



Family Law Clients Research report

Research to explore the experiences of barristers' clients
in family law cases

July 2017

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the BSB Research Team on 020 7611 1467

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Foreword

This report represents the findings of one of the most in-depth pieces of research that the BSB has ever undertaken with barristers' clients. It provides important insight about those seeking legal services in family legal proceedings.

We commissioned this research because we wanted to understand the experience of legal services among clients of family law barristers and to identify the key barriers and risks that they face. Family law was an area identified as a priority in 2016 by the Legal Services Consumer Panel due to concerns about affordability, accessibility and information asymmetry.



The research findings show that the majority of people in the survey were positive about the service they have received from a barrister during family legal proceedings, and it was encouraging to see that when people use a barrister they are likely to use them for a range of legal tasks, and not just for representation in court.

Not surprisingly, one of the main findings from this research is that only a small proportion of those with a family law issue use a barrister. The majority use a solicitor. The findings also demonstrate that many people facing a family legal issue do not know to whom to turn for legal advice.

The report provides a broad picture of the family law sector and in particular the experiences of clients using the services of barristers and solicitors. The research also provides insight into the nature of the solicitor-barrister referral model.

While the experiences of those using the services of barristers in family legal matters were broadly positive in the research, the findings highlighted that when clients are referred to a barrister by their solicitor, it can leave them at greater risk of not feeling that they have had enough contact with their barrister before going to court. This can lead to clients thinking that they may not have received all of the information they need, or that the barrister may not have all the details they require to provide effective representation.

The report also paints a positive picture of the Public Access scheme for barristers. Although the proportion of those who directly accessed a barrister via the Public Access scheme was low, the research suggests this led to:

- a stronger barrister/client relationship,
- clients being more likely to access a greater range of services from their barrister, and

- amongst those interviewed who contacted a barrister directly, a willingness to use this approach again.

The findings from this research will help to inform our future regulatory response to the important issues raised. We will continue to conduct research with consumers of legal services in areas guided by the themes identified in our 'Risk Outlook' to gain insight into the market.

For example, as part of our recent response to the Competition and Markets Authority's market study into legal services, in collaboration with the other legal regulators, we are seeking to make more information available to consumers when seeking barristers' services. This could go some way into addressing the finding in this research that the majority of respondents were not confident about making an informed decision when seeking legal advice.

I would like to thank everyone who participated in this study. We will continue to talk to consumers of legal services in all aspects of our regulatory work to ensure the needs of the public are being met.

Dr Vanessa Davies
Director General
The Bar Standards Board

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Executive Summary

The Bar Standards Board (BSB) commissioned IRN Research, an independent research agency working in the legal services sector, to undertake research into the experiences of barristers' clients in family law cases. The research aimed to:

- understand the experience of legal services among clients of family law barristers in relation to access and quality of service; and
- identify the key barriers and risks that face clients of family law barristers.

This report summarises the findings of the research and will inform any regulatory response from the BSB.

Context

The family law sector is one of the most fragmented consumer legal markets with a range of both regulated and unregulated legal advisers and services available to consumers. The regulated sector includes both solicitors and barristers. Those seeking advice in this area are sometimes in a vulnerable position, looking for a legal adviser for help for the first time, and maybe unclear of all the choices available to them. More than most other consumer law areas, many individuals are likely to take on the legal process themselves rather than seek professional legal advice.

The family law sector has been the subject of previous research projects and this research has explored, amongst other things, the role and use of solicitors and law firms, support agencies, and individuals taking on the legal process themselves. So far, there has been no consumer-based research on the perception, use, and role of barristers in family law.

Key findings

- The quantitative research confirms that only a small percentage of individuals involved in a family law matter engage the services of a barrister. Most of those that do use a barrister have positive feedback on the client/barrister experience and relationship despite the often difficult circumstances of the family legal matter. Solicitors are the main starting point in a family law issue and, if there is a court appearance, it is more often than not the solicitor that represents the client in court and a barrister is never involved. The qualitative research suggests that it is normally the solicitor that decides if they wish to represent the client in court or turn to a barrister.

- Where barristers are used, solicitors are also usually the link between the client and the barrister and the number of clients going directly to a barrister for support is still relatively small. Anyone can now go directly to a barrister without having to involve anyone else (eg a solicitor), ie by being "direct access" clients.¹ Research results suggest that direct access clients tend to be more engaged with their barrister, build up a closer relationship with their barrister than referred clients, and are more likely to be charged using a fixed fee model than referred clients.
- While there is clearly a perception that barristers charge higher fees than solicitors, most research participants would be willing to consider using a barrister in the future if a legal matter arose. Awareness of the Public Access scheme is relatively good but there is confusion for some regarding the difference between regulated and unregulated legal advice providers.

Overview of report

Following the Executive Summary, this report presents and analyses the results from two research components:

- An online quantitative survey of 1,200 consumers involved in a family law matter in the last two years. The survey results provide a general indication of the perception and use of barristers in family law cases, understanding of regulated and unregulated providers, awareness of public access to barristers, and likely use of a barrister in the future.
- Qualitative telephone interviews with 50 consumers who had used the services of a barrister between 2015 and 2017 for a family law matter. The interviewees were a subsample from those completing the online survey. The interviews explored the route to choosing a barrister, the ways consultations with the barrister were undertaken and their usefulness, the barrister's involvement in the legal process, the relationship between the barrister and the client, and the consumer's understanding of regulation and public access.

This report includes selected anonymised verbatim quotes from the telephone interviews.

1. Members of the public may instruct a barrister directly through the Public Access (or direct access) scheme, rather than going through an intermediary such as a solicitor. Barristers must be authorised to undertake Public Access work, and cannot undertake this work for cases funded by Legal Aid.

Online quantitative survey

The key findings of the online quantitative survey were as follows:

- Solicitors and law firms remain at the centre of the family law area with a significant majority of respondents using them for both general legal advice and for representation in courts: 71 per cent of all of those with a family law issue used a solicitor. Of those going to court (29% of respondents) 72 per cent engaged a solicitor to represent them. They are also still the main link between individuals and barristers with few consumers going directly to barristers.
- Only 13 per cent of respondents used a barrister and the majority of these (61%) used a barrister referred to them by a solicitor. Another 27 per cent of these respondents used a barrister recommended by someone else and just 12 per cent found a barrister directly.
- While barristers are used by a relatively small percentage in family law matters, when they are used they are likely to be used for a range of legal tasks and not just representation in courts. Of respondents who engaged a barrister, 31 per cent used barristers only for court representation, 33 per cent used for some other legal advice and not just court representation, and 36 per cent used them for all their legal advice.
- Of those using barristers, 79 per cent are either “satisfied” or “very satisfied” with the overall quality of the service they received. However, a minority (19%) are “dissatisfied” or “very dissatisfied” with the explanation of the legal process given by their barrister.
- There is a perception that barristers charge higher fees than solicitors and other legal services providers: 83 per cent of respondents believed that barristers charge higher fees.
- Understanding of the role of barristers in the family law process is reasonably good and most respondents (69%) are aware that there is now direct access for individuals to some barristers.
- Looking ahead, a majority of all respondents say that they would consider using a barrister for legal advice in the future: 59 per cent would consider using a barrister for family law advice and 64 per cent would consider using a barrister for other legal advice.
- A majority of respondents (57%) understand that there are both regulated and unregulated providers of family law advice.

- The survey has highlighted that a significant group of consumers are not confident that they have enough information to make informed decisions at the start of the legal process in relation to their options for legal advice. Less than half of respondents (47%) are “confident” or “very confident” that they can make an informed decision but 29 per cent take the opposite view.

Telephone interview research

The online survey showed that the majority of those using a barrister were referred to the barrister by their solicitor. Of the 50 telephone interviewees, 72 per cent (36) were referred to their barrister by the solicitor they were using. Feedback from these interviews provides more insights into the pivotal role of the solicitor and the limited influence clients seem to have on both the choice of barrister and how the barrister is used.

There is very little extensive research undertaken to find a legal representative when individuals start the legal process. The largest group used a solicitor recommended by a friend who had gone through a similar process.

Virtually all of those that were referred to a barrister by their solicitor had the barrister chosen by the solicitor with no input from the client. The overall view was that the solicitor was the professional, had previous experience of working with barristers, and was the best one to judge the usefulness and role of a particular barrister in a specific case.

Of 36 who were referred to a barrister, just four had a say in the choice of barrister. In these instances, their solicitors gave them a list of barristers to choose from and the client made the final decision on which one to use.

Most clients who are referred are not expecting to use a barrister when they start the legal process primarily because they are not expecting to go to court. A referral is later suggested by the solicitor, and is usually linked to the need for a court appearance.

The central role played by the solicitor for referred clients is illustrated again in answers to later questions. For example the solicitor typically sets up the first meeting with the barrister – some solicitors also deal with the fee arrangements - and keeps the client up-to-date on progress.

Ten individuals that went direct to a barrister found their barrister online via a search engine. The other four individuals were recommended a barrister by friends, relatives, or work colleagues.

The largest group of interviewees, and especially those referred by a solicitor, just used the services of a barrister for support and advice linked to court appearances. Most of those who had contacted the barrister directly were using a wider range of services.

For most solicitor-referred clients, the first consultation with the barrister was set up by the solicitor and took place in advance of any court hearing. Virtually all of these were face-to-face meetings in the offices of the solicitor, some were in chambers, and a few were telephone calls. However, for over a third of referred clients the first time they saw their barrister was on the day of the first court hearing.

The overwhelming majority of clients are satisfied that their first consultation with the barrister gave them what they needed. However, some had concerns about the clarity of the explanation of the legal process given by the barrister, particularly the amount of legal jargon used.

Questions about fees are covered for most clients in this first consultation with hourly rates the most often quoted option. Some barristers had shown flexibility and reduced the standard hourly rates to deal with the specific circumstances of a particular client. A higher percentage of direct access clients had a fixed fee option compared to referred clients.

Almost all those interviewed are happy with the way that their barrister prepared them for going to court, explained what would be expected from them, and represented them in court. For a number of interviewees the preparation for court with the barrister not only explained the process well but also offered reassurance, made the client less anxious, or gave the client more confidence.

Only a few report a negative experience at this stage and problems centred on the barrister not giving enough information about the court experience, or a lack of time to explain everything.

Not many referred clients can remember receiving very much documentation from the barrister or chambers, such as client care letters. In contrast, most of those going direct to a barrister did remember receiving a client care letter.

There was little mention of support agencies by either solicitors or barristers and only a small number of those interviewed had actually used any support agencies.

Just over a quarter of all interviewees state that they were given a chance to provide feedback on the barrister. A slightly higher proportion of those going direct to a barrister – over one in three - have been asked to provide feedback.

Only a minority of interviewees are aware of the split between regulated and unregulated providers although the general consensus is that regulation is important.

Just over four out of ten interviewees who were referred to a barrister by a solicitor were aware of the direct access option to a barrister. The direct access route was explained to interviewees and there was a 50:50 split between those who might go direct to a barrister if a legal matter arose again, and those who would still start with a solicitor.

Many individuals in the interview sample associate barristers with court appearances and are also unaware of, or unclear about, the other services they could offer. This means that individuals feel that they do not know if they need a barrister until the matter is well underway. In this situation, the tendency is to start with a solicitor again.

1 Introduction

- 1.1. The Bar Standards Board (BSB) was established in January 2006 as a result of the separation of regulatory and representative functions within the Bar Council. As the independent regulatory body, the BSB is responsible for regulating barristers called to the Bar in England and Wales and other specialist legal businesses in the public interest.
- 1.2. Barristers can advise an individual on their legal status or rights. Barristers can draft and send documents on behalf of clients and can represent individuals in court, tribunals or mediations. The rules about how barristers must behave and work are contained in the BSB Handbook (last updated in April 2017). They cover a wide range of things including the core duties of barristers (the most important things they should do), how they should conduct themselves, what they are allowed to do in the course of their work, how they qualify to become a barrister and how they will be disciplined if they break the rules.
- 1.3. In exercising its functions, the BSB is committed to understanding the needs of consumers and to targeting its regulatory intervention where there is evidence of the need to do so. As part of this process, the BSB commissioned this research in order to explore the experiences of those who use the services of barristers in family law. Up to now, there has been a lack of research into the experiences of barristers' clients in this area. The research findings support the regulator in establishing an evidence base on the experiences of clients using the services of barristers in family law.
- 1.4. Family law cases can bring together a number of circumstances associated with vulnerability. These can include difficult personal circumstances, inexperience of the justice system and other personal characteristics associated with increased vulnerability. Where individuals are experiencing vulnerability, this can adversely affect access to justice and choice when seeking legal services.
- 1.5. The BSB has identified the following reasons to focus on family law:
 - The characteristics of clients in family law cases are such that they may demonstrate one or more indicators of vulnerability and/or a lack of legal expertise, which may present challenges in accessing justice;
 - The nature of family law cases is such that the consequences of something going wrong can often have a significant and lasting impact on clients; and
 - Family law is an area where there are particular challenges for the regulated sector in meeting the needs of those affected. Many consumers are representing themselves or using unregulated providers, and there may be further unmet need.

