

Technical report: A Review of the Scottish Legal Services Market

Prepared for the CMA
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1 Background and objectives

- 1.1 The Competition and Markets Authority (CMA) is an independent, non-ministerial department. It works to promote competition and make markets work well for the benefit of consumers, businesses and the economy, both within and outside the UK.
- 1.2 In September 2019, the CMA commissioned IFF Research to conduct quantitative research with solicitor firms in Scotland. The purpose of the study was to examine whether competition in the legal services sector in Scotland is working effectively. The study explored firms' attitudes to pricing and quality and asked them to provide cost estimates to common legal scenarios.
- 1.3 The common pricing scenarios were adapted from a 2017 study conducted by the Legal Services Board into prices quoted for commonly used legal services.
- 2.2 The sample consisted of all solicitor firms on the Law Society of Scotland's database who were recorded as having at least one match with the legal areas of interest (Conveyancing, Family or Wills).
- 2.3 All potential respondents were sent an introductory letter one week in advance of the pilot to notify them of the research, its objectives, and giving them an opportunity to opt out via email or by leaving a voicemail message.
- 2.4 Fieldwork ran from 25th September – 4th November 2019, including a pilot phase in the first week (25th Sept.-2nd Oct.).
- 2.5 A total of 160 interviews were conducted, 8 of which were completed in the pilot.
- 2.6 This technical report details the key technical and methodological decisions taken.

2 Research overview

- 2.1 The research was comprised of quantitative telephone interviews lasting approximately 15-20 minutes.

3 Questionnaire design

- 3.1 A structured quantitative questionnaire was developed in conjunction with the CMA to explore and address the research objectives.
- 3.2 The questionnaire design was based on a previous study conducted by the Legal Services Board and refined through a pilot phase (with a cognitive testing element) in advance of the mainstage fieldwork period.

Mainstage questionnaire content

- 3.3 The questionnaire was divided into two main parts.
- The first part consisted of general questions about the firm, the type of services it offers and how they market themselves. This was in turn divided into the sections described below.
 - The second part consisted of presenting the firms with two pricing scenarios per area of law covered and asking how they would cost for it and approximately how much.
- 3.4 Part I
- Screening Section – established whether firm contacted is in scope by determining if they are in charge of making their own pricing decisions.
 - A – Firm Characteristics – builds on the screener questions with information about the areas of law covered by the firm and checking if one person can answer for all of them, the size (in employees) and age (in years) of the firm.
 - B – Competition Characteristics – covers the locality of the firm and its clients in relation to each other

- C&D – Price and Quality & Consumer Questions – focuses on what information is advertised to attract new clients and how, and the evolution of their rates and prices, and what they believe matters most for clients
- E&F– Regulation & Independence – asks about any benefits or disbenefits the firm has experienced as a result of the current industry regulation, and their opinions on an independent regulatory body

3.5 Part II - Scenarios

- G – Introducing the Scenarios – Respondents were given the option to answer over the phone or in an online questionnaire if needed.
- H, I, J – Pricing Scenarios – Each section addressed an area of law: Conveyancing, Family, and Wills respectively. Each area consisted of two general scenarios –a standard case, and a slightly more complicated one.
- The full mainstage questionnaire is presented in Appendix 1.

4 Sample

Sample cleaning

- 4.1 The sample was supplied by the CMA and was drawn from publicly available information from the Law Society of Scotland. It consisted of all solicitor firms on their database in Scotland who were recorded as having at least one match with the legal areas of interest (Conveyancing, Family or Wills).
- 4.2 The sample did not contain names of individuals within the firm. When contacting the firms, we therefore asked them to self-identify the person best placed to answer on pricing decisions for their firm.

- 4.3 We sought one response per firm (rather than one response per site), and so, where firms were recorded in the sample as having more than one site, we only invited one of the sites to participate in the research. Since the Head Office was not marked and therefore not easily identifiable in the sample, we opted instead for a randomised selection approach for which site to approach.
- 4.4 As part of the screening questions for each firm with multiple sites, we established how pricing decisions were made: whether each site had flexibility to make their own decisions regarding pricing or whether decisions were made for the whole firm at Head Office level. If decisions were made at Head Office level, and we were not already speaking with someone at Head Office, we arranged to be referred.
- 4.5 To maximise response rates, on the 25th October 2019, we replaced any multi-site firms where we had not reached a ‘productive’ outcome with an alternative site from the same firm. The advance letter was adapted and sent via email to these firms the day before they were contacted.
- 4.6 We manually looked up numbers for any firms missing a telephone number on the sample. We also searched for alternative contact details partway through fieldwork where we had tried to call firms a number of times without a productive outcome.

Table 4.1 Starting Sample

	Sample cleaning
Firms received in original sample file	911
Duplicated entries	19
Firms not based in Scotland	5
Out of scope (before being called)	5
Final usable sample	882
Looked up contact details	24

Sample outcomes

4.7 The final sample outcomes include:

- the number of firms ineligible to participate in the survey because they did not offer the relevant legal services;
- the number of firms who did not answer;
- opt outs and refusals to participate; and
- completed interviews.

