

Consumer Behaviour and Attitudes towards Price and Service Transparency

A report submitted to the Bar Standards Board by
YouGov and London Economics



July 2018

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Executive Summary

Introduction

This study was commissioned by the Bar Standards Board (BSB) to explore how consumers make decisions when searching for barristers, and test how consumers respond to different methods of presenting price and service information.

Background

The Competition and Markets Authority (CMA) conducted research into the legal services market in 2016.¹ The report found that legal services consumers have difficulties in a number of areas including price/service transparency. Research suggests that consumers often have difficulty accessing and assessing price information on legal services providers' websites.²

In this context, the Bar Standards Board conducted research into the impact of price/service information on consumer understanding and decision-making, to complement the findings of previous studies on barristers' price transparency.

Research questions

The main objective of the study is to test different approaches to presenting price and service information, and how they impact consumers':

- Understanding of the choices available;
- Ability to identify cheaper, or preferred, options; and
- Confidence in making a decision.

The study also seeks to answer the following research questions:

- How do consumers make decisions in relation to choosing barristers' services?
- How are consumers' decisions affected by the way that price and/or service information is presented by barristers?
- How are decisions affected by different pricing or service models offered by barristers?

Research approach

The study's research **combined online focus groups and an online behavioural experiment.**

¹ Competition and Markets Authority (2016) Legal Services Market Study

²

http://www.legalservicesboard.org.uk/news_publications/LSB_news/PDF/2017/20171114_LSB_Publishes_Latest_Research_Into_The_Price_Of_Legal_Services.html

Approach of qualitative research

Three two-hour online focus groups (with six to eight participants each) were conducted with members of the general public who had accessed a barrister in the last 24 months, with a positive skew towards those who had done so in the last 12 months.

Approach of quantitative research

The behavioural experiment was carried out online with a nationally representative sample of 1,316 participants. The behavioural experiment tested participants’:

- Decision to compare between barristers;
- Confidence in comparing between barristers; and
- Understanding of barristers' service and pricing.

The experiment tested the following levels of disclosure of price/service information:

- **Minimum disclosure:** indicating the possible charging models (e.g. fixed fees/hourly rates);
- **Mandatory disclosure:** reflecting the BSB's potential mandatory disclosure requirements of charging model, price range by seniority level and stages of case; and
- **Discretionary disclosure:** providing the charging model and estimated fees/hourly rates broken down by stage of case and barrister seniority level.

For participants in the mandatory and discretionary disclosure groups, the experiment also tested the following ways of presenting price/service information, pre-tested in the focus groups:

- **Fixed fee:** providing ranges of estimated fixed fees by barrister seniority level, and typical stages of work in a table;
- **Hourly rate:** providing an hourly rate by barrister seniority level, estimated range of hours and typical stages of work in a table;
- **Scenario-based:** text-based presentation, providing ranges of estimated fixed fees by barrister seniority level, and typical stages of work.

Key findings

Finding a barrister

The decision to search for a barrister

The qualitative research suggests that:

- **Consumers tend to use their solicitor’s recommendation** unless they do not trust their solicitor, in which case they shop around, get other recommendations or use a public access barrister.
 - Focus group participants who used a public access barrister were more likely to report a lack of trust in their solicitor as a reason they chose to access their barrister directly.
- Those who looked for a barrister themselves did this mainly via online research and most of those who had a recommendation from their solicitor or friends / family, also did some online research to make sure they were satisfied with the recommendation.

- Often consumers **don't search because they are already under stress**.

What matters to consumers when searching for a barrister and what information do consumers search for?

- **Consumers value expertise** and a proven track record.
- **Price is less important** than expertise; however, consumers would **value price information** to help them **compare** between barristers.

What information do consumers actually receive and how easy is it to find?

- Consumers often do not find the information they are looking for on the website; instead they are given information via email or at an initial meeting.
- Consumers have mixed opinions about whether the information they receive is easy to understand. Some consumers receive clear information and worst-case scenarios that might affect costs/timescales, others find the information confusing.

How does price/service information and pricing model affect the decision to compare?

- Price/service disclosure and pricing models had no substantial impact on experiment participants' decision to compare;
- However, consumers may 'shop around' for different reasons. Specifically, consumers who are **not shown transparent information on prices**, hourly rates or likely times are **more likely to 'shop around'** because the pricing/service information is **not transparent**.
 - For example, 23 per cent of participants in the minimum disclosure treatment who compared barristers reported they did so because they could not easily understand the information they were shown, compared to 13 per cent of participants in the mandatory disclosure;
- Consumers may also find the **hourly pricing model to be more transparent than the scenario-based model**.
 - Participants in the hourly treatment were less likely to report they compared barristers because they could not easily understand the information they were shown, compared to those shown the scenario price/service information (10 per cent compared to 21 per cent).

Confidence in comparing between barristers

- **Digitally confident participants** were more likely compared to others to say they were **confident about comparing between barristers** because they could easily understand what services the barristers were offering (42 per cent of digitally confident participants, compared to 25 per cent who say they are not confident online).
- Consumers were **most confident** comparing barristers when shown **hourly pricing**, while **fixed fees may not give them the information** they need to compare:
 - For example, 41 per cent of participants shown hourly pricing said they felt confident comparing barristers because they could easily understand how long their legal work would take, compared to less than 20 per cent of participants in other pricing models.
 - 53 per cent of participants shown a fixed fee pricing model reported they were unconfident because they did not have all the information they needed to compare

between barristers, compared to 33 - 36 per cent of participants shown other pricing models.

- Consumers once again found the **minimum disclosure treatment to be the least helpful** way of showing price/service information. For example, 62 per cent of participants shown the minimum disclosure treatment reported they did not have all the information they needed to compare barristers, compared to approximately 40 per cent in the other disclosure levels.

Information needed to compare between barristers

Consumers from **potentially vulnerable** groups may have challenges finding **information needed to compare** between barristers.

- Information on **services offered by a barrister** was difficult to find for the following groups of people:
 - Less digitally confident (46 per cent of digitally unconfident participants reported this information was easy to find compared to 59 per cent of digitally confident);
 - Those with no prior experience of searching for legal services (51 per cent of participants who had not searched for legal services before said this information was easy to find, compared to 63 per cent of those who had searched for legal services);
- Lower social grade participants had relatively more difficulty compared to higher social grade participants in finding information relating to:
 - Whether the barrister was regulated: 49 per cent of lower social grade participants reported this information was easy to find, compared to 57 per cent of higher social grade participants);
 - How to complain: 58 per cent of lower social grade participants reported more difficulty finding this information compared to 66 per cent of higher social grade participants;
- Participants whose activities were at least somewhat limited by a disability reported more difficulty finding information on **how prices may vary** (44 per cent of participants with some limitations due to disability reported this information easy to find, compared to 53 per cent of participants with no such limitation).

Consumers prefer to have easily-accessible information on hourly fees and likely time to complete the work in order to compare between barristers:

- For example, 10 per cent of participants shown the minimum disclosure treatment (with no information on estimated hourly fees or number of hours taken to complete the work) reported they could easily find price information, compared to over 60 per cent of participants in other disclosures, which provided this information at least partially;
- 13 per cent of participants shown the minimum disclosure treatment reported they could easily find information on time taken to complete the work, compared to over 30 per cent of participants in other disclosures;
- 74 per cent of participants shown the hourly pricing model (which indicated hourly fees and likely time to complete the work) reported they could easily find pricing information, compared to approximately 60 per cent of participants in other pricing models which provided cost estimates.

Assessing information on quotes

Understanding price/service information

- Participants reported the **minimum disclosure treatment less easy to understand overall**, and the **hourly pricing model the easiest model** to understand.
 - For example, 27 per cent of participants shown the minimum disclosure treatment reported thinking it was easy to understand, compared to over 40 per cent of participants shown other disclosures;
 - 52 per cent of participants shown the hourly pricing model reported thinking it was easy to understand, compared to under 40 per cent of participants shown other pricing models.
- Giving consumers **prompts** to consider how timescales/costs may vary might **help them to better understand quotes**:
 - All participants were shown the same information on how timescales may vary, behind a button.³ However, participants in the discretionary disclosure treatment were shown additional upfront information mentioning timescales. 62 per cent of participants in the discretionary disclosure correctly identified information on how timescales may vary behind a button, compared to 47 per cent of participants in the mandatory disclosure.
- However, **consumers may be confused if they are given too much information**:
 - 49 per cent of participants in the discretionary disclosure treatment correctly identified which barrister was likely to be cheaper in a side-by-side comparison, compared to 57 per cent of participants in the mandatory disclosure treatment.

How does price/service information affect consumers' opinions of barristers?

- Behavioural experiment participants' **opinions** of barristers' skill, professionalism or quality of service were **not substantially affected by price/service disclosure or pricing models**.

Summary and implications

The results of the study suggest that:

- **Consumers frequently do not search**, preferring to use their solicitor's recommendation unless they do not trust their solicitor. Focus group participants using public access barristers frequently reported that they did so because they did not trust their solicitors;
- **Consumers prioritise experience over price**, and would value clear information about barristers' expertise on chambers' websites;
- However, consumers would **value transparent price information at the search stage** so they can compare between barristers;
- **Increasing transparency did not have a negative impact** on consumers' opinions of barristers' skill, professionalism or expertise;

³ Participants could click on a button to reveal text indicating that timescales for handling their work could vary and indicating the factors that may cause timescales to vary e.g. barristers' availability, case complexity etc.

Implication: Consumers value having readily-accessible information on prices and services which they can use when comparing between barristers. This information may be especially valuable for consumers who contact barristers directly, since other consumers tend to follow a trusted recommendation.

Implication: Consumers value information relating to barristers' expertise. It may be helpful to conduct research into how best to present the information (e.g. quality marks, testimonials etc.) so that consumers can understand and compare between barristers.

- Consumers did not mention searching for information relating to regulation and complaints information, and potentially vulnerable consumers may have particular difficulty finding this information. However previous research has found that consumers value the consumer protection provided by regulated providers and complaints procedures, when the protections are explained to them.

Implication: There is a general need to inform and educate legal services users, and those who use barristers specifically, about the implications of regulation and how consumers are protected. It may also be helpful to make information about regulation and consumer protection more transparent and salient on barristers' websites. This may be particularly valuable for some potentially vulnerable consumers.

