very different being a solicitor here compared with the city centre. I can walk down the High Street and know 50% of the shopkeepers and be acting for many of them. I must know what their business is ... In the city centre you see people "by appointment only" and there's no casual "dropping in". Many of the problems brought to the local solicitor are not a solicitor's but a doctor's or vicar's, but you listen sympathetically just the same.

The comments of a partner in a practice in a country town, quoted by Gilbert (1977: 98-99) provide an appropriate summary:

> In a country town or small city, a solicitor is known by sight, reputation, or both to a surprisingly high proportion of the local population .... Your private address and telephone number are also known and it is impossible to confine your work to your office premises and hours .... Your opinion (unpaid) is sought in all circumstances and your help (unpaid) is required for all sorts of good causes ....

This commentator went on to note that there were advantages in this situation, too:

> Word gets round in smaller communities. Personal recommendations bring in a steady stream of new clients.

There is more to this matter than just the need to "make oneself known" and the "community pressure to take part", of course. Respondents mentioned time and again that they felt that they "should" get involved in community activities. Perhaps this can be understood to be a result of their professional socialisation into the idea of "service" to others:

> I'm involved in a number of organisations ... because I think I should contribute .... "Getting involved" is one aspect of the profession. I don't like it all that much, but I think I should do it, similarly with entertaining at home (partner in a practice in a country town).

The senior partner in a small suburban Birmingham practice put it this way:

> "Conscience" draws you to take part; <u>someone</u> has to do it!

Political Activities

The overall degree of involvement in political activities of respondents was lower than that in community activities, and much lower than that of American lawyers (see Chapter 3, pp.111-112). This may well be due to the different nature of local politics in Britain and the United States. The politically appointed or elective legal offices at local level, which are so numerous in the United States, are virtually absent in Britain

(see Chapter 4, pp.129-130). Moreover, as Newton (1969b) has suggested, in this country local politicians typically play executive roles in a situation where local politics are more overtly "party-political" and class based. In the United States, however, local politics typically involves the synthesis and reconciliation of the conflicting interests of numerous organisations and groups which do not split along "party-political" lines. This situation puts a premium on bargaining and the reconciliation of divergent views, i.e. "brokerage" skills. It was argued in Chapter 2, pp.80-81 that lawyers are particularly well equipped to perform such roles.

The findings that the size of practice was positively (though weakly) related to involvement in political activities and that solicitors in practices elsewhere were somewhat more involved in politics than those in Central Birmingham can be understood in terms similar to those discussed above for involvement in community affairs. For those solicitors who are heavily involved in politics, particularly those who are sitting councillors, it is obviously necessary that they must have willing partners and staff who will "take the load" during their frequent absences.[7] Clearly this help is more readily available in larger firms. The same considerations of "community pressure" to take part in politics, mentioned in the context of non-political activities, apply too- solicitors in smaller communities are more "accessible" and hence are more likely to be "expected" to play a part in politics than their counterparts working in central urban practices.

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7. Particularly since the reorganisation of local government into larger units (in 1974) the load on councillors has been severe. A large number of afternoon attendances are necessary. In the three and a half years from April 1973, an average member of the Labour Group of Councillors on the West Midlands County Council would have attended 20 to 30 full Council meetings, between 80 and 90 committee meetings and 40 to 50 sub-committee meetings. Many members attended considerably more.

The decision to take an active part in politics is not one which is easily taken, nor is it one which a solicitor would make without consulting his partners, for they are obviously very much affected:

> I was twice asked to stand for Parliament but, after considerable thought, I declined. My then partner was getting on and he wasn't keen on the idea (senior partner in a firm in a small Worcestershire town).

And a solicitor in a practice in suburban Birmingham highlighted a danger which other respondents mentioned:

> I think it is very time consuming taking up political work and one must be careful. Only the other day I heard about a solicitor in London who was a leading Conservative on the GLC, whose practice had suffered a great decline.

A final point. The pressures on solicitors which have been discussed and the crisis through which the profession is passing at present may well mean that fewer solicitors in the future can find the time to play a part in politics. The late nineteenth and early twentieth centuries were the heyday of the solicitor in local politics, it was argued in Chapter 3, p.110, but modern conditions mean that this "golden age" will almost certainly never return. Respondent after respondent noted how considerations of time meant that outside activities had to be curtailed. In the context of politics, the senior partner in a small firm in a country town remarked:

> How on earth can you be a member, say, of the West Midlands District Council and do a lawyer's job at the same time? When I was an articled clerk in Walsall in the 1930s, most lawyers were on the Council. But then the meetings were from three to six p.m., one day a week. But the Councils are so large now and have so much business. Local government reorganisation was a retrograde step.

Professional Activities

It was shown that participation in professional activities was positively, though rather weakly, related to the size of the firm. It may be feelings of professional community and involvement are generated more strongly in the bigger firm, amongst a large peer group, than in the smaller practice with no (or at the most only one or two) qualified peers. Also, the considerations of time may be important for the reasons suggested above; solicitors in smaller firms may have less time to devote to professional activities than those in larger practices. In the United States Ladinsky found, amongst lawyers in Detroit, that lawyers' membership of the American Bar Association was related to the size of the law firm in which they practised - 29% of sole practitioners were members, compared with 78% of respondents who were partners in practices with ten or more partners (1964: 21). Ladinsky posed these questions: do small firm and solo lawyers see the professional association as being run by and in the interests of the large firms; are small firm lawyers typically apathetic and non-professional? (on this, see the discussion in Chapter 2, p.50). Further research will be necessary to throw light on these matters, as they apply to solicitors.

The finding on participation in professional activities and the location of the practice was that there was no difference in the extent of solicitors' participation in terms of the location of their practices.

The following Chapter reports briefly the findings on the remaining Hypotheses, 4 to 10.

CHAPTER 10

THE FINDINGS ON THE SUBSIDIARY HYPOTHESES

In this Chapter findings on the hypotheses other than those discussed in Chapters 8 and 9 are considered. The indicators mentioned are described below, and in the first section of Chapter 8, pp.181-187.

1. Results

The Type of Legal Work Done in the Private Practice and the Respondent's Involvement in Community and Political Activities

Hypothesis 4 "Solicitors in private practice mainly concerned with civil work will be more involved in community activities than those concerned with criminal work. Conversely, those mainly concerned with criminal work will be more involved in politics than those concerned with civil work"

The above hypothesis was examined, using the following indicators: the importance of Criminal work, and Company and Commercial work, in the respondent's workload, and the indicators of involvement in community (viii) and political (viii) activities. The hypothesis was not supported. There was a weak positive association between a respondent doing a lot of Criminal work and his participating in community activities ($r = 0.1721$, $p < .05$) and no association between Criminal work and political activities ($r = -0.0333$). The correlations were zero between a respondent doing a lot of Company and Commercial work and participating in community activities ($r = 0.0343$) and participating in political activities ($r = 0.0084$). These data show no support for the hypothesis, though it

must be recognised that the indicators of criminal and civil legal work were rather inexact bearing in mind that the typical solicitor is involved in a range of types of legal work, though he may specialise in one area (see Appendix C, pp. 319-321). Moreover, the independent variables possibly intervene here in that solicitors in small firms did more Criminal work and less Company and Commercial work than those in large firms, and Central Birmingham solicitors did more of both types than respondents elsewhere (Appendix D, Tables D.8 and D.2, p.363 and p.352). In order to test this hypothesis satisfactorily, it would be necessary to identify a group of solicitors who dealt with virtually no work other than in the civil or criminal areas, and these, of course, are rather uncommon.

Prestige of the Private Practice and Community and Political Involvement

Hypothesis 5 "Solicitors in high prestige practices will be more involved in community activities than those in low prestige practices. Solicitors in low prestige practices will be more involved in politics than those in high prestige practices"

As was noted in Chapter 8, p.191, it was not possible to construct a suitable indicator of the "prestige" or the "status" of the private practice, so this hypothesis was not tested.

Private Practitioners - Non-Political or Political Activities in the Community?

Hypothesis 6 "Solicitors much involved in community activities will be little involved in politics and those much involved in politics will be little involved in community activities"

This hypothesis postulated that solicitors in private practice who made themselves "known" by participating in non-political community activities would be relatively uninvolved in politics and vice-versa, on the grounds that participation in one sphere of activity only would be necessary to perform this function. It should be said at once that this hypothesis was formulated in ignorance of the considerable body of research showing that the greater the extent that individuals participate in voluntary organisations, the greater their participation in politics. As Newton has written:

> An almost universal finding in Western industrial societies is that political activists tend to be active in non-political affairs .... Social participation tends to have a cumulative effect so that a citizen engaging in one type of activity is likely to engage in other types of activity (1968: 7-8).

Newton showed, in his study of 66 members of Birmingham City Council, that the councillors belonged to an average of 5.1 voluntary organisations in the city; 10% belonged to ten or more organisations[1] (1976: 182, Table 8.4). Other specific examples of this phenomenon have been noted by Bealey, Blondel and McCann (1965: 200) in their study of Newcastle-under-Lyme, Clements (1969: 193) in Bristol, and Brennan, Cooney and Pollins (1954: 94-95) in Swansea. In the United States, Wildavsky similarly showed that activists in politics in Oberlin, Ohio, were also active in non-political organisations. 26% of those active in politics were members of five or more non-political organisations, compared with 7% of those moderately active in politics and nil politically apathetic

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1. Some respondents in this study showed an enormous capacity for involvement in all three types of activity - political, community and professional. One solicitor, for example, was a County Councillor, had fought the two general elections of 1974, and held offices at national, regional and local level in his political party. He was involved in three residents' associations, was a member of a golf club and fixtures secretary of his cricket club. He was also honorary solicitor to a local Citizens' Advice Bureau, on the Area Legal Aid Committee, a member of the management committee of the local duty solicitors' scheme and a founder and prominent member of a solicitors' luncheon club.

respondents. He concluded that "There is no mistaking the exceedingly high sense of civic obligation of (political) activists" (1964: 23-24).

This research showed a similar pattern. Private practice respondents who were members of a political party belonged to a mean number of 3.61 non-political organisations whereas non-party members belonged to a mean of 2.61 non-political organisations ($t = 2.61$, $p < .05$). Political party members were on the committees of a mean of 1.57 non-political community organisations compared with 0.91 for non-party members ($t = 2.34$, $p < .05$). Finally, the indicator of involvement in community activities correlated with the indicator of involvement in politics, weakly ($r = 0.1601$, $p < .05$).

These data pointed towards a positive relationship between involvement in community and political activities, and further analyses were carried out to see if it was possible to construct an overall indicator of involvement in extra-professional activities, i.e. a combination of some of the indicators of community and political involvement. Such an indicator might then have been used to test the influence of the independent variables and, perhaps, to draw up profiles of "involved" (in both kinds of extra-professional activity) and "non-involved" solicitors. Table 10.1 shows the correlation matrix which was constructed by associating together the three indicators of participation in community activities and the five indicators of participation in political activities which were developed in Chapter 8, pp.182-183 and pp.184-185. The correlations between the community and political items were not strong enough to suggest that a picture had emerged of a high degree of involvement in both fields. (Though the first indicator of involvement in community activities, the number of community organisations of which a member (item (i)), did associate tolerably well with the five

TABLE 10.1

CORRELATION MATRIX OF SOME OF THE INDICATORS OF PARTICIPATION IN COMMUNITY AND POLITICAL ACTIVITIES (N = 128)

		Community			Political				
		(i)	(ii)	(v)	(i)	(ii)	(iii)	(iv)	(vi)
Community									
	(i)	1.0000	0.5977***	0.3430***	0.1516*	0.2326**	0.2838***	0.2284**	0.2523**
	(ii)	-	1.0000	0.1539*	0.0195	0.2312**	0.0905	0.1285	-0.0603
	(v)	-	-	1.0000	0.0351	0.1690*	-0.0236	0.0976	-0.0349
Political									
	(i)	-	-	-	1.0000	0.2317**	0.2713***	0.3048***	0.3526***
	(ii)	-	-	-	-	1.0000	0.5648***	0.3721***	0.4987***
	(iii)	-	-	-	-	-	1.0000	0.5091***	0.6361***
	(iv)	-	-	-	-	-	-	1.0000	0.3916***
	(vi)	-	-	-	-	-	-	-	1.0000

*** $p < .001$ ** $p < .01$ * $p < .05$

indicators of political involvement.) It was concluded that community and political involvement should not be combined into an overall indicator of "extra-professional involvement".

Political Socialisation and Political Involvement

Hypothesis 7 "Private practice solicitors who had an early association with politics will be more involved in politics than those who did not"

This hypothesis suggested that private practice solicitors who had an early association with politics would be more involved in politics than those who were exposed to politics in later life. Rosencrantz's study has illustrated well the importance of political socialisation - only 2% of a sample of lawyers not in politics had a father or brother who was or had been an M.P., whereas as many as 26% of lawyers who were members of the House of Commons had a father or brother M.P. (1970: 274).

The following indicators were used to test Hypothesis 7 -

political socialisation: father's and mother's interest in politics

respondent's involvement in politics: interest in politics; time of life first interested in politics; was or had been a member of a political party; indicator of involvement in politics.

It was found that respondents who were "very" or "quite" interested in politics were more likely to have had at least one parent who had been "very" or "quite" interested ($x^2 = 7.82$, df = 1, $p < .01$). There was also a significant association between respondents who were or had been political party members and their having at least one parent interested in politics ($x^2 = 13.34$, df = 1, $p < .001$). An early interest in politics (interested "Ever since I remember") was particularly strongly associated with the respondent having at least one parent interested in politics

(x^2 = 17.32, df = 2, $p < .001$). Finally, for the indicator of respondents' political involvement, there was again a significant association with having at least one parent interested in politics (x^2 = 5.08, df = 1, $p < .05$).

These data show a very clear relationship between political involvement and political socialisation in early life. A question which cannot be answered from these data is: how far does an early socialisation into politics lead to an intention to become involved in politics, followed by the choice of law as a suitably related career? Eulau and Sprague (1964: 62) have argued that this was the pattern for many of the American lawyer-legislators they studied (see Chapter 4, pp.140-141) whilst Rosencrantz (1970: 275-276) tentatively reached the same conclusion for lawyer-members of the House of Commons.

Age and Political Involvement

Hypothesis 8 "Younger solicitors in private practice will be more involved in politics than older solicitors"

There was no evidence that younger private practitioners were more involved in politics than older ones - if anything, the reverse was the case. The findings for five of the indicators of political involvement, were as follows:

Interest in politics by respondents age, $r = 0.1534$, $p < .05$

Respondent a member of a political party, mean age 48.0
Respondent not a member of a political party, mean age 40.8
$t = 2.90$, $p < .01$

Respondent on the committee of a political party, mean age 47.3
Respondent not on the committee of a political party, mean age 41.9
$t = 1.91$, $p < .05$

Respondent a sitting councillor, mean age 48.8
Respondent not a sitting councillor, mean age 42.9
t = 0.95 (n.s.)

Indicator of political involvement, by respondents age r = 0.0898 (n.s.)

These findings contradict those of Hourani, of Lortie, and of Matthews in the United States, who all showed that younger lawyers were more politically active than older lawyers (see Chapter 3, p.107). It may be that the demands of politics are greater in Britain than in the United States, and/or that the young American lawyer has more free time than his counterpart in this country. In the former connection Kirk's comment regarding solicitors in national politics may also be relevant to local politics, i.e. young solicitors need to spend time in building up their practices and thus have little time to devote to participation in politics (see Chapter 3, footnote 4, p.86).

No hypothesis was formulated regarding respondent's age and involvement in community activities, but it may be noted that no relationship was found between the number of organisational memberships and age (r = 0.0693), the number of organisational committee memberships and age (r = -0.0276) and the indicator of community involvement and age (r = -0.0536).

There was a very weak positive relationship between the indicator of professional involvement and age (r = 0.1337).

Performance in Legal Training and Political Involvement

Hypothesis 9 "Solicitors who performed less well in their legal training will be more involved in politics than those who performed well"

Testing the hypothesis that solicitors who had performed less well in their legal training would be more involved in politics than those who had performed well proved difficult, because of the unsuitability of the indicators available. The system of "rank in class" at law school used in the United States and available for all members of the legal profession, which was taken by Bromall (1968: 758-759) as his indicator of performance in legal training, has no equivalent in this country. The use of an indicator such as the possession of a university degree is rather dangerous on its own as the possession or not of a degree may do no more than reflect the age of the solicitor, since the proportion of practising solicitors who are graduates has increased very considerably in recent years; nor is there any well recognised "pecking order" amongst the law faculties of universities in this country (see Chapter 2, pp.63-64).

Despite these difficulties an attempt was made to test this hypothesis using three indicators of performance in legal training: whether or not the respondent was a graduate, whether or not the respondent held a postgraduate qualification (excluding the Oxbridge MA degree),[2] and the number of years spent qualifying as a solicitor. It was assumed that graduates and those holding postgraduate qualifications had "performed better" in legal training than non-graduates and those not holding such qualifications, and that the number of years spent qualifying as a solicitor was a negative indicator of performance. These indicators were, of course, highly arbitrary but more suitable ones were not available. The indicators of political involvement which were used were

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2. Only eight private practice respondents held a postgraduate qualification (excluding the Oxbridge MA). Drawing conclusions from small numbers can be misleading.

the composite measure, developed in Chapter 8, pp.184-186, and whether or not the respondent was at present a member of a political party. None of the findings were statistically significant:

Respondents with/without a first degree, by party member/not,
$x^2 = 0.05$, df = 1 (n.s.)

Respondents with/without a first degree, by composite measure of political involvement
t = 0.11 (n.s.)

Respondents with/without a postgraduate qualification, by party member/not
$x^2 = 0.002$, df = 1 (n.s.)

Respondents with/without a postgraduate qualification, by composite measure of political involvement
t = 0.55 (n.s.)

Years spent qualifying as a solicitor, by party member/not
t = 0.83 (n.s.)

Years spent qualifying, by composite measure of political involvement
r = 0.0769 (n.s.)

On the basis of these very crude indicators it was concluded that there was no association between performance in legal training and involvement in political activities.

"Quality" of Legal Education and the Size of Firm in which Practising

Hypothesis 10 "Solicitors in large size private practices will have a better quality of legal education than solicitors practising in small size firms"

It was hypothesised that solicitors in large private practice firms would have a "better quality" of legal education than those in small firms. It proved difficult to operationalise the concept of "high quality" or "better quality" legal education in a British context. In his study of the employment expectations of American law students, Warkov (1965) was

able to rank law schools into three strata based on applicants' performance in the universally administered "Law School Admission Test". Other writers have referred to the well established hierarchy of status amongst American law schools (e.g. Riesman, 1962) but in England and Wales there is no such hierarchy of status - all would-be solicitors take the same examinations of The Law Society and in any case a university degree is by no means necessary for entry to the profession. Having said this, most members of the profession would probably agree that a solicitor with a Cambridge or Oxford law degree or an LLB from another university had received a superior legal education to a solicitor who had taken only The Law Society examinations, and similarly for a solicitor with a postgraduate qualification in law. More controversially, perhaps, it was decided to see whether there was any relationship between the size of firm and the respondent being a graduate of Oxbridge or London rather than other universities.

It was decided to use three indicators of the quality of legal education (the first of which was also used in testing Hypothesis 9 above): whether or not the respondent was a graduate; for graduates, the institution graduated from (Oxford, Cambridge and London, or other universities); whether or not the respondent held a postgraduate qualification (excluding the Oxbridge MA degree)[3]. The findings for these items, by size of firm, were:

> Respondents with a first degree, mean size of practice 4.7 partners
> Respondents not holding a first degree, mean size of practice, 4.3 partners
> $t = 0.49$ (n.s.)

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3. See the comment in footnote 2 on page 236 above.

Graduates of Oxford, Cambridge and London, mean size of practice, 5.5 partners

Graduates of other universities, mean size of practice, 4.1 partners

$t = 1.04$ (n.s.)

Respondents with a postgraduate qualification, mean size of practice, 6.1 partners

Respondents not holding a postgraduate qualification, mean size of practice, 4.4 partners

$t = 1.35$ ($p < .10$)

It is recognised that these indicators of the quality of legal education are very blunt instruments, nevertheless the findings are indicative, though it can hardly be claimed that they show conclusively that solicitors with a better quality legal education work in larger firms, which is the case in the United States (as shown in Chapter 2, pp.60-61). At the very least, these data suggest that further research would be worthwhile, using carefully developed indicators of differences in legal education and looking at solicitors in different size practices.

2. Discussion

The findings on Hypotheses 4, 5 and 8 to 10 are not central to the main argument concerning community and political involvement and the nature (private or business) and the size and the location of solicitors' private practices. The findings on Hypothesis 6 are, however, of interest in connection with the main argument. It was found when examining Hypothesis 6 that political activity and activity in community organisations were closely associated phenomena. Although it was not possible to create an overall indicator of "extra-professional involvement", further research might usefully attempt to construct such an indicator and also throw light on the nature of the relationship between activities in these two areas, and their "spin off" for private practice. The relationship which was demonstrated between political involvement and

political socialisation (Hypothesis 7) also raises important issues, especially with regard to the question of the extent to which the practise of law is seen as a "suitable" or even "necessary" preliminary to a political career.

Further research will be required to explain precisely why the American finding that younger lawyers were more involved in politics than older lawyers was not repeated in this country (Hypothesis 8). It seems possible that the different pattern in this country may be related to the relative ease of entry into politics in the two countries and the range of political opportunities available, which is much less great here than in the United States. It may also be that American lawyers (particularly those just starting in the profession) in a country which is often said to be "over-lawyered" have more time on their hands than their English counterparts, and that the "expectation" that American lawyers will take part in politics is much stronger.

In order to reach really firm conclusions on solicitors' involvement in community affairs and politics and the type of work done (Hypothesis 4) and the "prestige" of the practice (Hypothesis 5), more sensitive indicators are required. Similarly, firm comparisons could not be made with American research on performance in legal training and political involvement (Hypothesis 9) and quality of legal education and size of firm in which practising (Hypothesis 10) because suitable indicators on "performance" and "quality" are not available in this country.

Chapter 11, which follows, forms the conclusion to this study and consists of a summary of the findings of the empirical research, a discussion of the implications of these, an outline of areas for future research and a final comment on the future involvement of solicitors in extra-professional activities.

CHAPTER 11

CONCLUSION

1. Summary of the Findings

The main findings of this research can be summarised as follows:

(i) Solicitors in private practice were much more involved in community and professional activities than business solicitors. A similar trend was found for involvement in political activities, though the relationship was not quite so strong (it was noted, however, that both groups of solicitors had a similar level of interest in politics).

(ii) Though the evidence did not suggest a positive relationship between the size of the firm and involvement in community activities, there was a hint of a tendency in this direction. Solicitors in private practice in large firms were found to be a little more involved in political and professional activities than those in small firms.

(iii) Solicitors in private practice firms elsewhere (in suburbs and medium size and small towns) participated slightly more in community activities and (a weak relationship) in politics than those in Central Birmingham. There was little difference between the two groups in terms of participation in professional activities.

(iv) When the location of the private practice was controlled, solicitors in Central Birmingham had much the same level of involvement in community activities irrespective of the size of the practice; the findings were similar for solicitors elsewhere. On

participation in political activities, the weak positive relationship between the size of the firm and involvement held irrespective of the location of the practice. Involvement in professional activities was positively associated with size of firm in Central Birmingham, but this did not apply to respondents in firms elsewhere.

(v) There was no support for the hypothesis that private practice respondents engaged largely in criminal work would be more likely to be involved in politics but less likely to be involved in community activities than solicitors doing civil work.

(vi) There was clear evidence that private practice solicitors who were heavily involved in community activities were also much involved in political activities.

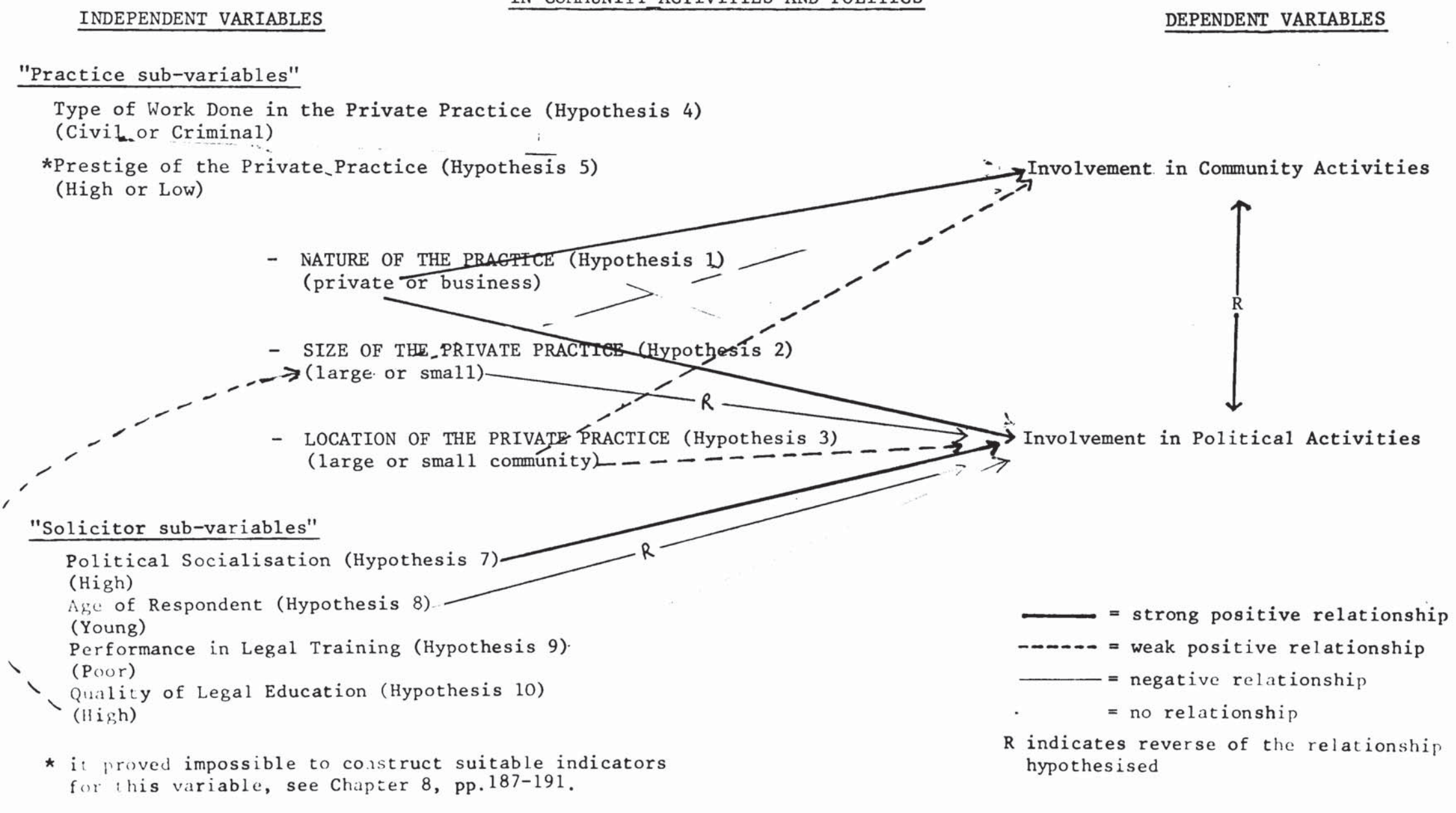
(vii) Solicitors in private practice who were exposed to politics early in their lives were more likely to be involved in politics than those who had no such early exposure.

(viii) There was no support for the hypothesis that solicitors in private practice who performed "less well" in their legal education would be more involved in politics than those who performed "well". It was recognised that the indicators of "performance" were rather inadequate.

(ix) There was some evidence that solicitors with a "better quality" legal education practised in larger firms, though it was again recognised that the indicators of "quality" were not very satisfactory.

(x) Involvement in politics was positively associated with the age of solicitors, the reverse of the hypothesis which was postulated.

FIGURE 11.1 - THE RELATIONSHIPS FOUND BETWEEN SOLICITORS, THEIR PRACTICES AND INVOLVEMENT IN COMMUNITY ACTIVITIES AND POLITICS



* it proved impossible to construct suitable indicators for this variable, see Chapter 8, pp.187-191.

Figure 11.1 summarises diagrammatically the relationships found between the independent variables and the dependent variables of involvement in community affairs and politics, and this Figure may be compared with the hypothesised relationships shown in Chapter 5, Figure 5.1, p.144.

2. Discussion

The argument of Chapter 4 was that in the occupation of solicitor several factors come together cumulatively which result in a high level of participation in extra-professional activities. The empirical research was undertaken in order to throw light on the extent to which different work situations influenced solicitors' level of participation. Structural variables only have been considered in this research and the possible influence of psychological factors has not been considered, as was noted in Chapter 4, p.141. (It might be, for example, that solicitors choose to practise in a particular milieu - business or private practice, small or large private practice, etc - as a consequence of their particular personality characteristics. One personality type might prefer to be "on his own", whilst another might prefer to practise in conjunction with partners).

The low level of participation of business solicitors, compared with those in private practice, can be understood as follows. Business solicitors, who are expected to keep "office hours", play a part in the general management function of their organisations and (in some cases) to travel a good deal in the course of their work, are less "dispensable", less "available" (Chapter 4, pp.114-117) than their counterparts in private practice. Although there are obvious constraints set by the demands of clients, partners and The Law Society regulations the private practitioner is, in the last resort, his own master.