Table 4.2 Sample Outcomes by number of partners

		Total	1 partner	1+ partners
	Sample	882		
Completed	Completed - full	143	75	85
	Completed - partial	17		
Refused	Refused to participate when contacted	164	67	107
	Opt Out	11		
Non-contact	No productive contact	474	171	303
Ineligible	Unusable	66	37	36
	Do not offer relevant services	7		

Table 4.3 Sample Outcomes by Urban/Rural (8 FOLD)

		Total	1	2	3	4	5	6	7	8
	Sample	882								
Completed	Completed - full	143	70	63	10	6	3	1	3	4
	Completed - partial	17								
Refused	Refused to participate when contacted	164	74	55	13	7	7	2	4	2
	Opt Out	11	4	3		3				
Non-contact	No productive contact	474	239	173	22	14	11	3	6	6
Ineligible	Unusable	66	47	22	2	1	1			
	Do not offer relevant services	7								

4.8 A significant minority of firms did not offer legal services in the relevant areas so were not eligible to take part in the research. This is despite their being recorded as doing so on the sample provided by the Law Society of Scotland, suggesting that these records may be outdated or contain some inaccuracies.

4.9 The overall response rate for this study was 19.8%. This is calculated by dividing the total number of completes by the number of eligible records (all the sample loaded minus the “unusable” call outcome).

5 Fieldwork

5.1 All interviewers working on the project were given a briefing regarding the research before they began to conduct interviews. As part of this briefing, all interviewers received a set of briefing instructions in order to provide them with background information about the project, information on the sample design and methodology, as well as information on specific sections of the questionnaire.

5.2 Interviewers who worked on the survey pilot also worked on the mainstage fieldwork.

Pilot and cognitive testing

5.3 A pilot phase, including cognitive testing of the questionnaire, was undertaken in order to:

- Understand who would be best placed within the firm to answer the questions, and whether one person would be able to answer for all pricing scenarios;
- Understand whether the pricing scenarios were appropriate and sufficiently common that firms would be able to provide an answer relatively easily;

- Understand how firms would prefer to complete the pricing scenarios – whether over the telephone or in their own time, via an online survey option;

- Understand the length of time it would take to complete the survey;

- Understand whether questions and pre-codes included in the draft questionnaire clearly conveyed what they were intended to (or whether respondents answered ‘incorrectly’ through a lack of clarity in questions/pre-codes);

- Understand whether the pre-codes included in the questionnaire were sufficient and appropriate, enabling respondents to select answers that matched their circumstances; and

- Understand whether the questionnaire was sufficiently engaging, to avoid deterioration in the quality of answers given.

5.4 60 firms were initially targeted as part of the pilot fieldwork. An additional 20 firms were subsequently included on Thursday 26th September to ensure that a sufficient number of responses had been collected to allow for adequate pilot testing of the survey. A range of sizes of firm, offering a range of areas of law, were selected to take part in the pilot.

5.5 A total of 8 pilot telephone interviews were conducted.

5.6 Any firms included in the pilot stage who did not yet have a ‘productive’ outcome (i.e. those who had not completed an interview or refused to take part in the study) continued to be called in mainstage.

5.7 The main changes to the questionnaire arising from the pilot phase included:

- Reducing survey length by deleting questions which were of less importance for

answering the research objectives: C9, C10 (likelihood to increase or decrease prices in the next 12 months), E1, E2 (reasons for advertising under the title of solicitors or lawyers), F2 iterations (how certain aspects would be affected by the introduction of a new independent regulator), F3 (suggested changes to regulatory system), F4 and F5 (growing the firm's business).

- Adding additional pre-codes or additional detail to existing pre-codes where high levels of 'other specify' were reported: e.g. to B3, C3, D1, D2.
- Adding the pricing scenarios to the introductory email and offering to email participants this information to have to hand in the interview, to reduce the time it took for interviewers to read out the detail in each scenario.

Mainstage

5.8 The mainstage fieldwork period ran from 7th October – 4th November 2019. Fieldwork was conducted during business hours.

5.9 In total, 160 interviews were achieved (including the 8 pilot interviews) over the course of fieldwork.

Table 5.1 Breakdown of interviews achieved per week

Week commencing	Number of interviews achieved
23 rd September	5
30 th September	3
7 th October	26
14 th October	35
21 st October	43

28 th October	48
4 th November	0

5.10 As is to be expected with research among legal professionals, the majority of the interviews were completed in the second half of the fieldwork period. This was due to gatekeepers requesting more information about the study, the respondents themselves typically being busy and often in meetings. Interviews typically were conducted after a number of calls had been made to the firm and appointments had been made.

Pricing scenarios

5.11 In total, the following number of completes were achieved for each legal area:

Table 5.2 Interviews achieved per legal area

Area of Law	Number completing pricing scenarios
Conveyancing	112
Family	75
Wills	125

5.12 Firms were offered the opportunity to complete the pricing scenarios over the phone or online in their own time.

5.13 For any firms who requested to complete the pricing scenarios online in their own time, but did not go on to do so, we sent a reminder email after at least two days had passed. On the final day of fieldwork, we called each firm who had not yet completed the pricing scenario section of the survey, to remind them.