- Participants in the behavioural experiment tended to find the **hourly fee pricing** model **more transparent** than other pricing models, especially scenario-based pricing, and **minimum disclosure treatment** the **least transparent** compared to either mandatory or discretionary disclosures, on a number of dimensions:
 - Information needed to compare between barristers;
 - Their confidence in comparing; and
 - Overall understanding of information.

Implication: It would help consumers to receive estimates regarding costs and timescales of work, in order to help them understand pricing/service information and compare between barristers.

Implication: Consumers prefer information on hourly fees and likely time taken to complete the work in tabular form, and find text-based price/service pricing models less transparent and easy to understand.

- However, **giving consumers too much information may confuse them**: participants who were given additional information in the discretionary disclosure treatment had more difficulty identifying the (likely) cheaper barrister in a side-by-side comparison.

Implication: It is important to carefully consider and select which information to present upfront to consumers, and which information can be 'dripped' behind pop-up buttons, or in links that consumers can click on.

1 Introduction

This report presents the results of a study on price transparency when presenting barristers' fees on websites. The study uses a combination of focus groups and a behavioural experiment to explore how consumers make decisions when searching for barristers, and tests how consumers respond to different methods of presenting price and service information.

1.1 About the Bar Standards Board

The Bar Standards Board (BSB) regulates barristers and specialised legal services businesses in England and Wales. The BSB is responsible for:

- Setting education and training requirements to:
 - Become a barrister;
 - Maintain skills throughout a barrister's career
- Setting barristers' standards of conduct;
- Monitoring barristers' services;
- Handling complaints against barristers and taking action (disciplinary or otherwise) where appropriate.

The BSB's work is largely governed by the Legal Services Act 2007.⁴ This sets out the BSB's regulatory objectives, which are:⁵

- Protecting and promoting the public interest;
- Supporting the constitutional principle of the rule of law;
- Improving access to justice;
- Protecting and promoting the interests of consumers;
- Promoting competition in the provision of services;
- Encouraging an independent, strong, diverse and effective legal profession;
- Increasing public understanding of a citizen's legal rights and duties; and
- Promoting and maintaining adherence to the professional principles.

1.2 Background

The Competition and Markets Authority (CMA) conducted research into the legal services market in 2016.⁶ The research concluded that the legal services market is not working well for individuals and small businesses. The CMA's report identified a number of areas where legal services consumers have difficulties, including pricing and service information transparency.

For example, legal services providers often do not present price information so that consumers can readily access it. Research by the Legal Services Board (LSB) suggests that only 18 per cent of

⁴ <https://www.legislation.gov.uk/ukpga/2007/29/contents>

⁵ <https://www.barstandardsboard.org.uk/about-bar-standards-board/what-we-do/the-regulatory-objectives/>

⁶ Competition and Markets Authority (2016) Legal Services Market Study

surveyed legal services providers publish their prices online.⁷ The Bar Standards Board's (BSB's) web-sweep of barristers' websites found that only six per cent published 'numerical data about fees or price structure' (BSB, 2017).⁸

Even when pricing information is easily available, consumers may not always be able to clearly understand the likely costs for a piece of legal work. IFF (2016) found that 45 per cent of surveyed consumers did not know what costs to expect before making direct contact with their legal services provider, and even if they did have an idea of what costs to expect, were more likely to report that their estimate was rough than exact.⁹

Even if consumers can access pricing and service information on barristers' websites, it may be difficult for them to assess the likely cost. Previous research (e.g. London Economics and YouGov, 2017)¹⁰ suggests that the legal services market has a number of features that can make it especially difficult for consumers to access relevant information and assess the information in order to choose the right provider for their needs. For example:

- Purchasers of legal services often need unique, bespoke services, since no one situation is exactly like another. This makes it difficult for legal services consumers to assess, for example, reasonable costs and timeframes for a piece of work;
- Consumers usually purchase legal services few times in their lives, therefore they have limited opportunities to improve their decision-making and comprehension through learning and experience. Even consumers who use legal services tend to use barristers relatively less frequently: a recent study of legal services used by consumers suggested that only six per cent of most recent legal services providers used were barristers, while most were solicitors (76%),¹¹
- Consumers often have access to barristers through their solicitors,¹² that is, they may need to go through an additional layer of searching for a legal services provider before accessing a barrister. This may potentially introduce an extra layer of complexity for consumers;
- Consumers who need legal services are often in situations of emotional distress or in a situation of vulnerability, which can make it difficult for them to advocate for themselves in a transaction;
- Legal services have credence characteristics. In credence goods, it is hard for consumers to assess the quality of a service when searching for and selecting providers, and often difficult to determine quality after the service is completed. For example, in the case of legal services a successful outcome is not necessarily directly linked to good customer care;
- Legal services are characterised by information asymmetry: consumers are usually not legal professionals and therefore do not have knowledge with which to form expectations of good quality legal service, customer care or value for money;

⁷http://www.legalservicesboard.org.uk/news_publications/LSB_news/PDF/2017/20171114_LSB_Publishes_Latest_Research_Into_The_Price_Of_Legal_Services.html

⁸ Bar Standards Board (2017), Web sweep: transparency of online price information

⁹ IFF (2016), Market study into the supply of legal services in England and Wales – consumer findings

¹⁰ London Economics and YouGov (2017), Consumer Behaviour Research: report prepared for the Law Society

¹¹ IFF (2016), Market study into the supply of legal services in England and Wales – consumer findings

¹² https://www.barstandardsboard.org.uk/media/1824703/public_and_licensed_access_review_final_report.pdf

- Reputation and word of mouth/recommendations are important in choice, or consumers may need to rely on their solicitor's recommendation for choosing a barrister; and
- Legal service providers' regulation is complex which can make it difficult for consumers to determine what their protections are and what their expectations ought to be.

In addition, consumers' decision-making can often violate 'standard' economic predictions of rational behaviour. Consumers can display 'behavioural biases', or boundedly rational behaviour. These biases can amplify consumers' difficulties in searching for barristers and making the right decision. Some relevant behavioural biases when searching for and assessing information on legal services providers include:

- **Limited attention:** Consumers often have a limited attention span. It can be difficult for them to digest a lot of information and consumers may often try to reduce their effort by taking decision-making 'short-cuts'.¹³ Consumers may tend to focus on offer features that stand out and capture their attention while ignoring important but less obvious or less salient information. For example, consumers may give up-front information more weight in decision-making than other features presented less prominently or on further detailed information pages;
- **Trust:** Consumers may make decisions e.g. the choice of a service provider, based on feelings of trust, whether for a brand or for a salesperson or advisor. Trust is particularly important in legal services because of their credence characteristics: consumers find it difficult to assess the likely quality of the service before selection, and sometimes find it difficult to determine whether they received high quality service after completion. In addition, legal services are complex and consumers often do not have the chance to learn more about them from regular use, since they purchase legal services infrequently. Previous research has indicated that trust (especially recommendations and referrals) plays a major component in the selection of legal services providers (London Economics and YouGov (2017),¹⁴ Legal Services Consumer Tracker (2017),¹⁵ Solicitors Regulation Authority (SRA, 2011).¹⁶
- **Framing effects:** Consumers are influenced in how they access and assess information depending on how the information is presented to them. This is particularly relevant for legal services since they are complex and consumers often have limited awareness of different providers, or understanding of the differences between them (The Law Society 2017).¹⁷ In addition, previous research on price transparency in solicitors' services suggests that consumers are more likely to choose a better value-for-money solicitor when pricing information is more readily available (Solicitors Regulation Authority, 2017a);¹⁸

In addition to consumer impacts, research suggests that legal services providers may also benefit from increasing price/service transparency:

¹³ Goldstein, D. G., & Gigerenzer, G. (2002). Models of ecological rationality: the recognition heuristic. *Psychological Review*, 109(1), 75-90

¹⁴ London Economics and YouGov (2017), *Consumer Behaviour Research: report prepared for the Law Society*

¹⁵ Legal Services Consumer Panel, *Legal Services Consumer Tracker 2017 data tables*

¹⁶ Solicitors Regulation Authority (2011), *Consumer attitudes towards the purchase of legal services: An overview of SRA research findings*

¹⁷ London Economics and YouGov (2017), *Consumer Behaviour Research: report prepared for the Law Society*

¹⁸ Solicitors Regulation Authority (2017a), *Price transparency in the conveyancing market*

- If consumers cannot form expectations of the likely costs for legal work, they may be discouraged from seeking legal advice because they believe it is too expensive. For example, SRA (2010) finds that 29 per cent of surveyed respondents said that the cost of legal services discouraged them from getting help with their problem.¹⁹ LSB (2013) finds that 54 per cent of respondents who did not seek legal advice even though it would have helped them, reported that cost was the barrier.²⁰
- Even if consumers do seek legal advice, they may be dissatisfied if costs do not match their expectations. In a study of consumers' and firms' experiences of first-tier complaints handling, SRA (2017b) finds that 60 per cent of surveyed consumers expect clear cost information. 26 per cent of consumers who complained explicitly identified 'excessive costs', and 20 per cent reported deficient cost information, as the reason for their complaint.²¹
- More satisfied customers are more likely to recommend their legal services providers, and higher customer satisfaction can allow firms to retain business. For example, previous research finds that the top factor for choosing a legal services provider is having used the provider before (Ipsos MORI, 2016).²² Customer retention is cost-effective for legal services providers as well, since there is evidence that it costs six to seven times more to acquire a new client than to retain one (Lawnet, 2015).²³
- Higher customer satisfaction may also help legal services providers to acquire new customers. More satisfied consumers may be more likely to recommend their provider to other people, and Ipsos MORI (2016) finds that the second-most important factor for choosing a legal services provider is recommendations from friends and family.²⁴

In this context, the CMA recommended that regulators develop new minimum standards for disclosure of price, service, redress and regulatory status, and require legal service providers to adhere to them. Following the publication of the CMA's final report, a number of consultations and studies were conducted by various regulatory bodies in the market, including the Bar Standards Board (BSB). For example:

- The Law Society undertook behavioural research to explore consumer journeys when searching for legal service providers. The study produced evidence on the type of information solicitors can most usefully provide to consumers.²⁵
- The SRA together with the Legal Ombudsman (LO) commissioned research into the effectiveness of first tier complaints handling by solicitors and uncovered that many firms

¹⁹ Solicitors Regulation Authority (2010), Consumer attitudes towards the purchase of legal services

²⁰ Legal Services Board (2013), Consumer use of legal services

²¹ Solicitors Regulation Authority (2017b), Research into the experiences and effectiveness of solicitors' first tier complaints handling processes