2 Research background

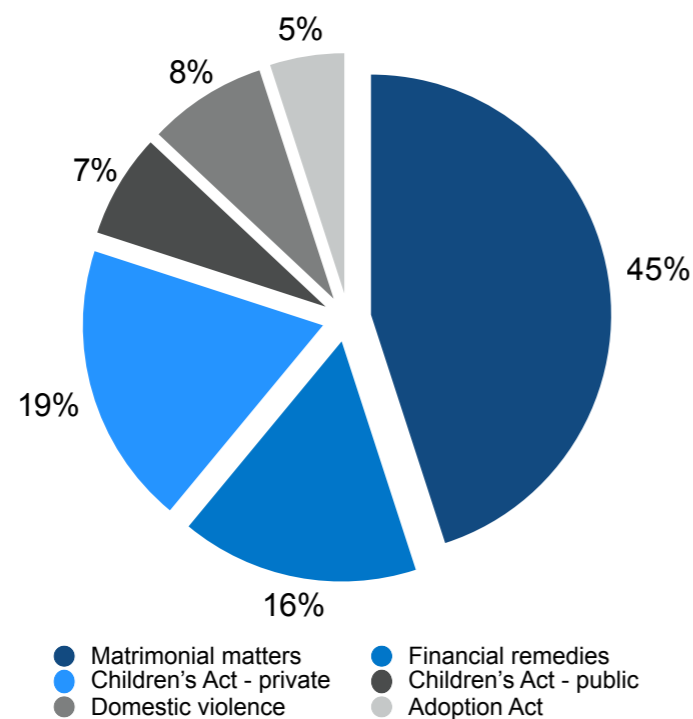
Context

- 2.1. The family law sector is one of the most fragmented consumer legal markets and those seeking advice in this area are sometimes in a vulnerable position, looking for a legal adviser for help for the first time, and maybe unclear of all the choices available to them. More than most other consumer law areas, many individuals are likely to take on the legal process themselves rather than seek professional legal advice. Where legal advice is sought there is also some confusion over regulated and unregulated providers which makes choosing a provider difficult and does present a barrier to effective access to justice. When legal advisers are used the starting point is usually a solicitor for most consumers and, in most cases, if a barrister is needed then solicitors would traditionally refer their clients to an appropriate barrister.
- 2.2. Traditionally, barristers would only be used to represent clients in court, while a solicitor undertook the rest of the work on their case. Certain solicitors ('solicitor advocates') are able to represent clients in higher courts, including for family cases.² Members of the public are also able to go directly to certain barristers without being referred by a solicitor via the Public Access Scheme.³
- 2.3. The key areas covered by family law matters are: divorce, dissolution, annulments, and separation; family financial issues; disputes over children, the protection of children, and adoption; domestic violence; other areas including mental capacity matters, forced marriages, and female genital mutilation. While divorce accounts for the largest number of cases, this research includes feedback from individuals involved in some of the other family law matters highlighted above.
- 2.4. In the calendar year 2016, there were 256,000 cases started in the Family Court and 114,818 of these involved matrimonial issues (45%).

2. Solicitor Advocates were introduced in the Courts and Legal Services Act (1990)

3. The Public Access Scheme was introduced by the BSB in 2004

Figure 1: Cases started in Family Court, 2016 (%)⁴



Source: Family Court Statistics England and Wales, October - December 2016

2.5. Key themes emerging from the previous research on consumer experiences of family law issues include:

- Gaps for many consumers in their legal knowledge and understanding creating significant barriers to accessing the appropriate legal advice;
- Some concerns over the affordability of legal representation for many consumers;
- The growth in litigants in person (LIPs), and
- Despite all the above, a majority of those going through the legal process are satisfied with this process.

4. Small percentage of forced marriage and female genital mutilation cases concluded not in above graph (representing 297 cases in 2016).

Gaps in Legal Knowledge and Understanding

2.6. A recent study from Law for Life⁵ states that “knowledge of rights in regard to family [law] problems is worryingly low” and this general lack of consumer knowledge regarding legal issues is emphasised by other studies including those from the Legal Services Board (LSB)⁶ and the Ministry of Justice (MoJ)⁷.

Affordability of Legal Representation

2.7. Research from both the Legal Services Consumer Panel (LSCP)⁸ and the Citizens Advice Bureau (CAB)⁹ identify the perceived costs of legal representation as a notable barrier to seeking legal advice. Some consumers have turned to the unregulated legal sector as this is often seen as a lower cost alternative and this is especially so in family law.¹⁰ The LSB research suggests that regulated providers could do more to meet the needs of family law clients, such as improving pricing transparency or embracing more innovative practices.

Litigants in Person (LIPs)

2.8. The removal of legal aid from most family law cases, and the perceived high costs of engaging a professional legal representative are two factors that are driving the growth in litigants in person (LIPs) in family law cases, ie individuals representing themselves in court. A number of studies and research reviews have investigated the growth of LIPs and the reasons for this.^{11 12 13}

General Satisfaction with the Legal Process

2.9. The previously mentioned reports from the CAB and LSB both note that the majority of individuals that go through a legal process are satisfied with the process. Legal Services Consumer Panel research¹⁴ presents a similar finding for those using either online family law services or a face-to-face family law adviser. The annual YouGov reports on Family Law¹⁵ have also shown year-on-year that a clear majority of family law clients are satisfied or very satisfied with the legal process.

5. Law for Life (2016) Legal Needs, Legal Capability and the Role of Public Education
 6. Legal Services Board (2016) Online Survey of Individual's Handling of Legal Issues in England and Wales
 7. Ministry of Justice (2015) Mapping Problem Resolution Routes for Users and Non-Users of the Civil, Administrative and Family Justice Systems
 8. Legal Services Consumer Panel (2016) Priority Areas of Law
 9. Citizens Advice Bureau (2015) Responsive Justice: How citizens experience the justice system
 10. Legal Services Board (2016) Unregulated Legal Service Providers – Understanding Supply-side Characteristics
 11. Citizens Advice Bureau (2016) Standing Alone: Going to the family court without a family lawyer
 12. Ministry of Justice (2014) Litigants in Person in Family Law Cases
 13. House of Commons Library (2016) Litigants in Person: The rise of the self-represented litigant in family and civil law cases
 14. Legal Services Consumer Panel (2015) Comparing Methods of Service Delivery: a case study on divorce
 15. YouGov Reports, annual. Family Law

Public Access

2.10. In 2016, a report published jointly by the Bar Standards Board (BSB) and the Legal Services Board (LSB)¹⁶ reported on research asking barristers about their experiences of the public access scheme. While this research did not talk directly to consumers of barristers' services it did offer some insights from barristers on the barriers facing potential family law clients in accessing the scheme. These included a lack of awareness of the scheme, a lack of understanding on what barristers can do, and concerns that barristers could be intimidating. In 2017, the BSB published a more comprehensive review of the public access scheme¹⁷ which included a small number of consumer interviews with the major complaints being "poor communications and timeliness".

Research objectives and scope

2.11. The aim of this project is to gather information on the experiences of clients of family law barristers. In order to provide an in-depth analysis of their consumer experience, the research explored three stages of their engagement with family law barristers: engagement, service experience, and outcome/follow-up.

2.12. The final outcomes of this project will be to provide a sufficient level of evidence for:

- Identifying the key barriers and risks that face clients of family law barristers; and
- Informing any regulatory response from the BSB to improve access to justice and protect the interests of consumers.

16. Legal Services Board (2016) Research into the Public Access Scheme
17. Bar Standards Board (2017) Public and Licensed Access Review Report

3 Methodology

Research design

3.1. The core research methodology was a mix of qualitative and quantitative approaches with two key components:

- An online quantitative survey of 1,200 individuals involved in a family law matter between January 2015 and 2017 was undertaken. This survey enabled us to obtain some background information on legal advisers used (if any), and specific use of barristers; to elicit feedback on consumer understanding and perceptions of barristers as sources of family law advice; and to obtain some feedback from clients using barristers.
- In order to obtain a detailed view of the experiences of those using a barrister the core component involved qualitative telephone interviews with a sample of family law clients of barristers. Interviewees for the qualitative research were identified from the online survey participants. In February and March 2017, 50 interviews were completed.

Online survey

3.2. In January 2017, an online survey was completed by 1,200 individuals who had experienced a family law matter in the last two years, ie from January 2015 onwards, or were still involved in a family law matter. The aim of the survey was to provide some context regarding the family law sector before the more detailed qualitative research phase of users of family law barristers. Specific questions in the online survey covered: information on legal services used if any, and specific use of barristers; feedback on consumer confidence when embarking on a family law issue; understanding and perceptions of barristers as sources of family law advice; feedback from clients using barristers; likelihood of using a barrister in the future for a legal issue.

3.3. The sample of 1,200 individuals in England and Wales was taken from a nationally representative consumer panel and based on profiles of adults in the panel who said that they had been involved in a family law matter. The 1,200 sample included 224 Black and Minority Ethnic (BAME) adults and, where relevant and statistically significant, differences in results between this group and the total sample are included in this report. The sample also includes breakdowns by age, gender, and social class and any statistically significant differences in results between and amongst these groups are included in the report. The sample is representative of the adult population in England and Wales in terms of age, gender, social class, and regional breakdown. However, the sample only covers those involved in some family law matter in the last two years and does not attempt to be an accurate representation of the range of family law matters noted in Section 2.3.

Client interviews

- 3.4. The majority of clients who were interviewed in more depth were identified by responses to the online survey, with additional interviewees coming from an IRN Research database of contacts. Interviewees were offered an incentive of £30 or a £30 voucher as a thank you for completing the interview. The interview took around 20 minutes to complete.
- 3.5. All potential interviewees were reassured about the confidentiality and anonymity of the interviews and it was also explained in an initial telephone call to set up the interview that the discussion would focus on the legal process and their experiences of using a barrister and not the details of the case itself or the specific outcomes of the case. It was not considered appropriate to discuss specific details of the case or outcomes given that some interviewees could still be in a vulnerable position, or still involved in a sensitive case. Interviews were conducted by experienced interviewers used to engaging with vulnerable adults but in one instance the interview had to be stopped as the interviewee was unable to carry on.
- 3.6. The aim was to recruit a mix of female and male adults; a mix of those that had been referred to a barrister and those that were direct access clients; some that were still involved in the legal process as well as those that had completed the process; a percentage of adults from the BAME community. Previous research has highlighted that BAME¹⁸ and Public Access clients¹⁹ often have different experiences of finding and using legal services to other clients, and research suggests the outcome of a case has a significant impact on how clients view the service they have received. As a result, this recruitment mix was to allow for comparisons, and to highlight any differences, between the various groups.
- 3.7. By the end of March 2017, 50 interviews had been completed and these included:
- Females (30 adults), males (20 adults);
 - BAME adults (15 adults);
 - Public access (10 adults) and referred (40 adults), and
 - Legal process completed (41 adults) or ongoing at the time of the interview (9 adults).
- 3.8. The interviews provide a more in-depth view of the experiences of clients than is possible from the quantitative survey but it is a relatively small sample of 50 adults so any extrapolation of results to represent all those using a family law barrister is not possible. However, the results enable us to identify any issues and themes that might impact on the use and delivery of family law services from barristers.

18. Legal Services Board (2016) Online Survey of Individual's Handling of Legal Issues in England and Wales
 19. Bar Standards Board (2017) Public and Licensed Access Review Report

- 3.9. A copy of the interview question themes is included as Annex 2 but the general areas covered were:
- Brief description of the family law matter, and any previous legal matters involved in;
 - Stages of the legal process and the route to using the services of a barrister;
 - The first consultation with the barrister;
 - Services offered by the barrister, service delivery and documentation;
 - Any court appearances and the barrister support during these experiences;
 - General relationship with the barrister;
 - Satisfaction with services offered and approach of the barrister;
 - Understanding of regulated and non-regulated providers of legal advice, and
 - Awareness and use of the Public Access scheme.