Table 5.3 Mode of completion

Mode of completion	Number of firms
Telephone	120
Requested to do the pricing scenarios online – went on to do so	6
Requested to do the pricing scenarios online – did not go on to do so	13

6 Data analysis

Coding

- 6.1 Coding is a key stage in analysing data where the survey has collected verbatim responses. It involves a thorough review of all open-ended responses and categorising these responses either into pre-existing codes, or through the development of new codes.
- 6.2 Throughout the questionnaire there were a number of questions where an ‘other – please specify’ option was included to allow firms to provide an alternative response if their answers did not fit into the existing code frames assigned to each question.
- 6.3 In some cases, it was possible to code these responses back into the existing code frame. Where this was not possible – and if similar or identical responses emerged among the ‘other’ answers with sufficient frequency – additional codes were created.
- 6.4 Once the CATI fieldwork had ended, the research and coding teams drew up code frames to reflect the common themes recorded.

Quality control

- 6.5 Quality assurance checks were carried out as part of the final stage of data preparation. Value and logic checks were used to sense check responses, for example, looking at verbatim or implausible responses given.
- 6.6 The following edits were made to the final dataset:
- Creating a G1=Refused code, for a respondent that refused upfront to participate in the pricing scenario section: a10089184byb

Weighting

- 6.7 The data was not weighted.

Appendix 1 – questionnaire

Legal Services Market Study

S Screener

ASK TELEPHONIST

S1 **Good morning / afternoon. My name is NAME and I'm calling from IFF Research on behalf of the Competition and Markets Authority. Please can I speak to NAME/ a member of the team with responsibility for dealing with new clients and who is able to provide information on prices and fees to clients?**

Transferred	1	CONTINUE
Hard appointment	2	MAKE APPOINTMENT
Soft Appointment	3	
Engaged	4	CALL BACK
Refusal	5	CLOSE
Refusal – company policy	6	
Refusal – Taken part in recent survey	7	
Not available in deadline	8	
Fax Line	9	

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No reply / Answer phone	10	
Residential Number	11	
Dead line	12	
Company closed	13	
Request reassurance email		COLLECT EMAIL ADDRESS THEN CONTINUE OR MAKE APPOINTMENT (SEE APPENDIX FOR EMAIL TEXT)

ASK ALL

S2 **Good morning / afternoon, my name is NAME, calling from IFF Research, an independent market research company. We're conducting a survey on behalf of the Competition and Markets Authority (CMA), a government agency, into the Scottish Legal Services Market.**

The CMA are looking to gather information about your firm, your views on regulation and the Robertson Review, and your approach to showing price and quality information to consumers. The CMA will also conduct an evaluation of the prices that are currently paid by consumers in Scotland for commonly used legal services. We will be inviting all solicitor firms in Scotland to take part. As part of the interview, we'd like to ask you to provide a cost estimation for a few different scenarios of legal services. The objective of this survey is to support the CMA in their work to promote competition for the benefit of consumers.

Your firm will have received a letter from the Law Society of Scotland regarding our work as well as a letter from the CMA to alert you that IFF would be in touch.

This interview will take 15-20 mins. The aggregated results from this study will be included in a report that will be available early next year. All responses you give will be kept anonymous.

IF NECESSARY: We got your details from a list of Scottish legal firms published by the Law Society of Scotland. The CMA is an independent non-ministerial UK government department, and the UK's primary consumer and competition authority. The CMA works to promote competition for the benefit of consumers, both within and outside the UK. Its aim is to make markets work well for consumers, businesses and the economy by promoting competition.

Could I check you are one of the people best qualified to talk about the prices that your firm charges for key legal services?

Continue	1	CONTINUE
Pricing decisions made by someone else – referred to this person NAME _____ JOB TITLE _____	3	TRANSFER AND RE-INTRODUCE
Hard appointment	4	MAKE APPOINTMENT
Soft appointment	5	
Refusal	6	THANK AND CLOSE
Refusal – company policy	7	
Refusal – taken part in recent survey	8	
Not available in deadline	9	
Request reassurance email	10	COLLECT EMAIL ADDRESS THEN CONTINUE OR MAKE APPOINTMENT (SEE APPENDIX FOR EMAIL TEXT)

ASK MULTISITES

S3 Could I check, how are pricing decisions made by your organisation: are they decided at Head Office level or by individual offices?

SINGLE CODE

Makes pricing decisions at Head Office level	1	CONTINUE TO S4
Makes pricing decisions at office level	2	CONTINUE TO S5
N/A – e.g. single site	3	

ASK ALL WHO MAKE PRICING DECISIONS AT HEAD OFFICE LEVEL (S3=1)

S4 And can I check, the office I am speaking with is the Head Office?

Yes	1	CONTINUE
No	2	COLLECT NAMES / REFERRALS FOR HEAD OFFICE

S5 Before we begin, I need to read out a quick statement regarding GDPR legislation.

I want to reassure you that all information collected will be treated in the strictest confidence. You have the right to a copy of your data, change your data or withdraw from the research at any point. In order to guarantee this, and as part of our quality control procedures, all interviews are recorded. Also, all our phone calls are recorded automatically for quality assurance and training purposes only. Are you ok to continue on this basis?

Yes	1	CONTINUE
No	2	THANK AND CLOSE

REASSURANCES TO USE IF NECESSARY

The interview will take around 10-15 minutes to complete.

Please note that all data will be reported in aggregate form and your answers will not be reported to our client, any other regulators or the Scottish government in any way that would allow you to be identified.

If you wish to confirm validity of survey or get more information about aims and objectives, you can call:

- **MRS: Market Research Society on 0800 975 9596**
- **IFF: Libby Eastwood or Malina Cojocar: 0207 250 3035**
- **CMA: Edward McHardy: 0203 738 6195**

Your details will never be used for any sales or marketing purposes.