Business solicitors are less prominent in their communities than private practitioners and are hence less likely to be drawn in by others to take part in community and other extra-professional activities (Chapter 4, p.123). As relatively anonymous (as far as the general public is concerned) members of large organisations, business solicitors do not have easily accessible offices in High Streets or residential areas. Indeed, the business solicitor's neighbours probably do not know his profession; rather they think of him as "an employee of XYZ organisation". Most solicitors in private practice, however, are day in, day out involved in work which brings them into close contact with large numbers of people in their local communities. Thus, they are drawn much more than business solicitors into a sub-culture of community and political organisations. In addition, of course, there is little or no incentive for business solicitors to become involved in community affairs or politics as a direct or indirect means of attracting clients. They are assured of a continuing source of work from their one institutional "client" and the need to "advertise ethically" or to "get known in the town" (Chapter 4, pp.125-128) does not arise.

Although both private practice and business solicitors receive a similar training and take a common examination, it may be that the skills built up in the daily practise of law "transfer" (Chapter 4, pp.117-122) less readily in the case of business solicitors than of private practitioners. The work of the former is particularly concentrated in the field of Company and Commercial law and related fields (see Appendix C, pp.301-302). Private practice solicitors specialise, too, but the range of work which they do and the problems which they apply themselves to are more varied and more relevant to wider applications than is the case with business solicitors.

Finally, in this consideration of business and private practice solicitors, it may be that the "service to others" ideal (Chapter 4, pp. 124-125) is felt less strongly by the former than by the latter (as argued by Wilensky, 1964: 146-148). Employment in a large organisation over a number of years is likely to erode to some degree the professional identification and commitment of professionals, as the studies reviewed by Blau and Scott (1963: 64-74) have shown.[1] If involvement in professional activities is an indicator of professional commitment, then the evidence of this research clearly points to a lower degree of commitment amongst business solicitors, compared with private practitioners.

Looking at solicitors in private practice only, the findings on the relationship between the size of the practice and solicitors' participation in community affairs were rather inconclusive, though there was an indication of a tendency for solicitors in large firms to participate more. This, it was argued, was probably a reflection of their greater "dispensability" when compared with solicitors in small and sole practices. Although as recently as a generation ago the solicitor "on his own" or a partner in a small practice was the epitome of the self-employed, self-controlling professional and could come and go as he pleased, this is no longer the case. Recent practice Rules in effect "tie" the sole practitioner more closely to his office than hitherto. In the interviews with private practitioners it was made very clear that clients nowadays expect their solicitor to be "on tap". The solicitor who is forever out at afternoon meetings or at the extended lunchtime meetings of organisations such as Rotary or the

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1. Though the research suggests that employment in a formal organisation does not wholly and in all circumstances destroy professional autonomy, identification and commitment (see, for example, Engel, 1970 and Thornton, 1970).

Chamber of Commerce may soon find his practice dwindling. In this situation the solicitor who wishes to "get involved" jeopardises his practice unless he has partners who are willing to stand in for him.

A further consideration is that of administration and management. Partners in small practices have to exercise a considerable managerial function as well as a legal one. Staff must be directed (smaller practices were less likely to have para-legal staff such as legal executives who might exercise this function), hired and fired, etc. Financial control must be exercised and all of the paperwork which besets the small businessman in contemporary society attended to. In larger practices it is likely that one of the partners will specialise in administration, thus taking this load from the shoulders of the rest.[2] It is perhaps surprising, given modern business conditions, that partners in small practices do not participate very much less extensively in community activities than those in large practices.

Regarding political activities, unlike in the United States, partners in small firms were not more active than those in large firms. The reverse was the case and there was a weak positive relationship between the size of the firm and political involvement. It seems likely that the same considerations regarding "dispensability" mentioned above are responsible for this pattern. The overall participation of solicitors in politics was lower than that in community affairs and much lower than that in the United States. It was suggested that it may be the different nature of the political process in this country (where politics are more

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2. In one large practice where an interview was carried out a professional administrator was employed. Another firm had its own computer, which eased the routine administrative burden and produced analyses of work done, revenue generated, bills outstanding and the like. A letter from one of the partners in this firm, describing this computer and the way it is used, appeared recently in the New Law Journal, 127, 1977: 1183.

overtly party-political and class based and where there is not a plethora of politically appointed and elective offices for lawyers) which contributes to this. In other words, "careerism" or "ambition theory" (Chapter 4, pp.129-136)applies less strongly in this country than in the United States. Another contributory factor may be the recognition (shown by a number of solicitors) that politics can be a two-edged sword. Although activity in local (or national) politics brings a considerable amount of publicity, it can be dysfunctional to a practice in terms both of the inordinate amount of time which it takes up and the extent to which some clients may be offended by their solicitor's "nailing his colours to the mast".

The American literature stresses the attraction of politics to the younger lawyer starting out on his own. Here is an inexpensive and not unethical means of making contacts and so building up a practice. It seems possible that the ready availability of publicly funded legal work in this country, together with the vast amount of well paid conveyancing work which is available, means that it is easier to start up in practice here compared with the United States and that a "new man" does not have to engage in such strenuous "ethical advertising" and the like in order to get established. Coupled with this, of course, is the size of the profession in the two countries. In Chapter 1, p.30 it was shown that there were about three times as many lawyers per head of population in the United States as in England and Wales and, until relatively recently at least, there was a shortage of solicitors in terms of the amount of work available for them. A further difference between practices in England and Wales and the United States may concern the burden of administration, referred to above. It may be that American lawyers need to spend less time on administrative matters related to their practices and staff than those

in this country, who have V.A.T., P.A.Y.E., National Insurance and the like to bother them. Perhaps American lawyers have more time available for extra-professional activities?

Looking at the influence of the location of the practice on solicitors' participation in community and political activities, it seems likely that it is easier for a solicitor in a smaller community to make himself known than it is for one in a central urban area. The attractions of "joining" and "participating" thus will be especially evident to the solicitor in the smaller community. The reverse applies, too. The solicitor in the smaller community is well known to and accessible to the members of that community, and pressure to take part in various activities is likely to be applied. From the remarks made by solicitors who were interviewed, it also seems that those in smaller towns and communities feel particularly strongly that they "should" take part. The pressure generated by the local community may activate the (perhaps latent) feelings and norms internalised during the professional socialisation process. For solicitors in the central urban area, however, the trigger of pressure from the community is less likely to be present.

There is no evidence from this research that private practice solicitors in the smaller towns and communities have lighter workloads than their counterparts in Central Birmingham. There is thus no support for the notion that the former have more free time which could be devoted to community activities than do Central Birmingham solicitors.

It may be useful to conclude this section by referring to the theoretical framework outlined in Chapter 4 and reviewing the extent to which this research has indicated its appropriateness. There were five elements in the framework, five conceptual schemes which, it was argued, needed to be

considered together if a convincing explanation of the involvement of lawyers in extra-professional activities was to be given: the "Dispensability" or "Availability" of lawyers; "Transfer of Skills"; "Community Pressure" and "Professional Socialisation"; "Getting Known in the Town"; and "Careerism" or "Ambition Theory". The discussion in this section and in Chapters 8 and 9 above has attempted to show the usefulness of these elements in understanding the differential degree of participation in extra-professional activities of private practice and business solicitors and, amongst private practice solicitors, differences by the size and the location of the practice. The interviews with business solicitors indicated how important their lack of "Availability" and "Dispensability" was in relation to their relative lack of participation in extra-professional activities, and similar remarks were made by a number of solicitors in small private practices. "Community Pressure" to participate was felt most strongly, as might have been supposed, by solicitors in private practice in smaller communities. It is these solicitors who are most readily accessible to the community and are thus - largely whether they like it or not - drawn into a wide range of activities. A number of respondents in private practice also mentioned feeling that they "should do their bit" in community affairs and it may be that the "service" ideal, internalised during "Professional Socialisation", is triggered into action when a solicitor practises in a smaller community. However, it must be noted that solicitors in Central Birmingham were by no means inactive in community affairs and politics.

The importance of "Getting Known in the Town" as a means of obtaining business was widely recognised by private practice solicitors; however, most were quick to point out that they did not engage in community

activities in order to get business and "touting" was widely condemned (the influence of professional socialisation was apparent here, for "touting" is a deadly sin as far as The Law Society is concerned - see Chapter 4, footnote 18, p.126). The question of "Transfer of Skills" between legal practice and extra-professional activities has been rather taken for granted in this research and later studies might attempt to gauge precisely the extent to which different groups of solicitors (e.g. private practice: business) possess the skills which are readily transferable to and needed by extra-professional organisations. There seems little doubt, however, that most solicitors do possess a wide range of the attributes which are required (and are sometimes in short supply) in community organisations and politics.[3] Scarcely a solicitor interviewed was not articulate (many were also voluble!); most, by their training and practice, would have become skilled communicators, analysers and synthesisers. The final element "Careerism" or "Ambition Theory", is the least useful of the five conceptual schemes. As has been argued, this element applies much more obviously to the United States than to this country. Insofar as it does apply to England and Wales, it is appropriate to barristers rather than solicitors and at the national rather than the local level of politics since solicitors have only recently obtained a tenuous foothold on the ladder of judicial appointment, since solicitor-M.P.s have no claim to the Law Offices of the Crown in Parliament, and since politically-appointed legal offices at the local level do not exist.

Thus, four of the five elements of the theoretical framework seem to be appropriate to the study of the involvement of solicitors in extra-

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3. In response to a question about respondents' views on the matter of lawyers' involvement in politics, one third of all respondents mentioned the relevance of legal training and experience to politics (Appendix C, Table C.47, p.339).

professional activities. It may be that the fifth element will emerge as of increasing importance in the future, as the range of politically-appointed offices which are available to solicitors opens up further.[4]

3. Areas for Future Research

This study has indicated the paucity of data about the structure and functioning of the solicitors' profession in England and Wales, apart from information incidentally provided in the largely historical studies by members of the profession such as Birks (1960) and Kirk (1976). It is to be hoped that the research on the profession undertaken for the Royal Commission on Legal Services will provide the detailed basic data which is lacking.[5] This section suggests some areas where research might be fruitful.

The legal profession has traditionally looked with suspicion at attempts to submit its institutions and arrangements to close investigation, but there are signs that attitudes are changing (see Introduction, pp.1-2). It was made clear to this researcher, however, that there are matters which solicitors would not be prepared to discuss - any matter to do with finance or how a partnership is run, for example. Perhaps the willingness of solicitors to co-operate in providing relatively "non-sensitive" information of the kind sought in this research - and the high degree of co-operation obtained was reflected both in the very satisfactory response rate and the fact that virtually all respondents were willing to answer

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4. The tension between barristers and solicitors (which has a long history and is referred to in Chapter 1, p.15) may be revived if, as seems to be happening, the traditional preserves of the Bar are increasingly opened up to solicitors.

5. The Royal Commission has commissioned or become associated with a number of empirical studies. These are listed in a Report on Progress, April 1977 (Royal Commission on Legal Services, 1977: 2-3, 13-16).

all questions in the interview schedule - means that future research can look at more "sensitive" matters.[6] On some of the topics investigated in this research, for example, it may be that in the future solicitors will be prepared to reveal more about their attitudes and views on matters concerned with personal beliefs or to reveal more detailed information about their workloads.

The interviews with solicitors in private practice indicated that some in effect actively sought out extra-professional involvements, whilst others felt that they "should" participate or were prepared to be "lumbered" as a result of community pressure. Whilst few respondents would admit that their extra-professional activities had an ulterior motive,[7] many recognised the value of extra-professional involvement, even some of those who were not involved. The considerations which led solicitors to "get involved" were not necessarily the same for all respondents; however, nor were the meanings which they attached to involvement in community affairs and politics. Though the substantial and direct spin-off for business purposes of extra-professional activities was widely noted other functions were also served, for example, "broadening" and providing a view of "life" and "affairs". The latter in particular was seen as an essential experience for the young solicitor, though it is clearly extremely important for all solicitors to obtain up-to-date information about what is going on in the wider community. Other respondents saw

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6. It may be that a particularly careful "build up" to the interview is necessary with high status, typically very busy, professional men such as solicitors. The fact that this researcher was a university lecturer may have helped in obtaining the high response rate. Certainly the initial contacts via telephone calls to solicitors (though time-consuming because of the difficulty in reaching the chosen individuals) seem to have been very important in establishing the researcher's bona fides, in building up rapport and stimulating interest in the research project.

7. Bankowski and Mungham (1976: 50-53), who studied the Cardiff duty solicitor scheme, claimed that solicitors who took part in the scheme did so only because there was "something in it for them"; they exacted a "price" for their "public service" work. See also Thomas and Mungham (1977).

their extra-professional activities in a different light, as helping to maintain a balance with the demands of a heavy practice. These matters have been considered at more length in Chapters 8 and 9 and in the discussion of the conceptual schemes in Chapter 4. Future research might look in greater detail at the meanings which solicitors attach to participation in extra-professional activities and attempt to weigh the different factors involved.

The minority of solicitors who do not become involved in community affairs are of some interest. Table C.36, Appendix C, p.328 shows that 6.8% (7) of private practice solicitors did not belong to a single organisation or club. "Deviant case analysis" often throws light on conformity, and studies which concentrated on the "non-involved" solicitor would be most useful - this research has suggested that the main reasons for non-involvement are ethical objections and lack of time, but other factors may be influential, such as the solicitor's personality (on this, see the discussion below).

This research has not discriminated between the different types of community organisations in which solicitors participate, apart from the broad distinction made in Appendix C, pp.329-330. Here it was shown that private practice solicitors were more likely than those in business to belong to organisations which were broadly categorised as "social and ex-service", "business and semi-professional" and "social and charitable". Business solicitors, on the other hand, were more likely to be members of "hobby" and "religious" organisations. It was argued that it was in the former groups of clubs that the spin-off for professional purposes was likely to be the greatest. Future research might profitably follow up these indications and examine the extent to which solicitors in different work situations - i.e. business or private practice, and in different

types of private practice - were members of different types of community organisations. This research has rather assumed that "community organisations" are homogeneous, which may by no means be the case.

No account has been taken of psychological variables. It was pointed out in Chapter 4, p.141 that these are possibly very important, and a consideration of the personality (for example in terms of extroversion-introversion) of solicitors would be an essential element of a general explanation of solicitors' participation in extra-professional activities. It may be that structural factors such as those considered in this research are very powerful and in effect "drive" solicitors into extra-professional activities (as in the case of the American lawyer quoted in Chapter 4, p.128), but it may also be the case that the law attracts a particular kind of personality type in the first place.[8]

The question of the extent to which those who plan a career in politics first become lawyers has been referred to in Chapter 4, pp.140-141. The cases of Woodrow Wilson, and of John Simon and F.E. Smith, were noted. Similar instances amongst contemporary politicians might include Margaret

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8. Personality and structural variables no doubt interact. Examples of research in this area include the work of McMurry (1958) and Kerr and Siegel (1954: 195-196). McMurry suggested a functional relationship between the structured, routinised character of banking work and the submissive, dependent personality configurations of many bank employees. Kerr and Siegel argued that the inherent nature of jobs determine, by selection and socialisation, the kinds of workers employed and their attitudes. Physically difficult jobs, such as coal mining, tend to be carried out by tough, combative workers whilst physically undemanding jobs in pleasant surroundings, for example in offices, attract submissive individuals.

Thatcher and Jeremy Thorpe. How far a training in law is seen as an appropriate (even necessary) step to a political career can be gauged only by a study directed at lawyer-politicans, the majority of whom at the national level are, of course, barristers rather than solicitors. It is an intriguing question.

The dysfunctional aspects of participation in community affairs and politics is also worthy of closer investigation. In Chapter 9, p.221 reference was made to the dangers involved when a solicitor in private practice is unavailable to his clients because he spends too much time out of his office. Politics in particular were seen by some respondents as likely to be dysfunctional to a successful legal practice, not only because of the considerable amount of time which they take up, but also because the "political" solicitor might offend some of his clients (see Chapter 8, p.202). The problem of finding the time for extra-professional activities is a major obstacle to participation, given the pressures on the modern solicitor. The considerable stress and strain involved in running a successful practice, in effect a small business,[9] in keeping up with changes in law and at the same time participating in community affairs and politics need not be exaggerated.

Subsequent studies of solicitors might use research techniques other than the formal methods employed in this study, where semi-structured interviews formed the main basis for data collection and where there were probably

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9. Solicitors deal with very large sums of other peoples' money, a situation which must involve special strains and temptations. Wickenden (1975: 141-142) has noted that even in small firms the client ledger is likely to record receipts and payments in one year of several millions of pounds. The average balance in the client account at any one time in a small firm might well be over £50,000.

about 100 hours of face-to-face contact with respondents. Two alternative methods which are likely to be fruitful spring immediately to mind - a "practice based" method focussing both on the internal relationships of a practice and the "boundary" problems where a practice interacts with other practices and institutions, clients, barristers, the courts and so on. A second method particularly appropriate would be the diary method - the solicitor's day is typically "broken" and he considers a number of different "cases" or problems, so the solicitor's work role would be particularly susceptible to analysis by this method.

Some specific areas for future research are indicated below:

(i) Business solicitors This research has shown that solicitors in business organisations differ in a number of respects from those in private practice - in terms of the work performed, education and legal training and other characteristics (see Appendix C). Further research, using a large sample of business solicitors, would pinpoint more closely the areas of difference. Lawyers in central and local government are also something of an unknown quantity - only a few brief studies have been published. Research on solicitors outside private practice is of particular importance at the present time, as their numbers are increasing.

(ii) Assistant solicitors This study has ignored the 6,000 assistant solicitors working in private practice in England and Wales. Virtually nothing is known about the characteristics of these salaried (but fully qualified) solicitors, apart from the fact that they have increased numerically and proportionately in recent years (see Chapter 1, p.37).

(iii) Women Solicitors About one solicitor in 20 is a woman. No women solicitors were interviewed in this research and only one of the 125 partners in private practice contacted was a woman, who was one of those who refused to be interviewed. Women in private practice seem to be disproportionately concentrated in the ranks of assistant (i.e. salaried non-partner) solicitors. Although one third of those admitted to the profession each year are now female (see Chapter 1, footnote 19, p.22) the 1975 Law List showed that there were 22 female assistants and only five partners or consultants amongst the 27 women solicitors in Birmingham practices. So, more than 80% of female solicitors in Birmingham were assistants, whereas only about 23% of all solicitors in private practice generally were assistants (data calculated from Chapter 1, Table 1.2, p.36). However, it must be noted that these Birmingham women assistants were mostly relatively recently admitted as solicitors - 13 had been admitted for less than three years and 19 of the 22 for less than four years. Only time will tell whether women assistants move on and obtain partnerships to the same extent as men. In the United States Epstein (1968, 1970, 1971) has reviewed the special problems faced by women in the legal profession, and similar research in this country would be most useful.

(iv) The Large Law Practice The increasing number of large practices in recent years and the great leap in the size of the largest firms mean that new forms of legal organisation are emerging (see Chapter 2, p.44). It may be assumed that these very large firms have internal structures and arrangements which set them apart from any form of practice previously existing in this country. A study similar to Smigel's (1969) classic

study of large New York City law firms is overdue.[10]

(v) The Sole Practitioner Some of the problems of the sole practitioner have been touched upon in this study. It was suggested that the number of sole practitioners was on the decline and that they were finding survival very difficult in an age of specialisation, high overheads, etc. (Chapter 2, p.43). Just as an English Smigel is needed to study very large practices, so an English Carlin (1959, 1962a) is needed to chronicle the special problems and position of "men on their own".

(vi) How do solicitors get their Clients? Some crude information was collected on this question (Appendix C, pp. 320-324), which is a crucial one in an ethical profession. What is needed is a detailed study, initially of a small number of practices, where clients would be the focus of the research.[11]

(vii) The Dynamics of the Practice There has been no study in this country of the dynamics of the solicitor's practice - the daily routine, the activities of the partners and staff, the economics of the practice, and so on.[12] This is another field in which research is needed.

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10. At the subjective level the different atmosphere of the large Central Birmingham practices, compared with other practices, was very noticeable. These large practices were, indeed, like the impersonal "corporation law offices" described by Smigel and worlds apart from even medium size firms in the city centre, let alone some of the small solicitors' offices outside Birmingham. In a few small practices, usually in country towns, an almost Dickensian image was projected with tables piled high with papers and files, and with the traditional black painted deed boxes stacked high in the corners of the rooms.

11. Dr Maureen Cain of Brunel University has recently completed an exploratory study of solicitor-client relationships.

12. On this latter point the surveys of the National Board for Prices and Incomes (1968, 1969, 1971) collected some data on the gross incomes of solicitors but little is known about the economics of practices. In particular, how is the financial side of partnerships managed? Do English solicitors, for example, follow the practice which Moore (1970: 194) has said is followed in the United States, where law partners do not take equal amounts of fees collected but divide the fees into "shares", allocated in proportion to the business attracted to the firm?

(viii) Becoming a Solicitor Nothing is known about how young men and women come to choose the career of solicitor. It was noted in Chapter 4, p. 141 that personality characteristics may be of importance both with regard to the choice of the law as a career and the type and location of the practice in which the solicitor chooses to work. A study of the psychological aspects of the career choice of solicitors would be most useful.

This research has indicated a quite high level of family recruitment to the profession, supporting the findings of earlier studies; the importance of a "family connection" in obtaining articles was also noted (Appendix C, p. 287-288). A comprehensive study of the process of recruitment to the solicitors' profession would provide fuller information on these matters. Also, a large proportion of English law graduates do not enter the legal profession - 32.7% of 1963 law graduates had not entered the profession three years later, though the proportion had fallen to 18.0% for 1971 graduates (Green, 1976: 175). The reasons for this, and for the fluctuations in the proportions entering the law, need to be studied.

(ix) How Solicitors contribute to Community and Political Activities
The main focus of this research has been on the extent of solicitors' involvement in community and political activities and has sought to relate these to features of solicitors' practise. It would be illuminating to study this question from the other direction, i.e. by focussing on organisations and associations which have solicitors amongst their members, in order to ascertain the nature of the contribution and involvement of solicitors. Are they, indeed, "compromisers" and "mediators" as has been suggested? (Chapter 2, pp. 80-82). In what ways are the special skills and qualities which solicitors possess used in the community organisations and associations to which they belong?

(x) Professional Socialisation The influence of professional socialisation has been rather taken for granted in this study and its possibly differential impact on the extra-professional (and professional) careers of solicitors has been ignored. Research needs to be carried out on the impact and influence of professional socialisation, paralleling that which has been carried out in the United States by Zelan and Warkov (Zelan, 1964, 1967, 1968; Warkov, 1965, Warkov and Zelan, 1965). Although there are a number of personal accounts by barristers and solicitors of their training and inculcation into "the law", there has been no systematic social scientific research. However, Bankowski and Mungham (1976) and Cain (1976) have recently indicated some of the issues which might be examined.

4. The Involvement of Solicitors in Extra-Professional Activities in the Future

This research has referred to the heterogeneous nature of the solicitors' profession. What at first sight appears to be a homogeneous, even monolithic, bloc is revealed on closer analysis to be differentiated and stratified.[13] This lack of homogeneity is reflected in the widely-different work-settings of solicitors (nature, size and type of practice, work done, etc.) and - the particular focus of this research - in the differential involvement of solicitors in extra-professional activities. To what extent will solicitors in the future, in an increasingly segmented profession, be involved in activities in the wider community?

Looking first at solicitors not in private practice, it seems very likely that they will be employed in business, industry, government and the like in increasing numbers, in response to the demand for more and more professional manpower in post-industrial

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13. The tight control over the profession which is exercised by The Law Society and that body's public pronouncements reinforce the illusory semblance of homogeneity.

society. This research has indicated that solicitors working in business organisations participate less in extra-professional activities than those in private practice. However, because the number of solicitors in private practice also continues to grow rapidly, a trend towards a higher number of solicitors employed in business would not reduce the extent to which solicitors as a whole participated in extra-professional activities.

Turning now to private practice, where the great majority of solicitors are located, it seems inevitable that the profession will become increasingly differentiated in the future, as large private practices continue to increase in size and inter- and intra-firm specialisation accelerates in response to more and more complex legislation and the pressures of modern society. In this situation, for the reasons discussed above, solicitors of the future may have less time and inclination to take part in extra-professional activities. This study has shown, however, a tendency for partners in larger practices to participate a little more in community and political activities than those in smaller practices, so that the trend towards larger practices and the further decline of the sole practitioner and small firm may not of itself mean that private practice solicitors are no longer much involved in outside activities.

It seems possible that changes in the nature of solicitors' work may be more influential than the growth in the number of business solicitors and the decline of the small private practitioner in reducing the extent to which they take part in a wider set of activities. For example, the introduction of a "no fault" accident insurance scheme to this country might remove a source of work from the profession.[14] "Do-it-yourself" divorce has already led to a reduction in the amount of divorce work available to solicitors; if the conveyancing

14. On this, see Atiyah (1970: 603-620). It is a matter on which the Royal Commission on Civil Liability is expected to report during 1978.

monopoly is taken away - and many of the solicitors interviewed felt that this would be one of the main recommendations of the Royal Commission on Legal Services - then a highly remunerative and uncomplicated area of work (which in many practices brings in 40% or 50% or more of the total income) will dwindle or even disappear. If these possibilities are realised,[15] then many private practitioners would have to devote more time to less remunerative work or look for alternative sources of income, and the time and effort hitherto devoted to participation in community activities would necessarily be reduced. Certainly it might be expected that solicitors in the future will become more discriminating with regard to the kinds of extra-professional activities which they undertake, with perhaps a concentration of activity in those fields which are seen as being directly useful as a form of "ethical advertising", in providing potential contacts for legal work and as keeping them abreast of what is going on in the wider community.

Increasing state intervention in the affairs of the legal profession may also reduce the extent to which solicitors take part in extra-professional activities. Although a "National Legal Service" along the lines of the National Health Service may never come about, the activities of the National Board for Prices and Incomes, Monopolies and Mergers Commission and the Royal Commission on Legal Services in the last decade make it clear that, in the future, the profession must expect an increasing amount

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15. Perhaps it is wrong to be too pessimistic about the future prospects for the profession - as one respondent, whose practice was highly diversified, said: "as one door closes another opens". New possibilities are opening up. The amount of legal aid work available seems likely to increase in the future, and there are more and more opportunities for solicitors to represent appellants at hearings of Tribunals, etc, which are becoming increasingly "judicialised" (Prosser, 1977: 48-49).

of state scrutiny and direct control over its actions. As a result "collegiate" professional control in the solicitors' profession may increasingly be replaced by "patronage" (control by patrons, i.e. bureaucratic employers) and "mediation" (i.e. state intervention).[16] Solicitors who work in business organisations participate less in extra-professional activities, it has been shown, and to the extent that private practice solicitors move away from being ideal-typical independent practitioners and come more and more to feel the impact of state intervention, it may be expected that they will participate less in activities in the wider community.

As the profession grows in size - and the number of practising solicitors has doubled in the last 30 years - it may be that socialisation patterns will change and the ideals of "service" and "putting something in as well as taking something out" will be of diminished importance. New generations of solicitors may no longer feel that they have a responsibility to play leading parts in community activities.[17] This might particularly be the case if new recruits to the profession - as seems to be inevitable - are drawn from a wider range of socio-economic backgrounds than hitherto. Since at least the middle of the nineteenth century recruits to the solicitors' profession have come, overwhelmingly, from middle class backgrounds. The long period of training, the difficulty of obtaining articles unless one had the right connections, the heavy premia demanded of articled clerks up until only ten or 15 years

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16. These were the terms used by Johnson (1972: 45-46).

17. The argument in this section runs counter to that of Halmos, who has suggested that the growth and spreading influence of the "personal service" professions will lead to a transformation of society and the emergence of a "personal service society" (Halmos, 1967, 1970).

ago, the low level of salaries paid to articled clerks - all served to narrow the social base of recruitment. In recent years the opening of higher education to many more young people from a wider range of social backgrounds means that recruits to the profession will come, in increasing proportions, from other than middle class homes. It seems possible that, because of their different backgrounds and socialisation experiences, substantial proportions of these new solicitors will regard their professional career in "instrumental" terms, rather than in terms of the traditional "service" orientation (Child and Schriesheim, 1977: 20).

It was suggested above that as many as one in three of those admitted to the profession at the present time are women. Perhaps many of these will, because of family and domestic commitments, have less free time to devote to extra-professional activities than their male counterparts? The increasing "feminisation" of the solicitors' profession thus may lead to a decline in the proportion of solicitors involved in activities in the wider community.

Finally, the number of solicitors involved in politics as elected members of local councils or in Parliament might also be reduced by the "professionalisation of politics" (with even local politics becoming virtually a full-time occupation) which, some writers have argued, will continue to take place.

In conclusion there is, to set against these possibilities, at least one trend in modern society which may encourage solicitors to continue to play a prominent part in activities in the wider community. There is an increasing range of opportunities for service on legal and quasi-legal bodies and legal appointments of both a full-time and part-time nature. The first solicitors have now been appointed to the Bench and numbers

have been appointed as Recorders, Registrars of County Courts and the like. There are also many remunerative positions for which solicitors may now apply, for example as Chairmen of Tribunals such as Industrial Tribunals. Might it not be the case that the "active" solicitor - "active" in national or local politics, in community organisations or professional bodies - is more likely to receive such an appointment than the solicitor who functions on a more limited plane?