²² Ipsos MORI (2016), Online survey of individuals' handling of legal issues in England and Wales 2015, conducted for Legal Services Board and The Law Society

²³ Lwnet (2015), Lessons for law firms: the client experience

²⁴ Ipsos MORI (2016), Online survey of individuals' handling of legal issues in England and Wales 2015, conducted for Legal Services Board and The Law Society

²⁵ London Economics and YouGov (2017), Consumer Behaviour Research: report prepared for the Law Society

could better manage consumer expectations by providing clear and timely information, especially regarding the process of the legal work and costs.²⁶

- The SRA commissioned experimental research into price transparency in the conveyancing sector and found that consumers are more likely to make better decisions when they do not need to perform substantial effort to find pricing information.²⁷
- The BSB commissioned:
 - Mixed-methods research into the provision of legal services by barristers which found that a majority of chambers do not include price information in their marketing material, and that a substantial share of barristers find it difficult to estimate the likely cost of legal services they provide.²⁸
 - A web-sweep of price transparency in barristers' websites and found that only six per cent of websites contain numerical price information.²⁹
- The BSB undertook a consultation in response to the CMA's market study. The consultation highlighted the fact that, while the BSB agreed transparency was important, it was also important to be sensitive to the variety and complexities of barristers' services. In addition, barristers are engaged in a unique way (specifically, often being referred to consumers by other legal service providers). In its consultation response at that point, the BSB's proposed approach to implementation of pricing/service transparency recommendations would be for chambers to publish 'blended price and service information' on their websites.³⁰
- The BSB also undertook research to inform its response to the CMA's market study, including:
 - Qualitative interviews with consumer organisations and service providers;
 - An online survey of legal services consumers' perceptions and experiences of price and service transparency;
 - An evaluation of a price and service transparency pilot conducted by chambers and entities³¹; and
 - Analysis of price and service policy consultations.

The present study focuses on consumer understanding and decision making to complement the findings of previous research conducted on barristers' price and service transparency.

²⁶ Solicitors Regulation Authority (2017b), Research into the experiences and effectiveness of solicitors' first tier complaints handling processes

²⁷ Solicitors Regulation Authority (2017a), Price transparency in the conveyancing market

²⁸ Bar Standards Board (2017a), Provision of legal services by barristers

²⁹ Bar Standards Board (2017b), Web sweep: transparency of online price information

³⁰ Bar Standards Board (2017c), Response to the Competition and Market Authority's Recommendations Policy Consultation on Transparency Standards

³¹ Entities are a type of alternative business structure for barristers authorised by the BSB.

1.3 Research questions

The main objective of the study was to test different approaches to presenting information on price and service³², and how they impact consumers’:

- Understanding of the choices available;
- Ability to identify cheaper, or preferred, options; and
- Confidence in making a decision.

The study also sought to answer the following research questions:

- How do consumers make decisions in relation to choosing barrister’s services?
- How are consumers’ decisions affected by the way that price and/or service information is presented by barristers?
- How are consumer decisions affected by different pricing or service models offered by barristers?

2 Research approach

The study used a mixture of qualitative and quantitative approaches to answer the research questions. The research design, ethical issues and limitations of the approach are described in more detail below.

2.1 Research design

The study’s research combined online focus groups and an online behavioural experiment with a nationally representative sample of 1,316 consumers.

Focus groups were used for the following key purposes:

- Exploring the customer journey when searching for and choosing legal services: for example, what information sources consumers use and find important, and how well they understand pricing information;
- Pre-testing consumers’ responses to elements of the behavioural experiment, to make sure that the behavioural experiment design was robust.

Behavioural experiments were used to test consumers’ understanding and confidence in comparing between barristers, depending on:

- How price/service information was presented to them; and
- The pricing models consumers were shown.

The approach to the focus groups and behavioural experiment are described in more detail below.

³² Price information includes either an estimated cost (broken down by typical stages of work or presented for the work as a whole), or hourly fees and estimated time taken to complete the work. Service information includes tasks typically performed by barristers for a given area of law, timeframes and how costs and timescales may vary.

2.1.1 Approach of qualitative research

Three two-hour online focus groups were conducted with members of the general public who had accessed a barrister in the last 24 months, with a positive skew towards those who had done so in the last 12 months.

The objective of the groups was to understand their decision-making process of selecting a barrister, what sources of information were important and their understanding of price. The focus groups were also designed to test possible scenarios and price treatments that were used in the online behavioural experiment.

In total 22 participants took part in the online discussions across the three focus groups, which involved a synchronous text-based discussion, moderated by YouGov's qualitative researchers. Excerpts from the discussion have been used in this report and are presented verbatim. Participants covered a mix of genders, ages, location, ethnicities and social grades. Annex 1 provides a breakdown of the demographics of the people who took part in the focus groups. Participants were incentivised with a £30 Amazon voucher for their time and feedback.

2.1.2 Approach of quantitative research

The behavioural experiment was carried out online with a nationally representative sample of 1,316 participants. The objectives of the behavioural experiment were:

- Testing consumer responses to different levels of transparency of price and service information;
- Identifying consumers' preferred presentation of price and service information, from an agreed-upon, limited number of methods;
- Testing which of the presentation methods consumers found easiest to understand in terms of assessing likely cost and service delivered;
- Investigating the impact of different approaches on consumer understanding, ability to identify cheaper or preferred options, and their confidence in choosing between providers.

In the behavioural experiment, participants carried out three tasks:

- **Task A:** participants were shown 'mocked-up' pricing/service information for a fictitious barrister and decided whether to choose a barrister based on one set of information or to compare alternative barristers. This task tested the impact of different price presentation methods on participants' decision to compare between barristers.
- **Task B:** participants were shown pricing/service information for two fictitious barristers side-by-side and asked a series of questions about their confidence in making the comparison. This task tested the impact of price presentation methods on participants' confidence in comparing alternative barristers.
- **Task C:** participants were shown fictitious pricing/service information and asked a series of questions with objective 'right or wrong' answers, as well as questions about their opinions of whether the price/service presentation was easy to understand and/or contained complete information. This task tested the impact of price presentation methods on participants' understanding and opinions of price/service presentation.

Practice areas

Participants in the experiment were randomly and equally allocated to one of two practice areas: divorce and employment. These practice areas were selected because they cover a mix of:

- **Commoditised and non-commoditised elements:** For example, family law cases can either be simple or complex, and the complexity of a case can have an impact on timelines, costs and consumer expectations as discussed in previous research;³³
- **Legal experience/expertise of consumers:** in these areas, consumers may have limited expertise and therefore benefit more from the presentation of price and service information than more experienced consumers;
- **Situations of emotional distress or vulnerability** e.g. in family law or employment matters, consumers may be under strain due to financial or time constraints, or emotional distress, which can make it difficult to compare alternative providers and make the best choice for themselves;
- **Complaints:** previous research has indicated that barristers in these areas of law were more likely than average to be subject to at least one external complaint made to the BSB.³⁴ Four per cent of sampled barristers had experienced at least one external complaint between 2012 - 2014, compared to six per cent for family barristers and seven per cent for employment.

Complexity of legal situations

Before participants began experiment tasks, they were asked to imagine themselves in one of two legal situations for each practice area. The legal situations were either simple or complex.³⁵ This was done to ensure that the simulated online experiment felt realistic to participants. The legal situations were developed using desk research and consultation with the BSB and tested in the focus group. The legal situations for each practice area are displayed below.

Table 1 Simple and complex legal situations shown to participants

Practice area	Simple situation	Complex situation
Divorce	Imagine you are filing for divorce from your spouse on the grounds of incompatibility. There are two adult children who are not dependent. You have financial assets and property of £200,000 to divide, and you and your spouse have not come to an agreement regarding this split.	Imagine you are filing for divorce from your spouse on the grounds of incompatibility. There are two young children who are dependent. You have financial assets and property of approximately £500,000 to divide, and you and your spouse have not come to an agreement regarding this split.
	You are searching for a barrister to represent you in court.	You are searching for a barrister to represent you in court.
Employment	Imagine that your company has gone through a business restructuring and offered you a job – with largely the same responsibilities as the current role – with a	Imagine that you have found out that one of your colleagues gets a higher basic pay and lower performance targets than you do, even though you are both doing the same

³³ London Economics and YouGov (2017), Consumer Behaviour Research: report prepared for the Law Society

³⁴ Bar Standards Board (2016), Complaints at the Bar: An analysis of ethnicity and gender 2012-2014

³⁵ Participants were not explicitly told their situation was 'simple' or 'complex'.

	<p>wage 20 per cent lower than your current salary. You refuse and are subsequently fired.</p> <p>You are suing your former employer for unfair dismissal.</p> <p>You are searching for a barrister to represent you at the employment tribunal.</p>	<p>job and have about the same qualifications, experience and time spent at your company.</p> <p>You are suing your employer for unfair pay.</p> <p>You are searching for a barrister to represent you at the employment tribunal.</p>
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Source: London Economics

Treatments of price/service information disclosure and pricing models

The experiment tested the following levels of disclosure of price/service information:³⁶

- **Minimum disclosure:** indicating the possible charging models. Minimum disclosure is proposed to be introduced for all barristers;
- **Mandatory disclosure:** reflecting the BSB's potential mandatory disclosure requirements of charging model, price range by seniority level and stages of case. Mandatory disclosure requirements are proposed to be introduced for public access barristers in certain types of work.³⁷
- **Discretionary disclosure:** providing the charging model and estimated fees/hourly rates broken down by stage of case and barrister seniority level.

For participants in the mandatory and discretionary disclosure groups, the experiment also tested the following ways of presenting price/service information, pre-tested in the focus groups:

- **Fixed fee:** providing ranges of estimated fixed fees by barrister seniority level, and typical stages of work in a table;
- **Hourly rate:** providing an hourly rate by barrister seniority level, estimated range of hours and typical stages of work in a table;
- **Scenario-based:** text-based presentation, providing ranges of estimated fixed fees by barrister seniority level, and typical stages of work.

For example, a participant shown the 'minimum disclosure treatment' would be shown price/service presentation like the following:

³⁶ The disclosure levels and price/service information presentations were identified by the BSB from the CMA's Legal Services Market Study as being significant or highly significant


³⁷ Public access barristers can be directly approached by consumers without having to involve anyone else (e.g. a solicitor).