A Firm Characteristics

ASK ALL

A1 **Could you please tell us which of the following legal services your firm offers?**

READ OUT. MULTICODE

Conveyancing	1	MUST CODE AT LEAST ONE OPTION TO CONTINUE – OTHERWISE THANK AND CLOSE
Family	2	
Wills	3	
None of the above	4	THANK AND CLOSE

IF A1=4 : Thank you for your time but for the purposes of this research we are only looking to speak to firms which offer services in at least one of the areas of Conveyancing, Family and Wills

ASK IF MORE THAN ONE OPTION CODED AT A1

A2 **And which are you personally familiar with and able to provide prices for?**

DS: DISPLAY ONLY SERVICES FROM A1

	YES	NO	Don't Know
_1 Conveyancing	1	2	3
_2 Family	1	2	3
_3 Wills	1	2	3

ASK IF A2=2/3 FOR ANY LEGAL SERVICES

A3 **Could you let us know the best person to speak to about the prices for the following legal area(s)?**

DS: DISPLAY ONLY ANY SERVICES FOR WHICH A2=2/3

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	Conveyancing	Family	Wills
Name & contact details			

A3Dum **DUMMY VARIABLE, DO NOT ASK**

Firm offers Conveyancing and respondent can answer	1	ASK SECTION H
Firm offers Conveyancing and someone else will answer	2	
Firm offers Family and respondent can answer	3	ASK SECTION I
Firm offers Family and someone else will answer	4	
Firm offers Wills and respondent can answer	5	ASK SECTION J
Firm offers Wills and someone else will answer	6	

ASK ALL

A4 **How long ago was your firm first established?**

SINGLE CODE

Within the last year	1	
Over 1 and up to 2 years ago	2	
Over 1 and up to 3 years ago	3	
Over 3 and up to 4 years ago	4	
Over 4 and up to 5 years ago	5	
Over 5 and up to 10 years ago	6	
Over 10 and up to 20 years ago	7	
Over 20 years ago	8	
Not yet trading	9	
DNRO: Don't know	10	
DNRO: Refused	11	

ASK ALL TRADING (A4=1-8,10,11)

A5 **Does your firm offer estate agency services in addition to your solicitor service?**

SINGLE CODE

Yes	1	
No	2	
Don't know	3	

ASK ALL

A6 **And how many people are currently employed by your firm?** PROMPT IF NECESSARY: **Please include both full and part-time staff. Please do NOT include contractors or temporary staff.**

WRITE IN

Don't know	1	
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IF DON'T KNOW EXACT NUMBER – PROMPT WITH RANGES

None	
1-4	
5-9	
10-19	
20-49	
50-99	
100-199	
200-249	
250-499	
500-999	
1,000 or more	
Don't Know	
Refused	

B Competition characteristics

We are going to ask you some questions about your clients. For the survey please consider your private and small business clients when asked about these clients rather than any medium or large company clients.

ASK ALL

B1 **Can I double check, does your firm operate from...?**

SINGLE CODE

A single site	1	
Multi-sites, based only in Scotland	2	
Multi-sites, all in the UK, some outside Scotland	3	
Multi-sites, some outside the UK	4	
Other (PLEASE SPECIFY)	7	
Don't know	8	
Refused	9	

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ASK ALL TRADING (A4=1-8,10,11)

B2 **Thinking about your firm's typical customers, approximately what proportion come from the local area compared to outside of the local area? (The 'local area' is defined as within a 20-mile radius of your location(s) so think about what is generally the case for your whole firm at all locations).**

Please enter proportions from 0 to 100% for each type of work, with the total proportion summing to 100%

DS - TOTAL TO SUM TO 100%

Local area	1
Not local	2
DON'T KNOW	3

ASK ALL TRADING (A4=1-8,10,11)

B3 [IF A SINGLE SITE (B1=1)]: **What methods do you use to provide services to your clients?**

[IF MULTI-SITE B1=2,3,4]: **What methods does a typical one of your offices use to provide services to your clients?**

MULTICODE

Meetings at your office	1	
Meetings at the client's home/office	2	
Telephone	3	
Video-conferencing	4	
E-mail	5	
Letters	9	
Other (PLEASE SPECIFY)	6	
Don't know	7	
Refused	8	

ASK ALL TRADING (A4=1-8,10,11)

B4 Which legal services, if any, do you offer remotely *[IF DEFINITION REQUIRED: by this I mean could you provide it without needing any face to face contact with the client?]*

READ OUT 1-3. MULTICODE

Conveyancing	1	
Family	2	
Wills	3	
DNRO: None of these	4	
DNRO: Don't know	5	

C Price and quality information

ASK ALL

C1 Does your firm display their prices on their website?

Yes – Currently display prices on our website	1	
No – but planning to in future	2	
No – do not display prices on website and have no plans to	3	
DNRO: Do not have a website (SINGLE CODE)	4	
DNRO: Don't know (SINGLE CODE)	5	
DNRO: Refused (SINGLE CODE)	6	

ASK ALL TRADING (A4=1-8,10,11)

C2 Does your firm display prices to prospective clients in any other way prior to enquiry?