APPENDIX A

LETTERS SENT TO SOLICITORS

To Solicitors in Private Practice

Dear Mr

I am writing to ask if you will be willing to spare about 30 minutes of your time to be interviewed in connection with a research project which I am carrying out amongst Midlands solicitors. The aim of the research is to examine relationships between the type of legal practice, professional training and solicitors' participation in activities outside their profession.

Your name has been selected at random from the "Law List" and I would like to emphasise that any information you may give me will be treated in the strictest confidence. No individual replies will be identifiable when the data is assembled.

I do hope that you will be able to spare the time for an interview. May I telephone you in the next few days in the hope of fixing an appointment?

Yours sincerely

David Podmore
Lecturer

To Business Solicitors

Dear Mr

I am writing to ask if you will be willing to spare about 30 minutes of your time to be interviewed in connection with a research project which I am carrying out amongst Midlands solicitors. The aim of the research is to examine relationships between the type of legal practice and solicitors' participation in activities outside their profession.

I have interviewed over 100 solicitors in private practice and I am now, for comparative purposes, interviewing solicitors who are employed in industry and commerce. Your name has been selected at random from the Law List and I would like to emphasise that any information you may give me will be treated in the strictest confidence. No individual replies will be identifiable when the data is assembled.

I do hope that you will be able to spare the time for an interview. May I telephone you in the next few days in the hope of fixing an appointment?

Yours sincerely

David Podmore
Lecturer

APPENDIX B

THE INTERVIEW SCHEDULE

Many of the questions in the schedule were common to both private practice and business solicitors; in the following list the common questions have no indication against the question number. Questions put to private practice solicitors only have "PRI" indicated against them and those put to business solicitors only have "BUS" against the question number.

I BACKGROUND DATA

1. Sex of Respondent

   Male
   Female

2. May I know how old you are? _____

3. Where were you born? (town, county) _____

4. Will you please give me some details of your secondary education:

   Secondary Modern
   Secondary Grammar
   Secondary Direct Grant
   Independent
   Other (Specify)

5. How old were you when you left school? _____

6. Now some details of your further and higher education, both full-time and part-time, including your legal training:

	No. of Years Study	Part-time	Full-time

7. Will you please tell me what higher educational and professional qualifications you hold?

II CAREER CHOICE AND PREVIOUS CAREER

8. Now can you give me some broad details of your career since you left school?

Nature of Job	Employer	Period	Location (Town)

9. When did you decide to become a solicitor? (SHOW CARD)

Ever since I can remember
During my secondary education
At University or College
After I had started work in another career
Other (Specify)

10. What attracted you to the career of solicitor?

---

11. How did you get articles?

---

12. Please describe the positions you have held since qualifying as a solicitor:

Nature of Job	Period	Type of Practice (solo, group, etc)	Location (Town)

III DETAILS OF PRESENT PRACTICE OR JOB

BUS 13. In this organisation, how many people are employed in the Legal Department, and in what capacities?

Barristers	Solicitors	Articled Clerks	Legal Execs or Assts.	Clerical Secretarial	Total

BUS 14. In your present post, would you tell me what proportion of your time you spend, in an average week, on legal and non-legal work?

Legal Work _____

Non-Legal Work _____

(Ask about nature of non-legal work)

BUS 15. Speaking of the legal work which you do, how would you rank the following categories, in terms of their relative importance? (SHOW CARD)

	Extremely Important					Not at all Important
Matrimonial	:	:	:	:	:	:
Wills and Probate	:	:	:	:	:	:
Company and Commercial	:	:	:	:	:	:
European and International	:	:	:	:	:	:
Planning Matters	:	:	:	:	:	:
Property/Conveyancing	:	:	:	:	:	:
Tax Matters	:	:	:	:	:	:
Personal Injury	:	:	:	:	:	:
Criminal	:	:	:	:	:	:
Other Litigation	:	:	:	:	:	:
Employment Law	:	:	:	:	:	:
Parliamentary Work	:	:	:	:	:	:

BUS 16. Would you tell me why you have taken out a practising certificate?

_____

BUS 17. Do you have any other remunerative occupation?

(If "yes", specify) _____

PRI 18. Are you Sole Practitioner; Partner; Other (specify) _____

PRI 19. (a) Is this the only office of this practice, or are there branches?

PRI (b) If "yes", ask how many branches and where

_____

PRI 20. How many Partners and Assistants (i.e. fully-qualified Solicitors) are there in this practice?

Partners _____

Assistants _____

PRI 21. How long have you been in this practice?

Less than 10 years
10-19 years
20-29 years
30-39 years
Over 40 years

PRI 22. How many people work in the practice altogether, and what are their jobs? (SHOW CARD)

Qualified Solicitors	Articled Clerks	Ex-Articled Clerks not yet qual.	Legal Execs.	Clerks	Secs.	Others (Specify)	Total
Number:							

PRI 23. Do you hold any directorships or positions in business companies as a consequence of your legal practice?

Yes

No

PRI 24. (a) Is this practice your full-time occupation?

Yes

No

PRI (b) If "no" list other occupations and time spent in them:

Occupation	Proportion of time spent in it (%)

PRI 25. How would you rank the following categories as indicators of the kind of work you and your partners do in this practice?

The nature of work carried out in the practice

(SHOW CARD)

	Extremely Important					Not at all Important
Matrimonial	:	:	:	:	:	:
Wills and Probate	:	:	:	:	:	:
Company and Commercial	:	:	:	:	:	:
European and International	:	:	:	:	:	:
Estate Duty	:	:	:	:	:	:
Property/Conveyancing	:	:	:	:	:	:
Tax Matters	:	:	:	:	:	:
Personal Injury	:	:	:	:	:	:
Criminal	:	:	:	:	:	:
Other Litigation	:	:	:	:	:	:

PRI 26. The work you spend most time on

(SHOW CARD)

	Extremely Important					Not at all Important
Matrimonial	:	:	:	:	:	:
Wills and Probate	:	:	:	:	:	:
Company and Commercial	:	:	:	:	:	:
European and International	:	:	:	:	:	:
Estate Duty	:	:	:	:	:	:
Property/Conveyancing	:	:	:	:	:	:
Tax Matters	:	:	:	:	:	:
Personal Injury	:	:	:	:	:	:
Criminal	:	:	:	:	:	:
Other Litigation	:	:	:	:	:	:

PRI 27. How do you get your clients (who refers them to you)?

(SHOW CARD)

	Extremely Important					Not at all Important
Institutions, (e.g. banks, building societies, courts, police)	:	:	:	:	:	:
Legal aid and Citizens' Advice Bureaux	:	:	:	:	:	:
Other Professions (e.g. accountants, estate agents)	:	:	:	:	:	:
Existing clients returning and their personal recommendations	:	:	:	:	:	:
Casual callers	:	:	:	:	:	:
Arising from your own and your partners' contacts in extra mural activities	:	:	:	:	:	:

28. How frequently do you take work home in the evenings or at weekends?

(SHOW CARD)

very frequently (3/4 times each week on av.)
frequently (1/2 times each week on av.)
sometimes (once a fortnight on average)
seldom (once a month on average)
never

29. How frequently do you make appearances in Court?

(SHOW CARD)

very frequently (4/5 or more appearances per week on av.)
frequently (2/3 appearances per week on average)
sometimes (1 appearance per week on average)
seldom (1 appearance per month on average)
never

PRI 30. Is your practice in the Legal Aid Scheme? Yes
No

31. Do you personally do any work for the Citizens' Advice Bureau, the Marriage Guidance Council, etc?

IV PARTICIPATION IN ORGANISATIONS AND POLITICAL INTEREST

32. (a) At the present time, to which professional associations and organisations do you belong?

(b) How often, in the last 12 months, did you attend meetings? (SHOW CARD)

(c) Have you ever held office or sat on the Committee?

(d) Have you in the past been more active than this? (Specify when and how active)

---

33. (a) To which extra-professional associations, organisations or clubs do you belong, (Specify broad activity, e.g. golf, gardening, music at the present time?

(b) How often in the last 12 months did you attend meetings? (SHOW CARD

(c) Have you ever held office or sat on the Committee?

(d) Have you in the past been more active than this? (Specify when and how active)

_____

	Meeting Attendance		
Organisation	Usually	Occasionally	Rarely

34. Has participation in these non-professional associations helped or hindered your career at all? (SHOW CARD)

Helped a lot
Helped a little
Not helped or hindered at all
Hindered a little
Hindered a lot
Not applicable

35. How interested are you in politics? (SHOW CARD)

Very interested
Quite interested
Not very interested

36. If "very" or "quite interested", at what point in your life did you first become interested in politics? (SHOW CARD)

Ever since I remember
At school
At University or College
After I became a Lawyer
Other (specify) _____
Not applicable

37. (a) Are you at present a paid up member of a political party?

Yes
No

(b) If "yes", for about how many years have you been a member? _____

(c) If "no", have you ever been a member? Yes
No

38. (a) Have you ever held office or served on a Committee of a political party?

Yes
No

(b) If "yes" will you please specify:

Capacity or Offices held	Years Served	Age when first held office

39. (a) Have you ever been a candidate at a Local or General Election?

Yes
No

(b) If "yes" will you please specify:

Type of Election	No. of Times a Candidate	Result	No. of Years Served	Age when first a candidate

40. Have you ever helped a candidate or party in an election campaign at

(a) Local level Yes
No

(b) National level Yes
No

(c) If "yes" in how many campaigns and in what ways have you helped? (Specify)

Local level _____

National level _____

41. (a) Have you ever been a non-elected or co-opted member of any local, or national or public boards, committees, etc? (e.g. J.P., member of National Insurance Committee, Rent Committee etc.)

Yes
No

(b) If "yes" will you please say which boards, etc.

Board/Committee	Capacity	Years Served

42. Has participation in politics helped or hindered your career at all?

(SHOW CARD)

Helped a lot
Helped a little
Not helped or hindered at all
Hindered a little
Hindered a lot
Not applicable

V SOME FINAL GENERAL QUESTIONS

43. Quite a large number of solicitors are involved in politics, both locally and nationally. Would you give me your views on this?

44. If you had your time over again,

(a) would you still have become a solicitor and followed the sort of career you have done?

Yes
No

(b) If "no" why not? _____

BUS 45. Have you ever thought of going into private practice - would you give me your views on this?

(I 46. What makes for a successful legal practice, in the present day world?

_____

47. What kind of work did your father do? (i.e. his main career or job)

_____

48. How interested was your father in politics?

(SHOW CARD)

very interested
quite interested
not very interested

49. How interested was your mother in politics?

(SHOW CARD)

very interested
quite interested
not very interested

APPENDIX C

A FULL DESCRIPTION OF THE CHARACTERISTICS OF RESPONDENTS AND THEIR WORK

In this Appendix data are presented, for the most part, in terms of comparisons between solicitors in private practice and those in business, commerce, industry and statutory bodies (hereafter referred to as business solicitors).

1. Age, Education, Social Class Background

Age

Business solicitors (N = 25) were rather younger than those in private practice (N = 103), the age range for business solicitors being 27 to 56 years (mean 37.0 years, median 34) and for those in private practice 25 to 73 years (mean 43.1 years, median 39) ($t = 2.37$; $p < .05$).

Birthplace

TABLE C.1

BIRTHPLACE OF RESPONDENTS

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
In the town of interview, or within a 10 mile radius	2	8.0	52	50.5	54	42.2
Elsewhere in the Midlands	8	32.0	18	17.5	26	20.3
Elsewhere in the U.K., or abroad	15	60.0	33	32.0	48	37.5
Total	25	100.0	103	100.0	128	100.0

$x^2 = 14.89$, $df = 2$, $p < .001$

olicitors in private practice were much more likely to have been born
n or near to the town in which the interview took place, as Table C.1
hows. Half of the solicitors in private practice were, in fact,
ractising in or within ten miles of the town in which they were born.
he Table also shows that twice the proportion of business compared with
rivate practice solicitors were born outside the Midlands area.

ducation

TABLE C.2

SECONDARY EDUCATION

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
Elementary/Secondary Modern	1	4.0	3	2.9	4	3.1
Secondary Grammar	15	60.0	41	39.8	56	43.8
Secondary Direct Grant	3	12.0	14	13.6	17	13.3
Independent	6	24.0	45	43.7	51	39.8
Total	25	100.0	103	100.0	128	100.0

The secondary education of respondents is shown in Table C.2. A rather higher proportion of solicitors in private practice attended independent secondary schools and a higher proportion of business solicitors attended grammar schools ($x^2 = 2.85$, df = 1, $p < .10$). The two groups were similar in terms of the length of time spent in secondary education; 32.8% (8)[1] of business solicitors left school before the age of 18 compared with 34.0% (35) of those in private practice.

1. In the pages which follow, the figures in parentheses refer to the number of responses on which the percentages are based. It should be noted that percentages for business solicitors are often based on small numbers.

TABLE C.3

GRADUATES - UNIVERSITY ATTENDED

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
Oxford and Cambridge	5	29.4	13	26.0	18	26.9
London	6	35.3	8	16.0	14	20.9
Birmingham	3	17.6	19	38.0	22	32.8
Other	3	17.6	10	20.0	13	19.4
Total	17	100.0	50	100.0	67	100.0

$x^2 = 7.81$, df = 3, $p < .05$

Looking at higher education, 68.0% (17) of business solicitors held a degree compared with 48.5% (50) of private practice solicitors. Of those respondents with degrees, similar proportions graduated from Oxbridge and other universities, but twice as many business solicitors as private practice solicitors were graduates of London and the relationship was reversed regarding those who were graduates of Birmingham University (Table C.3). This seems to reflect the relatively "local" orientation of private practice solicitors revealed in Table C.1 above. 52.0% (13) of business solicitors and 45.6% (47) of those in private practice held first degrees in law.

Twice the proportion of business solicitors (16.0%, 4) compared with private practice solicitors (7.8%, 8) held postgraduate qualifications, excluding the Oxbridge M.A. degree. Three business solicitors and five in private practice held the Oxford BCL or Cambridge LLB degrees. Two of the respondents in private practice were studying for higher degrees at the time of the interview - one for a PhD in Law, the other for a Master's degree in Modern History. Four business solicitors held other

professional qualifications (Chartered Secretary, Town Planner, etc.) and one solicitor in private practice. Two solicitors in private practice had passed the Bar examinations earlier in their careers and one of these had in fact practised as a barrister, abroad.

Social Class Background

TABLE C.4

FATHERS' SOCIAL CLASS

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
Professional and Higher Managerial	8	32.0	39	37.9	47	36.7
Lower Managerial and Intermediate	10	40.0	38	36.9	48	37.5
Routine Non-Manual and Clerical	3	12.0	16	15.5	19	14.8
Skilled Manual	-	-	6	5.8	6	4.7
Semi-Skilled Manual	2	8.0	4	3.9	6	4.7
Unskilled Manual	1	4.0	-	-	1	0.8
Missing data	1	4.0	-	-	1	0.8
Total	25	100.0	103	100.0	128	100.0

Data were obtained on the main occupations of respondents' fathers, as an indicator of social class background and the extent to which "sons follow in fathers footsteps" in the solicitors' profession. Respondents were asked what were the main occupations or careers of their fathers and the replies were then categorised into the six groups shown in Table C.4. The Professional and Higher Managerial group included such occupations as doctor, solicitor and managing director; the Lower Managerial and Intermediate group included insurance manager, estate agent and unqualified

accountant and Routine Non-Manual and Clerical occupations included shopkeeper, clerical officer in the Civil Service and commercial traveller. Examples of Skilled Manual occupations included printer, silversmith and cabinet maker; Semi-Skilled Manual occupations included bus conductor and house painter and the sole example of an Unskilled Manual occupation was labourer.

If occupation is taken as a broad indicator of social class and if Non-Manual occupations are characterised as "middle class" and Manual occupations as "working class", then about nine out of ten of the solicitors interviewed came from middle class homes.

There were 43 different fathers occupations amongst the 103 respondents in private practice. The most common occupation was solicitor (16.5%, 17) followed by owner of own business (5.8%, 6). The occupation of two respondents' fathers was solicitors' managing clerk. In all 29.1% (30) of fathers occupations were in the "established" professions (solicitor, doctor (g.p.), surgeon, chartered accountant). The occupations of the fathers of business solicitors were less homogeneous, if still predominantly middle class. There were 20 different occupations amongst the 24 respondents for whom data was available; 16.0% (4) were professional, including two solicitors. Private practitioners were significantly more likely to have a solicitor-father than business solicitors ($x^2 = 5.15$, $df = 2$, $p < .10$).

TABLE C.5

TIME OF LIFE WHEN THE RESPONDENT DECIDED HE WANTED TO BECOME A SOLICITOR

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
Ever since I remember	-	-	13	12.6	13	10.2
During Secondary Education	18	72.0	68	66.0	86	67.2
At University	4	16.0	8	7.8	12	9.4
During War or National Service	2	8.0	7	6.8	9	7.0
After starting another career	1	4.0	5	4.9	6	4.7
Missing data	-	-	2	2.0	2	1.6
Total	25	100.0	103	100.0	128	100.0

Respondents were asked to say at which time in their life they decided to become a solicitor. A card was presented listing a number of possible times and the findings are shown in Table C.5. Two thirds of all respondents chose their career during secondary education.

Respondents were also asked, in an open-ended question, about what attracted them to the career of solicitor. The replies have been summarised in Table C.6, in terms of the principal reason given by each respondent. Replies to open-ended questions are notoriously difficult to classify, but it is clear that following family wishes, traditions and

the like was the most common reason,[2] followed by the notion that the law seemed an appropriate career following a classical or arts education at school.

TABLE C.6

MAIN REASON FOR CHOOSING THE CAREER OF SOLICITOR

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
Following family wishes, traditions, etc.	6	24.0	34	33.0	40	31.3
Through influence of family friend, teacher, etc.	1	4.0	7	6.8	8	6.3
Law seemed appropriate to school studies	4	16.0	13	12.6	17	13.3
An interest in people and their problems	1	4.0	5	4.9	6	4.7
The appeal of advocacy, court work, etc.	2	8.0	5	4.9	7	5.5
Wanted a professional qualification	1	4.0	7	6.8	8	6.3
A legal training offered a wide scope	1	4.0	2	1.9	3	2.3
Financial rewards in the law seemed good	1	4.0	2	1.9	3	2.3
Chance factors	-	-	9	8.7	9	7.0
Other reasons	8	32.0	16	15.5	24	18.8
Missing data	-	-	3	2.9	3	2.3
Total	25	100.0	103	100.0	128	100.0

2. 16.4% (21) of the 128 respondents' fathers were solicitors or solicitors' managing clerks, it was shown above.

TABLE C.7

HOW RESPONDENTS OBTAINED THEIR ARTICLES

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
Articled to father, or close relative	1	4.0	14	13.6	15	11.7
Through family contacts	10	40.0	54	52.4	64	50.0
Through a school or university teacher	-	-	8	7.8	8	6.3
Through a law society list	1	4.0	8	7.8	9	7.0
Through personal application	6	24.0	7	6.8	13	10.2
Articled in a practice or organisation in which already employed	3	12.0	3	2.9	6	4.7
Other	4	16.0	7	6.8	11	8.6
Missing data	-	-	2	1.9	2	1.6
Total	25	100.0	103	100.0	128	100.0

$x^2 = 18.30$, $df = 7$, $p < .05$

Another open-ended question concerned getting started in the legal career - respondents were asked how they obtained articles with a solicitor. The ease with which articles may be obtained has varied over the years - in the 1930s it was very difficult for a young man to get a place, as it is at present time, but in the 1950s an 1960s the demand for articled clerks exceeded the supply (see Chapter 1, pp.25-26). In recent years some local law societies have maintained lists of solicitors willing to take articled clerks[3] whereas not so many years ago being "in the know" and

3. The Birmingham Law Society has been particularly active in this matter, and in the recruitment and training of articled clerks in general (National Board for Prices and Incomes, 1969: 7). The national Law Society also maintains an Appointments Registry designed to help place both qualified and unqualified staff and to help those seeking articles.

having a family connection was very important, if not crucial, for the young man seeking articles (Abel-Smith and Stevens, 1968: 131). Table C.7 shows how important a family connection was in obtaining articles, for the solicitors interviewed in this research. 11.7% (15) of all respondents were articled to their father or a close relative and a further 50.0% (64) obtained their articles through family contacts. This would possibly be through the respondent's father's solicitor, or his bank manager, or a family friend, for example. 10.2% (13) of respondents obtained articles through personal application - writing perhaps dozens of letters to firms of solicitors or, in one case, telephoning firms listed in the "Yellow Pages" of the Telephone Directory!

The data in Tables C.5, C.6 and C.7 point to a closer relationship with the profession amongst private practice compared with business solicitors. Higher proportions of respondents in private practice had always wanted to be solicitors, were following family wishes and traditions in choosing the profesion, and had had family help in obtaining articles. The evidence that twice the proportion of private practice compared with business solicitors had solicitor-fathers further supports this view.

3. Legal Education and Professional and Career Background

Legal Education

A considerable amount of data were collected on the legal education and professional careers of respondents. All were, of course, Solicitors of the Supreme Court. The Law List showed that 54.4% (56) of solicitors in private practice were Commissioners for the Administration of Oaths and 17.5% (18) were Oath Administrators. Solicitors in business are less likely to be required to administer oaths and this is reflected by

the fact that only two were Commissioners and one an Oaths Administrator. 2.9% (3) of respondents in private practice were public notaries.

16.5% (17) of solicitors in private practice were admitted to the profession in 1939 or earlier, and 83.5% (86) post-war. The mean year of admission was 1958 (median 1961). None of the 25 business solicitors were admitted pre-war, reflecting the fact that they were younger as a group. The mean year of admission was 1964 (median 1966). Private practice solicitors had been solicitors for rather longer than their counterparts in business ($t = 2.40$; $p < .05$). The longest serving solicitor in private practice had been a solicitor for 49 years (to mid-1975), the most junior for one year (mean 17.4 years, median 14). The number of years since first admission ranged from two to 24 for business solicitors (mean 11.3 years, median 9).

There were no great differences between the two groups in terms of the age when first admitted a solicitor - the youngest age a solicitor in private practice was first admitted was 21 and the oldest 44 (mean age 25.7, median 24). For business solicitors the age range was 22 to 32 (mean age 25.4, median 25). Private practice solicitors spent a mean of 4.6 years (median 5) in qualifying (i.e. between becoming an articled clerk and admission, or between beginning a full-time Law Society examination course which was followed by articles, and admission). Business solicitors took a mean of 4.2 years (median 4) to qualify. The longest periods taken to qualify were eight years by two solicitors in private practice, nine years by a business solicitor and ten years by two others in private practice.

TABLE C.8

METHOD OF STUDY FOR THE LAW SOCIETY EXAMINATIONS

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
Non-graduates, pre-1963, who did the "Statutory Year" and/or attended an "Approved Course" and/or The Law Society school	4	16.0	34	33.0	38	29.7
Non-graduates, post-1963 who attended an "Approved Course" and/or The Law Society school	4	16.0	17	16.5	21	16.4
Graduates who did not attend any "Approved Course" or The Law Society school	2	8.0	23	22.3	25	19.5
Graduates who did attend an "Approved Course" or The Law Society school	13	52.0	25	24.3	38	29.7
Ex-legal executives or managing clerks ("10 year men")	2	8.0	4	3.9	6	4.7
Total	25	100.0	103	100.0	128	100.0

There are a number of possible methods of study towards The Law Society examinations and the regulations were substantially changed in 1963 (see Chapter 1, p.27), so respondents had followed several different routes, which are summarised in Table C.8. If the pre-1963 "Statutory Year" is regarded as part-time study, then 84.0% (21) of business respondents and 49.5% (51) of solicitors in private practice had at least some full-time study in preparation for The Law Society examinations[4] ($x^2 = 9.72$, df = 1; $p < .01$). Those business solicitors

4. These data were obtained by a separate analysis and cannot be derived directly from Table C.8. The reason for this difference between the two groups of solicitors lies, in part, in the fact that business solicitors were a younger group and a period of full-time study for The Law Society examinations has been obligatory for non-graduates - and more and more usual for graduates, too - since 1963.

who studied full-time for The Law Society examinations did so for a mean of 8.5 months (median 6); for private solicitors the mean was 8.2 months (median 6).

Professional Career

TABLE C.9

WHERE RESPONDENTS WERE ARTICLED

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
In Private Practice	18	72.0	99	96.1	117	91.4
In Local Government	5	20.0	2	1.9	7	5.5
In Private Practice and Local Government	2	8.0	1	1.0	3	2.3
In Business	-	-	1	1.0	1	0.8
Total	25	100.0	103	100.0	128	100.0

Respondents had typically spent their period of articles in one firm (or business organisation) - only two solicitors in private practice had been articled in more than one firm or organisation and 12.0% (3) of business solicitors. Virtually all of the respondents in both groups had been articled in private practice, as Table C.9 shows.

The usual pattern after qualifying, for those who were articled in private practice, was for the newly qualified man to stay on in the firm in which he had been articled, either as a salaried assistant solicitor or as a full partner, though a quarter of all respondents moved to a new practice as an assistant solicitor immediately after qualifying

(Table C.10).[5] 64.0% (16) of business solicitors had worked as assistant solicitors in private practice at some time in their careers and 73.8% (76) of respondents in private practice, spending a mean of 3.2 years (median 2) and 3.5 years (median 3) respectively. The longest period spent as an assistant solicitor in private practice before obtaining a partnership was nine years.

TABLE C.10

RESPONDENTS ARTICLED IN PRIVATE PRACTICE - WHAT HAPPENED AFTER THEY QUALIFIED

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
Stayed in same practice as Assistant	12	66.7	46	46.0	58	49.2
Stayed in same practice as Partner	1	5.6	19	19.0	20	16.9
Moved to new practice as Assistant	3	16.7	26	26.0	29	24.6
Moved to new practice as Partner	1	5.6	2	2.0	3	2.5
Set up on own acccount as Sole Practitioner	-	-	3	3.0	3	2.5
Moved into Business as an Assistant	1	5.6	3	3.0	4	3.4
Went abroad to work as a Solicitor	-	-	1	1.0	1	0.8
Total	18	100.0	100	100.0	118	100.0

5. It will be seen from Table C.10 that three respondents set up on their own account as sole practitioners immediately after qualifying. This is no longer possible. Under the Solicitors' Practice Rules, 1975, independent and unsupervised practise is forbidden for the first three years after admission as a solicitor.

The private practice sample was made up exclusively of partners; only 12.0% (3) of business solicitors had experience in private practice as partners, although two thirds had worked in private practice as assistants, as noted above. Private practice solicitors had been partners for periods ranging from one to 48 years (mean 13.7 years, median 11).

Looking at the breadth of respondents' experience, it seems that private practice respondents had a relatively narrow band of experience; 86.4% (89) had never worked, in any capacity, other than in a solicitors' office in private practice, whereas 80.0% (20) of business solicitors had some experience of private practice work, either as an articled clerk or assistant or partner. Moreover, nearly half (46.6%, 48) of private practice solicitors had worked in one firm only and 22.3% (23) in two firms only. The greatest number of firms worked for, in all capacities, was seven (one respondent), the mean 2.1 firms (median (2.0). Of the 76 private practice solicitors who had worked as assistant solicitors, 71.1% (54) had worked for one firm only, 17.1% (13) for two firms, 9.2% (7) for three firms and two for five firms. 81.6% (84) of the private practice sample had been partners or sole practitioners in one firm, 17.5% (18) in two firms and one in three firms.

Business solicitors not only had a broader range of experience, but also they had been much more geographically mobile than their counterparts in private practice. Table C.11 shows that nearly two thirds (63.1%, 65) of solicitors in private practice had never worked outside the town of interview or within ten miles of it (indeed Table C.1, p.280 shows that half (50.5%, 52) had actually been born within ten miles of the town of interview). The work experience of two thirds (68.0%, 17) of business solicitors, however, extended outside the Midlands, compared with a

quarter (25.3%, 26) of private practice solicitors.

TABLE C.11

GEOGRAPHICAL EXTENT OF RESPONDENTS' WORK EXPERIENCE

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
No Work Experience outside the town of interview, or within a 10 mile radius	4	16.0	65	63.1	69	53.9
Work Experience elsewhere in the Midlands	4	16.0	12	11.7	16	12.5
Work Experience elsewhere in the U.K., or abroad	17	68.0	26	25.3	43	33.6
Total	25	100.0	103	100.0	128	100.0

$x^2 = 19.53$, df = 2, $p < .001$

4. Aspects of Respondents' Present Private Practice or Business Employment

Years in Present Employment

Private practice respondents had worked from one to 51 years in their present practices (mean 16.2 years, median 12) and business solicitors from one to 19 years in their organisations (mean 5.5 years, median 4).