Data collection and analysis

- 3.10. Interviews were recorded and then transcribed in detail. First, the interview data were copied into spreadsheet format where the findings from respondents were analysed thematically and key themes identified. Verbatim quotes that supported or otherwise make reference to a specific point were also included at this point (anonymously). The spreadsheet enabled the identification of patterns and themes with a view to further testing of those hypotheses later in the research.
- 3.11. No automated data collection tools for qualitative research were used in order to avoid missing the nuance and grey areas present in the qualitative findings that can present opportunities or indicate areas for further research probing. Experience of conducting interviews and coding the responses was relied upon to ensure that the key themes were teased out.

Research limitations

- 3.12. The mixed-methods approach, ie a quantitative and qualitative research element, has enabled a robust overview of the role of barristers in the family law legal process (via the online survey) followed by an in-depth exploration of client experiences of using family law barristers.

- 3.13. The main limitation of the online survey is that it is a self-completion questionnaire where respondents might misunderstand the questions. It may also exclude some vulnerable clients as some may have limited digital access. A consumer panel has also been used. A panel is a large group of adults – in this case the total base was 150,000 – who have expressed a willingness to take part in regular surveys. The key benefits of using a panel are that access to potential respondents is quick and the survey can be completed promptly; detailed profiles of panel members are available so relevant participants, ie in this case those involved in a family law issue, can be identified easily. The drawbacks are that panels can attract “professional respondents”, especially if regular monetary rewards are offered. This was not considered to be the case here as participants on the panel are only entered into a regular prize draw.
- 3.14. The sample for the telephone interviews was selected to include quotas for certain groups, ie BAME adults, direct access clients etc, so the results should not be applied to the market as a whole as the sample is not truly representative. It is qualitative research, based on a relatively large sample, albeit with some limitations. Also, some interviewees found it difficult to answer some questions in detail given the nature of their relationship with the barrister via their solicitor, eg detailed answers on fees, information on documentation received. Most interviewees used a barrister to represent them in court and only a limited number of interviews were undertaken with clients engaging a barrister for a wider range of legal services and advice.

4 Research findings

Online survey results

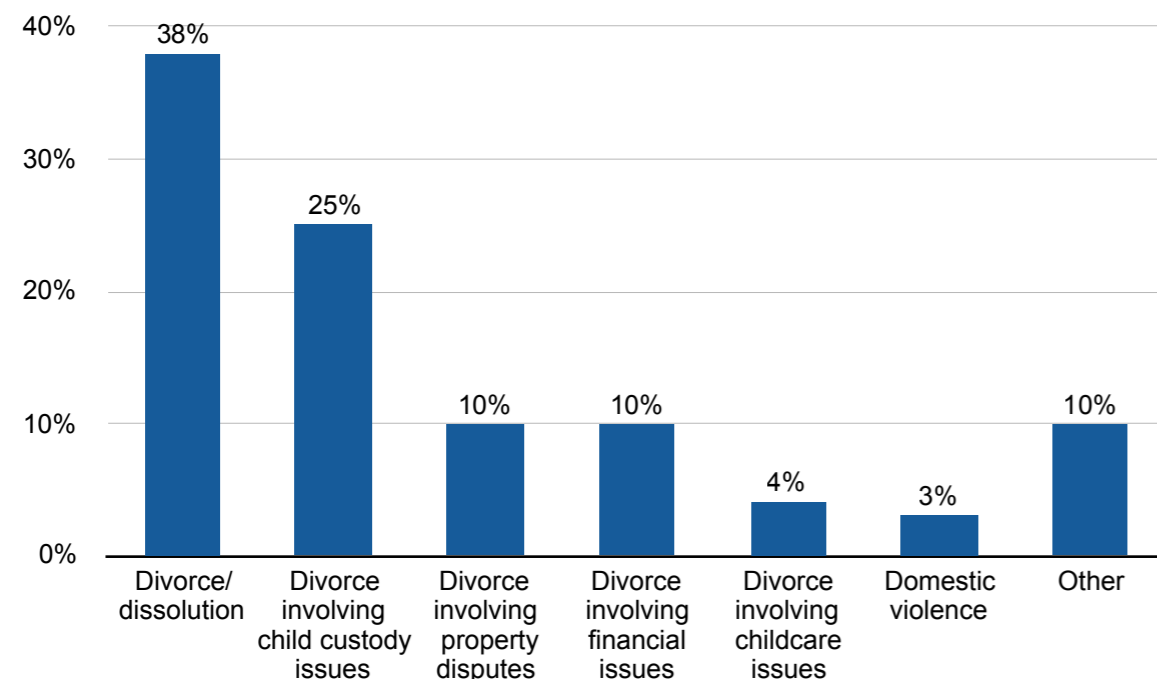
- 4.1. The online survey was completed by individuals that had been through a family law matter in the last 2 years (between January 2015 and January 2017, or were still involved in a family law matter at the time of the research.
- 4.2. Of the 1,200 respondents, 13 per cent (156) had used or were using a barrister in their family law matter. This is a relatively small sample but the specific questions relating to the experiences of those using barristers are based on this sample.
- 4.3. The key themes emerging from the online survey and analysed in more detail in this section are:
- A clear majority use solicitors for general legal advice and court representation if required in family law matters;
 - The main route to finding a barrister for clients is a referral from a solicitor;
 - Just over one in ten use a barrister (13%) and a majority use a barrister referred to them by a solicitor;
 - Many use barristers for various legal tasks and not just representation in court;
 - Client satisfaction with the services from barristers is relatively high with almost eight out of ten rating the overall quality of services as either “good” or “excellent”, and
 - A majority are aware of the direct access option to a barrister; would consider using a barrister for legal advice in the future; understand that there are regulated and unregulated providers of family law advice.

Family law matters and legal advice

Divorce dominates family law matters

4.4. Legal issues relating to divorce dominate family law matters in terms of numbers. The largest group (38%) state that they have been involved or are involved in a divorce but another quarter state that their divorce involved or is involving child custody issues.

Figure 2: Family law matters involved in (%) ²⁰



Base: 1,200 adults

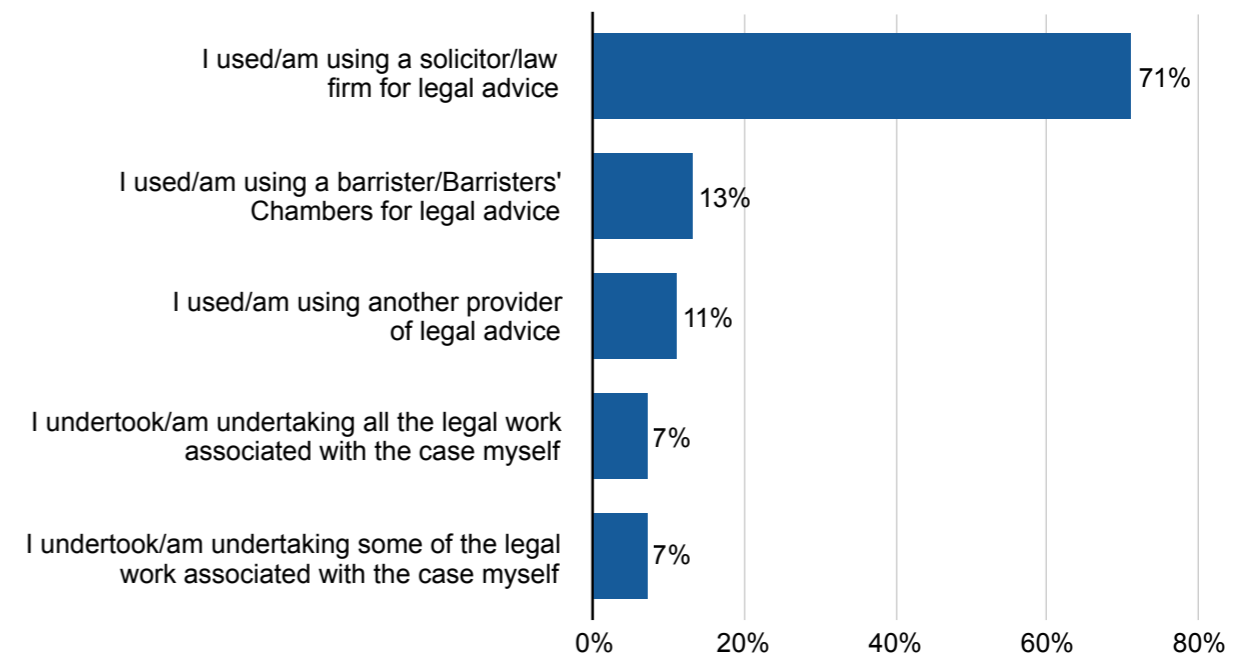
Source: IRN Research Online Survey of Family Law Clients, January 2017

20. "Other" includes issues related to adoption, child DNA tests, child maintenance, child negligence, harassment, immigration, insolvency and divorce, mental health issues, restraining orders, claims against family solicitors for professional negligence.

A significant majority turn to solicitors for advice, over 1 in 10 use a barrister

4.5. Traditionally, family law advice comes mainly from solicitors and law firms and this is the case in this survey with an overwhelming majority (71%) turning to these sources for family law advice. Barristers are the second most used source (13% of respondents used a barrister) There are statistically significant differences in the use of barristers by social grade - 15 per cent of ABC1 respondents have used a barrister but only 11 per cent of C2DEs.²¹ Other legal advice providers are used by 11 per cent and 14 per cent of individuals have undertaken all or some of the legal work themselves. Only a few respondents gave details of the other legal advice providers used and the main sources mentioned were online divorce sites.

Figure 3: Sources of family law legal advice (%) ²²



Base: 1,200 adults

Source: IRN Research Online Survey of Family Law Clients, January 2017

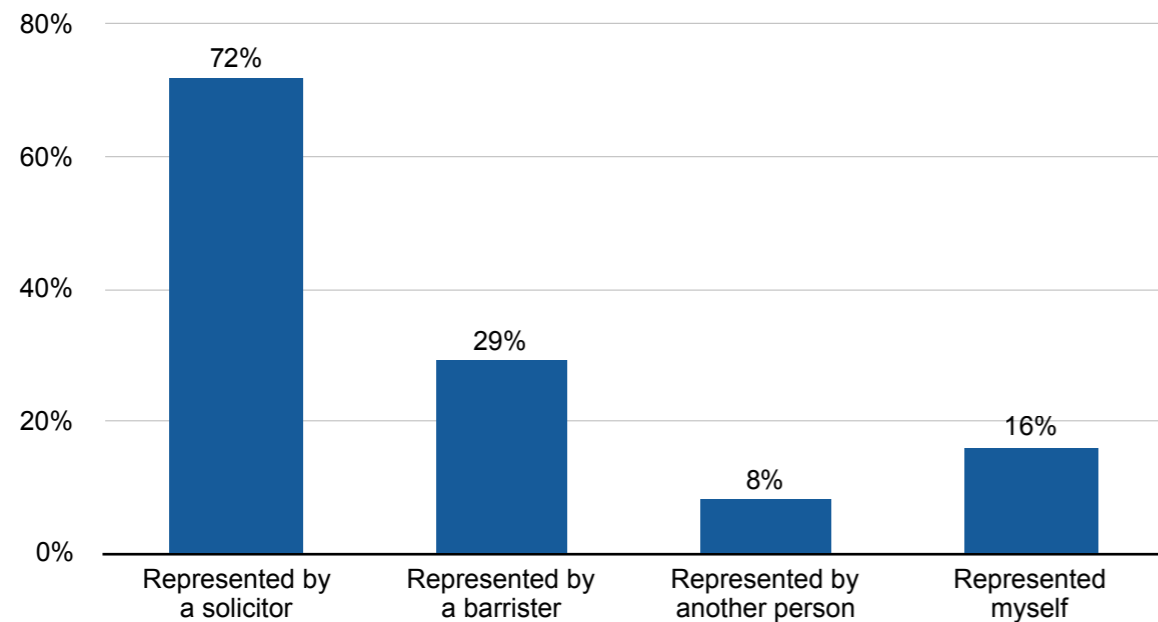
21. These definitions are taken from NRS social grades, which are a standard system of demographic classification based on occupation. The grades are often grouped into ABC1 and C2DE; these are taken to equate to middle class and working class respectively

22. Sums to more than 100% as use of more than one option for some individuals

Most are represented by solicitors in court, but almost a third use a barrister in court

- 4.6. Only 342 out of the 1,200 had been to court, or were likely to be going to court (29% in total) and most of those (72%) were represented, or would be represented, by their solicitor in court.
- 4.7. Almost a third (29%) had used or would be using the services of a barrister to represent them in court. There is a significant difference between age groups: only 26 per cent of 18 to 30 year olds had used a barrister for representation in court but this increases to 31 per cent of those in both the 31 to 45 age group and the over 65 group.
- 4.8. There are 16 per cent that represented, or will represent, themselves in court and another 8 per cent that have taken or will take another person into court as their representative (the online survey did not allow for a detailed analysis of these other persons).