Figure 1 Example price/service presentation – minimum disclosure

Orchard Chambers

Orchard Chambers are a family law chambers that can provide legal representation and services covering a range of areas of family law such as dealing with contact arrangements, maintenance issues and divorce cases. Our barristers can advise you on your case and represent you in court. Below we provide information on our charging models for barristers in Orchard Chambers.

For information and estimates for fees for your case, you can contact the clerks on XXXXXX. Quotations will be provided as soon as possible. We always aim to set out quotations clearly, but please contact us after receiving your quotation if there is something you do not understand.


For more information on fees and timescales for your case, click 

Fees and Terms

Our barristers undertake cases subject to:

- Fixed fees (a fee per case or per hearing)
- Brief fee and refresher (A brief fee covers all of the preparation for a trial and the first day. A refresher is for each subsequent day of the trial)

The types of fees offered will depend on the type of case and the barrister you choose to instruct.


For more information about Orchard Chambers and how to complain, click 


Note: Participants could view text behind the 'i' button by clicking.

Source: *London Economics*

Participants who were shown the mandatory disclosure, with fixed fees, would be shown presentation as in the following figure. Note that the presentation contained information about fee ranges for senior and less senior barristers, and typical stages of the case in addition to the pricing model.

Figure 2 Example price/service presentation – mandatory disclosure (fixed fees)

Orchard Chambers	
<p>Our barristers can advise you on your claim and represent you for your divorce if you and your partner cannot reach a financial settlement. Below we provide an estimate of average fees for barristers in Orchard Chambers.</p> <p>The fees below include all preparation, a conference at court of up to an hour, negotiations and advocacy and drafting of any orders (if required).</p> <p><u>For more information on fees and timescales for your case, click </u></p> <p><u>The estimated fees for each type of barrister are indicative only and intended to enable comparison. For more accurate estimates, please contact the clerks on XXXXXX.</u></p>	
Stage of work and barrister experience level	Estimated fee
Fixed Fees - Financial Disputes in Divorce	
Barrister with less than 5 years' experience	£3,150 to £3,850
Barrister with more than 5 years' experience	£9,450 to £11,550
Fixed fees are based on the completion of all the following typical stages of divorce hearings:	
First Directions Appointment (first court hearing exchanging financial information)	
Financial Dispute Resolution hearing (second court hearing to reach a financial settlement)	
Final Hearing if no settlement was reached in the Financial Dispute Resolution (first day)	
Court appearance (all subsequent days after first day of Final Hearing)	

For more information about Orchard Chambers and how to complain, click 

Note: Participants could view text behind the 'i' button by clicking.

Source: *London Economics*

Participants who were shown the discretionary disclosure received still more information. The presentation provided information explaining:

- The difference between simple and complex cases;
- Additional information on court fees and likely timescales, and
- An indication of times/costs for each stage of a case (rather than overall, as with mandatory disclosure).


Note also that in the hourly price presentation, participants were given the hourly rate for senior and less senior barristers, rather than a fixed fee.

Figure 3 Example price/service presentation – discretionary disclosure (hourly fees)

Orchard Chambers


Our barristers can advise you on your claim and represent you for your divorce if you and your partner cannot reach a financial settlement. Below we provide an estimate of average fees for barristers in Orchard Chambers. Note that a ‘simple’ financial case refers to assets below £300,000. A ‘complex’ financial case refers to assets between £300,000 and £600,000. For assets over £600,000, please contact the clerks on XXXXXXXX.

The fees below include all preparation, a conference at court of up to an hour, negotiations and advocacy and drafting of any orders (if required). Court fees are an additional £245 to £550.
Timescales for a divorce may be 8 months (18 months if the case is complex).

For more information on fees and timescales for your case, click 

The estimated fees for each type of barrister are indicative only and intended to enable comparison. For more accurate estimates, please contact the clerks on XXXXXX.

Stage of work and barrister experience level	Hourly fees and estimated number of hours
Hourly fee	
Barrister with less than 5 years’ experience	£100
Barrister with more than 5 years’ experience	£300
Estimated number of hours	
First Directions Appointment (first court hearing exchanging financial information)	4 hours (5 hours if case is complex)
Financial Dispute Resolution hearing (second court hearing to reach a financial settlement)	5 hours (11 hours if case is complex)
Final Hearing if no settlement was reached in the Financial Dispute Resolution (first day)	7.5
Court appearance (<u>per day, for any</u> subsequent days after first day of Final hearing)	7.5

For more information about Orchard Chambers and how to complain, click 

Note: Participants could view text behind the ‘i’ button by clicking.

Source: *London Economics*


The scenario-based presentation contained text, rather than presenting information in a table.

Figure 4 Example price/service presentation – discretionary disclosure (scenario-based)

Orchard Chambers

Our barristers can advise you on your claim and represent you for your divorce if you and your partner cannot reach a financial settlement. Below we provide an estimate of average fees for barristers in Orchard Chambers. Note that a 'simple financial case refers to assets below £300,000. A 'complex' financial case refers to assets between £300,000 and £600,000. For assets over £600,000, please contact the clerks on XXXXXXXX.

The fees below include all preparation, a conference at court of up to an hour, negotiations and advocacy and drafting of any orders (if required). Court fees are an additional £245 to £550. Timescales for a divorce may be 8 months (18 months if the case is complex).

For more information on fees and timescales for your case, click 

The estimated fees for each type of barrister are indicative only and intended to enable comparison. For more accurate estimates, please contact the clerks on XXXXXX.


If your barrister has less than 5 years' experience, the hourly rate is £100. If your barrister has more than 5 years' experience, their hourly rate is £300.

If your barrister has less than 5 years' experience, they will represent you at the First Directions Appointment (first court hearing exchanging financial information) for an average fixed fee of £400 (£500 if the case is complex). If your barrister has more than 5 years' experience, they will represent you at the First Directions Appointment for an average fixed fee of £1,200 (£1,500 if the case is complex).

If your barrister has less than 5 years' experience, they will represent you at the Financial Dispute Resolution (second court hearing to reach a financial settlement) for an average fixed fee of £500 (£1,100 if the case is complex). If your barrister has more than 5 years' experience, they will second court hearing to reach a financial settlement for an average fixed fee of £1,500 (£3,300 if the case is complex).

Your barrister will agree the fixed fee with you before preparation.

If your barrister has less than 5 years' experience, they will represent you in court at the Final Hearing (if no settlement was reached in the Financial Dispute Resolution) for an average fixed fee of £750 for the first day, and an average of £750 for every day after that. If your barrister has more than 5 years' experience, they will represent you in court at the Final Hearing for an average fixed fee of £2,250 for the first day, and an average of £2,250 for every day after that.

For more information about Orchard Chambers and how to complain, click 

Note: Participants could view text behind the 'i' button by clicking.

Source: *London Economics*

For a full set of example price/service presentation, see the Technical Annex.

Participants were randomly and equally allocated across disclosure levels and price/service presentations. This was done to ensure internal validity (discussed in Section 2.3).

2.1.3 Recruitment and sampling

Qualitative sample strategy

Online focus groups were split by the type of service accessed; one group was held with those who had used public access barristers, two groups were conducted with those who had used a barrister via any route. People were recruited who had used a barrister across a range of areas of law (divorce, family, employment, immigration); those that had used a barrister for conveyancing and / or probate were excluded from the research.

Within each group, participants were recruited to include those who had used a local or national chambers. People were also recruited with a mix of satisfaction with the service accessed, a mix of self-reported legal knowledge/awareness of legal rights and a mix of digital competency.

Across all groups, people were recruited to represent a wide range of demographics - age, gender, ethnicity, social grade, education level, location, living situation and working status were taken into account. Two to three people were also included from vulnerable audiences (i.e. those living with a disability, receiving benefits / income support).

A two-pronged recruitment approach was used for the qualitative phase of this research: participants were recruited both via YouGov's online panel and via an external off-line recruiter.

Quantitative sample strategy

The strand two research was delivered through an online survey of 1,316 people in the UK. The sample was drawn from the YouGov panel of over 800,000 British adults. These people cover a wide range of socio-economic backgrounds. The panel is large enough to enable us to select nationally representative samples that reflect the actual breakdown of the population on the key demographics including age, gender, region, ethnicity, social grade, education and occupational status.

The final achieved sample of 1,316 participants was weighted³⁸ to be representative of the UK population by age, gender, education level, region and social grade. A profile of the achieved sample is contained below:

Table 2 Profile of behavioural experiment participants

Variable	Unweighted base	Weighted base
Gender		
Male	628	639
Female	639	677
Age		
18-34	323	371
35-54	408	415
55+	585	530
Social grade		
ABC1	826	750

³⁸ Weighting is a statistical technique that adjusts any bias in the achieved sample of respondents to ensure the final sample matches the known characteristics of the target population.

C2DE	490	566
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Source: YouGov

2.1.4 Approach to analysis of experiment and survey data

The following analytical techniques were used for the experiment and survey data:

- Frequency analysis: illustrating the distribution of responses to survey and experiment questions; and
- Descriptive statistics: for example, indicating whether responses to survey questions or experiment choices were statistically significantly different³⁹ depending on participants' socio-demographic group, or the price/service information presentation they were shown.
 - The most relevant analysis for the present study is a Z-test of 'difference in proportions'. The Z-test is typically used for variables with two possible response types (e.g. 'right' versus 'wrong', or 'yes' versus 'no'). This test determines whether the proportion of participants in a group (e.g. male participants) is significantly more or less likely to choose a response option, compared to participants in another group (e.g. female participants). Since most experiment tasks and questions had binary response options (e.g. compare alternative barristers or not), the analysis in the report concentrates on differences in proportions.

2.2 Ethical issues

London Economics are members of the Market Research Society (MRS) and YouGov are members of the British Polling Council, with individual team members holding MRS memberships. The research was delivered within the MRS ethical guidelines for research.

One key ethical and legal consideration when carrying out this study was to obtain the informed participation of participants. The majority of participants were drawn from the YouGov panel and have previously given their informed consent to undertake research with YouGov. The remaining participants recruited to the qualitative focus groups who were not from the YouGov panel were asked for their consent to take part in this research at the recruitment stage.

Another key consideration is a failure to adequately protect the data confidentiality of participants. YouGov takes data quality and security extremely seriously and takes all reasonable steps to ensure the safety and confidentiality of participants' records and management/administrative data provided by the client and survey data collected. YouGov is registered under the Data Protection Act 1998 (No. Z9288125 – annual expiry 24th November 2018).