Other Employment

One in nine (11.7%, 12) of private practice solicitors carried on some other occupation in addition to their practise. Three farmed, and nine held paid employment in a public office or offices, as follows: Clerk to the Justices; Clerk to the Justices and Coroner; Clerk to the Commissioners of Taxes (two respondents); Clerk to the Commissioners of Taxes and Deputy Coroner; Deputy Coroner (two respondents); Deputy Registrar of a County Court (a judicial appointment); Superintendent

Registrar (of Births, Marriages and Deaths). These appointments took up varying amounts of time - from an average of six days a month for the Clerk to the Justices to less than one day each month for one of the Deputy Coroners. All of these solicitors with other occupations practised in small firms in the country towns of Worcestershire, except for the Deputy Registrar of a County Court who was a senior partner in a large practice in Central Birmingham and one of the Deputy Coroners who was in a large Black Country firm. One of the 25 business solicitors retained what he called a "sleeping partnership" in a private practice in which he had formerly been a partner - for the remainder, their work in a business organisation was their sole employment.

Taking Work Home

TABLE C.12

FREQUENCY OF RESPONDENTS TAKING WORK HOME IN THE EVENINGS AND AT WEEKENDS

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
Very frequently (3 or 4 times a week)	4	16.0	25	24.3	29	22.7
Frequently (1 or 2 times a week)	8	32.0	33	32.0	41	32.0
Sometimes (Once a fortnight)	2	8.0	16	15.5	18	14.1
Seldom (Once a month)	8	32.0	19	18.4	27	21.1
Never	3	12.0	10	9.7	13	10.2
Total	25	100.0	103	100.0	128	100.0

Respondents were asked about the extent to which they took work home in the evenings and at weekends. They were invited to reply in terms of five categories presented to them on a card. The results are shown in

Table C.12. Business solicitors were rather less likely to take work home than their counterparts in private practice; 44.0% (11) of business solicitors "seldom" or "never" took work home, compared with 28.1% (29) of private practitioners.

Appearing in Court

TABLE C.13

FREQUENCY OF RESPONDENTS APPEARING IN COURT

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
Very frequently (4 or 5 or more appearances per week)	-	-	21	20.6	21	16.4
Frequently (2 or 3 appearances per week)	-	-	12	11.7	12	9.4
Sometimes (1 appearance per week)	2	8.0	13	12.6	15	11.7
Seldom (1 appearance a month)	11	44.0	30	29.1	41	32.0
Never	12	48.0	27	26.2	39	30.5
Total	25	100.0	103	100.0	128	100.0

$t = 3.64$, $p < .001$

Respondents were also asked the extent to which they appeared in court in the course of their work. Again, five categories were presented to respondents on a card; the results are shown in Table C.13. As expected, solicitors in private practice tended to appear in court much more frequently than business solicitors.[6] It is noteworthy, however,

6. These data over represent the court appearances of business solicitors generally, because business solicitors who had not taken out practising certificates were excluded from the sample and those without certificates are not permitted to appear in court.

that as many as 55.3% (57) of private practitioners "seldom" or "never" appeared in court (one appearance a month or less on average), whilst one in five (20.6%, 21) appeared four or five times a week or more on average. Some private practice solicitors thus seemed to specialise in court work whilst others did little (see the discussion on specialisation below).

Satisfaction with the Career

As an indirect measure of career or job satisfaction, respondents were asked if they would become a solicitor in private practice (or business) if they had their time over again. 69.9% (72) of respondents in private practice and 64.0% (16) of those in business replied with an unqualified "yes". 9.7% (10) in private practice and 12.0% (3) in business replied "don't know", whilst 20.4% (21) and 24.0% (6) respectively said they would choose another career.

It proved difficult to classify simply the reasons which respondents gave for dissatisfaction with the career of solicitor in private practice. Seven of the 21 respondents who would choose another career were definitely gloomy about the profession, in terms of the pressure of work, inadequate financial rewards and doubtful future prospects. Three respondents said that they would choose to practise in business or central or local government if they had their time over again and two would choose the Bar. The problems of the solicitor in private practice were summed up by a respondent who was senior partner in a small Central Birmingham firm:

> If I had my time over again I'd go to the Bar. You don't have so many clients for a start. There are also "perks" which solicitors never see, such as judicial appointments - stipendaries, too. And a nicer social life. The solicitor has books to keep, staff to control, a large amount of uninteresting and unremunerative work. There's the question of professional negligence to worry about and the need for insuring. The solicitor has a lot of worries.

A sole practitioner, also in Central Birmingham, referred to private practice as a "treadmill" and continued:

> There are staff problems, high overheads,[7] no pensions or real security, and the need to work harder and harder in order to keep your head above water ....

It is probably not coincidental that the mean size of firm of respondents who said that they would choose to be a solicitor in private practice if they had their time over again was 5.0 partners, whereas that for respondents who would not or were undecided was much smaller, 3.3 partners.

In the following sections, 5 to 10, business solicitors and solicitors in private practice are considered separately.

5. Business Solicitors - Employment, Work Done, etc.

Employment

TABLE C.14

BUSINESS RESPONDENTS - CHARACTERISATION OF RESPONDENTS' POSITIONS IN THEIR ORGANISATIONS

	N	%
Senior Executive, with a relatively small legal role	4	16.0
Senior Executive with a substantial legal role	3	12.0
Senior Member of a Legal Department	6	24.0
Member of a Legal Department	8	32.0
Sole lawyer or legal advisor, largely concerned with legal matters, but with legally-qualified colleagues	4	16.0
Total	25	100.0

7. Apart from obvious overheads such as office rent, etc, private practice solicitors' professional overheads have escalated in recent years. Compulsory Indemnity Insurance was introduced on September 1, 1976 and the issue of the annual practising certificate is contingent upon a solicitor being insured under The Law Society's Master Policy (The Law Society's Gazette, 73, 1976: 24). The premia in the first year of the scheme were £435 for a sole practitioner and £348 per partner in a partnership (The Law Society's Gazette, 73, 1976: 733). (A letter in a recent issue of the New Law Journal claimed that the total premia in the first year of the scheme amounted to £6.8 million and the estimate for the second year was £8.0 million (127, 1977: 1058).) Additionally, The Law Society's compensation fund contribution was increased to £30 in 1977 (from £15 in 1975 and £20 in 1976) (The Law Society's Gazette, 73, 1976: 713). The cost of renewing the annual practising certificate was £30 in 1977, and £45 in 1978 (The Law Society's Gazette, 74, 1977: 679).

The 25 business solicitors interviewed were employed in organisations in the following fields: Industry, ten; Commerce, one; Banking, two; Insurance, one; Property, one; Statutory Bodies, ten. Some respondents were primarily administrators, others were wholly engaged in legal work, whilst a third group combined both functions. The titles of respondents' positions within their organisations varied considerably - Solicitor, Assistant Solicitor, Group Solicitor, Legal Advisor, Assistant Legal Advisor, Chief Legal Officer, Company Secretary, Secretary, etc. There were actually 16 different titles amongst the 25 respondents. An analysis in terms of respondents' broad functions is probably more revealing than their occupational titles, and a characterisation is shown at Table C.14.

TABLE C.15

BUSINESS RESPONDENTS - PROPORTION OF TIME SPENT ON LEGAL WORK

	N	%
10%	1	4.0
20%	2	8.0
50%	1	4.0
60%	1	4.0
70%	1	4.0
80-85%	4	16.0
90-95%	4	16.0
98%	1	4.0
100%	10	40.0
Total	25	100.0

From Table C.14 it can be seen that four respondents had a relatively small legal role whilst the remainder had substantial legal duties. Further light was thrown on this matter by the replies to a question where respondents were asked to estimate the proportion of their time they spent, in an average week, on purely legal work - see Table C.15. The mean time spent on legal work by business solicitors was 81.1%

(median 95%). Confirmation of this pattern came in respondents' replies to a question about the reason why they had taken out a solicitors' practising certificate. 16.0% (4) said that they had done so largely for sentimental reasons, two said that a practising certificate was useful in their present work and for 72.0% (18) of respondents a practising certificate was essential, since it entitled them to appear in court, convey property, etc. There was missing data in one case.

64.0% (16) of respondents were members of specialist Legal Departments within their organisations. These Departments varied in size, the largest having a total staff of 23 and the smallest three. The largest had eight solicitors and barristers and 15 ancillary staff, including an articled clerk and legal executives.

The Nature of the Work done by the Respondent

The nature of the legal work done by business solicitors is obviously different to that carried out by the typical private practitioner. Business solicitors might be expected to be less concerned with wills and probate and family and matrimonial law, and to spend a greater proportion of their time on company and commercial matters. In another sense the work of the solicitor in business is subtly different to that of the private practitioner. It has been suggested that:

> The most useful solicitor in a company is one who is prepared to move away from his position of being purely a solicitor (in the sense of a person who advises on the law at the behest of a client) and is prepared to become a person with a legal training and background who mingles in the daily life of the company, bringing his experience to bear on the various problems involved[8] (Webb, 1963).

Moreover, the distinction between the two branches of the profession so carefully maintained in private practice, seems to break down in the business world as the Chairman of The Law Society's Commerce and Industry Group has observed:

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8. This may be rather difficult to achieve in practice and a certain amount of "role ambiguity" amongst business solicitors may result (Donnell, 1966, quoted in Hall, 1975: 105-108).

TABLE C.16

BUSINESS RESPONDENTS - THE NATURE OF THE LEGAL WORK DONE BY THE RESPONDENT

(percentages)

	EXTREMELY IMPORTANT 7	6	5	4	3	2	NOT AT ALL IMPORTANT 1	Mean Score
Matrimonial	Nil	Nil	Nil	Nil	4.0	8.0	88.0	1.16
Wills, Probate, etc.	Nil	Nil	Nil	4.0	Nil	12.0	84.0	1.24
Company and Commercial	52.0	12.0	Nil	20.0	8.0	Nil	8.0	5.48
European and International	24.0	8.0	12.0	4.0	8.0	Nil	44.0	3.60
Property and Conveyancing	44.0	8.0	4.0	24.0	12.0	4.0	4.0	5.20
Tax Matters	12.0	4.0	8.0	Nil	16.0	20.0	40.0	2.76
Personal Injury	4.0	Nil	4.0	4.0	4.0	28.0	56.0	1.88
Criminal	4.0	4.0	4.0	8.0	Nil	20.0	60.0	2.04
Other Litigation	16.0	12.0	8.0	12.0	8.0	20.0	24.0	3.60
Employment Law	20.0	20.0	8.0	20.0	Nil	16.0	16.0	4.28
Parliamentary Work	4.0	Nil	4.0	4.0	Nil	Nil	88.0	1.52
Planning Matters	Nil	Nil	4.0	4.0	Nil	4.0	88.0	1.32

> Fusion is a word that we in commerce and industry never use in practice, because it is an accomplished fact with us. Barristers and solicitors are almost completely interchangeable within commerce and industry (The Law Society's Gazette, 1976, 73: 369).

In order to ascertain the relative importance of different types of legal work in their workloads business solicitors were presented with a list of 12 types of legal work and asked to rank them, by ticking a box on a seven point scale ranging from "extremely important" to "not at all important". It was emphasised that the criterion of importance should be "time spent", rather than any other. The results are shown in Table C.16. For the purposes of analysis "extremely important" was scored seven, down to "not at all important" which was given a score of one. Company and Commercial work was ranked as "extremely important" by more than half of the respondents (52.0%, 13) and Property and Conveyancing was similarly ranked by 44.0% (11) of respondents. The mean scores for these two types of legal work were the highest (where a score of 7.00 was the maximum possible and 1.00 the minimum). Employment Law work, European and International matters and Other Litigation had the next highest mean scores. The lowest mean scores were for Matrimonial work and Wills, Probate, etc.[9]

Attitudes towards going into Private Practice

Business solicitors were asked about their attitudes towards going into private practice (for many it meant going back into private practice - 68.0% (17) had been partners or assistants in private practice). This question was open-ended and deliberately rather general, as it was intended to be another opportunity to gauge the extent to which respondents were

9. The question might be asked as to why business solicitors should do any work in such categories. At least one respondent who did a small amount of work in these categories did so, with the blessing of his employer, as a "fringe benefit" provided for the employees.

satisfied with their roles as employed solicitors in business. 12.0% (3) of respondents said that they would definitely like to go into (or back into) private practice, 20.0% (5) indicated that they were undecided as to the merits of this and the remaining 68.0% (17) were definite that they would not wish to go into private practice. A number of reasons were put forward for staying in the business field - 32.0% (8) of respondents mentioned that the financial rewards in private practice were inferior to those in business, 16.0% (4) felt that the pressures in private practice were so much greater than in business and a similar number referred to the uncertain future of the private practitioner. One respondent commented:

> I'd be stupid to go into private practice ... the money I earn is considerably better than I'd get in private practice, though the long term financial prospects in private practice may be better. But, and this is confidential, I'd have to work much harder than I do now! Most people I know in private practice are run off their feet.[10]

All three respondents who had indicated that they wanted to go into private practice felt that the range of work open to them there would be greater than that which they enjoyed at present in business.

6. Solicitors in Private Practice - Size and Some Other Aspects of the Practice

All 103 respondents were partners. Some practised on their own as sole practitioners, others were partners or senior partners. Respondents' positions in their practices are shown in Table C.17. 13.6% (14) were sole practitioners, which is in line with the estimate that 15% of

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10. Gottschalk (1963), a solicitor in the small legal department of a firm employing 20,000 people, stressed the relatively relaxed atmosphere of the business world and the absence of the usual strains of a private practitioner's office. He put this down to having only one client to deal with.

solicitors in private practice in England and Wales (excluding assistants, etc) in 1975 were sole practitioners (see Chapter 2, p.45).

TABLE C.17

PRIVATE PRACTICE RESPONDENTS - RESPONDENTS' POSITIONS IN THEIR PRACTICES

	N	%
Sole Practitioner	13	12.6
Sole Practitioner (with an Assistant)	1	1.0
Joint Partner (with one other)	19	18.4
Joint Partner (with one other and Assistant(s))	3	2.9
Partner (with two or more others and perhaps, Assistant(s))	58	56.3
Senior Partner (with two or more Junior Partners and perhaps, Assistant(s))	9	8.7
Total	103	100.0

TABLE C.18

PRIVATE PRACTICE RESPONDENTS - SIZE OF PRACTICE: TOTAL NUMBER OF STAFF

	N	%
Less than Ten	26	25.2
Ten - 19	22	21.4
20 - 29	18	17.5
30 - 49	18	17.5
50 - 99	12	11.7
Over 100	7	6.8
Total	103	100.0

The firms in which respondents practised varied in size from a total of two persons (i.e. the respondent and a secretary) to 130.[11] The mean

11. All figures in this section refer to the whole of the practice, including staff at branch offices.

size was 34.5 staff (median 22). The data have been grouped together in Table C.18.

TABLE C.19

PRIVATE PRACTICE RESPONDENTS - SIZE OF PRACTICE: NUMBER OF QUALIFIED SOLICITORS

	N	%
One	13	12.6
Two	20	19.4
Three - Five	30	29.1
Six - Nine	23	22.3
Ten - 14	10	9.7
15 - 30	7	6.8
Total	103	100.0

The number of qualified solicitors in the practices of respondents ranged from one to 30 (mean 6.0, median 4) - see Table C.19. Qualified solicitors were defined as partners and assistants, excluding consultants (who are typically part-time or semi-retired former partners). The 103 practices contained 614 qualified solicitors in all.

TABLE C.20

PRIVATE PRACTICE RESPONDENTS - SIZE OF PRACTICE: NUMBER OF PARTNERS

	N	%
One	14	13.6
Two	22	21.4
Three - Five	38	36.9
Six - Nine	20	19.4
Ten - 18	9	8.7
Total	103	100.0

The number of partners in the practices ranged from one (i.e. a sole practitioner), to 18, mean number 4.5 (median 3). There were a total of 464 partners in the 103 practices. Table C.20 shows the data grouped together.

TABLE C.21

PRIVATE PRACTICE RESPONDENTS - SIZE OF PRACTICE: NUMBER OF ASSISTANT SOLICITORS

	N	%
Nil	50	48.5
One	20	19.4
Two	14	13.6
Three	9	8.7
Four	5	4.9
Eight - 13	5	4.9
Total	103	100.0

Just over half (51.5%, 53) of the practices employed at least one assistant solicitor. An assistant solicitor is a salary earning qualified solicitor who does not usually share in the profits of the practice or take a leading part in policy and decision making. A few large firms recognise a grade of "associate solicitor", in between assistant and full partner. Associates usually have their names on the firm's notepaper amongst the full partners. However, they are salaried men and they have been included in the assistants category in this research. The number of assistants in the 103 practices ranged from nil to 13, mean number 1.5 (median 1). In all 150 assistants were employed in the 103 practices. Table C.21 shows the data grouped together.

TABLE C.22

PRIVATE PRACTICE RESPONDENTS - SIZE OF PRACTICE: NUMBER OF ARTICLED CLERKS AND EX-ARTICLED CLERKS NOT YET QUALIFIED

	N	%
Nil	35	34.0
One	28	27.2
Two	20	19.4
Three	5	4.9
Four	6	5.8
Five - 11	9	8.7
Total	103	100.0

66.0% (68) of the practices employed at least one articled clerk or articled clerk who had completed his period of articles but not yet passed all the examinations of The Law Society. The number of articled clerks in the practices ranged from nil to 11, mean number 1.7 (median 1) - see Table C.22. The total number of articled clerks and ex-articled clerks in the 103 practices was 176.

TABLE C.23

PRIVATE PRACTICE RESPONDENTS - SIZE OF PRACTICE: NUMBER OF FEE-EARNERS

	N	%
One	4	3.9
Two	12	11.7
Three - Five	24	23.3
Six - Nine	22	21.4
Ten - 19	26	25.2
20 - 29	7	6.8
30 - 56	8	7.8
Total	103	100.0

A final indicator of the size of practice was the number of fee-earners in each practice. A fee-earner can be defined as a member of a firm whose work directly generates income for the practice. Here are included qualified solicitors, articled clerks, legal executives and managing clerks. The number of fee-earners in the 103 practices ranged from one to 56, mean number 11.3 (median 8) - see Table C.23. The total number of fee-earners in the 103 practices was 1169.

TABLE C.24

PRIVATE PRACTICE RESPONDENTS - NUMBER OF PRACTICES WITH OTHER OFFICES

	N	%
Nil	51	49.5
One	25	24.3
Two	15	14.6
Three	6	5.8
Four	3	2.9
Five	1	1.0
Six	1	1.0
12	1	1.0
Total	103	100.0

50.5% (52) of respondents' practices had at least one other office, apart from the one in which the interview took place, the greatest number of other offices being 12. The mean number of other offices was 1.0 (median 1). The data are shown in Table C.24.

A rough estimate of the "age" of each practice was made, i.e. the period for which the practice had been in existence. This was obviously difficult to ascertain satisfactorily because of the frequent amalgamation of solicitors' practices which render their age difficult to judge. Some practices were very old and a few could directly trace their "line" back for well over a century. 72.8% (75) of practices had, it was

estimated, been established for more than 25 years, 14.6% (15) for ten to 25 years and 12.6% (13) were relatively "new", established for less than ten years.

Solicitors' practices often pass from father to son - in one practice a continuous family connection of more than 250 years had only recently been broken - so whether or not respondents were in their "family firm", was recorded. A "family firm" was defined as one where the respondent's father or son were or had been in the practice. 12.6% (13) of the practices at which interviews were carried out fell into this category.

29.1% (30) of private practice solicitors held directorships in companies as a direct consequence of their legal practice.

7. Solicitors in Private Practice - the Nature of the Work Done in the Practice

Attempts to gauge the "prestige" or "status" of practices are described in Chapter 8, pp.187-191.It was also suggested to the writer that the status of a practice - in terms of general standing and, particularly, the kind of work done - could be estimated by whether or not it possessed telex facilities.[12] A firm with telex facilities would be likely to be involved in a large amount of company, commercial and international work. Only a small proportion of firms, 8.7% (9), had telex facilities, according to the listing in the Solicitors' Journal, so it was not worth using this variable in subsequent analyses.

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12. The same informant (a practising solicitor, though not one of those interviewed) - argued that the furnishings of a solicitor's office would provide invaluable information about the status of the practice - was there wall-to-wall carpet? were there legal prints on the wall? did the solicitor's secretary have the latest IBM typewriter? etc. Data of this kind were not collected, though the value of an approach using "unobtrusive" measures such as these is obvious.

TABLE C.25

PRIVATE PRACTICE RESPONDENTS - THE NATURE OF THE WORK DONE IN THE PRACTICE

(percentages)

	EXTREMELY IMPORTANT 7	6	5	4	3	2	NOT AT ALL IMPORTANT 1	MEAN SCORE
Matrimonial	33.0	14.6	16.5	17.5	10.7	7.8	NIL	5.18
Wills, Probate, etc.	37.9	20.4	12.6	9.7	12.6	6.8	NIL	5.41
Company and Commercial	20.4	6.8	12.6	16.5	18.4	9.7	15.5	4.03
European and International	2.9	1.0	1.9	3.9	4.9	8.7	76.7	1.60
Property and Conveyancing	77.7	12.6	6.8	2.9	NIL	NIL	NIL	6.65
Tax Matters	9.7	10.7	11.7	18.4	11.7	24.3	13.6	3.61
Personal Injury	23.3	9.7	17.5	18.4	17.5	11.7	1.9	4.60
Criminal	33.0	9.7	10.7	10.7	11.7	7.8	16.5	4.52
Other Litigation	28.2	7.8	17.5	15.5	16.5	10.7	3.9	4.68

Virtually all of the practices (97.1%, 100) were in the Legal Aid Scheme and 69.9% (72) of the solicitors interviewed were on one of the Legal Aid Panels.

The main source of data on the type of legal work done in the practice was gathered by presenting respondents with a list of nine types of legal work and asking them to rank the importance of each type of work to the practice in terms of a seven point scale ranging from "extremely important" to "not at all important". It was made clear that "importance" was to be judged in terms of the time spent on the various types of work, rather than in terms of revenue generated or the intrinsic nature of the legal problems raised. "Extremely important" was scored seven, down to "not at all important" which was given a score of one. The results for the type of legal work done in the practice are summarised in Table C.25.

Property and Conveyancing work was ranked as "extremely important" for 77.7% (80) of all practices. In 90.3% (93) of practices this work was placed in the first two categories of importance and for no practice was it placed in the lowest three points of the scale. The mean score for all practices was 6.65 (a very high mean score, considering that the maximum possible was 7.00).

Will, Probate, etc was the next most important type of work, considered to be "extremely important" in 37.9% (39) of practices, followed closely by Matrimonial work. The least important types of work were Tax Matters, "extremely important" in 9.7% (10) practices and European and International work, "extremely important" in only 2.9% (3) of practices European and International work was considered to be "not at all important" in 76.7% (79) of practices, with by far the lowest mean score, 1.60.

From Table C.25 it is clear that Property and Conveyancing was by far and away the most important type of work in the 103 practices. That other traditional mainstay of the profession, Wills, Probate, etc, was next in importance, followed by Matrimonial work. Personal Injury, Other Litigation, and Criminal work all had similar mean scores, but there were differences in their spread across the seven categories of importance. For the first two, the patterns were similar - an even spread, with a very small proportion of practices in which these types of work were "not at all important". For Criminal work, however, there was a "bunching" at both ends of the category of importance scale, reflecting that some firms specialise in this area of work whilst others do little of it, a point noted by Bridges et al in their research amongst Birmingham solicitors (1975: 37-38). Company and Commercial work was also "bunched", though not to the same extent as Criminal work. Again, the specialised nature of this work probably accounts for this pattern. It was surprising to find that Tax Matters was spread fairly evenly across the seven categories of importance - this, too, is specialised work. However, the involvement of most firms in such work is probably inevitable, given the way in which there are taxation consequences or implications in so many legal transactions. It was to be expected that European and International work was considered to be "not at all important" in three quarters of the practices. Although a few respondents mentioned that this work was beginning to grow, its highly specialised nature meant that only a few firms were involved.

In order to ascertain the extent to which practices carried out certain types of work in conjunction with other types of work, a correlation matrix was constructed, associating together the degree of importance to the practice of the nine types of legal work. This is shown in

TABLE C.26

PRIVATE PRACTICE RESPONDENTS - CORRELATION MATRIX OF THE NATURE OF THE WORK DONE IN THE PRACTICE (N = 103)

	Matrimonial	Wills Probate, etc	Company and Commercial	European and International	Property and Conveyancing	Tax Matters	Personal Injury	Criminal	Other Litigation
Matrimonial	1.0000	0.0503	0.0643	0.0368	0.1653*	0.0509	0.6076***	0.5798***	0.5371***
Wills, Probate, etc.	-	1.0000	0.3838***	0.2506**	0.4272***	0.5010***	0.1248	-0.0362	0.0670
Company and Commercial	-	-	1.0000	0.5304***	0.2005*	0.5588***	0.1723*	0.0491	0.2328**
European and International	-	-	-	1.0000	0.0452	0.5332***	0.0631	-0.0519	0.0944
Property and Conveyancing	-	-	-	-	1.0000	0.2101*	0.0950	0.0286	0.1590
Tax Matters	-	-	-	-	-	1.0000	0.1748*	-0.0069	0.0719
Personal Injury	-	-	-	-	-	-	1.0000	0.5906***	0.6879***
Criminal	-	-	-	-	-	-	-	1.0000	0.6003***
Other Litigation	-	-	-	-	-	-	-	-	1.0000

*** $p < .001$
** $p < .01$
* $p < .05$

Table C.26. If correlations where r = $\pm$ 0.5 or better are considered, then there are ten such correlations in the matrix.

TABLE C.27

PRIVATE PRACTICE RESPONDENTS - CORRELATION OF IMPORTANCE TO THE PRACTICE OF MATRIMONIAL, PERSONAL INJURY, CRIMINAL AND OTHER LITIGATION WORK (N = 103)

	Matrimonial	Personal Injury	Criminal	Other Litigation
Matrimonial	1.0000	0.6076***	0.5798***	0.5371***
Personal Injury	-	1.0000	0.5906***	0.6879***
Criminal	-	-	1.0000	0.6003***
Other Litigation	-	-	-	1.0000

*** $p < .001$

TABLE C.28

PRIVATE PRACTICE RESPONDENTS - CORRELATION OF IMPORTANCE TO THE PRACTICE OF COMPANY AND COMMERCIAL WORK, EUROPEAN AND INTERNATIONAL WORK AND TAX MATTERS (N = 103)

	Company and Commercial	European and International	Tax Matters
Company and Commercial	1.0000	0.5304***	0.5588***
European and International	-	1.0000	0.5332***
Tax Matters	-	-	1.0000

*** $p < .001$

The correlations in Table C.26 fall into three distinct clusters: (i) Matrimonial, Personal Injury, Criminal work and Other Litigation (the correlations for these items are brought together in Table C.27); (ii) Company and Commercial work, European and International work and Tax Matters (see Table C.28); (iii) Wills, Probate, etc, and Tax Matters

(where r = 0.5010, $p < .001$). The fact that these types of work correlated well together is interesting, because the three clusters seem to represent distinct and well recognised areas of work in which solicitors' practices specialise: (i) contentious matters, (ii) business and commercial law, (iii) matters connected with wills, probate, capital transfer tax, etc.

8. Solicitors in Private Practice - the Nature of the Work Done by the Respondent

Respondents were also asked to indicate the relative importance of the nine types of legal work in terms of their own workload (rather than that of the whole practice) using the procedure described above. The findings are summarised in Table C.29.

As with the work carried out in practices, Property and Conveyancing was the most important, at the "extremely important" point of the scale for 51.5% (53) of respondents. It should be noted, however, that 17.5% (18) of respondents placed this work in the lowest category, "not at all important". The mean score was 5.08. Only one respondent rated European and International work as "extremely important" - for most, 90.3% (93) it was "not at all important". The mean score for this type of work was 1.21.

Looking at the other types of work in Table C.29, over half of the respondents were little involved in Criminal work, whilst about 40% similarly regarded Matrimonial, Company and Commercial, Tax Matters, Personal Injury and Other Litigation work as "not at all important" in their personal workloads.

TABLE C.29

PRIVATE PRACTICE RESPONDENTS - THE NATURE OF THE WORK DONE BY THE RESPONDENT

(percentages)

	EXTREMELY IMPORTANT 7	6	5	4	3	2	NOT AT ALL IMPORTANT 1	MEAN SCORE
Matrimonial	18.4	9.7	9.7	4.9	6.8	10.7	39.8	3.37
Wills, Probate, etc.	22.3	10.7	9.7	9.7	12.6	14.6	20.4	3.95
Company and Commercial	14.6	1.9	6.8	10.7	13.6	12.6	39.8	2.96
European and International	1.0	NIL	1.0	1.0	1.9	4.9	90.3	1.21
Property and Conveyancing	51.5	7.8	6.8	5.8	4.9	5.8	17.5	5.08
Tax Matters	5.8	3.9	10.7	7.8	13.6	16.5	41.7	2.64
Personal Injury	14.6	5.8	9.7	8.7	8.7	12.6	39.8	3.12
Criminal	19.4	6.8	1.9	1.9	8.7	6.8	54.4	2.88
Other Litigation	15.5	3.9	7.8	12.6	11.7	11.7	36.9	3.17

TABLE C.30

PRIVATE PRACTICE RESPONDENTS - CORRELATION MATRIX OF THE NATURE OF THE WORK DONE BY THE RESPONDENT (N = 103)

	Matrimonial	Wills Probate etc	Company and Commercial	European and International	Property and Conveyancing	Tax Matters	Personal Injury	Criminal	Other Litigation
Matrimonial	1.0000	-0.3270***	-0.2242*	-0.1673*	-0.0791	-0.1966*	0.5371***	0.5161***	0.4421***
Wills, Probate etc.	-	1.0000	0.1523	0.0687	0.4735***	0.4940***	-0.4598***	-0.3306***	-0.3766***
Company and Commercial	-	-	1.0000	0.2586**	0.0707	0.4131***	-0.3259***	-0.2384**	-0.1756*
European and International	-	-	-	1.0000	-0.0779	0.2591**	-0.1085	-0.0791	0.0181
Property and Conveyancing	-	-	-	-	1.0000	0.2869**	-0.4311***	-0.3077***	-0.5570***
Tax Matters	-	-	-	-	-	1.0000	-0.2146*	-0.1549	-0.3163***
Personal Injury	-	-	-	-	-	-	1.0000	0.5234***	0.6906***
Criminal	-	-	-	-	-	-	-	1.0000	0.5153***
Other Litigation	-	-	-	-	-	-	-	-	1.0000

*** $p < .001$
** $p < .01$
* $p < .05$

A correlation matrix was constructed associating together the degree of importance in respondents' workloads of the nine types of legal work, and this is shown in Table C.30. Six correlations were $r = \pm 0.5$ or better; these fall into two clusters: (i) Matrimonial, Personal Injury, Criminal work and Other Litigation (the correlations for these items are shown again in Table C.31); (ii) Property and Conveyancing and Other Litigation (where $r = -0.5570$, $p < .001$).