Figure 4: Representation in court (%)



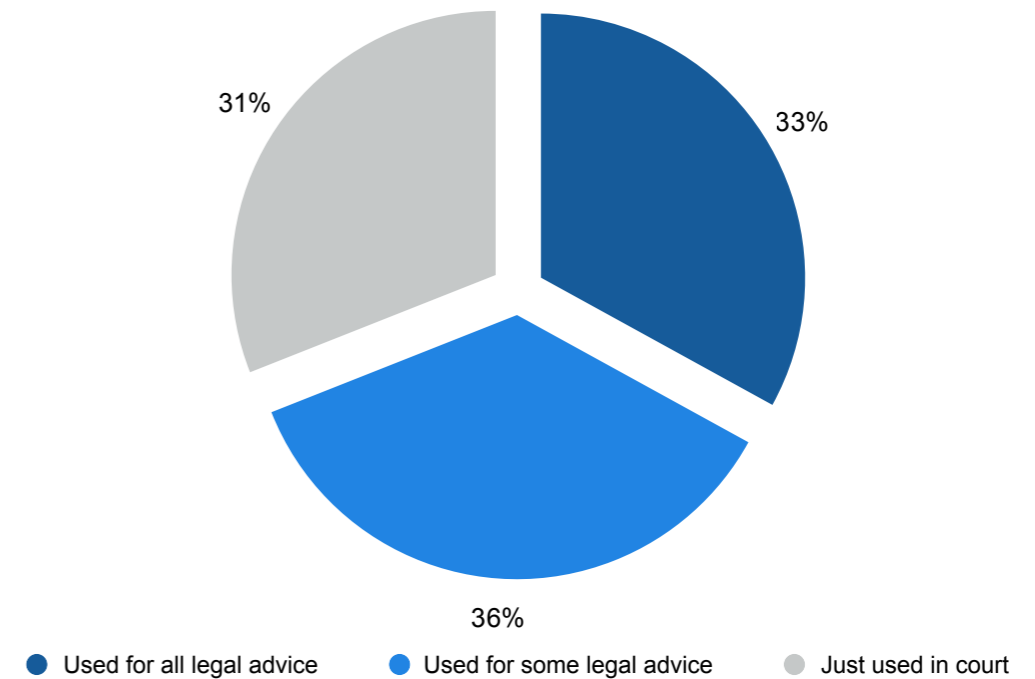
Base: 342 adults
Source: IRN Research Online Survey of Family Law Clients, January 2017

Use of barristers

Those using barristers use for various reasons, not just going to court

- 4.9. Among respondents who were using a barrister, there is an almost equal split between those only using barristers to represent them in court (31%) and those using barristers for a wider range of legal advice services. There are 33 per cent claiming to use barristers for all family law legal advice and 36 per cent stating that they use barristers for some legal advice. This finding suggests that most adults are willing to use barristers for services beyond just representation in court.

Figure 5: Reasons for using a barrister (%)



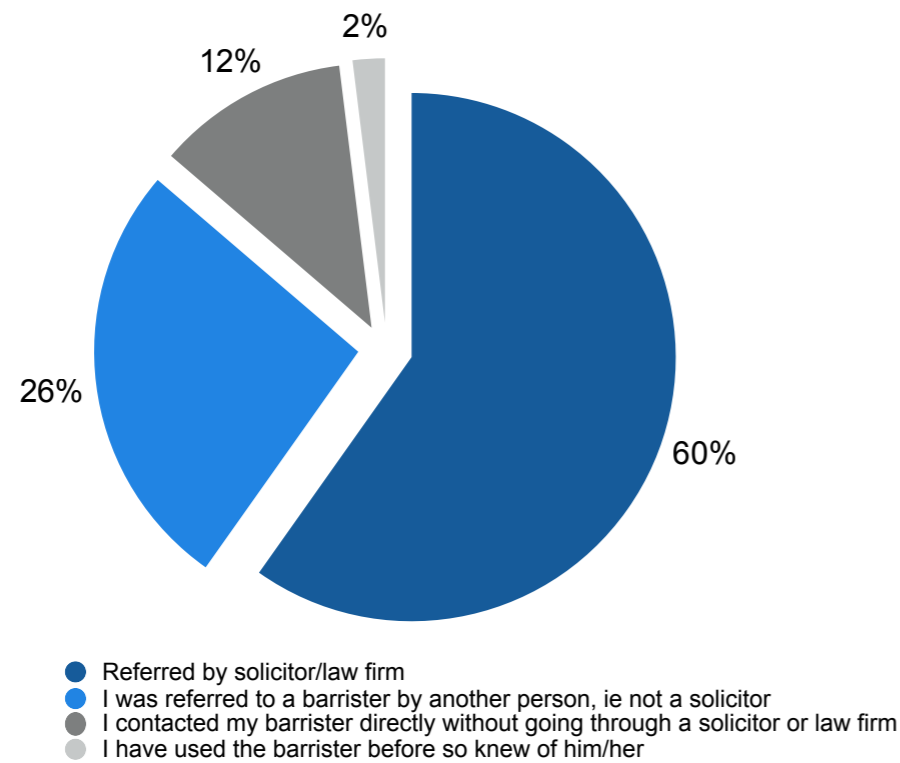
Base: 146 adults
Source: IRN Research Online Survey of Family Law Clients, January 2017

Overwhelming majority still rely on referrals to find a barrister

4.10. Referrals from solicitors and law firms are the way that most individuals come to use a barrister: 61 per cent came via this channel in the survey. Another 27 per cent were also referred but by another individual so referrals in total are responsible for almost 9 out of 10 family law clients using barristers.

4.11. Only 12 per cent of individuals made direct contact with a barrister without using the referral route.

Figure 6: Methods of finding a barrister (%) ²³



Base: 130 adults
Source: IRN Research Online Survey of Family Law Clients, January 2017

4.12. For the overwhelming majority of those using a barrister (77%) this was the first time that they have used a barrister for a family law matter.

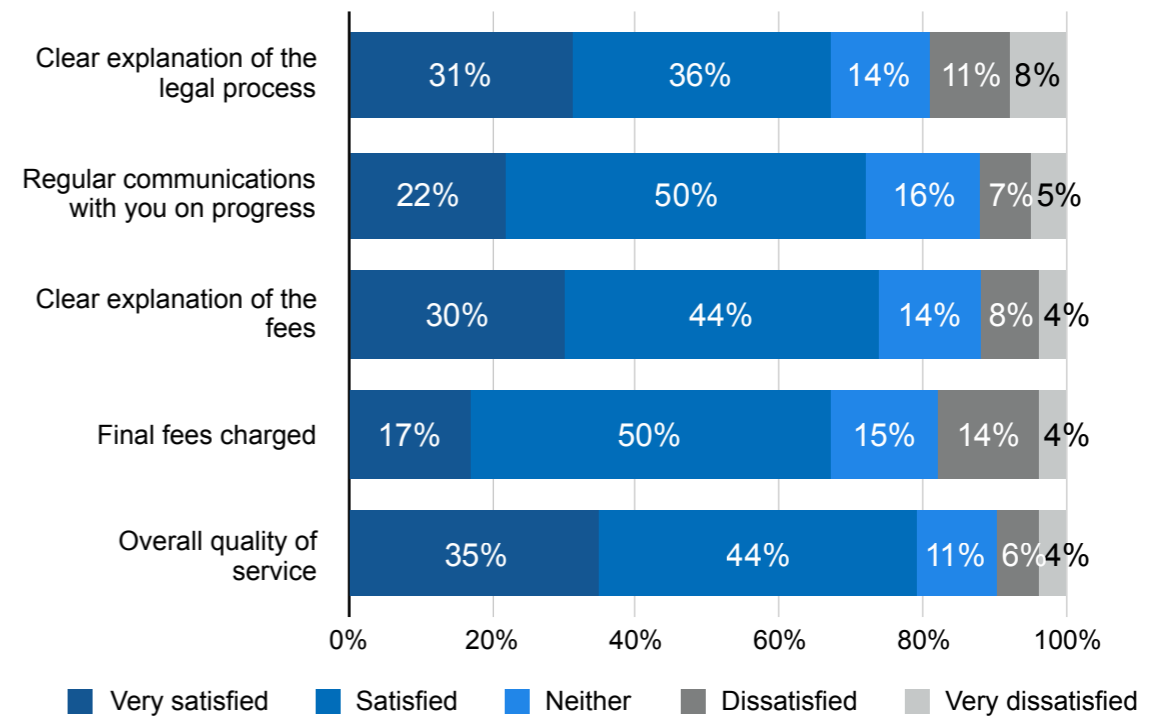
23. Sum exceeds 100% due to some selecting more than one answer

Satisfaction with barrister services is relatively good

4.13. Satisfaction levels with the services offered by barristers were relatively good with over seven out of 10 clients either “very satisfied” or “satisfied” with the family law advice services provided. The highest satisfaction levels are for the overall quality of the service offered rated either “very satisfied” or “satisfied” by 79 per cent. The lowest satisfaction ratings are given for the final fees charged with 67 per cent either “very satisfied” or “satisfied” yet 74 per cent gave the same satisfaction ratings for the clear explanation of the fees involved.

4.14. The relatively high satisfaction levels noted above are consistent with other surveys of those using legal advisers. For example, recent research results from the Citizens Advice Bureau (CAB)²⁴, the Legal Services Consumer Panel²⁵, and the Solicitors Regulation Authority (SRA)²⁶ have all highlighted that the majority of those using a legal adviser have been positive about the quality of services offered.

Figure 7: Satisfaction levels with the service provided by barristers (%)



Base: 126 adults
Source: IRN Research Online Survey of Family Law Clients, January 2017

24. Citizens Advice Bureau (2015) Responsive Justice: How Citizens Experience the Justice System
25. Legal Services Consumer Panel (2015) Methods of Service Delivery: a case study on divorce
26. Solicitors Regulation Authority (2017) Experiences of Consumers who may be Vulnerable in Family Law

4.15. In contrast, almost 1 in 5 of all clients of family law barristers (19%) were either “very dissatisfied” or “dissatisfied” with the explanation of the legal process given. Almost as many (18%) were “very dissatisfied” or “dissatisfied” with the final fees.

Over a third did consider using a barrister but decided against it

4.16. Just over a third (35%) of those not taking legal advice from a barrister did consider using a barrister at some point in their family law matter but decided against it. The other 65 per cent never considered this option.

4.17. For almost half (46%), it was cost issues that persuaded them not to use a barrister, ie either the barrister was considered too expensive or the individual did not have the funds to engage a barrister.

4.18. For 17 per cent it was decided that a barrister was not needed after all and 12 per cent used a solicitor instead.

Figure 8: Reasons for not using a barrister (%) ²⁷

Reasons for not using a barrister	%
Too expensive/could not afford it	46%
Not needed/found another solution	17%
Used a solicitor instead	12%
I did not go to court in the end/case did not proceed	8%
Still going through the legal process and not sure yet if needed	7%
Other reason	12%

Base: 306 adults
Source: IRN Research Online Survey of Family Law Clients, January 2017

27. Note: 306 answered. Sum exceeds 100% due to some selecting more than one answer

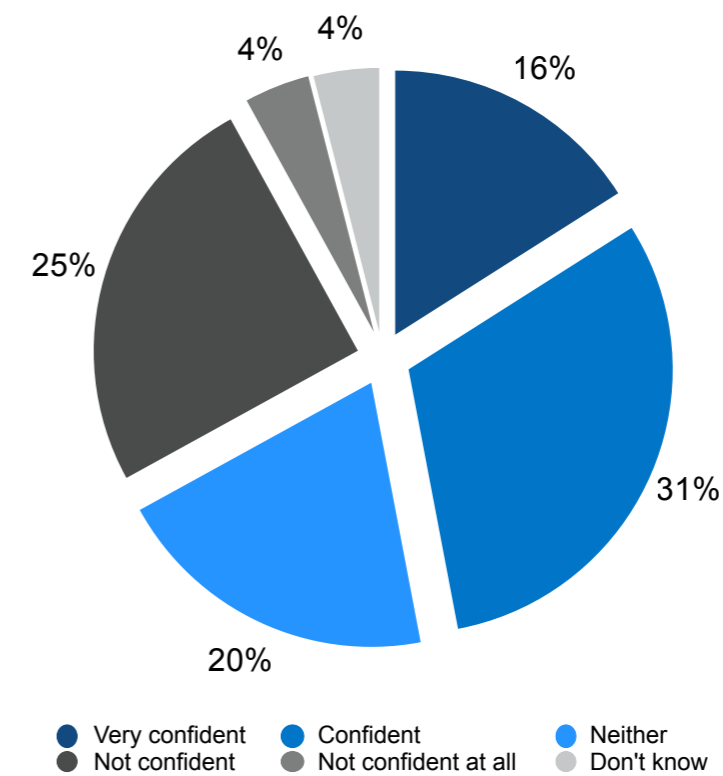
General issues

4.19. The remaining questions were asked of all the sample (ie 1,200 consumers):

Some individuals not confident about making an informed decision on advice choices

4.20. Findings from other research, including research commissioned by Law for Life²⁸ and the Ministry of Justice (MoJ)²⁹, have shown that some clients embarking on a legal matter do not always have the knowledge or enough information to make an informed decision on their legal advice options. The results from this online survey confirm this evidence to some extent.