2.3 Limitations

One possible limitation of experimental studies is a failure to ensure internal and external validity; key experiment design considerations.

³⁹ Confidence intervals illustrate the margin of error around reported results and are calculated for a chosen confidence level (typically 95%). The confidence level represents how 'sure' we can be that the true result lies within the confidence interval. Generally, the 95% confidence interval is calculated using the formula: Lower bound = $M - Z_{95} * \text{sig}M$; Upper bound = $M + Z_{95} * \text{sig}M$. Where M is the sample mean, Z₉₅ is the number of standard deviations extending from the mean of a normal distribution needed to include 95% of the area, and sigM is the standard error of the mean.

- Internal validity means that it must be possible to plausibly attribute any differences in outcomes to variations in experiment conditions, without confounding factors such as participant socio-demographic characteristics. This concern was addressed by randomly allocating participants across experiment conditions. Random allocation ensures that participant characteristics are uncorrelated with experiment conditions. This means that on average participant characteristics do not bias experiment outcomes, and different groups (e.g. minimum vs mandatory disclosure) can be compared in a ‘like-for-like’ manner.
- External validity means that it must be possible to extrapolate experiment outcomes to the population of interest. This was ensured in two key ways:
 - Running the survey and experiment on a nationally representative sample, which means that experiment outcomes can be generalised to the population of interest; and
 - Pre-testing experiment materials to make sure that they are realistic and ‘make sense’ to experiment participants.

3 Key findings

The box below summarises the key findings of the research. The findings are discussed in more detail in the sections below.

Box 1 Summary of key findings

The decision to search for a barrister:

The qualitative research suggests that consumers tend to use their solicitor’s recommendation unless they do not trust their solicitor, in which case they shop around, get other recommendations or use a public access barrister. Public access consumers were more likely to report a lack of trust in their solicitor as a reason they chose to access their barrister directly.

Those who looked for a barrister themselves did this mainly via online research and most of those who had a recommendation from their solicitor or friends / family, also did some online research to make sure they were satisfied with the recommendation.

Often consumers don’t search because they are already under stress.

What matters to consumers when searching for a barrister?

-Consumers value expertise and a proven track record and search for related information e.g. experience and customer testimonials.

-Consumers often worry that less expensive barristers may not be as experienced. However, consumers also often have no idea what a reasonable price should be.

-Consumers would value price information to help them compare barristers, though they frequently indicate that price is not a deciding factor.

What information do consumers actually receive and how easy is it to find?

-Consumers often do not find the information they are looking for on the website; instead they are given information via email or at an initial meeting.

-Consumers have mixed opinions about whether the information they receive is easy to understand. Some consumers receive clear information and worst-case scenarios that might affect costs/timescales, others find the information confusing.

How does price/service information affect the decision to compare?

-Price/service disclosure and pricing models had no impact on experiment participants' decision to compare.

-However, consumers who are not shown transparent information on prices, hourly rates or likely timescales may 'shop around' because the information they are shown is not transparent. For example, 23 per cent of participants in the minimum disclosure treatment reported they compared barristers because they could not easily understand the information they were shown, compared to 13 per cent of participants in the mandatory disclosure.

-Consumers may also find the hourly pricing model to be more transparent than the scenario-based model. Participants in the hourly treatment were less likely to report they compared barristers because they could not easily understand the information they were shown, compared to those shown the scenario price/service information (10 per cent compared to 21 per cent).

Confidence in comparing between barristers

-Digitally confident participants were more likely compared to others to say they were confident about comparing between barristers because they could easily understand what services the barristers were offering (42 per cent of digitally confident participants, compared to 25 per cent who say they are not confident online).

Consumers were most confident comparing barristers when shown hourly pricing, while fixed fees may not give them the information they need to compare.

-For example, 41 per cent of participants shown hourly pricing said they felt confident comparing barristers because they could easily understand how long their legal work would take, compared to less than 20 per cent of participants in other pricing models.

-Moreover, fixed fee estimates may not be sufficient information for consumers at the search stage. For example, 53 per cent of participants shown a fixed fee pricing model reported they were unconfident because they did not have all the information they needed to compare between barristers, compared to 33 - 36 per cent of participants shown other pricing models.

Consumers once again found the minimum disclosure treatment to be the least helpful way of showing price/service information. For example, 62 per cent of participants shown the minimum disclosure treatment reported they did not have all the information they needed to compare barristers, compared to approximately 40 per cent in the other disclosure levels.

Opinion on information needed to compare between barristers

Consumers from potentially vulnerable groups may have challenges finding information needed to compare between barristers.

Information on services offered by a barrister was difficult to find for the following groups of people:

-Less digitally confident (46 per cent of digitally unconfident participants reported this information was easy to find compared to 59 per cent of digitally confident);

-Those with no prior experience of searching for legal services (51 per cent of participants who had not searched for legal services before said this information was easy to find, compared to 63 per cent of those who had searched for legal services);

Lower social grade participants had relatively more difficulty finding information relating to:

-Whether the information was regulated or not: 49 per cent of lower social grade participants reported this information on whether the barrister was regulated was easy to find, compared to 57 per cent of higher social grade participants);

-How to complain: 58 per cent of lower social grade participants found complaints information easily compared to 66 per cent of higher social grade participants;

-Participants whose activities were at least somewhat limited by a disability reported more difficulty finding information on how prices may vary (44 per cent of participants with some limitations due to disability reported this information was easy to find, compared to 53 per cent of participants with no such limitation).

Consumers prefer to have easily-accessible information on hourly fees and likely time to complete the work in order to compare between barristers:

-For example, 10 per cent of participants shown the minimum disclosure treatment (with no information on estimated hourly fees or number of hours taken to complete the work) reported they could easily find price information, compared to over 60 per cent of participants in other disclosures, which provided this information at least partially;

-13 per cent of participants shown the minimum disclosure treatment reported they could easily find information on time taken to complete the work, compared to over 30 per cent of participants in other disclosures;

-74 per cent of participants shown the hourly pricing model (which indicated hourly fees and likely time to complete the work) reported they could easily find pricing information, compared to approximately 60 per cent of participants in other pricing models which provided cost estimates.

Understanding of price/service information

Participants found minimum disclosure treatment less easy to understand overall, and the hourly pricing model the easiest model to understand.

-27 per cent of participants shown the minimum disclosure treatment reported thinking it was easy to understand, compared to over 40 per cent of participants shown other disclosures;

-52 per cent of participants shown the hourly pricing model reported thinking it was easy to understand, compared to under 40 per cent of participants shown other pricing models.

Giving consumers prompts to consider how timescales/costs may vary might help them to better understand price/service information:

-All participants were shown the same information on how timescales may vary, behind a button. However, participants in the discretionary disclosure treatment were shown additional upfront information mentioning timescales. 62 per cent of participants in the discretionary disclosure correctly identified information on how timescales may vary behind a button, compared to 47 per cent of participants in the mandatory disclosure.

However, consumers may find some price/service elements more confusing if they are given too much information. 49 per cent of participants in the discretionary disclosure treatment correctly identified which barrister was likely to be cheaper in a side-by-side comparison, compared to 57 per cent of participants in the mandatory disclosure treatment.

Consumers may also better understand price information if it is presented in the form of a table rather than in blocks of text. 42 per cent of participants in the scenario-based pricing model correctly identified (at least part of) pricing/service information elements compared to 55 – 56 per cent of those participants shown the fixed or hourly pricing model.

How does price/service information affect consumers' opinions of barristers?

Behavioural experiment participants' opinions of barristers' skill, professionalism or quality of service were not substantially affected by price/service disclosure or pricing models.

3.1 Finding a barrister

3.1.1 The decision to search for a barrister

The first step in the consumer journey is deciding whether to search for a barrister. The results of the qualitative research suggest that trust in the solicitor plays an important role in whether consumers decide to search for barristers, in line with previous consumer research on consumers' decision-making when searching for legal services.⁴⁰ Trust and recommendations are linked to the consumer behavioural drivers of social norms and social proofing.⁴¹ Previous research (discussed in Section 1.2) indicates that consumers frequently take the cognitive 'short-cut' of going with a recommended, or 'socially approved' provider, rather than go through the effort of searching for a provider. Consumers frequently use decision-making 'short-cuts' or heuristics, because they frequently have a limited attention span. This type of 'short-cut' is especially widely used in the case of complex services such as financial or legal services, particularly if consumers are in a distressed or emotionally vulnerable situation.

Focus group participants reported that when they needed a barrister, they welcomed their solicitor's recommendation, unless they didn't trust their solicitor. Recommendations were especially helpful since most participants had little to no experience of using barristers and were not confident about finding and choosing one.⁴²

"It didn't take long as my solicitor had a few that they recommended and asked me to choose between two. They showed me experience and likely costs and their opinion of which might suit best.

⁴⁰ London Economics and YouGov (2017), Consumer Behaviour Research: report prepared for the Law Society

⁴¹ Wootten and Reed II (1998), Informational Influence and the Ambiguity of Product Experience: Order Effects on the Weighting of Evidence, *Journal of Consumer Psychology*. 7 (1): 79–99

⁴² The quotes presented have been lightly edited to fix spelling and grammatical errors. Otherwise quotes are presented as written.

I decided within one day of being provided the information..... I looked to my solicitor for guidance. It was not a path I was familiar with at all.” (Tim, 37, social grade B, barrister chosen by referrer)

“I took no steps. I had a solicitor, he said I needed a barrister, he provided a shortlist, I agreed with his first choice... I followed my solicitor's advice because that was what I was paying him for. I knew nothing about barristers.” (Glenys, 73, social grade A, barrister chosen by referrer)

Trusted recommendations need not come from solicitors – some focus group participants used barristers they were already aware of, or used the advice of friends and family to recommend a barrister or help them compare between them and make their selection.

“I...[sought] some advice from a member of my choir who works as [a] Solicitor” (Paul, 40, social grade C, contacted barrister directly without going through a solicitor)

Participants also said they didn't search for barristers because they were already under stress.