TABLE C.31

PRIVATE PRACTICE RESPONDENTS - CORRELATION OF IMPORTANCE IN RESPONDENT'S WORKLOAD OF MATRIMONIAL, PERSONAL INJURY, CRIMINAL AND OTHER LITIGATION (N = 103)

	Matrimonial	Personal Injury	Criminal	Other Litigation
Matrimonial	1.0000	0.5371***	0.5161***	0.4421***
Personal Injury	-	1.0000	0.5234***	0.6906***
Criminal	-	-	1.0000	0.5153***
Other Litigation	-	-	-	1.0000

*** $p < .001$

The first cluster represents the contentious matters grouping which was observed in the work of the practices. The negative association between Property and Conveyancing and Other Litigation work indicates that most respondents did not mix these two types of work. The large number of negative correlations in the matrix in Table C.30, 20 out of 36, is an indication of specialisation in the work of respondents, which is now discussed.

TABLE C.32

PRIVATE PRACTICE RESPONDENTS - SUM OF THE PERCENTAGE RESPONSES AT THE EXTREME ENDS OF THE CATEGORY OF IMPORTANCE OF WORK SCALES

	Work of the Practice	Work of the Respondent
Matrimonial	40.8	58.2
Wills, Probate, etc.	44.7	42.7
Company and Commercial	35.9	54.4
European and International	79.6	91.3
Property and Conveyancing	77.7	69.0
Tax Matters	23.3	47.5
Personal Injury	25.2	54.4
Criminal	49.5	73.8
Other Litigation	32.1	52.4

When considering the work patterns of respondents, it is clear that there were considerable differences compared with the work of practices. Whereas the work of practices was, generally speaking, fairly broadly spread across the categories of importance, the work of respondents tended to be polarised to a much greater extent between the extremes of "extremely important" and "not at all important" as the further analysis in Table C.32 shows. This pattern is indicative of a considerable degree of specialisation between solicitors within practices. (The need, in the modern profession, for partners to specialise was in fact a theme which was repeated many times during the interviews.) The Table shows that for only two types of work was the total of the percentages scoring "extremely important" or "not at all important" smaller for solicitor-respondents than for practices - Property and Conveyancing, and Wills, Probate, etc. In these two areas, it may be concluded, most solicitors are likely to be involved to some extent, whatever their specialisms. These are two areas where traditionally there has been a large volume of work and they were the two types of work most frequently rated as "extremely important" in terms

TABLE C.33

PRIVATE PRACTICE RESPONDENTS - THE SOURCES OF CLIENTS IN THE PRACTICE

(percentages)

	EXTREMELY IMPORTANT 7	6	5	4	3	2	NOT AT ALL IMPORTANT 1	MEAN SCORE
Institutions	20.4	11.7	19.4	17.5	10.7	13.6	6.8	4.46
Legal Aid and CAB	15.5	5.8	5.8	16.5	10.7	17.5	28.2	3.34
Other Professions	17.5	21.4	18.4	21.4	11.7	6.8	2.9	4.80
Existing Clients	75.7	14.6	4.9	3.9	1.0	NIL	NIL	6.60
Casual Callers	1.9	5.8	10.7	16.5	18.4	19.4	27.2	2.89
Extra-Mural Activities	18.4	15.5	21.4	13.6	11.7	10.7	8.7	4.49

of the amount of work in the practices. Whatever the main interest or area of specialism of the partners, they are likely to do a fair amount of both of these kinds of work.

9. Solicitors in Private Practice - the Sources of Clients

An approach identical to that described for the work done in practices and by respondents was used in order to identify practices' sources of clients. Respondents were asked to tick in the appropriate box on a seven point category of importance scale against six possible sources of clients. The results are summarised in Table C.33.

The most important source was Existing Clients returning and their recommendations, with a mean score of 6.60 and considered to be "extremely important" by three quarters of respondents. No respondents felt this source to be "not at all important". The three next most important sources had very similar mean scores - Arising from your own and your partners' Extra-Mural Activities, Other Professions (such as accountants) and Institutions (such as banks, building societies, business companies, etc.). Legal Aid and referrals from Citizens' Advice Bureaux were regarded as a less important source of clients. Only a small proportion of respondents rated Casual Callers as having any degree of importance as a source of clients.[13]

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13. An American study found a pattern which was not dissimilar. Reed (1972) interviewed 71 lawyers in Florida dealing with civil (as opposed to criminal) cases. 56 mentioned "the grapevine" (including the return of satisfied clients) as a source of their business; 47 mentioned referrals from other lawyers; 39 mentioned organisations to which they belonged; 35 mentioned making talks and speeches and 22 mentioned having a centrally located office. (Most of Reed's respondents mentioned more than one source in their replies.)

The importance of pleasing existing clients and getting them to return was a common theme in the interviews, and replies to the open-ended question "What makes for a successful practice in the present-day world?" confirmed this (see below). It is not surprising, therefore, that the return of existing clients and their recommendations was considered an extremely important source of clients by so many respondents. The desire to satisfy existing clients accounts for many practices offering a wider range of services than they would otherwise prefer to carry, according to Bridges and his colleagues (1975: 37). Remarks made in the interviews confirmed that this was the case for some respondents' practices, too (see below).

A final point of interest in Table C.33 is the relative polarisation of responses at the extreme ends of the category of importance scale for the source Legal Aid and Citizens' Advice Bureaux. This would seem to indicate a situation where some firms rely quite a lot on Legal Aid, etc, work and others do very little such work.[14]

A correlation matrix was constructed associating together the degree of importance of the six sources of clients to the practice and this is shown at Table C.34. None of these correlations were better than $r = \pm 0.5$, suggesting that the various sources do not associate together

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14. Bridges et al concluded similarly. They estimated that, of the 173 solicitors' firms in Birmingham in 1971, ten dealt with "high volumes" of legal aid work, 30 with "noticeable volumes" and 133 were "apparently doing little such work" (1975: 12). If the authors' characterisation of "high" and "noticeable" amounts of work (40 out of 173 firms, 23.1%) are taken as approximating to the two highest categories on the seven point scale of importance used in this research, then the findings are remarkably alike, i.e. 22 out of 103 firms, 21.3%. (It should be borne in mind that the 103 practices in this research were spread over a much wider geographical area than the City of Birmingham area covered in Bridges et al's study.)

TABLE C.34

PRIVATE PRACTICE RESPONDENTS - CORRELATION MATRIX OF THE SOURCES OF CLIENTS IN THE PRACTICE (N = 103)

	Institutions	Legal Aid and CAB	Other Professions	Existing Clients	Casual Callers	Extra-Mural Activities
Institutions	1.0000	0.3031***	0.4977***	-0.0143	0.3797***	0.3405***
Legal Aid and CAB	-	1.0000	0.0395	0.1363	0.4130***	0.1004
Other Professions	-	-	1.0000	0.0769	0.3200***	0.4084***
Existing Clients	-	-	-	1.0000	0.0187	0.1912*
Casual Callers	-	-	-	-	1.0000	0.2257*
Extra-Mural Activities	-	-	-	-	-	1.0000

*** $p < .001$

* $p < .05$

well. The highest correlation was between Other Professions and Institutions , which was to be expected, given the analogous nature of these sources.

10. Solicitors in Private Practice - Factors making for a Successful Practice

TABLE C.35

PRIVATE PRACTICE RESPONDENTS - FACTORS MENTIONED BY RESPONDENTS WHICH MAKE FOR A SUCCESSFUL PRACTICE

	N	%
"The personal touch, personal attention to clients etc."	38	36.9
"Hard working partners"	37	35.9
"Serving the needs of the clients and community"	20	19.4
"The legal ability and reputation of the partners"	18	17.5
"The personal qualities of the partners"	15	14.6
"Ability of the practice to offer a broad base of services"	15	14.6
"Partners who make good contacts and get known"	14	13.6
"Partners with a good business sense"	10	9.7
"Ability of the practice to offer specialised services"	9	8.7
"A competent staff"	5	4.9

The solicitors interviewed were asked the open-ended question: "What makes for a successful legal practice in the present-day world?". The most frequently mentioned factors have been grouped together in Table C.35. The Table shows that personal attention to clients (not letting them be seen by "bits of girls" but by responsible people in the firm, as one respondent put it) and hard work were the two factors most frequently mentioned as contributing to a successful practice. A partner in a small

practice in Central Birmingham summarised this view as follows: "Hard work, attention to detail, above all, attention to one's clients". A number of solicitors mentioned how communication with clients was of vital importance: "I feel that the profession often falls down on this and many complaints from the public are complaints about poor communications"[15] (senior partner in a medium size practice in Central Birmingham). The "personal touch" was seen as the way of ensuring that clients returned. One respondent said how important this was and mentioned that he had a client who had built up a business in 30 years from £250 capital to an organisation with £12 million net profit - and he had stayed with the same solicitor!

A number of solicitors - by no means always in the largest practices - referred to the need to operate a private practice on business lines:

> You've got to run it as a commercial enterprise notwithstanding professional standards and etiquette. You've got to look, in exactly the same way as a commercial business, at profit and loss and turnover. The old days have gone when solicitors could sit back - you've got to be up-to-date. And you must specialise now - we are extremely specialised here (partner in medium size firm with a number of branches in suburban Birmingham).

Specialisation between partners and the ability to offer a wide range of services were seen as an ideal combination by many respondents. One felt that a successful practice demanded:

> Variety and specialisation. A practice must be able to cope with any problem that comes in - if you can't, the person goes elsewhere and you lose him. Specialisation is also essential in these days of complicated laws and statutes; one individual can't diversify enough to give all round advice (partner in a large Central Birmingham practice).

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15. A recent Which survey found that one of the most common complaints about solicitors concerned poor communication (Which, 20, 1977: 297). See also the comments of Sir Roger Ormrod regarding the increasing problem of breakdowns in communication between solicitors and their clients (1977: 25).

A partner in a large Black Country firm mentioned that specialisation was necessary in order to stop local companies turning to Birmingham or London firms. However, the danger of a practice becoming over specialised and the need to maintain a diversified set of activities was also recognised. The senior partner in a medium size firm in a small town said:

> I would think success comes from being very broadly based. Some Birmingham solicitors have taken a terrific hammering because of a decline in their specialist work.

A respondent in a very large commercial practice referred to two factors, including the importance of "contacts". He said that a successful practice depended on "competence and getting the job right. Slightly secondary, it depends on contacts at the right level - on boards of companies, with accountants and merchant bankers. Day to day social contacts at the general level are not very significant". Another respondent commented:

> If you don't get work in, you don't get it out, so being a go-getter is important. How do you "go and get"? ... you follow some sort of sport, one of my partners is a T.A. officer, two others are in Round Table. Let's be frank, they're not in it solely for the public good (though it does assist the public), but it brings in work ... That's the only way we can get work - we can't advertise (partner in a large practice in Worcestershire).

Finally, the basic antagonism between these features should be noted - attention to clients, specialisation, running a practice on "business" lines, and getting out and making contacts - all are uneasy bedfellows, as a respondent in a medium size practice in Worcestershire remarked:

> More and more one must be business-like. I regret this, because business efficiency can lead to a decline in professionalism. Business efficiency often means you must be ruthless, e.g. with a client who wastes your time, and this undermines professionalism. You have to be prepared to give time to clients and treat them on their merits.

A number of respondents were unhappy about the decline in the standard of the professional service which they could give to their clients and saw professional standards (in other professions as well as their own) declining because of the need to be cost effective, specialist and so on.

There is no doubting the importance of specialism, and the dangers it brings. For example, Rock has shown that debt collection work is remunerative only when a firm specialises in this kind of work (1973: 114-115). Similarly, White (1975: 245-246) found that solicitors doing a lot of legal aid work - individual pieces of which are not highly remunerative - stressed the need to be "geared up" to do it; they also emphasised the importance of "volume", "turnover", etc, in regard to this work. However, White also noted that a high turnover of work might often be at the expense of the quality of the service provided. In this connection, the London branch of the National Association of Probation Officers, in evidence to the Royal Commission on Legal Services, claimed that many solicitors were sacrificing professional standards to increase their income. The Association suggested that many solicitors took on more work than they could handle properly, because of financial considerations, resulting in poor preparation and subsequent incompetent representation (The Guardian, 17 October 1977).

11. Solicitors' Involvement in Community Activities

Membership of Community Organisations

Respondents were asked to indicate the names of non-political clubs, associations and organisations to which they belonged at the time of the

interview.[16] The objective was to throw light on those activities which took respondents into the community in at least a semi-formal setting. A large number and range of activities, organisations and clubs were mentioned. Only 6.8% (7) of private practitioners did not belong to any organisation, compared with 28.0% (7) of those in business. Business solicitors were members of a mean of 1.56 organisations, etc. (median 2) and those in private practice were members of a mean of 3.06 (median 3). The data are summarised in Table C.36.

TABLE C.36

INVOLVEMENT IN COMMUNITY ACTIVITIES - NUMBER OF ORGANISATIONS, CLUBS, ASSOCIATIONS, ETC, OF WHICH RESPONDENT IS AT PRESENT A MEMBER

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
Nil	7	28.0	7	6.8	14	10.9
1	4	16.0	17	16.5	21	16.4
2	8	32.0	24	23.3	32	25.0
3	5	20.0	17	16.5	22	17.2
4	1	4.0	13	12.6	14	10.9
5	-	-	11	10.7	11	8.6
6	-	-	8	7.8	8	6.3
7	-	-	4	3.9	4	3.1
8	-	-	2	1.9	2	1.6
Total	25	100.0	103	100.0	128	100.0

$t = 3.62, \quad p < .001$

Solicitors in private practice were also more likely to hold office or sit on the committees of organisations than business solicitors. 62.1% (64) private practitioners were on at least one committee, compared with only 36.0% (9) of business solicitors. Privately practising solicitors held office or sat on the committees of a mean of 1.20 organisations

16. Respondents were asked to say to which clubs, etc, they belonged - they were not asked to check them off a list. There may therefore have been some under-recording if respondents failed to recall some of the ... of which they were members.

(median 1) compared with 0.52 (median 0) for business solicitors. The data are shown in Table C.37.

TABLE C.37

INVOLVEMENT IN COMMUNITY ACTIVITIES - NUMBER OF ORGANISATIONS, CLUBS, ASSOCIATIONS, ETC, OF WHICH RESPONDENT IS AT PRESENT AN OFFICE-HOLDER OR COMMITTEE-MEMBER

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
Nil	16	64.0	39	37.9	55	43.0
1	6	24.0	32	31.1	38	29.7
2	2	8.0	18	17.5	20	15.6
3	1	4.0	7	6.8	8	6.3
4	-	-	5	4.9	5	3.9
7	-	-	1	1.0	1	0.8
8	-	-	1	1.0	1	0.8
Total	25	100.0	103	100.0	128	100.0

$t = 2.29$, $p < .05$

The organisations, associations, clubs, etc, to which respondents belonged were categorised, in the data analysis stage, into 13 broad groupings, as follows:

Social and Charitable (Rotary, Round Table, etc)

Social and Ex-Service (Old Boys, Luncheon Clubs, British Legion, etc)

Freemasons

Civic and Amenity (Parish Councils, Community Associations, National Trust, etc)

Social Service (Youth Clubs, Scouts, Samaritans, Friends of Hospitals, etc)

Religious

Sporting

Educational (School Governors and Managers, etc)

Hobby (Motoring, Rambling, etc)

Civil Rights (National Council for Civil Liberties, etc)

Music and the Arts

Business and Semi-Professional (Chamber of Trade, etc)

Army Reserve

Table C.38 shows the number of respondents who belonged to at least one organisation, etc, in each of the 13 groups.

TABLE C.38

INVOLVEMENT IN COMMUNITY ACTIVITIES - RESPONDENT BELONGS TO AT LEAST ONE ORGANISATION, ETC IN THE CATEGORY SHOWN

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
Social and Charitable	-	-	19	18.4	19	14.8
Social and Ex-service	1	4.0	21	20.4	22	17.2
Freemasons	-	-	9	8.7	9	7.0
Civic and Amenity	4	16.0	21	20.4	25	19.5
Social Service	1	4.0	24	23.3	25	19.5
Religious	4	16.0	11	10.7	15	11.7
Sporting	8	32.0	57	55.3	65	50.8
Educational	1	4.0	12	11.7	13	10.2
Hobby	5	20.0	17	16.5	22	17.2
Civil Rights	-	-	4	3.9	4	3.1
Music and the Arts	2	8.0	15	14.6	17	13.3
Business and Semi-Professional	-	-	14	13.6	14	10.9
Army Reserve	1	4.0	3	2.9	4	3.1

TABLE C.39

THOSE RESPONDENTS INVOLVED AT LEAST A LITTLE IN COMMUNITY ACTIVITIES - "HOW FAR HAS TAKING PART IN THESE ACTIVITIES HELPED OR HINDERED YOUR LEGAL CAREER?"

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
Helped a lot	1	5.6	20	20.8	21	18.4
Helped a little	-	-	40	41.7	40	35.1
Not helped or hindered at all	17	94.4	32	33.3	49	43.0
Hindered a little	-	-	1	1.0	1	0.9
Hindered a lot	-	-	-	-	-	-
Missing data	-	-	3	3.1	3	2.6
Total	18	100.0	96	100.0	114	100.0

$t = 3.47, \quad p < .001$

Respondents were asked to say how far, in their view, taking part in activities in organisations, clubs and associations had helped or hindered their legal careers. Five categories were presented on a card and respondents were asked to check one of the categories, ranging from "helped a lot" to "hindered a lot". Table C.39 shows the breakdown of responses for those solicitors who were members of at least one organisation etc. Privately practising solicitors were significantly more likely than business solicitors to believe that these sorts of community activities had helped their legal careers.

Another question concerned membership of public bodies. Respondents were asked to say if they were members of a public board or tribunal (such as a Rent Tribunal, Appeal Tribunal under the Mental Health Act, a National Insurance Committee, etc). 6.8% (7) of privately practising solicitors were members, and none of the business respondents.

A final aspect of community activity is of interest, which also throws light on professional involvement - 14.6% (15) of private practice solicitors currently attended a voluntary law "surgery" at a Citizens' Advice Bureau or Neighbourhood Law Centre, etc, or gave advice at a Marriage Guidance "clinic", etc, whilst two had done so in the past. The figures for business solicitors were nil and 16.0% (4) respectively.

12. Solicitors' Involvement in Political Activities

Interest in Politics

TABLE C.40

RESPONDENTS' INTEREST IN POLITICS

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
Very Interested	9	36.0	34	33.0	43	33.6
Quite Interested	13	52.0	54	52.4	67	52.3
Not Very Interested	3	12.0	15	14.6	18	14.1
Total	25	100.0	103	100.0	128	100.0

A number of questions were asked in order to obtain information on respondents' political interests and participation.[17] First, respondents were asked how interested they were in politics, in the sense of a general interest in political affairs, and invited to check a card with three responses: "very interested", "quite interested" and "not very interested". There was little difference between the replies of private practice and business solicitors, as Table C.40 shows.

Political Socialisation

TABLE C.41

THOSE RESPONDENTS AT LEAST QUITE INTERESTED IN POLITICS - TIME OF LIFE THEY FIRST BECAME INTERESTED IN POLITICS

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
Ever since I remember	4	18.2	23	26.1	27	24.5
At school	10	45.5	30	34.1	40	36.4
At university or during Army service	1	4.5	17	19.3	18	16.4
After I qualified as a Solicitor	6	27.3	17	19.3	23	20.9
Missing data	1	4.5	1	1.1	2	1.8
Total	22	100.0	88	100.0	110	100.0

In order to see how far an interest in politics was connected with experiences early or later in life, respondents who were interested in

17. Most of the questions were concerned with participation in organised political activities, with the exception of the "interest in politics" questions. The focus on "participation in organised activities" was deliberate, since this research was interested in political involvement rather than the private meanings attached to politics or the political consciousness of solicitors.

politics were presented with a card listing various times when they might first have become interested; the findings are shown in Table C.41. A third had first become interested at school, a quarter of the respondents had been interested "Ever since I remember" whilst a fifth had developed an interest only after they had qualified as a solicitor.

TABLE C.42

RESPONDENTS FATHERS' AND MOTHERS' INTEREST IN POLITICS

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
Father						
Very Interested	1	4.0	12	11.7	13	10.2
Quite Interested	2	8.0	24	23.3	26	20.3
Not Very Interested	22	88.0	66	64.1	88	68.8
Missing data	-	-	1	1.0	1	0.8
Total	25	100.0	103	100.0	128	100.0
Mother						
Very Interested	-	-	3	2.9	3	2.3
Quite Interested	-	-	12	11.7	12	9.4
Not Very Interested	25	100.0	87	84.5	112	87.5
Missing data	-	-	1	1.0	1	0.8
Total	25	100.0	103	100.0	128	100.0

Respondents were also asked if their fathers and mothers were interested in politics, using the method used for ascertaining personal interest in politics described above. The results are shown in Table C.42. Privately practising solicitors were somewhat more likely than business solicitors to have had parents who were interested in politics.

Membership of Political Parties

TABLE C.43

INVOLVEMENT IN POLITICAL ACTIVITIES - MEMBERSHIP OF A POLITICAL PARTY

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
At present a member	4	16.0	33	32.0	37	28.9
Formerly a member	3	12.0	13	12.6	16	12.5
Has never been a member	18	72.0	57	55.3	75	58.6
Total	25	100.0	103	100.0	128	100.0

Solicitors in private practice were twice as likely to be members of a political party at the time of the interview as business solicitors, as Table C.43 shows.

Information was obtained (directly or indirectly) on the affiliation of most of the respondents who were or had been members of a political party. Respondents were overwhelmingly Conservative. Of the seven business solicitors listed in the Table C.43, three were or had been in the Conservative party, and two in the Labour party. Data were unavailable in two cases. Of the 46 privately practising solicitors, 33 were or had been Conservatives, four Labour and one Liberal, and data was missing in eight instances.

Two business and 22.3% (23) of solicitors in private practice had at some time held office or sat on a committee of a political party; whilst one business and 9.7% (10) of private practice solicitors were currently committee members or office holders.

TABLE C.44

INVOLVEMENT IN POLITICAL ACTIVITIES - LENGTH OF MEMBERSHIP OF A POLITICAL PARTY OF THOSE RESPONDENTS WHO ARE CURRENTLY MEMBERS

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
Less than Ten years	2	50.0	11	33.3	13	35.1
Ten - 19 years	1	25.0	10	30.3	11	29.7
20 - 29 years	1	25.0	7	21.2	8	21.6
30 - 39 years	-	-	1	3.0	1	2.7
Over 40 years	-	-	4	12.1	4	10.8
Total	4	100.0	33	100.0	37	100.0

Table C.44 shows the number of years over which the 37 respondents who were members of political parties at the time of the interview had been members.

Standing for Election

11.7% (12) of solicitors in private practice had stood as a candidate of a political party at some time in a General or local election - ten had stood locally only, two at both levels. No business solicitors had stood. Between them, they had fought in a mean of 3.7 local elections (median 3.5) and in a total of three General elections. Four private practice solicitors were currently local councillors and six others had served on a local council in the past. The ten solicitors with service on local councils had a mean of 9.4 years (median 8.5) experience as councillors.

Respondents were asked if they had ever been approached with the suggestion that they should stand in an election. This question was introduced some way into the data collection process (and so there was a large amount of missing data) because several respondents had mentioned that they had been asked to stand by one of the political parties.[18] It was felt that it was very revealing of the way in which solicitors are perceived by the public that they should be approached in this way. Of the 91 privately practising solicitors who had never stood as candidates, 25 had been asked to stand and 35 had not (missing data in 31 cases). Of the 25 business solicitors, only one had been asked to consider standing for election.

Helping in Election Campaigns

TABLE C.45

INVOLVEMENT IN POLITICAL ACTIVITIES - RESPONDENTS HELPING IN AN ELECTION CAMPAIGN

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
At local election(s) only	3	12.0	9	8.7	12	9.4
At General election(s) only	1	4.0	9	8.7	10	7.8
At both	2	8.0	28	27.2	30	23.4
Has never helped	19	76.0	57	55.3	76	59.4
Total	25	100.0	103	100.0	128	100.0

Respondents were asked if they had ever given any help to a candidate in an election campaign - addressing envelopes, canvassing, providing a

18. One respondent - not affiliated to a political party and "not very interested" in politics - said that a few years previously he had been approached within 12 months by both the local Conservative and Labour parties and asked to stand for election!

car, and so on. Table C.45 shows that solicitors in private practice had helped in election campaigns to a greater extent than business solicitors. 44.7% (46) of private practice compared with 24.0% (6) of business solicitors had at some time helped in an election campaign ($x^2 = 2.75$, df = 1, $p < .10$).

Politics and the Legal Career

TABLE C.46

THOSE RESPONDENTS INVOLVED AT LEAST A LITTLE IN POLITICAL ACTIVITIES - "HOW FAR HAS TAKING PART HELPED OR HINDERED YOUR LEGAL CAREER?"

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
Helped a lot	-	-	2	6.1	2	5.4
Helped a little	-	-	8	24.2	8	21.6
Not helped or hindered at all	4	100.0	16	48.5	20	54.1
Hindered a little	-	-	2	6.1	2	5.3
Hindered a lot	-	-	-	-	-	-
Missing data	-	-	5	15.2	5	13.5
Total	4	100.0	33	100.0	37	100.0

Solicitors who were at present members of a political party were asked to say how far, in their opinion, taking part in politics had helped or hindered their legal career, five reply categories were presented on a card (as described above for community activities). Table C.46 summarises the responses.

TABLE C.47

RESPONDENTS VIEWS OF THE NOTION OF SOLICITORS BEING ACTIVELY-INVOLVED IN POLITICS

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
"They have relevant training and experience"	12	48.0	30	29.1	42	32.8
"Professional practice is relevant"	1	4.0	7	6.8	8	6.3
"In the general sense, law and politics are connected"	2	8.0	15	14.6	17	13.3
"Participation in politics has a broadening effect"	-	-	3	2.9	3	2.3
"There is the problem of finding the time"	1	4.0	30	29.1	31	24.2
"There is the danger of offending one's clients"	-	-	5	4.9	5	3.9
"There is the danger of conflict of interests"	1	4.0	15	14.6	16	12.5

An open-ended question was put to respondents: "A large number of solicitors are active in local and national politics. Would you give me your thoughts on this?" A considerable amount of data was collected and the main points mentioned by respondents are listed in Table C.47 (some respondents, of course, mentioned several points). It is clear that although a "natural" connection between law and politics was recognised by many respondents[19] - both in terms of the day-to-day practise of law

19. This "natural" or "inevitable" connection was noted by Prewitt's (1970: 160-161) respondents. 80% of the lawyer-councilmen (i.e. local councillors) he interviewed in California recognised a link between their professional training and council duties, compared with only 38% of councilmen who were businessmen and accountants.

and at the more general level of principles - they were also aware of the difficulties and potential conflicts involved in the simultaneous pursuit of both activities. Some solicitors were very strongly against mixing law and politics, stressing the ethical dangers, possible conflicts of interest and so on. Others could see nothing but advantage, both to society generally and to the individual concerned, noting how participation in politics introduced a solicitor to a wider range of experience and the like.

TABLE C.48

ESTIMATION OF RESPONDENTS VIEWS OF THE DESIRABILITY OF SOLICITORS BEING ACTIVELY-INVOLVED IN POLITICS

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
Strongly Approve	4	16.0	4	3.9	8	6.3
Approve	12	48.0	26	25.2	38	29.7
Neutral	6	24.0	34	33.0	40	31.3
Disapprove	1	4.0	17	16.5	18	14.1
Strongly Disapprove	-	-	3	2.9	3	2.3
Unclassifiable	1	4.0	4	3.9	5	3.9
Missing Data	1	4.0	15	14.6	16	12.5
Total	25	100.0	103	100.0	128	100.0

The replies of respondents to this open-ended question were further classified from views "strongly in favour of solicitors taking part in politics" to views "strongly against", and the results are summarised in Table C.48. On the whole, respondents in private practice were rather less likely to approve of solicitors taking part in politics than business solicitors. It seems possible that the day-to-day work

of private practitioners sensitises them to the difficulties and dangers of participating in politics and, particularly, to the danger of offending a section of their clientele by so doing.