MULTICODE

Ad campaign in newspapers, magazines or other published media	1	
Ad campaign on television or radio	2	
Firm brochures	3	
Direct advertising	4	
Other (specify)	5	
None of the above	6	

ASK ALL WHO ARE TRADING AND HAVE A WEBSITE ((A4=1-8,10,11) AND C1≠4)

C3 What information do you provide or publish on your website relating to the quality of your service?

READ OUT CODES 1-6. MULTICODE

DS - ROTATE CODES 1-6.

You publish reviews for the firm from previous clients	1	
You publish third-party ratings of firms e.g. Legal 500, Google star rating, Trustpilot)	2	
You display or advertise accreditation of skills (e.g. LSoS specialist) or your expertise/experience	3	
You advertise firm's awards for legal service or service quality	4	
You advertise any awards or reviews for particular solicitors employed by your firm	5	
Other (PLEASE SPECIFY)	6	
Don't advertise quality (SINGLE CODE)	7	
DNRO: Don't know (SINGLE CODE)	8	
DNRO: Refused (SINGLE CODE)	9	

ASK IF THIRD-PARTY MENTIONED (C3=2)

C4 **And which third-party rating service do you use?**

MULTICODE

Google star rating	1	
Trustpilot	2	
Solicitor.info	3	
Facebook	4	
Other (PLEASE SPECIFY)	5	
Don't know	6	
Refused	7	

ASK ALL TRADING (A4=1-8,10,11)

C5 Based on what your clients tell you, what percentage of them would you estimate shop around when choosing a legal service provider?

0%-20%	1
20%-40%	2
40%-60%	3
60%-80%	4
80%-100%	5
Don't know	6

ASK ALL TRADING (A4=1-8,10,11)

C6 How have your typical prices changed compared with 12 months ago?

Please select one option only.

Increased a lot	1
Increased a little	2
Unchanged	3
Reduced a little	4
Reduced a lot	5

ASK IF PRICES REDUCED (C6 = 4 OR 5)

C7 You mentioned that your firm has reduced its prices since last year. What motivated this change in price?

DS – MULTICODE

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Pressure from new legal technology innovations	1
Increased pressure from new entrants in the legal sector	2
Lower demand for legal services	3
Lower ability of consumers to afford services	4
Other (please specify)	5

ASK ALL TRADING (A4=1-8,10,11)

C8 **Now thinking about the next 12 months, do you think that your firm will increase or decrease the prices of its services, or will they stay the same? Please specify by the type of work listed below.**

DS – SINGLE CODE PER ROW. PIPE IN RESPONSE FROM A1.

	Increase	Decrease	Stay the same
Conveyancing	1	2	3
Family	1	2	3
Will-writing	1	2	3

D Consumer Questions

ASK ALL TRADING (A4=1-8,10,11)

D1 Which elements do you believe are important for winning clients?

UNPROMPTED. MULTI CODE

Price level	1	
Transparency of price	2	
Reputation of firm / quality of service	3	
Reputation of individual solicitors within the firm	4	
Ease of contacting firm	5	
Ease of contacting individual solicitors within the firm	6	
Responsiveness to queries	7	
Client recommendations	8	
Other (PLEASE SPECIFY)	9	
Don't know	10	
Refused	11	

ASK THOSE LISTING 2 OR MORE OPTIONS AT D1

D1a How would you rank those elements in terms of their significance to winning clients, with 1 being the most significant? IF MORE THAN 3: Please rank your top 3 only.

DS – PIPE IN OPTIONS FROM D1.

	RANK 1	RANK 2	RANK 3
DS – PIPE IN OPTIONS FROM D1.	1	2	3

Ask all trading (a4=1-8,10,11)

D2 What are the ways that your firm typically attracts customers?

UNPROMPTED. MULTI CODE

Word of mouth	1	
Via your website	2	
Walk in	3	
Referrals from other professionals	4	
Referrals from charities	5	
Referrals from specialist directories	6	
Repeat business	10	
Other way (PLEASE SPECIFY)	7	
Don't know	8	
Refused	9	

ASK THOSE LISTING 2 OR MORE OPTIONS AT D2

D2a How would you rank those elements in terms of their significance in attracting customers, with 1 being the most significant? IF MORE THAN 3: Please rank your top 3 only.

DS – PIPE IN OPTIONS FROM D2.

	RANK 1	RANK 2	RANK 3
DS – PIPE IN OPTIONS FROM D2.	1	2	3

E Regulation Questions

ASK ALL

E3 **And thinking about regulation, what benefit(s) does your firm gain by operating in a regulated industry?**

READ OUT 1-4. MULTICODE. ROTATE LIST 1-3

More consumer trust	1	
Level playing field	2	
Raises professional standards	3	
Other, please specify	4	
Don't know	5	
None of these	6	

ASK ALL

E4 **Thinking about regulation, what are the disbenefit(s) to your firm by operating in a regulated industry?**

READ OUT 1-5. MULTICODE. ROTATE LIST 1-4

DIFFICULTY INTRODUCING NEW SERVICES	1	
OVERLY BURDENSOME GUIDELINES AND RULES	2	
EXCESSIVELY COSTLY REGULATION	3	
UNEQUALLY ENFORCED/UNLEVEL PLAYING FIELD	4	
OTHER, PLEASE SPECIFY	5	
DON'T KNOW	6	

F Independence

The Robertson Review, published on the 23 October 2018, made a number of recommendations to Scottish Ministers on reforming the way in which legal services are regulated and complaints handled. Amongst these was a recommendation that there should be a regulator which is independent of those whom it regulates and of Government.