“I was a fish out of water and under stress” (Steve, 48, social grade C, chose barrister from options provided by referrer)

“Honestly, the whole process is so stressful and daunting, even the word 'barrister' scares me, so it was a comfort zone thing I guess” (Chris, 47, social grade C, chose barrister from options provided by referrer)

“When you're under stress and worry you look to others to help make things easier for you and taking a recommendation is what I thought would make my life and my solicitor's job easier” (Tim, 47, social grade B, barrister chosen by referrer)

On the other hand, participants who did not trust their solicitor's recommendations looked for barristers themselves, got other recommendations or used a public access barrister. Consumers who had contacted their barristers directly were more likely to indicate that they didn't trust their solicitor or were worried about 'kickbacks' or hidden relationships between their solicitor and barrister.⁴³

“I don't trust solicitors, as there could be hidden referral fees!” (Bukky, 46, social grade B, contacted barrister directly without going through solicitor)

“I think Solicitors just use the 'you scratch my back and I will scratch yours' methods” (Margaret, 58, social grade B, contacted barrister directly without going through solicitor)

“I would imagine that the solicitor probably gets a monetary reward for his recommendation - and who pays ultimately for this???” (June, 53, social grade B, contacted barrister directly without going through solicitor)

“Advantages [of using the solicitor's recommendation] - quicker, more cost effective and more efficient. Disadvantages - may prove not to have been the best option in the long run” (Joanne, 47, social grade E, referred to barrister by solicitor)

Those who looked for a barrister themselves did this mainly via online research. The focus group suggested that transparency can assist consumers to search for and compare between barristers,

⁴³ Barristers are forbidden from paying or receiving referral fees (BSB Handbook rule rC10).

even if they choose the barrister recommended by their solicitor. A number of focus group participants carried out their own search online even if they received a recommendation from their solicitor, to make sure they were satisfied with their solicitor's recommendation.

"I didn't want to be stuck with one that the solicitor had given me so I called around a few different [barristers] and gave them a brief outline of what I was looking for" (Michelle, 42, social grade C, referred to barrister by solicitor)

"My solicitor gave me a 'brochure' I said I was happy to go with her recommendation, but I did try and research the Barrister afterwards." (Chris, 47, social grade C, chose a barrister from a list of options provided by referrer)

Greater transparency may also assist consumers who do not have a solicitor or a recommendation. Some focus group participants did not have a solicitor to recommend a barrister and went with a court-appointed barrister.

"The court gave us a Barrister as we didn't have a Solicitor" (Margaret, 58, social grade C, contacted barrister directly without going through solicitor)

If consumers do not have a recommendation, greater transparency would be especially helpful when searching for and comparing between barristers.

3.1.2 What matters to consumers when searching for a barrister and what information do they search for?

Important criteria when looking for and selecting a barrister tended to include:

- Level of experience e.g. years of experience and area of specialism;
- Proven success rate / track record;
- Timescales;
- Being able to pay per hour; and
- Level of service.

"Level of experience was essential for me as I was determined to achieve the right outcome and I thought experience would help" (Joanne, 47, social grade E, referred to barrister by solicitor)

"Reassurance that the barrister had appropriate expertise in the area of law relating to my case and understood about my circumstances" (Elena, 47, social grade C, referred to barrister by solicitor)

The least important criteria tended to include:

- Location, since consumers believed most of the work would be done over email or in court.
 - However, a few participants did want the chambers to be local so they could drop paperwork in easily;
- Price, since participants tended to prioritise experience: Some participants mentioned that they didn't want to pay a low amount as they would worry that the barrister wouldn't be as experienced or successful;

“total cost not such a big factor - so long as I was prepared for it..... I didn't know what it should cost... had nothing to compare it to - just knew it would be expensive!” (Karen, 45, social grade B, contacted barrister directly without going through solicitor)

“The price was the price. As previously mentioned you want the best person for the job not to quibble over a few pounds... I had no idea of a reasonable price to be honest” (Tim, 37, social grade B, barrister chosen by referrer)

However, one reason that participants say price is a low priority may be that they have no idea what prices to expect.

“I didn't really know what a reasonable price would be. It seems every professional wants £250 an hour minimum” (Richard, 59, social grade C, contacted barrister directly without going through solicitor)

“No idea of prices” (Glenys, 73, social grade A, barrister chosen by referrer)

“I had no true idea” (Steve, 48, social grade C, chose barrister from options provided by referrer)

Participants tended to search for information related to what they thought was important in a barrister: their expertise and their likelihood of winning. For example, many participants searched for:

- A named barrister contact, so they could then do further research on their experience e.g. on LinkedIn;
- Barrister’s experience e.g. years of experience, their training, relevant specialisms, track record. Participants said they needed this information to reassure them that the barrister had a good chance of winning the case for them; and
- Customer testimonials: for reassurance about their barrister’s expertise and an idea of the process and timescales.

“I would have found more testimonials helpful (anonymised of course) but just genuine people talking or writing about their experience.....Perhaps a bit more history to them, where they studied, trained, had worked and when they made the Bar and perhaps first case” (Tim, 37, social grade B, barrister chosen by referrer)

“I was hoping to find out that they had some experience of (a) the law and (b) the particular aspect of it in which I was involved” (Glenys, 73, social grade A, barrister chosen by referrer)

Participants, especially those using a public access barrister, often followed up by calling the barrister to ask questions and get reassurance that they could deliver on what their website said.

“I just want to be sure that they can do what they say they do... that made me understand that I am speaking to the right person without wasting my money and time... It was a free 30 min consultation” (Bukky, 46, social grade B, contacted barrister directly without going through solicitor)

“I went face to face with two as they knew my contact at church” (Paul, 40, social grade C, contacted barrister directly without going through solicitor)

“I found their site on line and made a phone call. Then the barrister called me and we had a lengthy phone call outlining the case” (Joanna, 48, social grade E, referred to barrister by solicitor)

“I called as I wanted to explain my situation and make sure the person I was dealing with understood my case and I was comfortable with them before I went to meet them” (Beverly, 56, social grade B, referred to barrister by another person)

A minority (again usually using a public access barrister) wanted to meet the barrister face to face first to ensure they ‘gelled’, that they understood the service and that the barrister understood their situation and needs.

“I wanted to meet with the barrister before I made a decision. Needed to be sure we got on - gelled - and could work together.... If I had not "liked" him then I would have looked around for someone else” (June, 53, social grade B, contacted barrister directly without going through solicitor)

“I wanted to speak to the barrister face-to-face so that I could talk and have a dumbed down conversation then making it easier for me to understand details” (Valerie, 53, social grade C, contacted barrister directly without going through solicitor)

“Met face to face to explain full lengthy situation and to seek opinion on likelihood of a making a successful case...I wanted a barrister who could empathise with my case” (Ben, 45, social grade B, referred to barrister by another person)

This is consistent with the results of the behavioural experiment, where participants were asked whether they would choose a barrister based on one set of information or compare alternative barristers. Experiment participants often said they compared alternative barristers because they wanted information on the barrister’s experience, how they liked the barrister and how they felt with them.

“Still would like to know each of the companies’ experience in this field.” (Experiment participant)

“I have no experience of instructing barristers, so wanted to read more to get a feel for what I should be looking for” (Experiment participant)

Participants in the behavioural experiment also frequently used the word ‘cheaper’, indicating that they compared barristers to see if they could find a cheaper deal. This is consistent with the findings of the focus group: although participants said price wouldn’t be a deciding factor, they often said they would like to see price examples on a chambers website to get a sense of cost and be able to compare providers.

“Was hoping it would get easier and cheaper” (Experiment participant)

“Prices are not always on the site, I will like to see the prices on the website as this can be used to make decision” (Bukky, 46, social grade B, contacted barrister directly without going through solicitor)

“I think every barrister and solicitor should have a list of set prices for you to see before you go so you could shop around etc” (Michelle, 42, social grade C, referred to barrister by solicitor)

“Transparency suggests honesty and integrity” (Chris, 47, social grade C, chose barrister from list of options provided by referrer)

However, some observed that it is hard for providers to show realistic costs as price can change due to the complexity of the case.

“If it is on the website I think that people could be misled as to costs, each case is different as is the amount of work they do” (Valerie, 53, social grade C, contacted barrister directly without going through solicitor)

“I am not sure on fees [on a website] - it feels like a supermarket...and fees are so different for clients” (Zara, 43, social grade C, referred to barrister by solicitor)

3.1.3 What information do consumers receive and how easy is it to find?

Focus group participants usually did not find the information they were looking for on chambers websites. Instead, they were usually provided with information via email or at an initial meeting on:

- Timescales;
- Price estimates;
- Fact sheets; and
- Barrister contact information

Most participants reported that the barrister or clerk explained likely costs to them over the telephone or in person, confirming them in writing afterwards. Participants usually understood that timescales and costs could vary depending on whether their case was complex. However, participants had mixed opinions about whether the information was easy to understand.

“Info was very long, wordy and hard to understand. I guess this was done on purpose” (Suresh, 37, social grade A, chose barrister after conducting own research)

“No idea at all - I didn’t know the difference between a Solicitor and a Barrister to be honest” (Margaret, 58, social grade C, contacted barrister directly without going through solicitor)

“Your head is in a bit of a spin so what might seem easy, to be honest, I can’t remember whether I was told, put in letter etc” (Tim, 37, social grade B, barrister chosen by referrer)

“I had a grasp, but still it was unknown waters, so had to cross my fingers and go with the flow to some degree” (Steve, 48, social grade C, chose barrister from options provided by referrer)

“Very easy. I asked a lot of questions. Was heavily involved in the case. Barrister was very open and informed me of all stages and processes” (Ben, 45, social grade B, referred to barrister by another person)

“Reading testimonies on the website gives me an idea of how long it will take” (Bukky, 46, social grade B, contacted barrister directly without going through solicitor)

“He had a plan and gave me an idea of the worst scenarios if the other party did not get stuff on time, but once the court date was set everything ran to plan” (Beverly, 56, social grade B, referred to barrister by another person)

“I was aware that complexity drives the timelines that we would be working towards” (Joanne, 47, social grade E, referred to barrister by solicitor)

“I found the pricing structure easy. It was set out with the range at the start. I felt it was transparent albeit subject to some change depending on outcomes and 'curveballs' along the way” (Tim, 37, social grade B, barrister chosen by referrer)

3.1.4 Deciding to compare between barristers

The focus group suggests that participants would value more transparency in the search stage to help them compare between barristers. The behavioural experiment explored in more detail consumers' reasons for their decisions to compare.

In the behavioural experiment, participants were shown price/service information for a barrister and decided whether to choose the barrister based on one set of information, or to compare between barristers. After they made their decision, they were asked follow-up questions exploring why they chose to compare, or not.