13. Solicitors' Involvement in Professional Activities

Membership of Professional Organisations

TABLE C.49

INVOLVEMENT IN PROFESSIONAL ACTIVITIES - MEMBERSHIP OF PROFESSIONAL BODIES

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
The Law Society	20	80.0	92	89.3	112	87.5
A local law society	14	56.0	99	96.1	113	88.3
British Legal Association	-	-	6	5.8	6	4.7
Solicitors' Benevolent Association	2	8.0	16	15.5	18	14.1
The Law Society Young Solicitors Group	1	4.0	3	2.9	4	3.1
The Law Society European Group	3	12.0	5	4.9	8	6.3
The Law Society Commerce and Industry Group	5	20.0	-	-	5	3.9
Industrial Law Society	-	-	1	1.0	1	0.8
Local Government Legal Society	5	20.0	-	-	5	3.9
Society for Computers in the Law	2	8.0	-	-	2	1.6
An International Legal Association	1	4.0	2	1.9	3	2.3
Coroners' Society	-	-	2	1.9	2	1.6
Provincial Notaries Society	-	-	1	1.0	1	0.8
Institute of Legal Executives	1	4.0	2	1.9	3	2.3

Data were collected on the professional societies and organisations to which respondents belonged. There was little difference in the mean number of professional societies to which respondents belonged, 2.16 for business and 2.22 for private practice solicitors. Membership of professional bodies is summarised in Table C.49. The figures for membership of The (national) Law Society are probably very accurate as they were checked with the information appearing in The Law List. The proportion of 87.5% (112) of the solicitors interviewed belonging to The Law Society approximates closely to the information given in the Society's Annual Report.[20]

96.1% (99) of the 103 solicitors in private practice belonged to their local law society, but only 56.0% (14) of business solicitors (local law societies are, incidentally, numerous - more than 120 in all according to The Law Society's Gazette (74, 1977: 25)). The figure for private practitioners' membership of the British Legal Association (5.8%, 6) is rather lower than the estimate of the Association itself, which was about 12% of solicitors in 1971 (National Board for Prices and Incomes, 1971: 4).

Involvement in Professional Activities

Information about the extent of respondents' involvement in professional activities was also sought. Private practitioners were rather more

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20. In 1976-77, 31,250 practising certificates were issued and there were 28,134 members of the Society, 90.0% (The Law Society, Annual Report, 1976-77: 9). (It is interesting that, amongst lawyers in the United States, only half of this percentage - 44% - belong to the national professional association (Ladinsky and Grossman, 1966: 82).) It is only in recent years that membership of The Law Society has reached such a high level - in the 1880's only about 28% of practising solicitors belonged to the Society and more than half did not even belong to a local society (Kirk, 1976: 41-42). By 1917 about 60% of practising solicitors were members of the Society (Webb and Webb, 1917: 5), and in 1930 66.5% - this proportion being regarded at that time as the "highest in the Society's history" (The Law Society, Annual Report, 1930: 8).

TABLE C.50

INVOLVEMENT IN PROFESSIONAL ACTIVITIES - MEMBERS OF THE LAW SOCIETY OR A LOCAL LAW SOCIETY, FREQUENCY OF ATTENDANCE AT MEETINGS

	Business Solicitors		Private Practice Solicitors		Total	
	N	%	N	%	N	%
Local Law Society						
Usually	-	-	23	23.2	23	20.4
Occasionally	3	21.4	29	29.2	32	28.3
Rarely	11	78.6	45	45.5	56	49.6
Missing Data	-	-	2	2.0	2	1.8
Total	14	100.0	99	100.0	113	100.0
National Law Society						
Usually	-	-	1	1.1	1	0.9
Occasionally	2	10.0	1	1.1	3	2.7
Rarely	18	90.0	90	97.8	108	96.4
Total	20	100.0	92	100.0	112	100.0

active than solicitors in business. 2.9% (4) of privately practising solicitors were at the time of the interview members of committees of The Law Society and 22.3% (23) were office holders and/or committee members in local law societies. No business solicitors were currently holding office or were committee members locally or nationally. A further 4.9% (5) of private practice solicitors had formerly held office locally and one had sat on a national Law Society Committee. Respondents who were members were also asked to say how frequently they attended meetings of their local law society and The Law Society. They were asked to answer in terms of three categories on a check card, "Usually", "Occasionally", and "Rarely". The results are shown in Table C.50. Only a tiny proportion of solicitors attended meetings of The Law Society other than "rarely". More than half of the solicitors in private practice who were members went at least "occasionally" to local law society meetings ($t = 2.28$; $p < .05$). Finally, 13.6% (14) of solicitors in private practice said that they were members of their local legal aid committees (which meet to scrutinise legal aid applications) and 3.9% (4) were members of area legal aid committees.

APPENDIX D

SOLICITORS IN PRIVATE PRACTICE - CHARACTERISTICS OF RESPONDENTS AND THEIR WORK - DIFFERENCES BY THE LOCATION AND THE SIZE OF THE PRACTICE

The discussion which follows highlights only the more interesting variations associated with the size and the location of private practices, excluding respondents' participation in community, political and professional activities which are discussed in Chapter 9. By and large the differences of background, education, career, and so on between private practice solicitors in terms of the location and the size of their practices were not great. Where differences are highlighted, it must be borne in mind that the number of cases from which the data are drawn is often small.

1. Location of the Practice

Data are analysed in terms of two groups of practices - those located in Central Birmingham, including Edgbaston (N = 32), and practices situated elsewhere, i.e. the Birmingham suburbs, Black Country towns, Worcester and Kidderminster, and small rural towns (N = 71).

Age and Place of Birth

The mean ages of respondents in Central Birmingham and elsewhere were virtually the same, 42.3 years and 43.5 years respectively.

Solicitors elsewhere were very slightly more likely to be locally born (within ten miles of the place of interview) than those practising in Central Birmingham - 52.1% (37) compared with 46.9% (15).

Education

53.1% (17) of respondents in Central Birmingham had attended independent and direct grant secondary schools, compared with 59.2% (42) of those elsewhere. Similar proportions of the two groups of solicitors held first degrees, 50.0% (16) and 47.9% (34) respectively, though solicitors in Central Birmingham were much more likely to have graduated from Oxbridge and London than those elsewhere - 68.8% (11) of solicitor-graduates practising in Central Birmingham compared with 29.4% (10) of those practising elsewhere. 15.6% (5) of Central Birmingham respondents held higher degrees compared with 4.2% (3) of those elsewhere.

Becoming a Solicitor

15.5% (11) of respondents elsewhere had wanted to be a solicitor, "Ever since I can remember", compared with two of those in Central Birmingham. 15.5% (11) of solicitors elsewhere were articled to their father or a relative and 5.6% (4) obtained their articles through a law society list, compared with 9.4% (3) and 12.5% (4) of Central Birmingham respondents. A somewhat stronger "family connection" with the profession amongst respondents elsewhere is therefore indicated and it is noteworthy that more than twice the proportion elsewhere had fathers who were solicitors compared with respondents in Central Birmingham - 19.7% (14) and 9.4% (3) respectively.

The Professional Career

Respondents in Central Birmingham (18.7%, 6) were rather less likely than those elsewhere (29.2%, 20) to have worked outside the Midlands. This may be because the range of opportunities in a large city is far greater than elsewhere, and a solicitor might broaden his experience by moving between practices within the city or West Midlands conurbation. Solicitors elsewhere had worked in a mean number of 2.2 practices compared with 2.0 practices for Central Birmingham respondents.[1] Respondents had worked in their present practice for a mean of 16.1 years (elsewhere) and 16.3 years (Central Birmingham).

Similar proportions of Central Birmingham solicitors and those elsewhere had worked in the City or West End of London - 15.6% (5) and 15.5% (11) respectively. Central Birmingham solicitors were rather more likely to have had some experience of work other than in a solicitor's private practice - the figures were 21.9% (7) compared with 9.9% (7) of solicitors elsewhere.

Finally, in this section, 75.0% (24) of solicitors in Central Birmingham said that they would choose the same career if they had their time over again, compared with 67.6% (48) elsewhere.

The picture is that solicitors outside Central Birmingham had been rather more geographically mobile in their careers. Central Birmingham solicitors were more likely to have had experience outside private

1. When the category of firms elsewhere was broken down into those in larger towns and suburbs, and in smaller rural towns, significant differences between the three locations were revealed - the mean number of firms which Central Birmingham respondents had worked in was 2.0, compared with 1.7 for respondents in larger towns and suburbs and 3.1 for those in smaller rural towns ($F = 9.92$; $p < .01$). Clearly respondents in practices in small towns in rural areas had been more geographically mobile in their professional careers.

practice - probably reflecting the wider opportunities for alternative employment in a metropolitan area.

The Present Practice

65.6% (21) of the practices in Central Birmingham were "old established" (more than 25 years), 18.7% (6) were "established" (ten to 25 years) and 15.6% (5) were "newly established" (less than ten years) compared with figures of 76.1% (54), 12.7% (9) and 11.3% (8) for practices elsewhere. This tendency for slightly more Central Birmingham practices to be recently established than those elsewhere is possibly due to the greater opportunities for work available in an urban-metropolitan location (on this, see Bridges, et al, 1975: 19).

Practices elsewhere were twice as likely to be "family firms" as those in Central Birmingham - a "family firm" was defined as one where the respondent's father or son was or had been a partner in the practice - 15.5% (11) of practices elsewhere, but only two of those in Central Birmingham fell into this category.

Size of the Practice

The mean size of practices in Central Birmingham was 5.4 partners and elsewhere 4.1 partners.[2] The mean size of practices elsewhere was boosted because of the presence of a particular type of practice which is becoming more and more common, that is the practice which has a large number of small branch offices in the "High Streets" of suburbs and towns surrounding the metropolitan area. One firm had as many as

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2. When the category of firms elsewhere was broken down into those in larger towns and suburbs, and those in smaller rural towns, the differences in the size of practices were significant - the mean size for Central Birmingham being 5.4 partners, for larger towns and suburbs 4.7 partners and for smaller rural towns 2.8 partners ($F = 3.87$; $p < .10$).

12 different offices of this kind.[3] The respondent in this firm said that each office ran as a more or less "self contained" unit for run-of-the-mill business such as conveyancing, probate and other routine work. If problems occurred which required specialist knowledge the respondent would seek advice from a colleague in another branch; in this way the firm could offer a wide range of services to its clients as well as being geared to a large volume of routine law work.[4]

The Nature of the Work Done in the Practice

Table D.1 shows the breakdown of work done in the practice by the location of the practice in terms of the seven point scale of importance and the nine types of legal work. Analysis of this Table and the mean scores (where seven is the maximum and one the minimum) indicates that the major differences between Central Birmingham practices and those elsewhere were for Wills, Probate, etc., Company and Commercial and European and International work, with practices elsewhere doing more of the former and firms in Central Birmingham doing more of the last two types of work (though European and International work was not, overall, a very important type of work). The pattern for Property and Conveyancing work is also interesting, with this type of work being rated as "extremely important" in a much

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3. Bridges et al discussed the relative decentralisation of solicitors' practices in Birmingham over the years, and noted how this had taken the form of a movement to small offices in middle class residential suburbs and dormitory towns. The dormitory towns of Solihull and Sutton Coldfield, for example, had a higher proportion of solicitors' offices per capita than existed in Birmingham. In Birmingham in 1971 there were 5478 people per solicitor's office compared with 4157 in Sutton Coldfield and 4651 in Solihull. These suburban offices tended to concentrate on non-contentious work for private, typically middle class, clients (1975: 20, 22-24).

4. Apparently this practice is common in the United States, too. Partners "surreptitiously" specialise among themselves and confer with each other in order to be able to give specialist advice, whilst retaining their personal relationships with their clients (Moore, 1970: 137-138).

TABLE D.1

THE NATURE OF THE WORK DONE IN THE PRACTICE, BY THE LOCATION OF THE PRACTICE

(percentages)

		EXTREMELY IMPORTANT 7	6	5	4	3	2	NOT AT ALL IMPORTANT 1	MEAN SCORE
Matrimonial	Cent. B'ham N = 32	28.1	12.5	12.5	18.7	15.6	12.5	NIL	4.81
	Elsewhere N = 71	35.2	15.5	18.3	16.9	8.5	5.6	NIL	5.35
Wills, Probate, etc.	Cent. B'ham	28.1	21.9	3.1	6.2	28.1	12.5	NIL	4.78
	Elsewhere	42.3	19.7	16.9	11.3	5.6	4.2	NIL	5.69
Company and Commercial	Cent. B'ham	31.3	12.5	15.6	3.1	12.5	3.1	21.9	4.50
	Elsewhere	15.5	4.2	11.3	22.5	21.1	12.7	12.7	3.82
European and International	Cent. B'ham	6.2	NIL	3.1	12.5	6.2	6.2	65.6	2.06
	Elsewhere	1.4	1.4	1.4	NIL	4.2	9.9	81.7	1.39
Property and Conveyancing	Cent. B'ham	65.6	15.6	15.6	3.1	NIL	NIL	NIL	6.44
	Elsewhere	83.1	11.3	2.8	2.8	NIL	NIL	NIL	6.75
Tax Matters	Cent. B'ham	12.5	12.5	12.5	9.4	9.4	21.9	21.9	3.56
	Elsewhere	8.5	9.9	11.3	22.5	12.7	25.4	9.9	3.63
Personal Injury	Cent. B'ham	21.9	9.4	25.0	9.4	9.4	18.7	6.2	4.44
	Elsewhere	23.9	9.9	14.1	22.5	21.1	8.5	NIL	4.68
Criminal	Cent. B'ham	34.4	9.4	12.5	3.1	6.2	9.4	25.0	4.34
	Elsewhere	32.4	9.9	9.9	14.1	14.1	7.0	12.7	4.61
Other Litigation	Cent. B'ham	25.0	12.5	18.7	15.6	12.5	12.5	3.1	4.72
	Elsewhere	29.6	5.6	16.9	15.5	18.3	9.9	4.2	4.66

higher proportion of firms elsewhere. The differences between the two groups of practices for the other five types of work were very small indeed. Analysis of variance showed that there were no statistically significant differences in the type of work done in practices in Central Birmingham and elsewhere for six of the nine categories of work used: Matrimonial work, Company and Commercial work, Tax Matters, Personal Injury, Criminal, and Other Litigation. Respondents in Central Birmingham were significantly more likely than those elsewhere to rate as important in their practices European and International work ($t = 2.33$; $p < .05$). (As indicated above, a higher proportion of Central Birmingham solicitors also ranked Company and Commercial work as more important, but the difference between practices in the two locations was not significant.) Central Birmingham respondents were significantly less likely than those elsewhere to rate as important Wills, Probate, etc, work ($t = 2.63$; $p < .01$) and Property and Conveyancing work ($t = 2.00$; $p < .05$). However, Property and Conveyancing was still rated as "extremely important" in as many as two-thirds of Central Birmingham practices.

Summarising, it was to be expected that Central Birmingham firms should be more involved in European and International work (and Company and Commercial work) since the companies and institutions which generate such work are themselves centralised (Bridges et al, 1975: 19). Firms in the central area did significantly less work than those elsewhere in the areas of Wills, Probate, etc, and Property and Conveyancing - such firms probably have proportionately fewer of the private individual clients who generate the bulk of such work. Moreover many Central Birmingham practices are located in office blocks and are much less accessible to the public than are suburban and small town solicitors with their "walk in" offices in High Streets.

TABLE D.2

THE NATURE OF THE WORK DONE BY THE RESPONDENT, BY THE LOCATION OF THE PRACTICE

(percentages)

			EXTREMELY IMPORTANT 7	6	5	4	3	2	NOT AT ALL IMPORTANT 1	MEAN SCORE
Matrimonial	) Cent. B'ham	N = 32	28.1	3.1	3.1	3.1	3.1	3.1	56.2	3.16
	) Elsewhere	N = 71	14.1	12.7	12.7	5.6	8.5	14.1	32.4	3.59
Wills, Probate etc.	) Cent. B'ham		15.6	9.4	6.2	3.1	12.5	15.6	37.5	3.16
	) Elsewhere		25.4	11.3	11.3	12.7	12.7	14.1	12.7	4.31
Company and Commercial	) Cent. B'ham		28.1	6.2	9.4	3.1	6.2	NIL	46.9	3.59
	) Elsewhere		8.5	NIL	5.6	14.1	16.9	18.3	36.6	2.68
European and International	) Cent. B'ham		3.1	NIL	NIL	NIL	6.2	6.2	84.4	1.38
	) Elsewhere		NIL	NIL	1.4	1.4	NIL	4.2	93.0	1.14
Property and Conveyancing	) Cent. B'ham		34.4	3.1	3.1	9.4	9.4	6.2	34.4	3.88
	) Elsewhere		59.2	9.9	8.5	4.2	2.8	5.6	9.9	5.62
Tax Matters	) Cent. B'ham		12.5	NIL	9.4	6.2	12.5	9.4	50.0	2.66
	) Elsewhere		2.8	5.6	11.3	8.5	14.1	19.7	38.0	2.63
Personal Injury	) Cent. B'ham		31.3	3.1	9.4	3.1	3.1	6.2	43.7	3.63
	) Elsewhere		7.0	7.0	9.9	11.3	11.3	15.5	38.0	2.89
Criminal	) Cent. B'ham		31.3	3.1	NIL	3.1	3.1	3.1	56.2	3.22
	) Elsewhere		14.1	8.5	2.8	1.4	11.3	8.5	53.5	2.73
Other Litigation	) Cent. B'ham		25.0	3.1	9.4	12.5	12.5	3.1	34.4	3.69
	) Elsewhere		11.3	4.2	7.0	12.7	11.3	15.5	38.0	2.93

The Nature of the Work Done by the Respondent

Solicitors in Central Birmingham were much more likely than those elsewhere to rank as important in their own workloads Company and Commercial work, and less likely to rank as important Wills, Probate, etc., and Property and Conveyancing work, as the mean scores in Table D.2 indicate. For Criminal and Matrimonial work, solicitors in Central Birmingham either did a good deal or very little of such work, whereas there was a more even spread amongst solicitors elsewhere. Analysis of variance confirmed this pattern, and showed that solicitors in Central Birmingham were significantly more likely than those elsewhere to rank as important Company and Commercial work ($t = 2.03$; $p < .05$) and less likely to rank as important Wills, Probate, etc work ($t = 2.45$; $p < .05$) and Property and Conveyancing work ($t = 3.61$; $p < .001$).

TABLE D.3

SUM OF PERCENTAGE RESPONSES AT THE EXTREME ENDS OF THE CATEGORY OF IMPORTANCE OF WORK SCALES FOR WORK DONE BY THE RESPONDENT, BY THE LOCATION OF THE PRACTICE

	Central Birmingham	Elsewhere
Matrimonial*	84.3	46.5
Wills, Probate, etc.	53.1	38.1
Company and Commercial*	75.0	45.1
European and International	87.5	93.0
Property and Conveyancing	68.8	69.1
Tax Matters	62.5	40.8
Personal Injury*	75.0	45.0
Criminal	87.5	67.6
Other Litigation	59.4	49.3

* For these three types of work the differences in terms of the location of the practice were statistically significant:

Matrimonial - $x^2 = 11.51$, df = 1, $p < .001$

Company and Commercial - $x^2 = 6.80$, df = 1, $p < .01$

Personal Injury - $x^2 = 6.80$, df = 1, $p < .01$

What is particularly interesting about Table D.2 is the clue that it gives to the high degree of specialisation amongst Central Birmingham solicitors, compared with those elsewhere, and Table D.3 confirms this. Table D.3 shows that for seven of the nine types of work, the proportion of Central Birmingham solicitors who placed themselves at the extreme ends of the seven point category of importance scales exceeded that of solicitors elsewhere and for three of these types of work the differences were statistically significant. The two aberrant items were European and International work (done by only a few respondents) and Property and Conveyancing, for which the percentage of responses at the extreme points of the scale were virtually identical. These data show that the work of solicitors in Central Birmingham practices was much more specialised than that of those elsewhere. (This specialisation was probably not a function of size of practice because the mean sizes of practices in Central Birmingham and elsewhere were fairly similar, it was shown above.)

Central Birmingham respondents tended to appear in court more frequently than those elsewhere - 43.8% (14) appeared in court "frequently" or "very frequently" (two or three appearances a week or more) compared with 26.8% (19) of solicitors elsewhere. However, a slightly larger proportion of Central Birmingham solicitors did either a great deal or very little court work. This is further evidence of specialisation.

Respondents in Central Birmingham were slightly less likely to take work home frequently in the evenings and at weekends than those elsewhere - 50.0% (16) of Central Birmingham solicitors took work home "frequently" or "very frequently" (once or twice a week or more),

TABLE D.4

THE SOURCES OF CLIENTS IN THE PRACTICE, BY THE LOCATION OF THE PRACTICE

(percentages)

		EXTREMELY IMPORTANT 7	6	5	4	3	2	NOT AT ALL IMPORTANT 1	MEAN SCORE
Institutions	) Cent. B'ham N = 32	21.9	6.2	15.6	12.5	15.6	12.5	15.6	4.06
	) Elsewhere N = 71	19.7	14.1	21.1	19.7	8.5	14.1	2.8	4.63
Legal Aid and CAB	) Cent. B'ham	21.9	NIL	3.1	15.6	9.4	25.0	25.0	3.34
	) Elsewhere	12.7	8.5	7.0	16.9	11.3	14.1	29.6	3.34
Other Professions	) Cent. B'ham	9.4	15.6	6.2	31.3	15.6	12.5	9.4	3.97
	) Elsewhere	21.1	23.9	23.9	16.9	9.9	4.2	NIL	5.17
Existing Clients	) Cent. B'ham	84.4	6.2	3.1	3.1	3.1	NIL	NIL	6.66
	) Elsewhere	71.8	18.3	5.6	4.2	NIL	NIL	NIL	6.58
Casual Callers	) Cent. B'ham	NIL	3.1	6.2	9.4	9.4	21.9	50.0	2.09
	) Elsewhere	2.8	7.0	12.7	19.7	22.5	18.3	16.9	3.25
Extra-Mural Activities	) Cent. B'ham	12.5	9.4	15.6	15.6	21.9	9.4	15.6	3.84
	) Elsewhere	21.1	18.3	23.9	12.7	7.0	11.3	5.6	4.78

compared with 59.1% (42) of those elsewhere.

The Source of Clients

Table D.4 shows the breakdown of the sources of clients, by the location of the practice, using the seven point scale of importance and the six sources of clients. Three sources were associated significantly with a practice being located elsewhere: Other Professions ($t = 3.67$; $p < .001$), Casual Callers ($t = 3.48$: $p < .001$), and Extra-mural Activities ($t = 2.35$; $p < .05$). Existing Clients returning and their recommendations as a source of clients was ranked in the two top categories of importance by nine out of ten respondents, irrespective of the location of their practices.

2. Size of the Practice

A single indicator was chosen for the size of practice - the number of partners in the practice. Data were actually collected on six possible indicators of size - the number of qualified solicitors, the number of partners, the total number of staff in the practice, the number of assistant solicitors, the number of articled clerks and ex-articled clerks not yet qualified, and the total number of "fee-earners". All of these possible indicators inter-correlated very well with each other, as the correlation matrix in Table D.5 shows. The number of partners was chosen as the indicator of the size of the practice (and is used in the analyses in Chapters 9 and 10) since all respondents were themselves partners.

Age and Place of Birth

There was a slight tendency for younger respondents to be in the larger practices, but the association was very weak. The mean size

TABLE D.5

CORRELATION MATRIX OF INDICATORS OF THE SIZE OF THE PRACTICE (N = 103)

	Number of Qualified Solicitors	Number of Partners	Total Number of Staff	Number of Assistant Solicitors	Number of Articled Clerks, etc.	Number of "Fee-earners"
Number of Qualified Solicitors	1.0000	0.9628***	0.8902***	0.9242***	0.8221***	0.9495***
Number of Partners	-	1.0000	0.8902***	0.7866***	0.8119***	0.9402***
Total Number of Staff	-	-	1.0000	0.7760***	0.8456***	0.9538***
Number of Assistant Solicitors	-	-	-	1.0000	0.7310***	0.8408***
Number of Articled Clerks, etc.	-	-	-	-	1.0000	0.8410***
Number of "Fee-earners"	-	-	-	-	-	1.0000

*** $p < .001$

of practice where respondents were born in the Midlands was 4.2 partners, compared with 5.2 partners for respondents born outside the Midlands - thus the larger practices were slightly more likely to have respondents born outside the Midlands area.

Education

Respondents educated in independent or direct grant secondary schools tended to be found in larger practices. The mean size of practice of respondents educated in independent or direct grant schools was 5.5 partners, compared with 3.8 partners for respondents educated in the state sector. The mean size of practice of respondents with a first degree was 4.7 partners, compared with 4.3 for non-graduates; Oxbridge and London graduates were typically found in larger firms (mean size 5.5 partners) whilst the mean size of firm of graduates of other universities was 4.1. For respondents with postgraduate qualifications (excluding the Oxbridge MA degree) the mean size of firm was 6.1 partners compared with 4.4 partners for respondents without such a qualification.

Becoming a Solicitor

The mean size of the practice of respondents who had wanted to become a solicitor "Ever since I can remember" was 3.2 partners; for a later choice of career the mean size of firm was 4.7 partners. The mean size of firm of respondents who were articled to their father or a relative was 4.2 partners, compared with 4.6 partners for those obtaining articles by some other means. There was also little association between the size of the present practice and the respondent's father being a solicitor - the mean size of firm where the respondent's father was a solicitor was 4.4 partners and where he was not it was 4.5 partners. The data thus indicate a very slight tendency for respondents with a "family" connection with the profession to practise

in smaller firms. There was a positive relationship - though a very weak one - between size of firm and father's social class.

The Professional Career

Partners in smaller practices had been rather more geographically mobile than those in larger firms. The mean size of practices where respondents had no work experience outside the Midlands was 4.8 partners compared with 3.6 partners for those with experience elsewhere. Similarly, the mean size of firms where respondents had worked in the City or West End of London was 3.4 partners, compared with 4.7 partners for respondents without London experience. Correlation analysis showed a weak negative association between the size of a practice and the number of practices the respondent had worked in ($r = -0.1626$, $p < .05$), and a somewhat stronger negative association between the size of a practice and the number of practices in which respondents had held partnerships ($r = -0.3193$, $p < .001$). There is thus a picture of greater geographical and inter-practice mobility amongst solicitors in smaller firms.[5] This is presumably due to the need for the solicitor in the small firm to widen his experience, both in terms of the types of legal work he does and the geographical area in which he is located. A small firm cannot offer either the range of work or the possibility of the solicitor moving to another office in a different town. Leaving the firm may be the only course of action open to the solicitor who wants to widen his horizons. Moreover, it may be that the possibility of becoming a partner is less great for the assistant in the smaller

5. This pattern is similar to that found by Ladinsky, in his research in Detroit, where lawyers in small firms tended to have what he called "disorderly work histories", i.e. changed firms more frequently than lawyers in large firms (1963b : 132).

than in the larger firm - so the small firm man must move around more than his counterpart in the larger practice.

The Present Practice

The mean number of partners varied significantly with the "age" of the practice - the "older" the practice, the larger the size, viz: "old established" practices (over 25 years) mean size, 5.3 partners, "established" practices (ten to 25 years) mean size, 3.0 partners, "newly established" practices (less than ten years) mean size, 1.8 partners ($F = 8.05$; $p < .01$). This relationship is exactly that which would be expected, in that it takes years for a practice to grow in size. Whether or not a practice was a "family firm" did not seem to be associated with the size of the practice; for "family firms" the mean size was 4.1 partners and for the remainder, 4.6 partners.

Solicitors in larger practices were more satisfied with their occupation than those in smaller firms. The mean size of practice of respondents who said that they would definitely choose to be a solicitor in private practice, if they had their time over again, was 5.0 partners; the mean size of firm of those who would not, or who were undecided, was 3.3 partners ($t = 2.27$; $p < .05$).

The Nature of the Work Done in the Practice

The relationship between the size of the practice and the nature of the work done in the practice is shown in detail in Table D.6, where practices have been grouped together into three size categories for purposes of presentation. The extent to which larger practices carried out a wider range of legal work than smaller firms is clearly demonstrated by this Table. For all types of work the mean scores show a clear relationship between the size of the practice and the importance of the type of the work.