This proposed regulatory body would be responsible for the whole system of regulation including entry, standards, monitoring, complaints and redress, which covers individuals, entities and activities, and that the regulator should be a body accountable to the Scottish Parliament.

In the next two questions, we are interested in understanding your firm's views on making regulation independent of those it regulates and of Government.

ASK ALL

F1 Overall, how beneficial or not do you feel that being regulated by an independent regulator would be to your business?

SINGLE CODE. ROTATE SCALE (CODES 1-5)

Extremely beneficial	1	
Mostly beneficial	2	
Of some benefit	3	
Of little benefit	4	
Of no benefit at all	5	
Don't know	6	

ASK ALL

F2 **Using a five-point scale where 1 is less or lower and 5 is more or higher, how do you think the following things would be affected by the introduction of a new independent regulator?**

MULTICODE – DS TO RANDOMISE LIST, SHOWING A DIFFERENT SCALE FOR EACH STATEMENT

- _1 Potential/perceived conflicts of interest Scale: A reduction \leftrightarrow An increase
- _2 Actual conflicts of interest Scale: A reduction \leftrightarrow An increase
- _3 Regulatory costs Scale: Lower \leftrightarrow Higher
- _10 Innovation Scale: Less innovation \leftrightarrow More innovation

G Scenarios: introduction

G1 I'm now going to provide you with a range of scenarios. For each scenario, I will provide a description of the scenario before asking you to provide an estimated cost.

We'll ask about any conditions you place on these estimated costs later in the questionnaire.

I can email a description of the scenarios over to you now if helpful, so that you can have them to hand while we go through the questions?

INTERVIEWER NOTE: Can be done online in respondent's own time but only as a last resort. Interviewer should not offer this unless required

Yes, happy to provide cost now and would like email with scenarios	1	ARRANGE TO SEND EMAIL WITH STIMULUS
Yes, happy to provide cost now, do not need email	2	CONTINUE
No, would prefer to complete online in own time	3	SEND ONLINE SURVEY LINK

IF G1=3: An email has been sent to the email address you have just given us. The final deadline for completing the survey is the 25th of October but the sooner you can complete it, the better.

H Conveyancing

ASK TO A3DUM=1/2

H1 Here is the first scenario. INTERVIEWER READ OUT THE HEADING. IF NECESSARY: you can find the detailed inclusion/exclusion criteria in the email we sent you or I can read it out for you now if that is helpful.

Conveyancing Scenario 1: The sale only of a residential property

- A new client
- They are an individual seller
- The sale price is £153,000
- The current mortgage will be repaid on sale, is 80% of sale value, and the lender is a major residential property lender
- The property is not a new build

Please include the following in the estimation:

- Fees for standard service, including:
 - Any firm administrative charges (e.g. postage, photocopying and telephone calls)
 - Liaising with the lender
 - Attendance at completion and to any relevant document lodgement and payment of charges
 - The property has no new extensions
 - The property is on a residential road (not on a private track)
 - The property is registered in the Land Register (not recorded in the Register of Sasines)

Please also assume that:

- There are no restrictive covenants or other caveats or other complications
- Please exclude any bank transfer fees or other outlays or search fees
- Please also exclude VAT

ASK ALL

H2 So thinking about this scenario, in what way would you typically charge for this service?

IF NECESSARY: A rough idea is fine, it doesn't matter if you are not 100% certain.

IF NECESSARY: I can read out the specific inclusion/exclusion criteria again if that would be helpful.

READ OUT. MULTI CODE (MULTICODE 2-5 ONLY – CODES 1 AND 6-8 ARE SINGLE CODE)

Estimate of the total costs (i.e. a base level cost)	1	
Fixed fee	2	
Fixed percentage of sale value	3	
Hourly rate	4	
Other (PLEASE SPECIFY)	5	
DNRO: Do not offer this service	6	SKIP TO NEXT SCENARIO (Conveyancing Scenario 2)
DNRO: Don't know	7	
DNRO: Refused	8	

ASK ALL WHO PROVIDE ESTATE AGENCY SERVICES A5=1 AND ANSWERING ON CONVEYANCING SCENARIO

H3 Would your quote for this include any charges for estate agency services provided by you?

SINGLE CODE

Usually	1	
Sometimes	2	
Never	3	
Don't know	4	

ASK ALL ESTIMATED TOTAL/FIXED FEE/ FIXED FEE ELEMENT (H2=1/2/5/7):

H4 What would your total (IF H2=1/5/7: estimated cost) (IF H2=2: fixed fee) (IF H2=2 and (3 or 4): fixed fee element cost) be for this service [IF A5=1 excluding estate agency fees]?

AS NECESSARY: We just need your best estimate based on the scenario outlined.

IF NECESSARY: I can read out the specific inclusion/exclusion criteria again if that would be helpful.

WRITE IN NUMERIC RESPONSES ONLY		
Don't know	1	Skip to next relevant scenario (Conveyancing Scenario 2)
Refused	2	Skip to next relevant scenario (Conveyancing Scenario 2)

ASK ALL FIXED PERCENTAGE (H2=3):

H5 What would your fixed percentage fees be for this service [IF A5=1 excluding estate agency fees]?