89 per cent of participants in the experiment chose to compare between barristers.⁴⁴ Socio-demographic characteristics, price/service disclosure and pricing models (fixed, mandatory or scenario-based) had no significant impact on whether participants compared between barristers (see Annex 2 for more details).

However, participants shown the minimum disclosure treatment may have been prompted to compare because they thought information was the least transparent, compared to mandatory and discretionary disclosures. This may be because the minimum disclosure level contained substantially less information about pricing or likely timescales compared to other price/service disclosures (see Section 2.1.2) and focus group participants reported that they might compare barristers if prices were "vague" and not transparent.

"If the pricing structure was too vague - yes - that may make me want to shop around. I need to know what I'm getting into. I don't mind if I have to pay a high price - for the right advice - but I have to know in advance what is expected" (Karen, 45, social grade B, contacted barrister directly without going through solicitor).

Participants shown the minimum disclosure treatment were statistically significantly:⁴⁵

- More likely compared to mandatory disclosure to report they compared barristers because they could not easily understand the information they were shown. 23 per cent of participants in the minimum disclosure treatment indicated this, compared to 13 per cent of participants in the mandatory disclosure. The difference was statistically significant at a level of 95 per cent;
- Less likely compared to other disclosure levels to report they compared barristers because they could easily understand but wanted to make sure they got the best deal. 22 per cent of participants in the minimum disclosure treatment said this was why they compared barristers, compared to 45 – 46 per cent in the other disclosure levels. The difference was statistically significant at 99 per cent;
- More likely than other levels to report they needed more information to make their decision. 58 per cent of participants in the minimum disclosure treatment said this was

⁴⁴ Note that in real life, we may expect fewer consumers to compare between barristers since they often go by their solicitor's recommendation. In the behavioural experiment, participants were not given any such recommendation.

⁴⁵ Statistical significance in this context refers to researchers' confidence in rejecting the 'null hypothesis': that on average, two groups (e.g. the minimum disclosure treatment and mandatory disclosure treatment) are identical and any difference is due to random variation. A statistically significant difference between two groups means that it is very unlikely that the average difference between two groups was due to random variation. A statistical significance at 95 per cent means that there is a 5 per cent probability that the two groups are, on average, the same.

why they compared, compared to 46 per cent in the other disclosures. The difference was statistically significant at 95 per cent;

- Less likely compared to other disclosure levels to report they were confident comparing alternative barristers in the format of the original set of price/service information. 18 per cent of participants in the minimum disclosure treatment said this was why they compared barristers, compared to 32 per cent of participants in the mandatory disclosure treatment. The difference was statistically significant at 95%.

There were no significant differences between mandatory and discretionary disclosure treatments or between socio-demographic groups in reasons for comparing or not comparing between barristers (see Annex 2 for more details).

Table 3 Participants' reasons for choosing to compare alternative barristers, by price/service disclosure and pricing model

	Percentage of participants choosing response (%)				
	I could not easily understand the information I was shown and wanted to search further	I could easily understand the information I was given but wanted to make sure I got the best deal.	I felt confident comparing alternative barristers in the format of the original information	I felt I needed more information to make my decision.	Total sample
Price/service disclosure					
Minimum	23.2	21.9	18.5	58.3	170
Mandatory	12.9	44.7	31.8	45.7	511
Discretionary	18.1	45.9	28.2	45.6	506
Total	16.6	41.9	28.3	47.5	1,187
Pricing model					
Fixed	15	47	31.8	48.9	328
Hourly	9.9	46.5	31.5	47.8	347
Scenario	21.3	42.6	26.8	40.5	342
Total	16	45	30	45.7	1,017

Note: QAFF2: Why did you choose to compare alternative quotes? Please select all that apply. The behavioural experiment was conducted with 1,316 participants in the UK. In the following cases the base is smaller than 1,316: 1. Participants shown the minimum disclosure level were not split into fixed, hourly or scenario-based treatments and are excluded from the treatment type results. 2. The sample of participants who reported their disability is smaller (1,195). 3. Many subsamples are smaller than 1,316 as some participants have not given their response to the question asked e.g. 129 participants did not put "Yes" nor "No" next to the response A ("I could not easily understand the information in the quote I was shown and wanted to search further").

Source: London Economics analysis of experiment data

Participants may also find the hourly pricing model to be more transparent than the scenario-based model. Ten per cent of participants shown the hourly pricing model reported they compared barristers because they could not easily understand the information they were shown, compared to 21 per cent of participants in the scenario-based pricing model treatment. The difference was statistically significant at 99 per cent.

This is in line with the results of the focus groups, where participants frequently reported that they looked for hourly rates on chambers' websites. For example, slightly more than half of the focus

group participants indicated that they would prefer hourly fees to fixed fees. Focus group participants also found the scenario-based model too wordy, lengthy, “woolly”, “wishy washy”, vague, confusing and not clear.

“It feels like they’re hiding something” (Valerie, 53, social grade C, contacted barrister directly without going through solicitor)

“[The scenario-based pricing model has] Too many ifs, what’s and buts” (Joanne, 47, social grade E, referred to barrister by solicitor)

3.1.5 Confidence in comparing between barristers

Consumers may be prompted to compare between barristers if information is not transparent, but lack of transparency reduces their confidence in comparing between barristers and making their decision.

In the behavioural experiment, participants were shown pricing/service information for two barristers side-by-side and asked which barrister they would choose. They were then asked a number of follow-up questions about how confident they felt in making their decision and why.

On average, 43 per cent of participants reported that they felt confident or extremely confident about making their decision. The percentage of participants reporting they felt confident about comparing between barristers was not significantly different across price/service disclosure, pricing model or socio-demographic characteristics (see Annex 2 for more details).

However, participants’ reasons for feeling confident or unconfident about comparing between barristers often varied between socio-demographic groups (Table 4). For example, digitally confident participants were significantly more likely than others (42 per cent of digitally confident compared to 25 per cent who say they are not confident online) to say they were confident about comparing between barristers because they could easily understand what services the barristers were offering. The difference was statistically significant at 95 per cent.

Table 4 Participants' reasons for feeling confident about comparing between barristers, by socio-demographic group

	Percentage of participant choosing response (%)						
	I could easily understand the pricing information	I could easily understand what services the barrister was offering	I could easily understand how long my legal work would take	I could easily understand how costs might change for my legal work	I found it easy to compare between the two barristers	I had all the information I needed to compare between barristers and make my decision	Total sample
Participant socio-demographic characteristics							
Disability							
Somewhat limited	44.1	36.5	22.3	36.2	42.7	42.2	180
Not limited	52.7	41.3	25	37.9	53.4	39.4	336

	Percentage of participant choosing response (%)						
Total	49.7	39.6	24.1	37.3	49.8	40.4	516
Social grade							
A2B	51	42.5	18	36.7	54.2	32.6	187
C2DE	49.8	39.5	27	36.6	47.6	42.1	385
Total	50.2	40.3	24.5	36.6	49.4	39.4	572
Age							
18-34	48	37.1	17.9	30.5	46.7	24.8	122
35-54	55	42.4	26.1	36.2	49.3	41.1	175
55+	48	40.7	27.3	40.5	51.1	46.8	275
Total	50.2	40.3	24.5	36.6	49.4	39.4	572
Confidence in searching online							
Not confident	44.1	25	19.4	41	48.2	36.9	71
Confident	52.9	42.2	25.1	38.5	48.6	40.9	260
Total	51	38.3	23.8	39.1	48.5	40	331
Gender							
Men	49.8	40.3	23.8	36.4	47.9	40.5	277
Women	50.5	40.3	25.2	36.9	50.9	38.5	295
Total	50.2	40.3	24.5	36.6	49.4	39.4	572
Whether participant has searched for legal services							
No	49	40.5	24.8	37	48.6	39.5	466
Yes	55.1	39.4	23.4	35.1	52.8	39	106
Total	50.2	40.3	24.5	36.6	49.4	39.4	572

Note: QBFF2a: You said that you would feel confident about making a choice. Why do you think this? Please select all that apply. The behavioural experiment was conducted with 1,316 participants in the UK. In the following cases the base is smaller than 1,316: 1. Participants shown the minimum disclosure level were not split into fixed, hourly or scenario-based treatments and are excluded from the treatment type results. 2. The sample of participants who reported their disability is smaller (1,195). 3. Many subsamples are smaller than 1,316 as some participants have not given their response to the question asked e.g. 129 participants did not put “Yes” nor “No” next to the response A (“I could not easily understand the information in the quote I was shown and wanted to search further”)

Source: London Economics analysis of experiment data

Experiment participants reported they were most confident comparing barristers when shown hourly pricing, while fixed fees may not give them the information they need to compare.

41 per cent of participants in the hourly pricing treatment said they felt confident comparing barristers because they could easily understand how long their legal work would take, compared to less than 20 per cent of participants in other pricing models (Table 5). The difference was statistically significant at 99 per cent.

Table 5 Participants' reasons for feeling confident about comparing between barristers

	Percentage of participants choosing response (%)						
	I could easily understand the pricing information	I could easily understand what services the barrister was offering	I could easily understand how long my legal work would take	I could easily understand how costs might change for my legal work	I found it easy to compare between the two barristers	I had all the information I needed to compare between barristers and make my decision	Total sample
Price/service disclosure							
Minimum	33.8	37.9	10.9	27.7	25.9	24.8	62
Mandatory	57.6	45.1	24.9	34.6	55.4	37.7	255
Discretionary	47	36.1	27.7	41	49.7	45	255
Total	50.2	40.3	24.5	36.6	49.4	39.4	572
Pricing model							
Fixed	57.5	38.8	19.5	37.4	49.3	38.3	156
Hourly	52.6	41.1	41.1	40.6	54.2	43.9	186
Scenario	47.1	41.8	16.7	35.2	53.7	41.5	168
Total	52.3	40.6	26.3	37.8	52.5	41.4	510

Note: QBFF2a: You said that you would feel confident about making a choice. Why do you think this? Please select all that apply. The behavioural experiment was conducted with 1,316 participants in the UK. In the following cases the base is smaller than 1,316: 1. Participants shown the minimum disclosure level were not split into fixed, hourly or scenario-based treatments and are excluded from the treatment type results. 2. The sample of participants who reported their disability is smaller (1,195). 3. Many subsamples are smaller than 1,316 as some participants have not given their response to the question asked e.g. 129 participants did not put "Yes" nor "No" next to the response A ("I could not easily understand the information in the quote I was shown and wanted to search further")

Source: London Economics analysis of experiment data

Similarly, Table 6 indicates that participants in the fixed price/service information treatment were significantly more likely to report they were unconfident because they did not have all the information they needed to compare between barristers, compared to hourly or scenario treatments (53 per cent of participants shown fixed fee pricing models compared to 33 - 36 per cent of participants shown other pricing models). The difference was statistically significant at a level of at least 95 per cent.