TABLE D.6

THE NATURE OF THE WORK DONE IN THE PRACTICE, BY THE SIZE OF THE PRACTICE

(percentages)

		EXTREMELY IMPORTANT 7	6	5	4	3	2	NOT AT ALL IMPORTANT 1	MEAN SCORE
Matrimonial	1 and 2 partners N = 36	30.6	2.8	19.4	22.2	13.9	11.1	NIL	4.81
	3, 4, 5 partners N = 38	31.6	23.7	13.2	15.8	10.5	5.3	NIL	5.34
	6 - 18 partners N = 29	37.9	17.2	17.2	13.8	6.9	6.9	NIL	5.45
Wills, Probate, etc	1 and 2 partners	36.1	19.4	8.3	5.6	19.4	11.1	NIL	5.14
	3, 4, 5 partners	31.6	21.1	21.1	10.5	7.9	7.9	NIL	5.34
	6 - 18 partners	48.3	20.7	6.9	13.8	10.3	NIL	NIL	5.83
Company and Commercial	1 and 2 partners	5.6	NIL	2.8	19.4	22.2	16.7	33.3	2.64
	3, 4, 5 partners	10.5	13.2	21.1	15.8	23.7	5.3	10.5	4.13
	6 - 18 partners	51.7	6.9	13.8	13.8	6.9	6.9	NIL	5.62
European and International	1 and 2 partners	NIL	NIL	NIL	NIL	2.8	5.6	91.7	1.11
	3, 4, 5 partners	NIL	NIL	NIL	5.3	NIL	10.5	84.2	1.26
	6 - 18 partners	10.3	3.4	6.9	6.9	13.8	10.3	48.3	2.65
Property and Conveyancing	1 and 2 partners	75.0	13.9	8.3	2.8	NIL	NIL	NIL	6.61
	3, 4, 5 partners	76.3	15.8	2.6	5.3	NIL	NIL	NIL	6.63
	6 - 18 partners	82.8	6.9	10.3	NIL	NIL	NIL	NIL	6.72
Tax Matters	1 and 2 partners	NIL	5.6	16.7	8.3	5.6	36.1	27.8	2.67
	3, 4, 5 partners	5.3	10.5	7.9	34.2	13.2	21.1	7.9	3.66
	6 - 18 partners	27.6	17.2	10.3	10.3	17.2	13.8	3.4	4.72
Personal Injury	1 and 2 partners	13.9	11.1	19.4	11.1	27.8	13.9	2.8	4.19
	3, 4, 5 partners	21.1	10.5	15.8	23.7	18.4	10.5	NIL	4.61
	6 - 18 partners	37.9	6.9	17.2	20.7	3.4	10.3	3.4	5.10
Criminal	1 and 2 partners	22.2	13.9	8.3	8.3	11.1	8.3	27.8	3.92
	3, 4, 5 partners	36.8	7.9	10.5	10.5	15.8	7.9	10.5	4.74
	6 - 18 partners	41.4	6.9	13.8	13.8	6.9	6.9	10.3	5.00
Other Litigation	1 and 2 partners	16.7	11.1	13.9	16.7	16.7	13.9	11.1	4.08
	3, 4, 5 partners	26.3	5.3	21.1	18.4	18.4	10.5	NIL	4.71
	6 - 18 partners	44.8	6.9	17.2	10.3	13.8	6.9	NIL	5.38

TABLE D.7

CORRELATION OF THE NATURE OF THE WORK DONE IN THE PRACTICE, BY THE SIZE OF THE PRACTICE (N = 103)

	r	Significance level
Matrimonial	0.1099	not significant
Wills, Probate and Estate Duty	0.1257	not significant
Company and Commercial	0.4811	$p < .001$
European and International	0.3835	$p < .001$
Property and Conveyancing	0.0296	not significant
Tax Matters	0.3398	$p < .001$
Personal Injury	0.1666	$p < .05$
Criminal	0.1221	not significant
Other Litigation	0.1979	$p < .05$

Correlation analyses were carried out to ascertain the extent to which the nature of work performed in the practice was associated with the size of the practice. The results of these correlation analyses are shown in Table D.7.

All of the correlations in Table D.7 are positive and although some are not high, five of them are statistically significant. The highest correlations were for Company and Commercial work, European and International work and Tax Matters. This pattern is that which one would expect, for these are fields where considerable specialist

TABLE D.8

THE NATURE OF THE WORK DONE BY THE RESPONDENT, BY THE SIZE OF THE PRACTICE

(percentages)

		EXTREMELY IMPORTANT 7	6	5	4	3	2	NOT AT ALL IMPORTANT 1	MEAN SCORE
Matrimonial	1 and 2 partners N = 36	25.0	8.3	19.4	11.1	11.1	11.1	13.9	4.36
	3, 4, 5 partners N = 38	15.8	10.5	2.6	2.6	2.6	15.8	50.0	2.87
	6 - 18 partners N = 29	13.8	10.3	6.9	NIL	6.9	3.4	58.6	2.79
Wills, Probate, etc.	1 and 2 partners	27.8	8.3	13.9	5.6	19.4	8.3	16.7	4.28
	3, 4, 5 partners	18.4	15.8	5.3	13.2	10.5	21.1	15.8	3.92
	6 - 18 partners	20.7	6.9	10.3	10.3	6.9	13.8	31.0	3.59
Company and Commercial	1 and 2 partners	5.6	2.8	2.8	16.7	13.9	19.4	38.9	2.56
	3, 4, 5 partners	15.8	NIL	10.5	2.6	10.5	13.2	47.4	2.79
	6 - 18 partners	24.1	3.4	6.9	13.8	17.2	3.4	31.0	3.69
European and International	1 and 2 partners	NIL	NIL	2.8	NIL	NIL	5.6	91.7	1.17
	3, 4, 5 partners	NIL	NIL	NIL	2.6	NIL	2.6	94.7	1.11
	6 - 18 partners	3.4	NIL	NIL	NIL	6.9	6.9	82.8	1.41
Property and Conveyancing	1 and 2 partners	58.3	2.8	8.3	13.9	2.8	2.8	11.1	5.47
	3, 4, 5 partners	47.4	18.4	5.3	NIL	5.3	7.9	15.8	5.16
	6 - 18 partners	48.3	NIL	6.9	3.4	6.9	6.9	27.6	4.48
	1 and 2 partners	NIL	5.6	16.7	5.6	13.9	25.0	33.3	2.64
	3, 4, 5 partners								
	6 - 18 partners	17.2	3.4	6.9	3.4	NIL	13.8	55.2	2.72
Criminal	1 and 2 partners	25.0	19.4	2.8	NIL	8.3	13.9	30.6	3.89
	3, 4, 5 partners	21.0	NIL	2.6	2.6	5.3	2.6	65.8	2.58
	6 - 18 partners	10.3	NIL	NIL	3.4	13.8	3.4	69.0	2.03
Other Litigation	1 and 2 partners	11.1	5.6	13.9	16.7	13.9	16.7	22.2	3.44
	3, 4, 5 partners	15.8	5.3	5.3	13.2	7.9	10.5	42.1	3.08
	6 - 18 partners	20.7	NIL	3.4	6.9	13.8	6.9	48.3	2.93

knowledge and expertise are involved and where the resources of research and well qualified ancillary staff will be most required. These facilities are best provided in the larger firm.

In summary, certain types of specialist work were concentrated in large practices. In these firms all the other types of work were also important (with the exception of European and International work) giving large firms a broad base of work, a similar finding to that of Bridges et al (1975: 32). Property and Conveyancing work was of relatively equal importance whatever the size of the firm.

The Nature of the Work Done by the Respondent

Table D.8 presents the data on the type of work done by the respondent and the size of the practice. The mean scores show that respondents in the smallest firms were especially more likely to rank as important in their workloads Matrimonial and Criminal work, whilst those in the largest firms were more likely to rank as important Company and Commercial and European and International work.

TABLE D.9

CORRELATION OF THE NATURE OF THE WORK DONE BY THE RESPONDENT, BY THE SIZE OF THE PRACTICE (N = 103)

	r	Significance level
Matrimonial	-0.2439	$p < .01$
Wills, Probate and Estate Duty	-0.1283	not significant
Company and Commercial	0.1362	not significant
European and International	0.1262	not significant
Property and Conveyancing	-0.1176	not significant
Tax Matters	-0.0160	not significant
Personal Injury	-0.1482	not significant
Criminal	-0.2561	$p < .01$
Other Litigation	-0.1139	not significant

Similar correlation analyses to those described above were carried out to see how far the size of the practice was associated with the nature of the work done by the respondent. The results are shown in Table D.9. Positive associations were shown between the size of the firm and the respondent rating Company and Commercial and European and International work as important in his workload. These types of work are concentrated in the larger firms, it was argued above, and the work of the solicitors interviewed reflects this. All of the other types of work were negatively associated with size of firm - the larger the firm the less likely that these types of work would be important in the respondent's workload. In particular, respondents in larger firms were less likely than those in small firms to be concerned with Criminal work and Matrimonial work (this does not mean, of course, that the larger practices do less of these types of work than the smaller firms). Put another way, the seven negative correlations (one of which is virtually zero) indicate that solicitors in smaller firms tend to "spread themselves" across a greater range of types of legal work, whilst those in larger firms concentrate their attention on a more restricted range of types of work.[6]

Table D.10 also illustrates this point about partners in smaller practices carrying out a wider range of work than those in larger practices. In Table D.10 is presented a summary of the proportions of respondents who placed themselves, in terms of their own workload, at the extreme ends of the category of importance scales, by size of

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6. Carlin (1966: 13) similarly found that lawyers in larger firms in New York City specialised to a much greater extent than those in sole and small practices.

practice broken down into the three size groups. Solicitors in small practices, with one or two partners, were generally less likely to place themselves at the extremes than respondents in medium and large size firms. Only for Property and Conveyancing and, to some extent, Wills, Probate, etc were the percentages at the extremes similar irrespective of size of practice (European and International work was done only by a very small number of solicitors). Property and Conveyancing and Wills, Probate, etc were, it was argued in Appendix C, pp. 319-321, important in the overall work of virtually all practices and hence these types of work tended to be spread amongst all the partners in practices irrespective of their specialisms.

TABLE D.10

SUM OF PERCENTAGE RESPONSES AT THE EXTREME ENDS OF THE CATEGORY OF IMPORTANCE OF WORK SCALES, FOR WORK DONE BY THE RESPONDENT, BY THE SIZE OF THE PRACTICE

	1 and 2 partners	3, 4, 5 partners	6 - 18 partners
Matrimonial*	38.9	65.8	72.4
Wills, Probate, etc.	44.5	34.2	51.7
Company and Commercial	44.5	63.2	55.2
European and International	91.7	94.7	86.2
Property and Conveyancing	69.4	63.2	75.9
Tax Matters	33.3	50.0	62.0
Personal Injury*	33.3	60.6	72.4
Criminal*	55.6	86.8	79.3
Other Litigation*	33.3	57.9	69.0

* For these four types of work the differences by the size of the practice were statistically significant:

Matrimonial - $x^2 = 8.83$, $df = 2$, $p < .05$

Personal Injury - $x^2 = 10.81$, $df = 2$, $p < .01$

Criminal - $x^2 = 9.99$, $df = 2$, $p < .01$

Other Litigation - $x^2 = 8.90$, $df = 2$, $p < .05$

TABLE D.11

FREQUENCY OF THE RESPONDENT APPEARING IN COURT, BY THE SIZE AND THE LOCATION OF THE PRACTICE

Location of Practice	Size of Practice		
	1-2 Partners	3-5 Partners	6-18 Partners
Central Birmingham	4.00	3.00	2.08
Elsewhere	3.00	2.44	2.24

(The figures shown are mean scores, where a score of 5 indicates "very frequent" appearances and a score of 1 indicates that the respondent never appeared in court.)

($F = 4.68$, $p < .05$)

There was no relationship between size of a practice and the extent to which the respondent took work home in the evenings and weekends. However, respondents in larger firms were somewhat less likely than those in smaller firms to appear frequently in court ($r = -0.2506$, $p < .01$). Presumably this is related to the point mentioned above, i.e. respondents in large firms were less likely than those in small firms to do Criminal and Matrimonial work. This relationship held irrespective of the location of the practice, as Table D.11 shows.

The Sources of Clients

Table D.12 shows a detailed breakdown of the sources of clients by the three size of practice categories. These data do not provide any strong evidence concerning relationships between the size of a firm and its sources of clients.

TABLE D.12

THE SOURCES OF CLIENTS IN THE PRACTICE, BY THE SIZE OF THE PRACTICE

(percentages)

			EXTREMELY IMPORTANT 7	6	5	4	3	2	NOT AT ALL IMPORTANT 1	MEAN SCORE
Institutions	1 and 2 partners	N = 36	16.7	8.3	19.4	22.2	13.9	13.9	5.6	4.28
	3, 4, 5 partners	N = 38	13.2	13.2	26.3	10.5	5.3	18.4	13.2	4.11
	6 - 18 partners	N = 29	34.5	13.8	10.3	20.7	13.8	6.9	NIL	5.14
Legal Aid and CAB	1 and 2 partners		16.7	2.8	8.3	19.4	8.3	13.9	30.6	3.36
	3, 4, 5 partners		15.8	7.9	2.6	15.8	13.2	13.2	31.6	3.32
	6 - 18 partners		13.8	6.9	6.9	13.8	10.3	27.6	20.7	3.35
Other Professions	1 and 2 partners		13.9	19.4	19.4	22.2	19.4	5.6	NIL	4.69
	3, 4, 5 partners		13.2	23.7	23.7	13.2	7.9	10.5	7.9	4.58
	6 - 18 partners		27.6	20.7	10.3	31.0	6.9	3.4	NIL	5.21
Existing Clients	1 and 2 partners		72.2	16.7	5.6	5.6	NIL	NIL	NIL	6.55
	3, 4, 5 partners		73.7	15.8	5.3	5.3	NIL	NIL	NIL	6.58
	6 - 18 partners		82.8	10.3	3.4	NIL	3.4	NIL	NIL	6.69
Casual Callers	1 and 2 partners		2.8	5.6	16.7	13.9	16.7	22.2	22.2	3.08
	3, 4, 5 partners		2.6	7.9	10.5	15.8	18.4	13.2	31.6	2.95
	6 - 18 partners		NIL	3.4	3.4	20.7	20.7	24.1	27.6	2.59
Extra-Mural Activities	1 and 2 partners		11.1	25.0	16.7	11.1	16.7	11.1	8.3	4.36
	3, 4, 5 partners		23.7	13.2	21.1	10.5	5.3	13.2	13.2	4.47
	6 - 18 partners		20.7	6.9	27.6	20.7	13.8	6.9	3.4	4.65

TABLE D.13

CORRELATION OF THE SOURCES OF CLIENTS IN THE PRACTICE, BY THE SIZE OF THE PRACTICE (N = 103)

	r	Significance level
Institutions	0.1682	$p < .05$
Legal Aid and CAB	0.0133	not significant
Other Professions	0.1240	not significant
Existing Clients	0.0484	not significant
Casual Callers	-0.0644	not significant
Extra-Mural Activities	0.0441	not significant

The correlation analyses in Table D.13, however, suggest a possible link between larger firms and Institutions, and Other Professions, as sources of clients. These relationships, weak as they are, lend support to the findings discussed above on the nature of work and the size of firm. Larger firms, it was found, were more likely to be involved in Company and Commercial work, European and International work, and Tax Matters - such work is typically derived from business, commercial and institutional contacts and clients.

Abel-Smith, Brian and Robert Stevens
1967 Lawyers and the Courts. London: Routledge and Kegan Paul.

Abel-Smith, Brian and Robert Stevens
1968 In Search of Justice. London: Allen Lane.

Abel-Smith, Brian, Michael Zander and Rosalind Brooke
1973 Legal Problems and the Citizen. London: Heinemann.

Abrahamson, Mark
1967 The Professional in the Organization. Chicago: Rand McNally.

Adams, John C and Paolo Barile
1970 The Government of Republican Italy (Second Edition). Boston: Houghton Mifflin.

Agger, Robert E
1956 "Lawyers in politics." Temple Law Quarterly 29: 434-452.

Amos, M S
1933 "The legal mind." The Law Quarterly Review 49: 27-42.

Aron, Raymond
1950 "Social structure and the ruling class: II." British Journal of Sociology 1: 126-143.

Atiyah, Patrick S
1970 Accidents, Compensation and the Law. London: Weidenfeld and Nicolson.

Aubert, V
1969 "Law as a way of resolving conflicts: the case of a small industrialized society." Pp.282-303 in L Nader (ed) Law in Culture and Society. Chicago: Aldine.

Baker, John H
1971 An Introduction to English Legal History. London: Butterworth.

Baldwin, John and Michael McConville
1977 Negotiated Justice: Pressures on Defendants to Plead Guilty. London: Martin Robertson.

Bankowski, Zenon and Geoffrey Mungham
1976 Images of Law. London: Routledge and Kegan Paul.

Banton, Michael
1965 Roles. London: Tavistock.

Barber, Bernard
1963 "Some problems in the sociology of the professions." Daedalus 92: 669-688.

Barber, James D
1965 The Lawmakers: Recruitment and Adaptation to Legislative Life. New Haven: Yale University Press.

Barnes, Janette
1970 "Women and entrance to the legal profession." Journal of Legal Education 23: 276-308.

Bazelon, D T
1970 "Portrait of a business generalist." Pp.270-280 in R D Schwartz and J H Skolnick (eds) Society and the Legal Order. New York: Basic Books.

Bealey, Frank, J Blondel and W P McCann
1965 Constituency Politics. London: Faber and Faber.

Beckett, Paul and Celeste Sunderland
1957 "Washington State's lawmakers: some personnel factors in the Washington legislature." Western Political Quarterly 10: 180-202.

Bendix, Reinhard
1960 Max Weber: an Intellectual Portrait. London: Heinemann.

Berger, Peter L and Thomas Luckmann
1967 The Social Construction of Reality. London: Allen Lane.

Berle, A A, Jnr.
1933 "Modern legal profession." Encyclopaedia of the Social Sciences 9: 340-345.

Berrington, H B and S E Finer
1961 "The British House of Commons." International Social Science Journal 13: 600-619.

Birks, Michael
1960 Gentlemen of the Law. London: Stevens.

Black, D and M Mileski
1973 "Introduction." Pp.1-14 in D Black and M Mileski (eds) The Social Organisation of Law. New York: Seminar Press.

Blalock, Hubert M
1972 Social Statistics (Second Edition). New York: McGraw-Hill.

Blau, Peter M and W Richard Scott
1963 Formal Organizations: a Comparative Approach. London: Routledge and Kegan Paul.

Blaustein, Albert P and Charles O Porter
1954 The American Lawyer: a Summary of the Survey of the Legal Profession. Chicago: University of Chicago Press.

Blumberg, Abraham S
1967 "The practice of law as a confidence game: organizational co-optation of a profession." Law and Society Review 1: 15-39.

Bonnor, Jean
1958 "The four Labour cabinets." Sociological Review 6: 37-48.

Brady, A
1964 "Canada and the model of Westminster." Pp.59-80 in W B Hamilton (ed) The Transfer of Institutions. Durham: Duke University Press.

Brennan, T, E W Cooney and H Pollins
1954 Social Change in South-West Wales. London: Watts.

Bridge, J W
1975 "The academic lawyer: mere working mason or architect ?" The Law Quarterly Review 91: 488-501.

Bridges, Lee, Brenda Sufrin, Jim Whetton and Richard White
1975 Legal Services in Birmingham. Birmingham: University of Birmingham, Institute of Judicial Administration.

Bromall, Irvin H
1967 Wisconsin Lawyers: an Exploratory Study. Unpublished Ph.D Thesis, University of Wisconsin.

Bromall, Irvin H
1968 "Lawyers in politics: an exploratory study of the Wisconsin bar." Wisconsin Law Review 751-765.

Bucher, Rue and Anselm Strauss
1961 "Professions in process." American Journal of Sociology 66: 325-334.

Buck, Philip W
1963 Amateurs and Professionals in British Politics, 1918-59. Chicago: University of Chicago Press.

Butler, D E
1952 The British General Election of 1951. London: Macmillan.

Butler, D E
1955 The British General Election of 1955. London: Macmillan.

Butler, David and Dennis Kavanagh
1974 The British General Election of February 1974. London: Macmillan.

Butler, David and Dennis Kavanagh
1975 The British General Election of October 1974. London: Macmillan.

Butler, D E and Anthony King
1965 The British General Election of 1964. London: Macmillan.

Butler, D E and Anthony King
1966 The British General Election of 1966. London: Macmillan.

Butler, David and Michael Pinto-Duschinsky
1971 The British General Election of 1970. London: Macmillan.

Butler, D E and Richard Rose
1960 The British General Election of 1959. London: Macmillan.

Butler, D E and Anne Sloman
1975 British Political Facts 1900-1975. (Fourth Edition) London: Macmillan.

Cain, Maureen
1974 "The problem of the teaching of sociology of law in U.K." Unpublished paper presented to a special session of the eighth World Congress of Sociology, Toronto, August 1974.

Cain, M
1976 "Necessarily out of touch: thoughts on the social organisation of the bar." Pp.226-250 in P Carlen (ed) The Sociology of Law (Sociological Review Monograph No.23). Keele: University of Keele.

Campbell, C M
1974 "Legal thought and juristic values." British Journal of Law and Society 1: 13-30.

Campbell, C M
1976 "Lawyers and their public." The Juridical Review 21 (new series): 20-39.

Campbell, C M and Paul Wiles
1976 "The study of law and society in Britain." Law and Society Review 10: 547-548.

Carlen, Pat
1974 "Remedial routines for the maintenance of control in magistrates' courts." British Journal of Law and Society 1: 101-117.

Carlen, Pat
1976 Magistrates' Justice. London: Martin Robertson.

Carlin, Jerome E
1959 The Lawyer as Individual Practitioner: a Study in the Professions. Unpublished Ph.D Thesis, University of Chicago.

Carlin, Jerome E
1962a Lawyers on their Own. New Brunswick: Rutgers University Press.

Carlin, Jerome E
1962b Current Research in the Sociology of the Legal Profession. New York: Columbia University, Bureau of Applied Social Research.

Carlin, Jerome E
1966 Lawyers' Ethics. New York: Russell Sage Foundation.

Carlin, Jerome E and Jan Howard
1965 "Legal representation and class justice." U.C.L.A. Law Review 12: 381-437.

Carr-Saunders, A M and P A Wilson
1933 The Professions. Oxford: Clarendon Press.

Central Statistical Office
1952 Annual Abstract of Statistics, No.88, 1938-1950. London: H.M.S.O.

Central Statistical Office
1977 Annual Abstract of Statistics, No.114, 1977. London: H.M.S.O.

Child, John and Janet Schriesheim
1977 "Professional associations in their emerging social context." Unpublished paper presented to the European Institute for Advanced Studies in Management/Danish Management Centre conference on "Organisations in their societal context", Copenhagen, December 1977.

Christian, Edmund B V
1925 Solicitors: an Outline of their History. London: Stevens.

Clements, Richard V
1969 Local Notables and the City Council. London: Macmillan.

Cohen, Michael
1969a "Lawyers and political careers." Law and Society Review 3: 563-574.

Cohen, Michael
1969b "Community size and participation by lawyers in community politics." Journal of Politics 31: 1107-1110.

Cole, G D H
1955 Studies in Class Structure. London: Routledge and Kegan Paul.

Committee on Legal Education
1971 Report. London: H.M.S.O. (Cmnd.4595).

Cottrell, Leonard S Jnr, and Eleanor B Sheldon
1963 "Problems of collaboration between social scientists and the practising professions." Annals of the American Academy of Political and Social Sciences 346: 126-137.

Council of The Law Society, The
1974 A Guide to the Professional Conduct of Solicitors. London: The Law Society.

Dahl, Robert A
1961 Who Governs? New Haven: Yale University Press.

Dahrendorf, Ralf
1968 Society and Democracy in Germany. London: Weidenfeld and Nicolson.

Dahrendorf, R
1969 "Law faculties and the German upper class." Pp.294-309 in V Aubert (ed) Sociology of Law. Harmondsworth: Penguin.

Davies, C
1975 "Law as a social service." Pp.285-304 in J Mays, A Forder and O Keidan (eds) Penelope Hall's Social Services of England and Wales (Ninth Edition). London: Routledge and Kegan Paul.

Dawson, Robert M
1964 The Government of Canada. Toronto: University of Toronto Press.

Delany, William and Alan H Finegold
1970 "Wall Street lawyer in the provinces." Administrative Science Quarterly 15: 191-201.

Department of Education and Science
1977 Statistics of Education, 1975: Universities, Vol.6. London: H.M.S.O.

Derge, David R
1959 "The lawyer as decision-maker in the American state legislature." Journal of Politics 21: 408-433.

Derge, David R
1962 "The lawyer in the Indiana General Assembly." Mid-West Journal of Political Science 6: 19-53.

De Tocqueville, Alexis
1947 Democracy in America. New York: Oxford University Press.

Doby, J T
1950 "The lawyer as a political leader." Wisconsin Law Review 308-315.

Dogan, M
1961 "Political ascent in a class society: French Deputies, 1870-1958." Pp.57-90 in D Marvick (ed) Political Decision-Makers: Recruitment and Performance. New York: Free Press.

Donnell, John D
1966 The Corporate Counsel: a Role Study. Unpublished DBA Thesis, Harvard University.

Dorsen, Norman
1971 "The role of the lawyer in America's ghetto society." Public Law 189-204.

Drewry, Gavin
1970 "Language and the law." New Law Journal 120: 366.

Drewry, Gavin
1975 Law, Justice and Politics. London: Longman.

Dyer, James A
1976 "Do lawyers vote differently? A study of voting on no-fault insurance." Journal of Politics 38: 452-456.

Elliott, D W
1963 "An enquiry into the training of graduate articled clerks." Journal of the Society of Public Teachers of Law 7: 199-203.

Elliott, Philip
1972 The Sociology of the Professions. London: Macmillan.

Encel, S
1961 "The political "elite" in Australia." Political Studies 9: 16-36.

Engel, Gloria V
1970 "Professional autonomy and bureaucratic organization." Administrative Science Quarterly 15: 12-21.

Epstein, Cynthia F
1968 Women and Professional Careers: the Case of the Woman Lawyer. Unpublished Ph.D Thesis, Columbia University.

Epstein, Cynthia F
1970 "Encountering the male establishment: sex-status limits on women's careers in the professions." American Journal of Sociology 75: 965-982.

Epstein, Cynthia F
1971 "Law partners and marital partners." Human Relations 24: 549-564.

Epstein, Leon D
1958 Politics in Wisconsin. Madison: University of Wisconsin Press.

Etheridge, C F
1973 "Lawyers versus indigents: conflict of interest in professional-client relations in the legal profession." Pp.245-265 in E Freidson (ed) The Professions and their Prospects. Beverly Hills: Sage Publications.

Eulau, Heinz
1969 Micro-Macro Political Analysis: Accents of Inquiry. Chicago: Aldine.

Eulau, Heinz and John D Sprague
1964 Lawyers in Politics. Indianapolis: Bobbs-Merrill.

Finer, M
1970 "The legal profession." Pp.44-51 in M Zander (ed) What's Wrong with the Law? London: B.B.C. Publications.

Foster, Ken
1973 "The location of solicitors." Modern Law Review 36: 153-166.

Freeman, Michael D A
1974 The Legal Structure. London: Longman.

Freund, Paul A
1963 "The legal profession." Daedalus 92: 689-700.

Friedman, Lawrence M
1975 The Legal System: a Social Science Perspective. New York: Russell Sage Foundation.

Friedman, Lawrence M
1977 Law and Society: an Introduction. Englewood Cliffs: Prentice-Hall.

Friedmann, W
1972 Law in a Changing Society (Second Edition). London: Stevens.

Gardiner, Lord
1970 "Two lawyers or one?" Current Legal Problems 23: 1-22.

Gerth, Hans H and C Wright Mills
1948 From Max Weber. London: Routledge and Kegan Paul.

Gilb, Corinne L
1966 Hidden Hierarchies: the Professions and Government. New York: Harper and Row.

Gilbert, Michael
1977 The Law. Newton Abbot: David and Charles.

Glaser, William A
1960 "Doctors and politics." American Journal of Sociology 66: 230-245.

Gold, David
1961 "Lawyers in politics: an empirical exploration of biographical data on state legislators." Pacific Sociological Review 4: 84-86.

Goldthorpe, John H and Keith Hope
1974 The Social Grading of Occupations: a New Approach and Scale. Oxford: Clarendon Press.

Goode, William J
1957 "Community within a community: the professions." American Sociological Review 22: 194-200.

Goode, William J
1967 "The protection of the inept." American Sociological Review 32: 5-19.

Goodman, Lord
1977 "Educating the legal profession." Current Legal Problems 30: 31-41.

Gottschalk, K
1963 "The solicitor in industry - II." Solicitors' Journal 107: 800-802.

Gower, L C B and Leolin Price
1957 "The profession and practice of the law in England and America." Modern Law Review 20: 317-346.

Graham-Green, Graham J and Duncan S Gordon
1968 Cordery's Law Relating to Solicitors (Sixth Edition). London: Butterworth.

Greaves, H R G
1929 "Personal origins and interrelationships of the Houses of Parliament (since 1832)." Economica 9 (old series): 173-184.

Green, A W
1976 "Legal education in England." Journal of Legal Education 28: 137-180.

Green, Justin J, John R Schmidhauser, Larry L Berg and David Brady
1973 "Lawyers in Congress: a new look at some old assumptions." Western Political Quarterly 26: 440-452.

Greenwood, Ernest
1962 "Attributes of a profession." Pp.206-218 in S Nosow and W H Form (eds) Man, Work and Society. New York: Basic Books.

Griffith, J A G
1959 "The law of property (land)." Pp.116-142 in M Ginsberg (ed) Law and Opinion in England in the 20th Century. London: Stevens.

Griffith, J A G
1961 "Lawyers in the public service." Journal of Legal Education 14: 13-17.

Griffith, J A G
1977 The Politics of the Judiciary. Manchester: Manchester University Press.

Griswold, Erwin N
1964 Law and Lawyers in the United States. London: Stevens.