Figure 9: Confidence levels at the start of a family law matter (%)



Base: 1,200 adults
Source: IRN Research Online Survey of Family Law Clients, January 2017

28. Law for Life (2016) Legal Needs, Legal Capability, and the Role of Public Education
29. Ministry of Justice (2015) Mapping Problem Resolution Routes for Users and Non-Users of the Civil, Administrative, and Family Justice System

4.21. A question asked “how confident were you when you started to explore the various options for family law advice that you had all the information and support you needed to make an informed decision?” Less than half of all respondents (47%) are either “very confident” (16%) or “confident” (31%) that they had all the information and support to make an informed decision. This decreases to just 12 per cent of BAME adults that are “very confident” and 30 per cent that are “confident”.

4.22. Almost a third – 29 per cent - were either “not confident” (25%) or “not confident at all” (4%) that they could make an informed decision. This increases to a combined total of 34 per cent for BAME adults with 22 per cent “not confident and 12 per cent “not confident at all”. A significantly larger percentage of BAME adults are not confident at all compared to the survey sample as a whole: 12 per cent compared to 4 per cent.

Most consumers understand direct access to barristers but see them as expensive

4.23. There are mixed findings coming from individuals relating to their understanding of some aspects of family law advice and the use of barristers but, in general, a majority had a good understanding of the way the family law sector works:

- A small majority (52%) thought that individuals have to be referred to a barrister by someone else, ie a solicitor, but a larger majority (69%) answering another question seem to understand that individuals can contact a barrister directly if they choose to;
- A majority are aware that a barrister can do more than just represent someone in court;
- There is a clear perception that barristers are more expensive than solicitors and other legal services providers with 83 per cent stating that barristers are more expensive than other legal advice providers, and
- Just over half (57%) understood that there are unregulated providers of family law legal advice as well as regulated ones like barristers and solicitors. A study by the Legal Services Board (LSB)³⁰ in 2016 concluded that many consumers were unclear about the existence of unregulated providers of legal services but a majority of those having experienced a family law issue, ie in our online survey, are much clearer about the role of unregulated providers.

30. Legal Services Board (2016) Unregulated Legal Service Providers – Understanding Supply-Side Characteristics

Figure 10: Family law statements – percentage saying true or false (%)

	True	False
Individuals can only be referred to a barrister by a solicitor, law firm, or other legal adviser	52%	48%
Individuals can contact some barristers or Barristers’ chambers directly for family law advice and services if they choose to	69%	31%
Barristers only represent an individual if they go to court and undertake no other legal advice work in family law cases	45%	55%
Barristers can do more than just represent an individual in court but there are still limits on the range of legal advice work that they can offer	78%	22%
Barristers usually charge higher fees than solicitors or other legal advisers	83%	17%
While some providers of family law services are regulated (such as barristers and solicitors) some other providers can offer family law services without being subject to any regulation	57%	43%

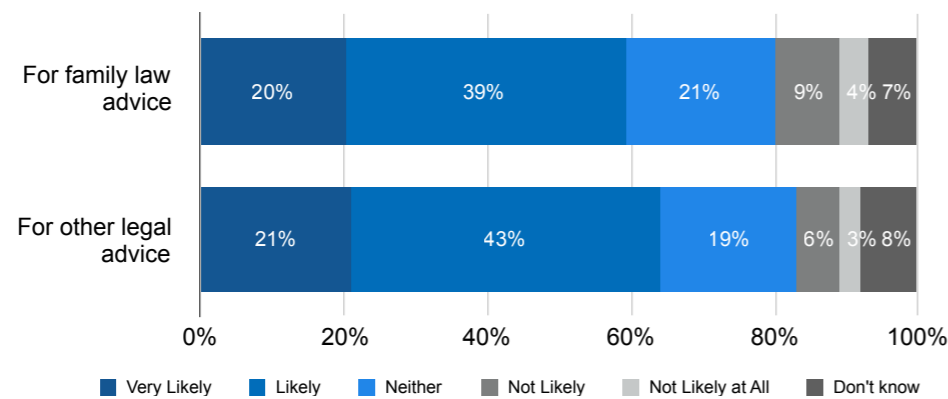
Base: 1,200 adults
Source: IRN Research Online Survey of Family Law Clients, January 2017

A clear majority would consider using a barrister in the future

4.24. The final question explained to the respondents that any individual can now go directly to a barrister, described the legal work they can undertake, and noted that some barristers now charge fees in line with the fees from other legal services providers. With these facts in mind, respondents were asked if they would be likely to consider using a barrister in future if a legal issue arose.

4.25. A clear majority (59%) would consider using a barrister for family law advice and a higher percentage (64%) would consider this option for other legal advice. Only 11 per cent offered a negative response, ie would be unlikely or very unlikely to use, for both family law or another legal matter.

Figure 11: Likelihood of using a barrister in the future (%)



Base: 1,200 adults
Source: IRN Research Online Survey of Family Law Clients, January 2017

Telephone interview results

Key points:

4.26. The key themes emerging from the telephone interviews and analysed in more detail in this section are:

- Only a small number of interviewees were completely confident that they had enough information and support to make an informed decision on their choice of legal representation;
- Most clients are referred to a barrister by their solicitor and, at the start of the legal process, most clients were not expecting to need a barrister;
- The majority of direct access clients find a barrister on the Internet;

- Most clients are satisfied with the information provided at, and the outcome of, their first consultation with the barrister, although some felt that they met with their barrister later in the process than they should have;
- Satisfaction levels with the court preparation by the barrister, representation in court, the client-barrister relationship, and the final outcome of the legal matter are all relatively high; and
- There is limited awareness of unregulated providers of legal advice and over half are also unaware of the public access scheme to access a barrister.

Type of family law matter

4.27. Virtually all those interviewed had been involved in a divorce and then faced further issues usually relating to either financial disputes, child custody/access, arguments over property, or domestic violence. The breakdown of family law issues experienced is shown in Figure 12.

Figure 12: Types of family law matter (number) ³¹

Family Law Matter	Number
Divorce and financial issues	16
Divorce and child access/custody issues	14
Divorce and property issues	10
Divorce and various issues (children, financial, property)	4
Domestic violence	4
Child sexual abuse	1
Child maintenance	1
No details provided ³²	3

Source: IRN Research Telephone Interviews of Family Law Clients, Feb – March 2017

31. Number sums to more than 50 as three interviews had dual issues (e.g. domestic violence/child custody, child custody and property)
32. Unwilling to provide details as sensitive cases

- 4.28. For half of those interviewed this family law case was the first time that they had been involved in any legal matter in their lifetime. There were nine that had gone through the legal process for another matter in the previous two years but only one of these cases was a family matter. The others were a mixture of conveyancing, wills and estate administration, personal injury, business, and employment issues. The other 16, representing almost a third of those interviewed, had dealt with a legal matter in the past ranging from four to 15 years ago.
- 4.29. There is no evidence from the interviews that those who have been involved in a previous legal matter are better equipped or informed to find legal advice. Virtually everyone went through a previous legal matter not connected to the current family matter and only a few used the same solicitor as previously with most saying that their previous legal matter was much less complicated than their family law issue. In other words, they started afresh with their family law matter and did not refer back to their previous experience.

The routes to legal advisers

- 4.30. Recommendations and internet searches were the two main routes used to find legal advice at the start of the legal process. However, there were a range of other options used. Focusing on the 37 individuals who started by turning to a solicitor, there were 10 that asked friends, relatives, and work colleagues for recommendations and the same number that looked for legal advisers on the internet. A slightly higher proportion of male interviewees used the internet compared to female interviewees. A number of individuals – six – went back to a solicitor they had personally used before and another two used their parent's solicitor.
- 4.31. Support and advice agencies, led by the Citizens Advice Bureau (three) and Women's Aid (two) were used by five, and two people found their solicitor with help from Social Services departments. All these individuals were female and in all these instances, the agency or department gave the individual a list of solicitors to choose from.
- 4.32. The remaining two individuals visited their local town to find a solicitor.

Most are referred to a barrister chosen by their solicitor

- 4.33. The online survey showed that the majority of those using a barrister were referred to the barrister by their solicitor. The feedback from the in-depth interviews provides more insights into the pivotal role of the solicitor and the limited influence clients seem to have on both the choice of barrister and how the barrister is used.
- 4.34. Almost three-quarters of interviewees were referred to a barrister by their solicitor and for almost all of these, the barrister was chosen by the solicitor and interviewees accepted this choice. The overall view was that the solicitor was the professional, had previous experience of working with barristers, and was the best one to judge the usefulness and role of a particular barrister in a specific case.

"We tried to resolve over almost a year through mediation and discussions with the grandparents/other family members but we really didn't get very far and in the end the decision was taken to deal with it in court. The solicitor chose a barrister and I was surprised that she was based in Liverpool although the case was being heard in Birmingham. But apparently she was a specialist in this area".

- 4.35. The other four individuals who were referred to a barrister by their legal adviser were offered a role in the decision to choose a barrister. In these instances, their solicitors gave them a list of barristers to choose from, in some cases with detailed biographies of the barristers, and the client made the final decision on which one to use.

"Divorce went through OK but then the financial issues became messy and we were advised by solicitor to use a barrister for the court hearings in the Family Court. We were given a choice of barristers - 4 I think - and there was a detailed biography of each one and we chose from these".

- 4.36. Most clients who are referred are not expecting to use a barrister when they start the legal process primarily because they are not expecting to go to court but later down the road it is suggested by the solicitor, usually linked to a court appearance.

"At the beginning of the process the solicitor thought it could be handled out of court but then he decided we needed to go to court and that he couldn't represent me and we would need a barrister".

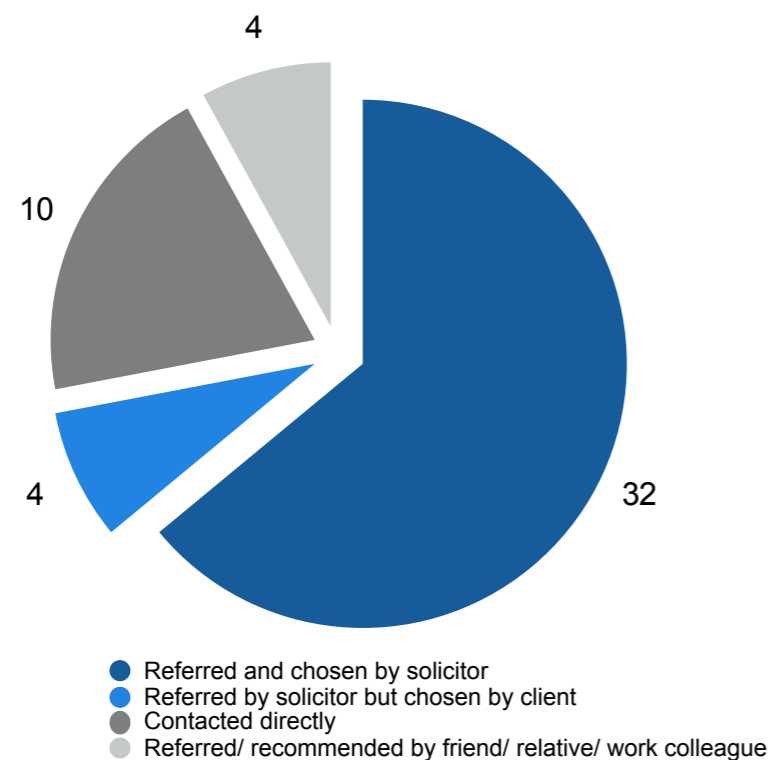
- 4.37. The central role played by the solicitor for referred clients is emphasised in answers to later questions, for example the solicitor typically sets up the first meeting with the barrister, some deal with the fee arrangements, and many keep the client up-to-date on progress.
- 4.38. Most individuals interviewed that went direct to a barrister found their barrister online via a search engine. For the largest group, a court appearance was on the horizon and they were looking specifically for representation at the hearing. Another recent study commissioned by the Bar Standards Board (BSB) confirms that the main route to finding a barrister direct is online³³. In the present study, reasons for using a barrister directly were:
- To represent them in court (4);
 - Selected a barrister at the start of the legal process (3);
 - Dropped their solicitor and switched to a barrister (1); and

33. Bar Standards Board (2017) Public and Licence Access Review

- Started the process by representing themselves in court but then decided that they needed a barrister (2).