AS NECESSARY: We just need your best estimate based on the scenario outlined

IF NECESSARY: I can read out the specific inclusion/exclusion criteria again if that would be helpful.

WRITE IN		
NUMERIC RESPONSES ONLY		
Don't know	1	Skip to next relevant scenario (Conveyancing Scenario 2)
Refused	2	Skip to next relevant scenario (Conveyancing Scenario 2)

IF CHARGE A FIXED PERCENTAGE (H2 =3) AND SHOWN CONVEYANCING SCENARIO

H5A **SO JUST TO CONFIRM, YOUR PERCENTAGE FEE WOULD BE <DS TO INSERT PERCENTAGE FROM H5>% OF THE SALE VALUE OF £153,000. IS THAT CORRECT?**

Yes	1
No, please specify	2

ASK ALL HOURLY RATE (H2=4 ONLY):

H6 What is the hourly rate you would charge for this scenario [IF A5=1 excluding estate agency fees]?

IF NECESSARY: I can read out the specific inclusion/exclusion criteria again if that would be helpful.

WRITE IN		
NUMERIC RESPONSES ONLY		
Don't know	1	Skip to next relevant scenario (Conveyancing Scenario 2)
Refused	2	Skip to next relevant scenario (Conveyancing Scenario 2)

ASK ALL HOURLY RATE (H2=4 AND (2 OR 3)):

H6A What is the hourly rate you would charge for this scenario [IF A5=1 excluding estate agency fees] (in addition to your (IF H2=2: fixed fee/ OR IF H2=3: percentage fee))?

IF NECESSARY: I can read out the specific inclusion/exclusion criteria again if that would be helpful.

WRITE IN		
NUMERIC RESPONSES ONLY		
Don't know	1	Skip to next relevant scenario (Conveyancing Scenario 2)
Refused	2	Skip to next relevant scenario (Conveyancing Scenario 2)

ASK ALL HOURLY RATE (H2=4):

H7 How many hours would you expect to spend on <IF CODE 4 AND (2 OR 3) AT H2 providing the hourly rate element of> the specified scenario [IF A5=1 excluding time for estate agency work]?

WRITE IN		
NUMERIC RESPONSES ONLY		
Don't know	1	Skip to next relevant scenario (Conveyancing Scenario 2)
Refused	2	Skip to next relevant scenario (Conveyancing Scenario 2)

ASK ALL

H8 Would your price differ if you were to offer this remotely?

SINGLE CODE

No	1	
Yes, it would be higher	2	
Yes, it would be lower	3	
Don't know	4	
Refused	5	

ASK ALL

Now turning to the next scenario...INTERVIEWER READ OUT THE HEADING. IF NECESSARY: you can find the detailed inclusion/exclusion criteria in the email we sent you or I can read it out for you now if that is helpful.

Conveyancing Scenario 2: A sale and purchase of residential properties

- A new client
- The properties are being bought and sold by the same 2 people, as joint owners
- The sale price is £153,000
- And the purchase price is the same at £153,000
- The transactions are linked, so the client must sell in order to buy
- There is a mortgage to be discharged and there is also a new mortgage for the purchase property for 70% of the purchase value, the lender is a major residential property lender.

Please include the following in the estimation:

- Fees for standard service, including:
 - Any firm administrative charges (e.g. postage, photocopying and telephone calls)
 - Liaising with the lender
 - Conducting standard searches of the Land Register (and any other reasonably necessary searches)
 - Attendance at settlement, registration of documents with the Registers of Scotland, and dealing with the payment of Transaction and land taxes
 - Neither properties have been altered or extended
 - Both properties are on a residential road (not a private track)
 - Both properties are registered in the Land Register (not registered in the Register of Sasines)

Please also assume that:

- No complex environmental searches are required
- There are no restrictive covenants or other caveats or other complications
- Please exclude any bank transfer fees or other disbursements such as Registers of Scotland or local search fees and Land Based Transaction Tax (LBTT)
- Please also exclude VAT

ASK ALL – REPEAT H2-H8.

I Scenarios: Family

ASK TO A3DUM=3/4

I1The following scenarios are related to family law. I will provide a description of the scenario before asking you to provide an estimated cost. For each scenario we are simply asking you to provide your best estimate of the likely cost your firm would charge for the service.

Family scenario 1: An undefended divorce requiring a full legal service

- A new client
- She is 42 years old, married in 2008 (11 years ago) at the age of 31
- She is filing for divorce from her husband on the grounds of unreasonable behaviour
- The divorce is amicable
- They do not have any children
- To simplify the scenario please assume that there are no assets to split
- She would like you to handle the entire divorce for her, so services to include:
 - General advice
 - Filling out the petition for divorce
 - Any affidavits or notarising

Please assume that:

- There has been no domestic violence
- Legal services are provided face to face
- They have been separated 1 year
- There is no chance of reconciliation

Please can you also:

- Include any firm administrative charges (e.g. postage, photocopying and telephone calls)
- But exclude any other outlays
- Please also exclude VAT

ASK ALL. REPEAT H2-H8.

Now turning to the next scenario...I'll read this out then ask you the same questions about your cost.