Grossman, J B
1965 Review of Heinz Eulau and John D Sprague: Lawyers in Politics (Indianapolis, Bobbs-Merrill, 1964). American Political Science Review 59: 161-162.

Guttsman, W L
1951 "The changing social structure of the British political elite, 1886-1935." British Journal of Sociology 2: 122-134.

Guttsman, W L
1960 "Social stratification and political elite." British Journal of Sociology 11: 137-150.

Guttsman, W L
1963 The British Political Elite. London: Macgibbon and Kee.

Guttsman, W L
1974a "Elite recruitment and political leadership in Britain and Germany since 1950: a comparative study of M.P.s and cabinets." Pp.89-125 in I Crewe (ed) Elites in Western Democracy (British Political Sociology Yearbook, Volume 1). London: Croom Helm.

Guttsman, W L
1974b "The British political elite and the class structure." Pp.22-44 in P Stanworth and A Giddens (eds) Elites and Power in British Society. London: Cambridge University Press.

Hailsham, Lord
1971 "On Magistrates in Politics." New Law Journal 121: 914.

Hain, Paul L and James E Piereson
1975 "Lawyers and politics revisited-structural advantages of lawyer-politicians." American Journal of Political Science 19: 41-51.

Hall, John and D Caradog Jones
1950 "Social grading of occupations." British Journal of Sociology 1: 31-55.

Hall, J C
1962 "The training of a solicitor." Journal of the Society of Public Teachers of Law 7: 22-34.

Hall, Richard H
1975 Occupations and the Social Structure (Second Edition). Englewood Cliffs: Prentice-Hall.

Halmos, Paul
1967 "The personal service society." British Journal of Sociology 18: 13-28.

Halmos, Paul
1970 The Personal Service Society. London: Constable.

Hamilton, R N D
1963 "Solicitors in Local Government - I." Solicitors' Journal 107: 709-711.

Hamon, Leo D
1961 "Members of the French Parliament." International Social Science Journal 13: 545-566.

Hampson, William
1970 Democracy and Community: a Study of Politics in Sheffield. London: Oxford University Press.

Handler, Joel F
1967 The Lawyer and His Community. Madison: University of Wisconsin Press.

Harding, Alan
1966 A Social History of English Law: Harmondsworth: Penguin.

Harvey, C P
1964 Review of Delmar Karlen: Appellate Courts in the United States and England (New York, New York University Press, 1963). Modern Law Review 27: 237-239.

Harvey, C P
1965 Review of Erwin N Griswold: Law and Lawyers in the United States (London, Stevens, 1964). Modern Law Review 28: 491-493.

Hawson, Herbert K
1968 Sheffield: The Growth of a City, 1893-1926. Sheffield: J N Northend.

Hazard, Geoffrey C, Jnr.
1965 "Reflections on Four Studies of the Legal Profession." Social Problems, "Law and Society" Supplement, 12: 46-54.

Hennock, E P
1973 Fit and Proper Persons. London: Arnold.

Hilton, W Graham and Shirley W Lerner
1965 "Apprenticeship to affluence." The Law Society's Gazette 62: 98-101.

Hobson, M and J Stewart
1969 "The legal profession in local government." Public Law 199-218.

Hodge, R W, P M Siegel and P H Rossi
1967 "Occupational prestige in the United States: 1925-1963." Pp.322-334 in R Bendix and S M Lipset (eds) Class, Status and Power (Second Edition). London: Routledge and Kegan Paul.

Holdsworth, Sir William
1928 Charles Dickens as Legal Historian. New Haven: Yale University Press.

Hollander, Barnett
1964 The English Bar: a Priesthood. London: Bowes and Bowes.

Hourani, Benjamin T
1966 Lawyers and Politics. Unpublished Ph.D Thesis, Michigan State University.

Hourani, Benjamin T
1969 "The ecology of legal practice and political participation." Journal of Legal Education 22: 146-169.

Hughes, E C
1966 "The social significance of professionalization." Pp.62-70 in H M Vollmer and D L Mills (eds) Professionalization. Englewood Cliffs: Prentice-Hall.

Hughes, Graham
1964 "The training of solicitors in England." Journal of Legal Education 16: 300-311.

Hunt, A
1976 "Perspectives in the sociology of law." Pp.22-44 in P Carlen (ed) The Sociology of Law (Sociological Review Monograph No.23). Keele: University of Keele.

Hunter, Floyd
1953 Community Power Structure: A Study of Decision Makers. Chapel Hill: University of North Carolina Press.

Hunter, Floyd
1959 Top Leadership, U.S.A. Chapel Hill: University of North Carolina Press.

Hurst, J Willard
1950 The Growth of American Law: the Law Makers. Boston: Little, Brown.

Hyde, H Montgomery
1964 Norman Birkett: The Life of Lord Birkett of Ulverston. London: Hamish Hamilton.

Hyneman, Charles S
1959 "Who makes our laws?" Pp.254-265 in J C Wahlke and H Eulau (eds) Legislative Behaviour. Glencoe: Free Press.

Innis, Harold A
1956 Essays in Canadian Economic History. Toronto: University of Toronto Press.

Jackson, J A
1970 "Professions and professionalization - editorial introduction." Pp.3-15 in J A Jackson (ed) Professions and Professionalization. London: Cambridge University Press.

Jackson, R M
1972 The Machinery of Justice in England (Sixth Edition). London: Cambridge University Press.

Jeffery, C R
1962 "The legal profession." Pp.313-356 in F J Davis, H H Foster, Jnr, C R Jeffery and E E Davis Society and the Law: New Meanings for an Old Profession. New York: Free Press.

Jennings, Sir Ivor
1957 Parliament. London: Cambridge University Press.

Jennings, Sir Ivor
1969 Cabinet Government (Third Edition). London: Cambridge University Press.

Jennings, M Kent
1964 Community Influentials: The Elites of Atlanta. New York: Free Press.

Jobson, C E
1963 "Solicitor in local government - II." Solicitors' Journal 107: 729-731.

Johnson, R W
1973 "The British Political Elite, 1955-1972." European Journal of Sociology 14: 35-77.

Johnson, Terence J.
1972 Professions and Power. London: Macmillan.

Johnstone, Quintin and Dan Hopson, Jnr.
1967 Lawyers and their Work. Indianapolis: Bobbs-Merrill.

Jones, G W
1969 Borough Politics. London: Macmillan.

Jordan, Millard L
1956 "Leisure time activities of sociologists and attorneys." Sociology and Social Research 40: 176-178.

Joseph, Michael
1976 The Conveyancing Fraud. London: Published privately.

Kaupen, Wolfgang
1970 "The legal profession as an agent of social rigidity." Unpublished paper presented to the seventh World Congress of Sociology, Varna, August 1970.

Keller, Suzanne
1963 Beyond the Ruling Class: Strategic Elites in Modern Society. New York: Random House.

Kelly, Alison
1976 "Family background, subject specialization and occupational recruitment of Scottish university students: some patterns and trends." Higher Education 5: 177-188.

Kelsall, R K
1954 "Self-recruitment in four professions." Pp.308-320 in D V Glass (ed) Social Mobility in Britain. London: Routledge and Kegan Paul.

Kerlinger, Frederick N
1965 Foundations of Behavioural Research. New York: Holt, Rinehart and Winston.

Kerr, C and A Siegel
1954 "The interindustry propensity to strike - an international comparison." Pp.189-212 in A Kornhauser, R Dubin and A M Ross (eds) Industrial Conflict. New York: McGraw-Hill.

King, Michael
1977 A Status Passage Analysis of the Defendant's Progress through the Magistrates' Court (Warwick Law Working Paper No.3). Coventry: University of Warwick, School of Law.

Kirchheimer, O
1959 "The composition of the German Bundestag, 1950." Pp.265-272 in J C Wahlke and H Eulau (eds) Legislative Behaviour. Glencoe: Free Press.

Kirk, Harry
1976 Portrait of a Profession. London: Oyez Publishing.

Kornberg, A and N Thomas
1965 "Representative democracy and political elites in Canada and the United States." Parliamentary Affairs 19: 91-102.

Kornhauser, William
1960 The Politics of Mass Society. London: Routledge and Kegan Paul.

Krastin, Karl
1957 "The lawyer in society: a value analysis." Western Reserve Law Review 8: 409-455.

Krause, Elliott A
1971 The Sociology of Occupations. Boston: Little, Brown.

Krotter, Mark M
1973 "The rise of the English solicitor: a study in professionalization." Law Society of Upper Canada Gazette 7: 152-176.

Kunz, F A
1965 The Modern Senate of Canada, 1925-1963. Toronto: University of Toronto Press.

Ladinsky, Jack
1963a Career Development among Lawyers: a Study of Social Factors in the Allocation of Professional Labor. Unpublished Ph.D Thesis, University of Michigan.

Ladinsky, Jack
1963b "The impact of social backgrounds of lawyers on law practice and the law." Journal of Legal Education 16: 127-144.

Ladinsky, Jack
1963c "Careers of lawyers, law practice and legal institutions." American Sociological Review 28: 47-54.

Ladinsky, Jack
1964 "The social profile of a metropolitan bar: a statistical survey in Detroit." Michigan State Bar Journal 43: 12-24.

Ladkinsky, Jack
1967 "Higher education and work achievement among lawyers." Sociological Quarterly 8: 222-232.

Ladinsky, Jack
1976 "The trafic in legal services: lawyer-seeking behaviour and the channeling of clients." Law and Society Review 11: 207-223.

Ladinsky, Jack and Joel B Grossman
1966 "Organizational consequences of professional consensus: lawyers and the selection of judges." Administrative Science Quarterly 11: 79-106.

Lane, Robert E
1959 Political Life: Why People Get Involved in Politics. Glencoe: Free Press.

Laski, H J
1925 A Grammar of Politics. London: Allen and Unwin.

Laski, H J
1932 Studies in Law and Politics. London: Allen and Unwin.

Lasswell, Harold D, Daniel Lerner and C Easton Rothwell
1952 The Comparative Study of Elites. Stanford: Stanford University Press.

Lees, D S
1966 Economic Consequences of the Professions. London: Institute of Economic Affairs.

Levine, Erwin L and Elmer E Cornwell
1968 An Introduction to American Government. London: Collier-Macmillan.

Lewis, Edward G
1970 "Social backgrounds of French ministers, 1944-1967." Western Political Quarterly 23: 564-578.

Lindley, D V and J C P Miller
1966 Cambridge Elementary Statistical Tables. London: Cambridge University Press.

Lipset, Seymour M
1960 Political Man. London: Heinemann.

Lipset, S M and M A Schwartz
1966 "The politics of professionals." Pp.299-310 in H M Vollmer and D L Mills (eds) Professionalization. Englewood Cliffs: Prentice-Hall.

Loewenberg, Gerhard
1966 Parliament in the German Political System. Ithaca: Cornell University Press.

Lord Chancellor's Office
1974 Report of the Lord Chancellor's Advisory Committee, 1972-73. London: H.M.S.O.

Lortie, Dan C
1958 The Striving Young Lawyer: a Study of Early Career Differentiation in the Chicago Bar. Unpublished Ph.D. Thesis, University of Chicago.

Lortie, Dan C
1959 "Laymen to lawmen: law schools, careers and professional socialization." Harvard Educational Review 29: 352-369.

Lynex, R A
1954 "The role of the employed lawyer in industry." Journal of the Society of Public Teachers of Law 2: 214-227.

McCallum, R B and Alison Readman
1947 The British General Election of 1945. London: Oxford University Press.

MacCormick, Neil
1977 "Challenging sociological definitions." British Journal of Law and Society 4: 87-94.

McIntosh, Wayne V and John E Stanga, Jnr.
1976 "Lawyers and political participation." Journal of Politics 38: 434-441.

McMurry, Robert N
1958 "Recruitment, dependency and morale in the banking industry." Administrative Science Quarterly 3: 87-117.

Mann, F A
1977 "Fusion of the legal professions?" The Law Quarterly Review 93: 367-377.

March, James G and Herbert A Simon
1958 Organizations. New York: Wiley.

Mark, Sir Robert
1977 Policing a Perplexed Society. London: Allen and Unwin.

Martin, A W
1959 "The legislative assembly of New South Wales, 1856-1900." Pp.243-254 in J C Wahlke and H Eulau (eds) Legislative Behaviour. Glencoe: Free Press.

Matthews, Donald R
1954a The Social Backgrounds of Political Decision-Makers. Garden City: Doubleday.

Matthews, Donald R
1954b "United States Senators and the class structure." Public Opinion Quarterly 18: 5-22.

Matthews, Donald R
1960 U.S. Senators and their World. Chapel Hill: University of North Carolina Press.

Matthews, Donald R
1961 "United States Senators: a collective portrait." International Social Science Journal 13: 620-634.

Matthews, Thomas G
1952 The Lawyer as a Community Leader: One Dimension of a Professional Role. Unpublished Ph.D Thesis, Cornell University.

Mayer, Martin
1966 The Lawyers. New York: Harper and Row.

Mayhew, Leon H
1975 "Institutions of representation: civil justice and the public." Law and Society Review 9: 401-429.

Mayhew, Leon and Albert J Reiss, Jnr.
1969 "The social organization of legal contacts." American Sociological Review 34: 309-318.

Megarry, Robert E
1962 Lawyer and Litigant in England. London: Stevens.

Merton, Robert K
1952 "Bureaucratic structure and personality." Pp.361-371 in R K Merton, A P Gray, B Hockey and H C Selvin (eds) Reader in Bureaucracy. Glencoe: Free Press.

Michels, Robert
1962 Political Parties. New York: Free Press.

Milbrath, Lester W
1965 Political Participation: How and Why do People Get Involved in Politics? Chicago: Rand McNally.

Miller, William
1951 "American lawyers in business and politics: their social backgrounds and early training." Yale Law Journal 60: 66-76.

Millerson, Geoffrey
1964 The Qualifying Associations: a Study in Professionalisation. London: Routledge and Kegan Paul

Mills, C Wright
1951 White Collar. New York: Oxford University Press.

Milne, R S
1966 Political Parties in New Zealand. Oxford: Clarendon Press.

Ministry of Housing and Local Government, Committee on the Management of Local Government
1967 Management of Local Government: Volume 2, The Local Government Councillor. London: H.M.S.O.

Mitchell, Brian R
1962 Abstract of British Historical Statistics. Cambridge: Cambridge University Press.

Monopolies Commission, The
1970 A Report on the General Effect on the Public Interest of Certain Restrictive Practices so far as they Prevail in Relation to the Supply of Professional Services. Part I: The Report. London: H.M.S.O. (Cmnd. 4463).

Monopolies and Mergers Commission, The
1976 Services of Solicitors in England and Wales. London: H.M.S.O. (House of Commons Paper No.557).

Moonan, W and T Goldstein
1972 "The new lawyer." Pp.117-131 in R Gross and P Osterman (eds) The New Professionals. New York: Simon and Schuster.

Moore, Wilbert E
1970 The Professions: Roles and Rules. New York: Russell Sage Foundation.

Morris, D S and Kenneth Newton
1969 The Occupational Composition of Party Groups on Birmingham Council, 1920-1966. Unpublished discussion paper Series F, No.3, University of Birmingham, Faculty of Commerce and Social Science.

Morris, Pauline
1973 "A sociological approach to research in legal services." Pp.47-72 in P Morris, R White and P Lewis Social Needs and Legal Action. London: Martin Robertson.

Morrison, Fred L
1973 Courts and the Political Process in England (Sage Series on Politics and the Legal Order, Volume 3). Beverly Hills: Sage Publications.

Mosca, Gaetano
1939 The Ruling Class. New York: McGraw-Hill.

Moser, Claus A
1958 Survey Methods in Social Investigation. London: Heinemann.

Nagel, S S
1970 "Overview of law and social change." Pp.7-13 in S S Nagel(ed) Law and Social Change (Sage Contemporary Social Science Issues, No.3). Beverly Hills: Sage Publications.

Namier, Sir Lewis
1963 The Structure of Politics at the Accession of George III. London: Macmillan.

National Board for Prices and Incomes
1968 Remuneration of Solicitors. London: H.M.S.O. (Cmnd.3529).

National Board for Prices and Incomes
1969 Standing Reference on the Remuneration of Solicitors, First Report. London: H.M.S.O. (Cmnd. 4217).

National Board for Prices and Incomes
1971 Standing Reference on the Remuneration of Solicitors, Second Report. London: H.M.S.O. (Cmnd. 4624).

Neill, Roger
1977 "National information campaign." The Law Society's Gazette 74: 883.

Newton, Kenneth
1968 The Recruitment of Councillors. Unpublished discussion paper, Series E, No.8, University of Birmingham, Faculty of Commerce and Social Science.

Newton, Kenneth
1969a The Social Composition of Councils. Unpublished discussion paper, Series E, No.9, University of Birmingham, Faculty of Commerce and Social Science.

Newton, Kenneth
1969b "City politics in Britain and the United States." Political Studies 17: 208-219.

Newton, Kenneth
1976 Second City Politics: Democratic Processes and Decision-Making in Birmingham. Oxford: Clarendon Press.

Nicholas, H G
1951 The British General Election of 1950. London: Macmillan.

Nie, Norman H, Dale H Bent and C Hadlai Hull
1970 Statistical Package for the Social Sciences. New York: McGraw-Hill.

Nonet, Philippe and Jerome E Carlin
1968 "Law: the legal profession." International Encyclopaedia of the Social Sciences 9: 66-72.

Nunnally, Jum C
1967 Psychometric Theory. New York: McGraw-Hill.

O'Dwyer, Michael
1977 "The oppression of the legal worker: the case of the articled clerk." Unpublished paper presented to the tenth conference of the Socio-Legal group, Sheffield, April 1977.

Offer, Avner
1977 "The origins of the Law of Property Acts, 1910-25." Modern Law Review 40: 505-522.

O'Gorman, Hubert J
1963 Lawyers and Matrimonial Cases. New York: Free Press.

Open University, The
1976 Making Sense of Society (Course D.101): Summer School Notes, Module 2. Milton Keynes: The Open University.

Ormrod, Sir Roger
1977 "Education and training for the profession." Current Legal Problems 30: 15-30.

Parsons, Talcott
1954 Essays in Sociological Theory (Revised Edition). Glencoe: Free Press.

Parsons, Talcott
1960 Structure and Process in Modern Societies. New York: Free Press.

Paterson, A A
1974 "Judges: a political elite?" British Journal of Law and Society 1: 118-135.

Pederson, M N
1972 "Lawyers in politics: the Danish Folketing and United States legislatures." Pp.25-63 in S C Patterson and J C Wahlke (eds) Comparative Legislative Behaviour: Frontiers of Research. New York: Wiley.

Perrucci, R
1973 "In the service of man: radical movements in the professions." Pp.179-194 in P Halmos (ed) Professionalisation and Social Change (Sociological Review Monograph No.20). Keele: University of Keele.

Presthus, Robert
1964 Men at the Top. New York: Oxford University Press.

Prewitt, Kenneth
1970 The Recruitment of Political Leaders: a Study of Citizen-Politicians. Indianapolis: Bobbs-Merrill.

Prosser, Tony
1977 "Poverty, ideology and legality: Supplementary Benefit Appeal Tribunals and their predecessors." British Journal of Law and Society 4: 39-60.

Ranney, Austin
1965 Pathways to Parliament. London: Macmillan.

Reader, W J
1966 Professional Men. London: Weidenfeld and Nicolson.

Reed, J P
1972 "The lawyer-client: a managed relationship?" Pp.420-434 in C D Bryant (ed) The Social Dimensions of Work. Englewood Cliffs: Prentice-Hall.

Reichstein, Kenneth J
1965 "Ambulance-chasing: a case study of deviation and control within the legal profession." Social Problems 13: 3-17.

Richards, Peter G
1963 Patronage in British Government. London: Allen and Unwin.

Riesman, David
1951 "Toward an anthropological science of law and the legal profession." American Journal of Sociology 57: 121-135.

Riesman, D
1962 "Law and sociology: recruitment, training and colleagueship." Pp.12-55 in W M Evan (ed) Law and Sociology: Exploratory Essays. New York: Free Press.

Robinson, Edward S
1935 Law and the Lawyers. New York: Macmillan.

Robson, Robert
1959 The Attorney in Eighteenth-Century England. London: Cambridge University Press.

Rock, Paul
1973 Making People Pay. London: Routledge and Kegan Paul.

Rosencranz, Armin R
1970 The Role of Lawyers in the House of Commons. Unpublished PhD Thesis, Stanford University.

Ross, J F S
1943 Parliamentary Representation. London: Eyre and Spottiswoode.

Roth, Andrew
1967 Business Backgrounds of the Members of Parliament. London: Parliamentary Profiles.

Routh, Guy
1965 Occupation and Pay in Great Britain, 1906-60. London: Cambridge University Press.

Royal Commission on Legal Services, The
1977 Report on Progress, April 1977. London: H.M.S.O. (Cmnd.6770).

Ruchelman, Leonard I
1966 "Lawyers in the New York State Legislature: the urban factor." Mid-West Journal of Political Science 10: 484-497.

Rueschemeyer, Dietrich
1964 "Doctors and lawyers: a comment on the theory of the professions." Canadian Review of Sociology and Anthropology 1: 17-30.

Rueschemeyer, Dietrich
1973 Lawyers and their Society. Cambridge, Mass: Harvard University Press.

Rutherford, M L
1938 "Lawyers as legislators." Annals of the American Academy of Political and Social Sciences 195: 53-61.

Salmon, A G
1973 "Reflections on the unpopularity of solicitors, I and II." Solicitors' Journal 117: 49-51 and 66-67.

Sammons, Geoffrey and Henry Pickthorn
1977 "The profession's future: conflicting views on education and training." The Law Society's Gazette 74: 635.

Sampson, Anthony
1965 Anatomy of Britain Today. London: Hodder and Stoughton.

Sampson, Anthony
1971 The New Anatomy of Britain. London: Hodder and Stoughton.

Sanctuary, Gerald
1974 "The solicitor's public image." New Law Journal 124: 533-535.

Sartori, Giovanni
1961 "Parliamentarians in Italy." International Social Science Journal 13: 583-599.

Sawer, Geoffrey
1965 Law in Society. Oxford: Clarendon Press.

Scarman, Sir Leslie
1968 Law Reform: the New Pattern. London: Routledge and Kegan Paul.

Scarman, Sir Leslie
1970 "Need the law be obscure?" Pp.8-14 in M Zander (ed) What's Wrong with the Law? London: B.B.C. Publications.

Scheingold, Stuart A
1974 The Politics of Rights. New Haven: Yale University Press.

Schlesinger, Joseph A
1957 "Lawyers and American politics: a clarified view." Mid-West Journal of Political Science 1: 26-39.

Schlesinger, Joseph A
1966 Ambition and Politics: Political Careers in the United States. Chicago: Rand McNally.

Sharpe, L J
1962 A Metropolis Votes (Greater London Papers, No.8). London: The London School of Economics.

Smigel, Erwin O
1958 "Interviewing a legal elite: the Wall Street lawyer." American Journal of Sociology 64: 159-164.

Smigel, Erwin O
1960 "The impact of recruitment on the organization of the large law firm." American Sociological Review 25: 56-66.

Smigel, Erwin O
1969 The Wall Street Lawyer: Professional Organization Man? (Revised Edition). Bloomington: Indiana University Press.

Spector, Malcolm
1972 "The rise and fall of a mobility route." Social Problems 20: 173-185.

Stanway, Roger H
1972 Lawyers in Commerce and Industry. Newcastle-under-Lyme: Published privately.

Tate, C Neal
1975 "Paths to the bench in Britain: a quasi-experimental study of the recruitment of a judicial elite." Western Political Quarterly 28: 108-129.

Thielens, W, Jnr.
1957 "Some comparisons of entrants to medical and law school." Pp.131-152 in R K Merton, G G Reader and P L Kendall (eds) The Student-Physician. Cambridge, Mass: Harvard University Press.

Thomas, J A
1939 The House of Commons, 1832-1901. Cardiff: University of Wales Press.

Thomas, Philip A and Geoff Mungham
1977 "Duty solicitor schemes: in whose interest?" New Law Journal 127: 180-181.

Thompson, James D, Robert W Avery and Richard Carlson
1962 Occupations, Personnel and Careers. Pittsburgh: University of Pittsburgh, Administrative Science Center.

Thornton, Russell
1970 "Organizational involvement and commitment to organization and profession." Administrative Science Quarterly 15: 417-426.

Titmuss, Richard M
1971 "Welfare "rights", law and discretion." Political Quarterly 42: 113-132.

United States Bureau of the Census
1975 Statistical Abstract of the United States, 1975. Washington, D.C.: United States Government Printer.

Vidich, Arthur J and Joseph Bensman
1958 Small Town in Mass Society: Class, Power and Religion in a Rural Community. Princeton: Princeton University Press.

Vollmer, Howard M and Donald L Mills (eds)
1966 Professionalization. Englewood Cliffs: Prentice-Hall.

Wahlke, John C, Heinz Eulau, William Buchanan and LeRoy C Ferguson
1962 The Legislative System: Explorations in Legislative Behaviour. New York: Wiley.

Walker, R J and M G Walker
1972 The English Legal System (Third Edition). London: Butterworth

Wallace, Keith
1977 "Applying for articles - a bird's eye view." New Law Journal 127: 628-629.

Ward, Norman
1950 The Canadian House of Commons: Representation. Toronto: University of Toronto Press.

Wardwell, Walter I
1955 "Social integration, bureaucratization and the professions." Social Forces 33: 356-359.

Wardwell, Walter I and Arthur L Wood
1956 "The extra-professional role of the lawyer." American Journal of Sociology 61: 304-307.

Warkov, Seymour
1965 "Employment expectations of law students." Sociological Quarterly 6: 222-232.

Warkov, Seymour and Joseph Zelan
1965 Lawyers in the Making. Chicago: Aldine.

Watson, Richard A and Rondal G Downing
1969 The Politics of the Bench and Bar. New York: Wiley.

Webb, J L
1963 "The solicitor in industry - I." Solicitors' Journal 107: 784-786.

Webb, Sidney and Beatrice Webb
1917 "Professional organisation among lawyers." New Statesman, "Special Supplement on Professional Associations", 9, Nos. 211 and 212: 4-7.

Wells, Richard S
1964 "The legal profession and politics." Mid-West Journal of Political Science 8: 166-190.

Weyrauch, Walter O
1964 The Personality of Lawyers. New Haven: Yale University Press.

Wheatcroft, G S A
1962 "The education and training of the modern lawyer." Journal of the Society of Public Teachers of Law 7: 1-15.

Whetton, Jim
1973 "Solicitors as professionals, bureaucrats and businessmen." Unpublished paper presented to the third conference of the Socio-Legal group, Manchester, September 1973.

White, James J
1967 "Women in the law." Michigan Law Review 65: 1051-1122.

White, Richard
1975 "The distasteful character of litigation for poor persons." The Juridical Review 20 (new series): 233-251.

Wickenden, C D
1975 The Modern Family Solicitor. London: Sweet and Maxwell.

Wickersham, G W
1962 "Public service, the highest ideal of the bar" in Association of American Law Schools (ed) Selected Readings on the Legal Profession. St Paul: West Publishing Company.

Wildavsky, Aaron
1964 Leadership in a Small Town. Totowa: Bedminster Press.

Wilensky, Harold L
1964 "The professionalization of everyone?" American Journal of Sociology 70: 137-158.

Williams, Glanville
1973 Learning the Law (Ninth Edition). London: Stevens.

Wilson, J F and S B Marsh
1975 "A second survey of legal education in the United Kingdom." Journal of the Society of Public Teachers of Law 13: 293-331.

Wood, Arthur L and Walter I Wardwell
1956 "Informal relations in the practise of criminal law." American Journal of Sociology 62: 48-55.

Wood, Arthur L
1959 "Professional ethics among criminal lawyers." Social Problems 7: 70-83.

Wood, Arthur L
1967 Criminal Lawyer. New Haven: College and University Press.

Wood, Arthur L
1956 "The lawyer and community leadership." Journal of Legal Education 9: 162-176.

Woolley, S F
1969 "The social composition of the Parliament of 1833." Pp.53-60 in G A Cahill (ed) The Great Reform Bill of 1832: Liberal or Conservative? Lexington: D C Heath.

Zander, Michael
1968 Lawyers and the Public Interest. London: Weidenfeld and Nicolson.

Zander, Michael
1969 "Who goes to solicitors?" The Law Society's Gazette 66: 174-178.

Zander, Michael (ed)
1970 What's Wrong with the Law? London: B.B.C. Publications.

Zander, Michael
1976 "The state of knowledge about the legal profession - the size, location, composition and work of the profession." New Law Journal 126: 823-825.

Zander, Michael
1977 "The legal profession and academic researchers - a plea for a better relationship." The Law Society's Gazette 74: 1121-1122, 1134.

Zander, Michael and Cyril Glasser
1967 "A study in representation." New Law Journal 117: 815-816.

Zelan, Joseph
1964 Recruitment to the Legal Profession. Unpublished Ph.D Thesis, University of Chicago.

Zelan, Joseph
1967 "Social origins and recruitment of American lawyers." British Journal of Sociology 18: 45-54.

Zelan, Joseph
1968 "Occupational recruitment and socialization in law school." Journal of Legal Education 21: 182-187.

Zeller, Belle (ed)
1954 American State Legislatures. New York: Crowell.