“Originally, due to lack of funds and my feeling that I wanted to keep control of the legal issues, I was a litigant in person and represented myself in court. But I came up against various “professionals” and experts on the other side and it became harder for me to compete. I borrowed money to pay for legal advice and decided to find a barrister. Looked up barristers in TOWN on the web and found two and one seemed to have a lot of barristers working in family law and most were women. Talked to them on the phone and booked to see them”.

Figure 13: Routes to using a barrister (50 interviews)



Source: IRN Research Telephone Survey of Family Law Clients, Feb – March 2017

4.39. The other four individuals were recommended to a barrister by friends, relatives, and work colleagues. The details are as follows:

- One interviewee had a relative working in chambers but there were no suitable barristers to deal with the case where he worked. The relative gave the interviewee details of another barrister in another chambers;
- In two instances, a friend of an interviewee had used a barrister before and she passed the details to the interviewee, and

- A social acquaintance gave details of a barrister to the interviewee and she checked the individual on the Internet and then contacted the barrister direct.

“I decided it was going to end up in the Family Court at some stage so went direct to a barrister with a family law specialism. Found a Public Access website and looked at 2 or 3 on here and chose one”.

Mixed feelings about informed choices

4.40. Interviewees were asked if they had enough information and support to make informed choices about which legal advisers to use. Very few interviewees are able to say that they were completely confident about making an informed choice at the start of the process but there are exceptions:

- Most of those that had contacted support agencies first, such as the Citizen’s Advice Bureau, Women’s Aid, and Social Services, felt particularly confident in their decision making. All these were female interviewees.
- Many of those researching the options on the internet were satisfied that they had researched the options sufficiently and had enough information to make a good decision.

“I had enough I think and I felt the best place to go was the CAB. I suppose I was just choosing from a list but I assumed they would be good solicitors as listed by the CAB”.

“I think the solicitor I chose was good - they got stuck in. I admit I put my trust in them just from an Internet search but it worked”.

4.41. Gaps in confidence in making informed choices has been a recurring theme in a number of studies of consumer use of legal services (see, for example, Law for Life³⁴ and the Ministry of Justice³⁵).

4.42. In the relatively small interview sample, there is no evidence that those who have been involved in a previous legal matter are any more confident about making informed choices than those coming to the legal process for the first time. This is primarily because many of those that have been through a legal process before: have been involved in a relatively simple process, such as conveyancing or wills; previously used a different legal adviser than their current one; were involved in the legal process a number of years ago and cannot remember how they approached the process last time or how they chose their legal representative.

34. Law for Life (2016) Legal Needs, Legal Capability, and the Role of Public Education

35. Ministry of Justice (2015) Mapping Problem Resolution Routes for Users and Non-Users of the Civil, Administrative, and Family Justice System

4.43. The interview comments suggest that the majority manage to find a satisfactory or good solicitor even though they may not have spent a great deal of time or effort in researching the various options. The largest group amongst the 36 that used a solicitor to start the process followed a recommendation from another individual and a regular comment was that this was as good as any way to go forward.

“I suppose I didn’t research it extensively but my friend’s son went through a divorce and had used the same law firm and solicitor and gave them a glowing review”.

“I suppose I just went local in my choice of legal advice as this seemed the easiest thing to do and then followed what my solicitor said re the barrister. I left it to the experts”.

4.44. There are seven individuals who had clear misgivings about the information and support they had at the start and, for most of these, their solicitors failed to deliver what they expected.

“Looking back if I had known I had to use a barrister then I might not have started the process. I didn’t really investigate possible legal advice too much myself but went with a recommendation”.

“There must be a better way of doing it. I was floundering looking for someone to represent me but because my money is all in the properties and blocked by my ex no one was really interested and in the end I had to go with the only solicitor I could find who was willing to take the case on”.

“No, I was unsure how to approach it and ended up choosing someone I had used before. Probably should have chosen another solicitor as his understanding of the financial issues did not appear great. But he had been OK with the conveyancing”.

First consultation with the barrister

4.45. For most solicitor referred clients, the first consultation with the barrister was set up by the solicitor and for the majority it was set up to take place in advance of any court hearing. Virtually all of these were face-to-face meetings in the offices of the solicitor, and a few were telephone calls. However, for a minority of these clients the first time they saw their barrister was on the day of the first court hearing.

4.46. Around a third of the clients referred to a barrister by a solicitor set up their own consultation and these included meetings in chambers and telephone calls. Hardly anyone mentions difficulties in setting up this first consultation.

4.47. The overwhelming majority of clients are satisfied that their first consultation with the barrister gave them what they needed:

- Three interviewees felt concerned about the clarity of the explanation of the legal process given by the barrister. The main concern was the amount of legal jargon used;
- The fees were explained clearly for virtually everyone but a group of interviewees had already been told of the fees involved in using a barrister by their solicitor so a further conversation about fees did not arise in the barrister consultation;
- Just over half of the barristers consulted gave an indication of the likely time to complete the process but the others were less specific;
- Where applicable, clear explanations of any next steps involved were given although for referred clients these were often given by the solicitor and not the barrister, and
- Most cannot remember about being told how to make a complaint by the barrister but again a significant number did say that they had been given this information at the start of the process by their solicitor.

4.48. Overall, most clients were satisfied with the outcome of the first consultation. They received the information and advice they were expecting. However, almost a quarter had issues with the first consultation: four felt it failed to deliver enough information and these individuals were still unclear about how their case would develop and some were not confident with the barrister chosen; another three had mixed feelings and were still not convinced everything had been covered adequately; two felt that there was not enough time to cover everything and only certain areas were dealt with; two interviewees admitted that they did not know what to expect so were unsure about the usefulness of the first consultation. As well as the latter two interviewees there are a few other interviewees who found it hard to judge the quality of the first consultation as it was new to them and they could not comment on its value with confidence.

“The phone call and the first consultation made me feel confident that we were on the right course”.

“Yes definitely and all explained really well. She also put me at ease”.

“It gave me the information and advice I suppose but I was still not sure about likelihood of success. She had some interesting thoughts on how to tackle things which were useful but I did not leave the room jumping with joy”.

“Yes it did but I had the concerns that he was coming to the case as a stranger”.

“Hard to say after the first consultation as it was a complex business although she seemed to grasp everything. I had never been in this situation before so no idea if I had a good barrister or not to be honest”.

Fees

4.49. The fees to be charged by the barrister were explained to nearly everyone in the first consultation. The overwhelming majority of interviewees were able to offer some feedback on the fees quoted and in most instances the fees had already been agreed between the solicitor and the barrister and were included in the solicitor’s overall fee. A fee based on the barrister’s time (either hourly rate or daily rate) was the most often quoted option, mentioned by a third of individuals but a number of barristers were willing to be flexible and offered a reduced rate on their standard hourly or daily fee. Some interviewees note that it was their solicitor that helped them to obtain a reduced fee. Fixed fees were less commonplace but still offered by a fifth of barristers. Most fees charged to direct access clients were based on a fixed fee package but a few were based on an hourly rate. The remaining interviewees either obtained legal aid or had other options (eg, case funded externally, fee based on final settlement).

“Yes the barrister said that it was an hourly fee and set at certain number of hours to start with. Extra fees for court papers, other documents etc”.

“There was a daily rate for the barrister which was fixed but even if only there for a few hours in court then still same fee. Prior to going into court we did arrange between ourselves an agreed lower fee”.

“For a while this was a stumbling block because I could not really afford what she was proposing but in the end she agreed to a slightly smaller fee. Still higher than I wanted but OK”.

“He quoted me a fixed fee for a certain amount of work which we agreed and this included legal documents drafting, communications with ex, further consultation, and court”.

“Solicitor had said roughly what the barrister fees might be but these were not mentioned by the barrister at the consultation. To be honest I was so anxious about the court and my barrister’s limited details about the issue that I forgot to talk about fees”.

Service delivery from the barrister

4.50. While a clear majority met their barrister at a relatively early stage, once they had chosen to use that barrister, there is a minority - representing over a third of all those interviewed - that only came face-to-face with their barrister at the first court hearing. The largest group in this category had their first contact with the barrister at the court just before the court session while others met them at court after an earlier telephone consultation, or following a letter from the barrister.

4.51. This lack of an early meeting with the barrister is a recurring theme for a number of interviewees and is clearly of some concern to these interviewees. One recommendation from recent research for the Bar Standards Board³⁶ on the Public Access Scheme states that “there should be an obligation for a barrister to meet a client face-to-face at the start of the instruction”. Our findings suggest that this approach would have reassured a number of the interviewees.

4.52. The majority had an initial face-to-face consultation with the barrister and, following this, services were delivered in various ways before the first court appearance. Here are the main service delivery channels:

- Face to face meetings, documents posted;
- Face to face meetings, telephone calls, letters/documents posted;
- Face to face meetings, telephone calls, emails, letters/documents;
- Face to face meetings, telephone calls, emails;
- Written opinion based on solicitor’s information, then face to face, documents;
- Face to face meetings then straight to court;
- Telephone call, letter, and
- Telephone call, emails, letters/documents

4.53. A third of referred clients received no documentation directly from the barrister either because all the written communications were dealt with by the solicitor, or the barrister limited his or her role to representation in court.

4.54. Client care letters are required to be provided to clients who access a barrister directly via the Public Access scheme. Almost three-quarters of interviewees who used the Public Access scheme remember receiving such a letter. Of the remainder, most cannot remember and one interviewee said nothing was received.

36. Bar Standards Board (2017) Public and Licence Access Review

4.55. In contrast, just over a quarter of interviewees who were referred via a solicitor could remember receiving a client care letter from the barrister. A quarter said that they had such a letter from the solicitor at the start, a fifth stated they did not receive a client care letter from the barrister, and the remainder cannot remember.

4.56. Very few can remember being told about advisory bodies/support by their legal service provider at any time in the legal process. Only a small number of interviewees actually used advisory bodies and support agencies during the legal process.

Figure 14: Advisory agencies and support mentioned by legal advisers

	Mentioned by Adviser	Used
Citizens Advice Bureau	2	4
Womens Aid	2	2
Resolution	2	3
Fathers for Justice	-	1
Personal Support Unit	-	1
Other local agencies	3	-

Source: IRN Research Telephone Interviews of Family Law Clients, Feb – March 2017

The court experience

4.57. Almost all those interviewed are happy with the way that their barrister prepared them for going to court, explaining what would be expected from them, and representing them in court. For a number of interviewees the preparation for court with the barrister not only explained the process well but also offered reassurance, made the client less anxious, or gave the client more confidence.

“All explained well. Really impressed with how he explained it. He knew exactly what would happen and he predicted exactly what the court would say and how the proceedings would go”.

“He explained it really well and that actually made me feel less anxious about court”.

“Yes very good. I was nervous at first but actually felt much less stressed as she explained things”.

4.58. There are six that had a negative experience with the barrister at this stage with problems centred on the barrister not giving enough information about the court experience, or a lack of time to explain everything. One interviewee blamed the solicitor for not providing the barrister with enough information in advance to prepare correctly.

4.59. Another three noted that it was the solicitor, more than the barrister, that prepared them for the court experience with the barrister just acting as the advocate in court.

“I didn’t actually see the barrister in advance and it was my solicitor who gave information on what the experience would be like. Barrister added bits and pieces when we met at court”.

4.60. While most are satisfied with the way the barrister represented them in court, there are just six that felt that this representation could have been better.

“Three times in court and each time he explained clearly what would be involved and as things developed. Also something in writing re next steps after each court appearance”.

“Quite good I thought. I was a bit wary as I only met him the day before but he was good and no complaints”.

4.61. Two suggest that their barristers were “intimidated” and “too nice” while another says that her barrister was muddled and “went back and forth and was not clear”. Another two rate the performance of their barrister as only “OK”, and the other interviewee states that “the barrister did his best” but did not have enough information.

“She seemed to be sometimes intimidated by the other side”.