Family scenario 2: A more complex divorce but this time involving disagreement over assets and requiring mediation and advisory services

- A new client
- She is 48 years old, married in 1999 (20 years ago) at the age of 28
- She is filing for divorce from her husband on the grounds of unreasonable behaviour
- They have two adult children, and neither are dependent
- No agreement has been reached on how the assets will be divided
- Estimated total assets of £500,000
- She would like you to handle the entire separation and eventual divorce for her, so services to include:
 - General advice
 - Filling out the petition for divorce
 - Any Affidavits or notarising
 - Advice on assessing assets
 - Obtaining financial orders
- Please assume that she chooses mediation and that this is successful, and the case DOES NOT go to court
- Please DO NOT INCLUDE the cost of any mediation sessions in your cost

Please assume that:

- There has been no domestic violence
- Legal services can be provided either face to face or remotely
- There is no chance of reconciliation

Please can you also:

- Include any firm administrative charges (e.g. postage, photocopying and telephone calls)
- But exclude any other outlays
- Please also exclude VAT

ASK ALL. REPEAT H2-H8.

J Scenarios: Will

ASK TO A3DUM=5/6

J1 The following scenarios are related to wills. For each scenario we are simply asking you to provide your best estimate of the likely cost your firm would charge for the service.

Will Scenario 1: An individual standard will

- A new client
- She is married and has 2 adult children with her husband
- This is her (and her husband's) first marriage and she has no other children
- The residual beneficiaries of the will would be her husband and if he predeceases then it would be her 2 children in equal shares
- The executor of the will would be one of their children
- She has a total estate valued at £288,000 (made up predominantly from a single property) In terms of any specific gifts there are some but not complicated – just a car, technology, jewellery to be given to family members
- The client will arrange for the execution and safekeeping of the will

Please also assume that:

- There are no other complicating factors – for example no overseas property and no appointment of legal guardian
- The client will arrange for witnessing of the will (although the solicitor should explain rules for witnessing)
- No related tax advice is required
- No confirmation services are required
- The will is not required urgently
- Brief and standard instructions are to be contained in the will for the funeral and funeral expenses

Please can you also:

- Include any firm administrative charges (e.g. postage, photocopying and telephone calls)
- But exclude any other outlays (if there are any)
- Please also exclude VAT

ASK ALL. REPEAT H2-H8.

Now turning to the next scenario...

Will Scenario 2: Estate administration

- A new client
- Her mother has recently died. Her mother was a widow, so the last surviving parent
- There is already a Certificate of Confirmation
- There is a valid and non-contested will and the daughter has been named sole executor in the will
- The total value of the estate is £288,000 and includes a residential property, cash and securities
- She would like assistance administering the estate.
- She is likely to require the following services:
 - Finalising income tax affairs and pensions
 - Collecting in the estate from banks & building societies
 - Selling assets
 - Paying money due to beneficiaries
 - Making any gifts of items to beneficiaries
 - Preparing accounts for the estate
 - Conveyancing services are not required to sell the property

Please also assume that:

- The confirmation service was not pre-arranged i.e. not via a will
- All beneficiaries are named and traceable
- There are no other children
- There is no inheritance tax due (as under the £325,000 threshold)
- There is no family trust required and no younger beneficiaries (no children under 18)
- There are no other complicating factors – such as owning a business, insufficient estate to meet all legacies, insolvent estate and the property is not agricultural

Please can you also:

- Include any firm administrative charges (e.g. postage, photocopying and telephone calls)
- But exclude any other outlays (if there are any)

- Please also exclude VAT

ASK ALL. REPEAT H2-H8.

K Thank and close

K1 Thank you very much for your time. We just need to check a couple of things.

Name:

RECORD DETAILS OF
RESPONDENT WHO ALLOW REFUSED OPTION
COMPLETED
INTERVIEW

Job title: ALLOW REFUSED OPTION

K2 Would you like to receive an email containing a link to the CMA's final report on the Scottish legal sector? This would mean that IFF would share your firm name with the CMA so that they could send the report when ready. IFF would not share any of your answers to the survey with the CMA.

Yes	1	
No	2	

K3 Thank you very much for taking the time to speak to us today. Would you be willing for us to call you back if we need to clarify any of the information you've provided today?

Yes	1	
No	3	

IF CONSENT TO RECONTACT

K4 And could I just check, is [NUMBER] the best number to call you on?

Yes	1	
No - write in number	2	

ASK ALL

THANK RESPONDENT AND CLOSE INTERVIEW

Finally, I would just like to confirm that this survey has been carried out under IFF instructions and within the rules of the MRS Code of Conduct. Thank you very much for your help today.

“

IFF Research illuminates the world for organisations businesses and individuals helping them to make better-informed decisions.”

Our Values:

1. Impartiality and independence:

IFF is a research-led organisation which believes in letting the evidence do the talking. We don't undertake projects with a preconception of what “the answer” is, and we don't hide from the truths that research reveals. We are independent, in the research we conduct, of political flavour or dogma. We are open-minded, imaginative and intellectually rigorous.

2. Being human first:

Whether employer or employee, client or collaborator, we are all humans first and foremost. Recognising this essential humanity is central to how we conduct our business, and how we lead our lives. We respect and accommodate each individual's way of thinking, working and communicating, mindful of the fact that each has their own story and means of telling it.

3. Making a difference:

At IFF, we want to make a difference to the clients we work with, and we work with clients who share our ambition for positive change. We expect all IFF staff to take personal responsibility for everything they do at work, which should always be the best they can deliver.



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