“Their barrister was a young lad and very aggressive, horrible actually, and really interrogating my partner in particular. I know he was probably only doing his job but it was horrible, even nasty at times. I felt our barrister was too nice and didn’t interrogate the other side anywhere near as aggressively”.

4.62. Having gone through the courts, another three people feel that the hearings were less complex than expected and that they could probably have represented themselves.

4.63. Reactions to the court experience in general range from “absolutely diabolical”, “harrowing” or “scary” through to “professional” and “less stressful than I thought” or “less complicated than expected”.

4.64. No one blames their own barrister for any poor experiences but the different experiences can be linked, to some extent, to the actions of the opposing barrister, the length of the case, the involvement of children, or deteriorating health issues experienced by a client.

"It all went quite smoothly but definitely one of the most scariest things I have done but everyone was helpful and sensitive and it was better than I thought it would be".

"I was scared at first but then the process was pretty quick. We actually waited longer for the first court session to start than the time it took to complete the session itself".

"Very good. It was a bit intimidating to start but the barrister seemed confident and all good in the end".

"Absolutely diabolical. The court was inefficient and had underestimated the time needed so there was no time for submissions at the end and they had to set up another day for this. Then consultation in writing".

"If I am honest I suffer from a lot of nervous illnesses and they made these worse. They didn't seem to listen to me. I felt like I was crushed".

Unforeseen circumstances when working with the barrister

4.65. There were some unforeseen circumstances along the way when working with the barrister for almost a third of interviewees but in only half of these instances could the surprises be attributed directly to the client/barrister relationship.

4.66. In the client/barrister relationship the most mentioned issue arising, from four individuals, is the fact that they did not see their barrister in person before the court hearing although three out of the four had other communications, mainly via telephone, with their barrister.

4.67. The most serious concern, described by two individuals, is the claim that the barrister did not have enough information about the case to provide adequate support. One individual had an unexpected change of barrister in the middle of the legal process and another individual was surprised at the communication delays that occurred between the barrister and herself.

4.68. The unforeseen circumstances that were outside the control of the barrister were:

- A longer than expected court procedure (5 individuals) with delays caused by the opposing side in three cases;
- Higher court fees than expected (1);
- More aggression in court than expected (1), and
- Child maintenance decision not set out in writing by the court (1).

Changes in any future dealings with a barrister

4.69. Fourteen interviewees suggested things that they would change in terms of their dealings with their barrister or chambers. Continuing a theme already mentioned, six suggest that they would talk to their barrister earlier in the process next time and much earlier than any court appearance. Two would make sure that they could talk to their barrister directly, and not through their solicitor, well before any court appearance.

"I think I should have gone to the barrister directly because then I could have seen her in advance of the court and I would have been able to explain the case in my own words to her and covered every issue".

"I would have probably liked to talk with the barrister on the phone but the solicitor seemed to be shielding her from me pestering her. I think I would have felt more comfortable with more chat with the barrister. I didn't really feel I had a relationship with her".

"I was very nervous the day before (the court hearing) and to be suddenly told "I have read your details this morning and will see you tomorrow" was a slight worry. On the way home in the car I remember thinking does he know what he is doing? I felt I should have seen him earlier".

4.70. Two would choose a different barrister, and two referred clients would consider going direct to a barrister next time.

4.71. On reflection, one individual decided that the process had been relatively simple and he would consider representing himself next time while another individual would be more considered in contacting the barrister next time in order not to take up too many barrister hours and fees.

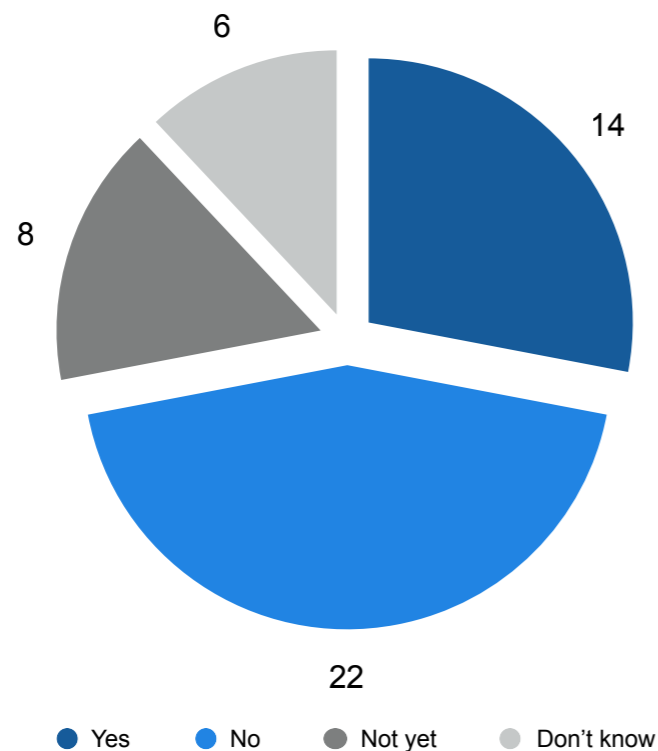
"Not really. I would use again but I would be more reserved and analytical next time rather than make so many calls that were probably not necessary".

Client feedback

4.72. Only a small number of barristers offered an opportunity for the client to provide client feedback, either formally or informally. Just over a quarter state that they were given a chance to provide feedback with almost half saying no opportunity had been given. There are some still involved in the case and feedback has not been asked for so far, and just over one in ten of all interviewees don't know or can't remember.

4.73. A slightly higher percentage of those going direct to a barrister – just over a third – have been asked to provide feedback. There is also a higher percentage of direct access clients where their case was ongoing and client feedback could be offered at the end.

Figure 15: Client feedback opportunities



Base: 50 adults
Source: IRN Research Telephone Survey of Family Law Clients, Feb – March 2017

The outcome

4.74. Around eight out of ten individuals who completed the process are satisfied with the outcome. Of the remainder, there are one in five who felt that they did not get what they wanted, or not everything they wanted. Just two individuals were completely dissatisfied with the outcome with one suggesting that she would be taking legal action against her solicitor.

4.75. For a clear majority, the final fees were in line with expectations but almost one in five faced higher fees than they were expecting. Two of these had not factored in the court fees which increased the final fee, and two others had asked for some additional work. For one client, the fee was actually lower than expected and others had obtained legal aid.

“Expensive and without my family helping me I would not have been able to take it this far. But I knew fees at start so no surprise”.

“The fees have been reasonable and not as high as I thought they might be”.

“Final fees were slightly higher than expected but probably my fault as I often felt isolated and lonely and I needed someone to talk to. So I phoned for reassurance and updates probably more often than I needed to and I was charged for these calls”.

“Fees as agreed at the start but I felt these should be reduced as my barrister who took me through most of the case was less experienced. Seemed to be overworked.”

The client/barrister relationship

4.76. In almost all instances, with just a few exceptions, the relationship with the barrister is described as good or excellent and overall client confidence with their barrister is high. Specific themes:

- The overwhelming majority agree that their barrister had a clear understanding of their legal issue. The largest group rate this understanding as “excellent” or “very good”. Only seven out of 50 are less convinced with three complaining that the barrister did not seem to listen or listened more to the solicitor. Two suggest that they needed more time;
- Most barristers are seen as approachable and sensitive to the situation with only one in ten interviewees taking the opposite view. For two interviewees the relationship with the barrister just did not work, but for the other three the main issue was that the barrister was difficult to get hold of;

- The overwhelming majority of clients generally understood what the barrister explained to them.
- Almost three-quarters of those interviewed give unequivocal support to their barristers in relation to the confidence they had in their ability to deal with their legal issue. Just over a quarter had different levels of confidence: four had limited confidence at first but it improved as the case developed; another four were relatively confident but felt that the case was straightforward anyway; four had no confidence at all in their barrister; two had confidence to start with but this dipped once the barrister was in court.

“Really satisfied with how case was handled and his approachability. For example if I needed to get in touch ASAP I had his personal number. It didn’t happen but I knew if needed he was there 24/7. Even if not available then his secretary would deal with”.

“There were a few tears along the way but I was 100% comfortable that I had a good barrister, she was very sensitive and understanding but also explained the legal issues completely to me”.

“She said she had dealt with similar cases and put me at ease. Always approachable”.

“I had confidence in her but she probably did not go over and above what the solicitor could have done in court. Maybe I was given false hope that the barrister would bring something new to the case but I could probably have just gone with the solicitor”.

“This is really difficult to answer as I was meeting with a person on the day of the court hearing that I had never met before so difficult to judge competence and how confident I was. Straightforward process and she seemed to deal with things OK”.

“She clearly knew her stuff and made us feel we were in good hands but our confidence dipped a bit in the court”.

Regulated and unregulated providers

- 4.77. The majority of those interviewed are not aware of the existence of unregulated providers of family law advice. There is a 60:40 split between those who did not know about unregulated providers and those that did. This lack of awareness was also mentioned in a study by the Legal Services Board (LSB)³⁷ of a much larger group of consumers
- 4.78. While very few can recall their barrister mentioning regulation, or the Bar Standards Board, regulation is important to most interviewees – just over half stated that they would expect their adviser to be regulated, and just under half said that they would only ever use a regulated provider - and most had assumed anyway that their barrister would have been covered by some form of regulation.

Referred and public access clients

- 4.79. Just over half of those referred to a barrister by a solicitor are not aware of the Public Access scheme where members of the public can go directly to a barrister without having to involve an instructing solicitor. There are over four out of ten that are aware but most take the view that, as they were not expecting to automatically end up in court, it is better to start with a solicitor than go straight to a barrister.

“My solicitor was excellent so even though I could go direct to a barrister I would still use the solicitor again”.

“I might consider it but costs would be a big factor and barristers are more expensive”.

“I probably would still go to solicitor first for a starting point. I wouldn’t have thought of going to a barrister as I wasn’t expecting to go to court”.

- 4.80. All the Public Access clients interviewed would be willing to take this option again if a legal issue arose where a barrister was needed. Most have finished the legal process and are clear that they would use the direct route again. One or two would use again on certain conditions. For two interviewees the fees would have to be affordable and, for the other interviewee, although her experience with her current barrister has not been great she would use the direct route again if “she researched it more thoroughly”.

37. Legal Services Board (2016) Unregulated Legal Service Providers – Understanding Supply-Side Characteristics

“100% I would go direct to a barrister from now on. I think it would have been easier for one representative to deal with everything from the divorce to court hearings and now I have used a barrister I feel that they offer the specialist knowledge across everything to deal with it all”.

“Yes, my barrister was so great that I would certainly go directly to her again and maybe ask her for a contact if she was not the one able to help”.

Words to describe the barrister

4.81. At the end of the interview, participants were asked to sum up their experience of using a barrister in one or two words. There are only a few negative descriptions: “not great”, “unacceptable”, “rubbish”, “arrogant”, “overbearing”, “weak”. These negative words come from five interviewees. There are also a few replies suggesting some less than satisfied clients: “cumbersome”, “rushed”, “inexperienced”, “unconvincing”, and “frustrating”. These are from three interviewees.

4.82. The words expressed by a clear majority are positive with the most frequently cited words being “professional”, “understanding”, “reassuring” and “excellent”. “Expensive” is also mentioned quite frequently but, where it is used it is always accompanied by a positive word. In a number of interviews, the interviewee commented that the barrister was expensive but that they knew the fees from the start. The next most frequently used words are “clear”, “confident”, “efficient” and “good”.

BAME adults

4.83. Previous studies have noted that BAME adults can have different experiences to white adults when they have to deal with a legal issue and legal representatives. Recent research from the Legal Services Consumer Panel (LSCP)³⁸ called for further research on the use of legal services by BAME adults. The online survey found that more BAME adults (compared to the survey overall) were not confident about making informed decisions when choosing a family law adviser, and the BAME population was less aware of the regulated and unregulated distinction than the survey as a whole.

4.84. The interview sample included 15 BAME adults so it is a small sample but there are one or two differences compared to the overall interview sample worth mentioning:

- More BAME adults – four in ten compared to around a third of the overall sample – felt that they were not consulted soon enough by their barrister;

- Four of the seven individuals in the overall sample turning to agencies and Social Services for initial support with their family law problem were BAME females;
- A higher proportion of BAME adults were positive about their experiences of using a barrister. None of the BAME adults had negative comments with just one BAME adult suggesting that the experience had been “frustrating”; and
- Virtually no one amongst the BAME interviewees is aware of the difference between regulated and unregulated providers.

38. Legal Services Consumer Panel (2016) Briefing Note: Experiences of Black and Minority Ethnic Groups in Legal Services

5 Summary and Conclusions

- 5.1. The percentage of individuals dealing with a family law issue that turn to a barrister for legal advice or support is relatively small and a clear majority of those that do are passed on to a barrister by their solicitor. It is the professional judgement of the solicitor that decides if and when a barrister is needed (in many cases it appears that the solicitor also deals with the court appearance and client representation in court for example). The benefits of this are that the professional expertise and the experience of the solicitor inform the decision about when the barrister becomes part of the family law process, and the solicitor's knowledge of barristers with the appropriate specialist background should lead to the right choice for the client.
- 5.2. However, there are some weaknesses in this approach which have been highlighted by the client interviews. First, the obvious point is that most clients have no involvement in the choice of their barrister or, for that matter, in the choice of barrister services used. There are a few exceptions to this where solicitors give details of a selection of appropriate barristers to their clients and then ask the client to choose one.
- 5.3. Secondly, in many instances, the solicitor is the link between the client and the barrister at the start of the relationship and this continues throughout the legal process where the barrister is involved. Inevitably, this can make it difficult for some clients to build up a direct relationship with their barrister and this in turn may impact on perceptions of the quality of service offered by the barrister, ie, not enough information is passed to the barrister by the client or about the client, or the client misunderstands or is not clear about advice and information offered by the barrister. In a few cases clients complain about not being able to consult with their barristers until the last minute, for example only on the day of the court hearing or just a few days before the hearing. Others are surprised at the lack of face-to-face contact before a court hearing: over a third of those interviewed only met their barrister on the day of the court hearing. Those suggesting changes that might have improved their relationship with their barrister focus again on the need to talk to their barrister earlier than they actually did.
- 5.4. Thirdly, there are other areas of the client and barrister relationship which are effectively dealt with by the solicitor according to some interviewees: for a significant group of referred clients the barrister's fees are incorporated into the solicitor's fees presented to the client so the client is unclear about the fees charged by the barrister; documentation from the barrister to the client can be limited and, in some cases, non-existent - with letters of engagement, client care letters and similar documents coming from the solicitor; details of any next steps in the legal process are dealt with by the solicitor and not the barrister; few clients were asked to offer direct client feedback on the services of the barrister; not many clients can remember being told about the complaints procedure by a barrister.
- 5.5. Despite all these apparent hurdles in the client and barrister relationship for referred clients, most clients are positive about the services offered by the barrister, and their experiences of using a barrister. Both the online survey results and interview feedback point to a significant majority of clients being satisfied or very satisfied with their barrister. Specifically, most of those going to court in the interview sample were very pleased with the way the barrister prepared them for court and represented them in court. Most interviewees were also confident that their barrister was able to deal with their legal matter effectively.
- 5.6. The research has shown that the percentage of family law clients using the Public Access scheme to go directly to a barrister is still relatively low. According to the online survey, only 13 per cent of family law clients use a barrister and just 12 per cent of these contacted a barrister directly. A majority from the online survey claim to be aware of the scheme but the limited use of it is likely to be due to a number of factors. First, there is a strong perception that barristers are expensive and certainly more expensive than solicitors: over eight out of ten respondents to the online survey believe that barristers are expensive plus almost half of those respondents who thought about using a barrister but changed their mind did so because they felt that they were too expensive.
- 5.7. Secondly, some individuals only associate a barrister with a court appearance and, at the start of the family law legal process, a client may have no idea if he or she is going to end up in court. This uncertainty about the path of the legal process is mentioned by a number of interviewees.
- 5.8. Thirdly, the online survey results and many interviewee comments emphasise that there are a significant number of individuals that have embarked on a family law matter with little confidence that they have enough information to make informed decisions in relation to their options for legal advice. Almost half of online survey respondents, for example, stated this. In this scenario, it is unlikely that many will make a decision to bypass the traditional legal adviser, ie a solicitor, especially if the solicitor has been recommended, and jump straight to a barrister.

- 5.9. Those that have taken the direct access route to a barrister, ie interviewees adopting this approach, generally suggest that the scheme works well for clients. Overall, there appears to be a stronger client/barrister relationship via this route which is probably inevitable given the direct links from the start. Plus:
- Direct access clients typically access a wider range of services from the barrister compared to referred clients;
 - These clients are more likely to consult with their barrister face-to-face and at an early stage in the legal process;
 - More documentation comes directly from the barrister to the client, ie client care letters, terms of agreement, services offered etc, and the client is clear how to respond and to whom;
 - Most direct access clients have a fixed fee structure for the services offered, and
 - Clients opting for direct access are more likely to be asked for their client feedback regarding the barrister compared to referred clients.
- 5.10. Despite the limited use of barristers so far by family law clients, and particularly the Public Access scheme, there are signs that more individuals will consider the use of barristers in the future. Almost six out of ten in the online survey state that they would consider using a barrister for a family law issue in the future while the positive experiences of most interviewees using a barrister suggests that these individuals would not be averse to using a barrister again. All the Public Access scheme clients interviewed would be willing to take this option again if a legal issue arose where a barrister was needed.

Annex 1. Family law online survey questions

1. Please describe the type of family law matter that you were involved in, or are still involved in? If more than one, please give details of the latest one.

2. Which of the following statements regarding your family law matter and using external legal advice apply to you? Please choose all that apply.

I used/am using a solicitor/law firm for legal advice
I used/am using a barrister/Barristers' chambers for legal advice
I used/am using another provider of legal advice
I undertook/am undertaking all the legal work associated with the case myself
I undertook/am undertaking some of the legal work associated with the case myself

I had to go/I will be going to Court and was represented/ will be represented by a solicitor
I had to go/I will be going to Court and was represented/will be represented by a Barrister
I had to go/I will be going to Court and was represented/will be represented by another person, i.e. not a solicitor or barrister
I had to go/will be going to Court and I represented myself/I will represent myself
I did not need to go to Court/I do not need to go to Court

Questions for those using a barrister

3. Which of the following statements regarding your use of a barrister apply to you? Please choose all that apply.

I used/am using a barrister for all the legal representation and advice related to my family law matter
I used/am using a barrister for some of the legal representation and advice related to my family law matter
I only used/am only using a barrister to represent me in court

4. How did you select the barrister that you used/are using for your family law issue?

I was referred to a barrister by my solicitor/law firm
I was referred to a barrister by another person, not by a solicitor
I contacted my barrister directly without going through a solicitor or law firm
This was the first time that I have used a barrister

5. On a scale of 1 to 5 where 1 is “very dissatisfied” and 5 is “very satisfied”, how satisfied were you/are you with the following aspects of the service provided by the barrister?

	Very dissatisfied	Dissatisfied	Neither	Satisfied	Very satisfied	Don't know
Clear explanation of the legal process						
Regular communications with you on progress						
Clear explanation of the fees involved						
Final fees charged						
Overall quality of service						

Questions for those not using a barrister

6. Did you consider using the services of a barrister at any time in your family law matter?

Yes

No

6a. If answered “Yes”, why did you decide not to use the services of a barrister?

Questions for all

7. On a scale of 1 to 5 where 1 is “not confident at all” and 5 is “very confident” how confident were you when you started to explore the various options for family law advice and/or services that you had all the information and support you needed to make an informed decision?

Not confident at all

Not confident

Neither

Confident

Very confident

Don't know

8. Which of the following statements relating to family law legal advice do you believe to be true?

	True	False
Individuals can only be referred to a barrister by a solicitor, law firm, or other legal advisor		
Individuals can contact some barristers or Barristers' chambers directly for family law advice and services if they choose to		
Barristers only represent an individual if they go to court and undertake no other legal advice work in family law cases		
Barristers can do more than just represent an individual in court but there are still limits on the range of legal advice work that they can offer		
Barristers usually charge higher fees than solicitors or other legal advisors		
While some providers of family law services are regulated (such as barristers and solicitors) some other providers can offer family law services without being subject to any regulation		

9. Any individual can now go directly to a barrister for legal advice and representation without having to involve anyone else (eg a solicitor). Barristers can advise you on your legal status or rights. Barristers can draft and send documents for you and can represent you in court, tribunals or mediations. Many barristers also charge fees in line with the fees charged by solicitors (including some offering a fixed fee for services). Given this information, how likely would you be to consider using a barrister for legal advice in the future if a legal issue arose?

	Not likely at all	Not likely	Neither	Likely	Very likely	Don't know
For family law advice						
For legal advice on any other legal issue						

9a. If answered “not likely at all” or “not likely” please explain why:

Annex 2. Telephone interview question themes

First, can you briefly describe the type of family law matter that you were involved in, or are still involved in? (Interviewer prompt if needed: divorce, dissolution, matter involving children, financial dispute, domestic violence).

Is this the first family law matter that you have been involved in or have there been others? If yes to others, can you give general details? Also, have you been involved in any other legal matters in the last two years and if yes can you give some general details?

Now some questions on how and why you came to use the services of a barrister:

Can you take me through the legal process from when you started to where you are now and explain a little about how you looked for legal advice and what sources you used and which legal representatives you chose to help you (Interviewer prompt if needed: any advice agencies used like CAB, solicitors, other providers of legal advice, barristers).

Why did you/are you using the services of a barrister and which areas of the legal process are they involved in? How did you select the barrister? Were you referred by another legal adviser, another individual, or did you find the barrister yourself? If the latter, how did you find and choose the barrister for you and were there any particular factors that were especially important to you in your choice of barrister?

Do you feel you had enough information and support to make informed choices about which legal advisers to use both at the start of the process and during the legal process? If not, what were the gaps?

The next set of questions considers your first consultation with the barrister:

How was the first consultation with the barrister set up, ie directly with the barrister, with clerks in chambers, others? Was it straightforward to set up the first consultation?

How and where did the first consultation take place, ie face to face, telephone, video call, email, post, other?

Please give your impressions of the usefulness of the first consultation in terms of:

- The explanation of the legal process given to you

- The explanation of various options if applicable, court, mediation, collaboration
- The explanation of fees
- The explanation of likely time to complete
- The explanation of next steps and who is doing what – was an explanation given to you about what you were expected to do?

Were you told how to make a complaint?

Overall, did this first consultation give you the information and advice you were expecting? If not, why not?

Now we turn to the legal process itself involving the barrister:

How were/are services delivered to you by the barrister, ie face-to-face consultations, telephone, email, online, post? Explore which used and which most often. Were/are they delivered in the way you want/wanted?

Are/were a) the communications and b) legal documents/letters/other documentation from the barrister or other staff (clerks or others in chambers) as clear and as regular as you want/wanted?

Can you give details of any documentation that you received from the barrister/chambers and in particular did you receive a client care letter and if so did you read it? How were the details of billings and costs given to you?

Have you been told/were you told of relevant advisory bodies/support to help you either by the barrister or others as you went through the legal process? If so, can you name these bodies and have you used any of these?

If you have been to court with your barrister can you describe how well or otherwise the barrister supported you in this experience:

How would you describe the court experience and the way the legal matter was handled generally by the court?

Have there been/were there any surprises along the way when working with the barrister (or chambers), ie changes in work done for you, demands on you, unexpected issues cropping up, fee changes? Have there been/were there any serious issues or developments arising along the way that you feel your barrister should have been aware of?

Have there been/were there opportunities for you to provide client feedback? Was this/is this a formal or informal process?

For those completing the process:

Was the final outcome what you expected?
Where final fees in line with expectations?

For all interviewees:

Is there anything you would change in relation to your dealings with the barrister (or chambers) to improve things?

A question on your general relationship with your barrister:

Can you describe the relationship between your barrister and you? For example:

Their understanding of your legal issue

Your understanding of what they told you/are telling you

Their approachability and accessibility, sensitivity to your situation

The confidence you had/have in their ability to deal with your legal issue

Almost there and now some general questions to finish:

- Barristers are regulated by the Bar Standards Board (BSB) and solicitors by the Solicitors Regulation Authority (SRA) and, as a result, both these groups of advisers have to adhere to certain professional standards. However, there are also unregulated providers of legal family law advice. Were you aware of this split between regulated and unregulated providers when you started looking for legal advice or at any time in the process? Did the barrister make it clear to you that he/she was regulated by the BSB at the start? Is it important to you that you use a regulated provider or not? Is the regulatory framework under which barristers work clearer to you now than before?
- Question for referred clients (not public access clients): Are you aware of the public access scheme to use a barrister where anyone can now go directly to a barrister without having to involve anyone else such as a solicitor.
- If yes, is there any reason why you did not use this route. If no, would you consider this option if you needed a barrister again, or would you still prefer to use the route chosen in this case? Why?
- Question for public access clients: Would you choose this route again if you had to choose a barrister? If Yes or No, ask why.

If I asked you to describe your general experience of using a barrister in one or two words what would those words be?

These are all my questions but is there anything else you would like to add or comment on?

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