Table 6 Participants' reasons for feeling unconfident about comparing between barristers

	Percentage of participant choosing response (%)						
	I could not understand the pricing information	I could not understand what services the barrister was offering	I could not understand how long my legal work would take	I could not understand how costs might change for my legal work	I found it difficult to compare between the two barristers	I did not have all the information I needed to compare between barristers and make my decision	Total sample
Price/service disclosure							
Minimum	36.5	22.2	54.2	51.2	38.1	62.3	105
Mandatory	12.5	16	39.6	39.5	33.1	41.1	244
Discretionary	14.8	21.4	45.9	32	43.9	39.9	265
Total	17.5	19.3	44.8	38.2	38.6	44.1	614
Pricing model							
Fixed	14.8	21.9	44.1	35.4	34	52.9	158
Hourly	10.4	16.2	37.9	34.1	40.3	36.5	162
Scenario	15.5	18.3	46.1	37.1	41.5	33.4	189
Total	13.7	18.8	42.9	35.6	38.7	40.5	509

Note: QBFF2a: You said that you would feel unconfident about making a choice. Why do you think this? Please select all that apply. The behavioural experiment was conducted with 1,316 participants in the UK. In the following cases the base is smaller than 1,316: 1. Participants shown the minimum disclosure level were not split into fixed, hourly or scenario-based treatments and are excluded from the treatment type results. 2. The sample of participants who reported their disability is smaller (1,195). 3. Many subsamples are smaller than 1316 as some participants have not given their response to the question asked e.g. 129 participants did not put "Yes" nor "No" next to the response A ("I could not easily understand the information in the quote I was shown and wanted to search further")

Source: London Economics analysis of experiment data

This may be because key pieces of information for consumers are barristers' hourly fee and an estimate of the number of hours taken to complete the case, as indicated by focus group participants (Section 3.1.2). While the hourly pricing model displayed this information upfront, other pricing models either did not display the information at all, or only partially when providing additional information in the discretionary disclosures (summarised in Table 7 below; see Section 2.1.2 for an illustration of the different pricing models shown to participants).

Table 7 Information on hourly fees and timescales displayed in pricing models

	Hourly pricing	Fixed fees	Scenario-based
Hourly fees	√	×	Provided in Discretionary disclosure treatment
Typical number of hours to complete the case	√	×	×

Source: London Economics

The minimum disclosure treatment was once again perceived to be the least helpful price/service disclosure, in line with focus group participants who reported that low transparency made them feel less confident about comparing between barristers. Participants shown the minimum disclosure

treatment were significantly less likely to report they were confident comparing between barristers (Table 5) because they:

- Could easily compare between barristers compared to other disclosure levels (26 per cent of participants shown the minimum disclosure treatment compared to over 50 per cent in other disclosure levels). The difference was statistically significant at 99 per cent; and
- Had all the information needed to compare between barristers, compared to those shown the discretionary disclosure (25 per cent of participants shown the minimum disclosure treatment, compared to 38 – 45 per cent shown other disclosures). The difference was statistically significant at 95 per cent.

Similarly, 62 per cent of participants shown the minimum disclosure treatment reported they were unconfident comparing between barristers because they did not have all the information they needed, compared to approximately 40 per cent of participants in other disclosure levels (Table 6).

These findings suggest that consumers value pricing information to compare between barristers, since the minimum disclosure treatment contained substantially less information than other disclosure levels on pricing and other key factors in consumers' decision-making (summarised in Table 8 below).

Table 8 Information provided in minimum, mandatory and discretionary disclosure

	Minimum disclosure	Mandatory disclosure	Discretionary disclosure
Pricing	Information provided on pricing model, but no pricing estimate	√	√
How costs might change	Indicated in general terms behind an 'i' button	Estimated costs/hourly fees provided depending on number of years of experience of the barrister Also indicated in general terms behind an 'i' button	Estimated costs/hourly fees provided depending on number of years of experience of the barrister Also indicated in general terms behind an 'i' button
Hourly fee	×	Provided for hourly pricing model	Provided for hourly and scenario-based pricing model
Estimated time taken to complete the work	×	Provided for hourly pricing model	Provided for hourly pricing model
How timescales may vary	Indicated in general terms behind an 'i' button	Provided for hourly pricing model For fixed fee and scenario-based treatments, indicated in general terms behind an 'i' button	Provided for hourly pricing model For fixed fee and scenario-based treatments, indicated in general terms behind an 'i' button

Source: London Economics

For example, participants shown the minimum disclosure treatment found their pricing/service information to be less transparent regarding:

- **Pricing:**
 - 34 per cent shown the minimum disclosure treatment reported they were confident comparing between barristers because they could easily understand pricing information, compared to 58 per cent shown the mandatory disclosure (Table 5). The difference was statistically significant at 95 per cent;
 - 37 per cent of participants shown the minimum disclosure treatment said they were unconfident comparing between barristers because they could not understand the pricing information, compared to under 15 per cent in other disclosures (Table 6**Error! Reference source not found.**). The difference was statistically significant at 99 per cent.
- **How long their legal work could take:**
 - 11 per cent of participants shown the minimum disclosure treatment said they were confident because they could easily understand how long their legal work would take, compared to 28 per cent in the discretionary disclosure (Table 5). The difference was statistically significant at 95 per cent.
- **How costs might change:**
 - 51 per cent of participants shown the minimum disclosure treatment said they were unconfident comparing between barristers because they could not understand how costs might change, compared to 32 per cent of participants shown discretionary disclosure (Table 6). The difference was statistically significant at 99 per cent.

3.1.6 Opinion on information needed to compare between barristers

Consumers may be put off from searching for or comparing between barristers if they can't find the information they need to compare. The behavioural experiment explored participants' opinions of whether it was easy to find information relevant to comparing pricing/service information and found that some information may be especially difficult for potentially vulnerable socio-demographic groups (Table 9).

Note that in many cases (e.g. services offered by a barrister, information on how to complain and whether the barrister was regulated) the information was given to all participants and the presentation did not vary across disclosure or pricing models. This suggests that information on elements such as barrister's services, regulatory status and complaints information may need to be more salient in order to help consumers, especially vulnerable consumers, to search for and choose barristers more confidently.

The behavioural experiment results suggest that:

- Information on services offered by a barrister was difficult to find for the following groups of people:
 - Less digitally confident (46 per cent of digitally unconfident participants reported this information was easy to find compared to 59 per cent of digitally confident). The difference was statistically significant at 95 per cent;
 - Those with no prior experience of searching for legal services (51 per cent of participants with no legal services search experience said this information was easy to find, compared to 63 per cent of those who had searched before). The difference was statistically significant at 95 per cent;
- Lower social grade participants said they had relatively more difficulty compared to higher social grade participants in finding information relating to:

- Whether the barrister was regulated: 49 per cent of lower social grade participants said they could easily find this information compared to 57 per cent of higher social participants). The difference was statistically significant at 95 per cent;
 - Previous research has found that consumers generally have low awareness of legal services regulation, and what it means for legal services providers to be regulated.⁴⁶ This lack of awareness may make it especially difficult for consumers to identify information relevant to regulation and consumer protection.
- How to complain: 58 per cent of lower social grade participants said they could find this information easily, compared to 66 per cent of higher social grade participants. The difference was statistically significant at 95 per cent.

Table 9 Percentage of participants saying information was easy to find, by participant socio-demographic characteristics

	Percentage of participants saying information was easy or very easy to find (%)							
	Prices	Time taken to complete the work	How prices may vary	How times taken to complete the work may vary	Services offered by the barrister	How to complain	Whether the barrister is regulated	Total sample
Participant socio-demographic characteristics								
Disability								
Somewhat limited	52	29.5	43.8	36.3	50.7	58.7	58.7	407
Not limited	58.6	29.4	52.6	40.1	54.2	62	62	788
Total	56.4	29.5	49.7	38.9	53.1	60.9	60.9	1,195
Social grade								
A2B	62.4	30.4	47.9	39	54.4	66.3	56.7	432
C2DE	55.2	29.9	51.1	39.3	52.8	57.9	49.4	884
Total	57.3	30	50.2	39.2	53.7	59.8	51.4	1,316
Age								
18-34	59.6	35.5	55.5	43	52.5	54	48.9	323
35-54	53.1	28.4	49.4	38.8	55.1	61.9	52.6	408
55+	58.9	27.5	47.1	36.6	52.3	63.2	52.1	585
Total	57.3	30	50.2	39.2	53.3	60.2	51.4	1,316
Confidence in searching online								
Not confident	59	32.3	51.5	24.3	45.9	61.4	47.4	184
Confident	57.5	33.2	53.1	21.7	59	61.5	56	521
Total	57.9	32.9	52.7	22.6	55.5	61.4	53.7	705
Gender								
Men	57.3	31.2	51.3	40.4	53.3	59.6	53.9	628
Women	57.3	28.8	49.2	37.9	53.3	60.9	49	688
Total	57.3	30	50.2	39.2	53.3	60.2	51.4	1,316
Whether participant has searched for legal services								

⁴⁶ London Economics and YouGov (2017), Consumer Behaviour Research: report prepared for the Law Society

No	56	29.3	49.9	38.9	51.4	59.5	50.1	1,095
Yes	63.5	33.4	51.7	40.7	62.9	63.8	58.2	221
Total	57.3	30	50.2	39.2	53.3	60.2	51.4	1,316

Note: The behavioural experiment was conducted with 1,316 participants in the UK. In the following cases the base is smaller than 1,316: 1. Participants shown the minimum disclosure level were not split into fixed, hourly or scenario-based treatments and are excluded from the treatment type results. 2. The sample of participants who reported their disability is smaller (1,195) 3. The sample of participants who reported their confidence level when using the internet is smaller (705).

Source: London Economics analysis of experiment data

Participants reported that information tended to be easier to find with hourly pricing models and more difficult to find with the minimum disclosure treatment (Table 10). This is consistent with participants’ reported confidence in comparing barristers (Section 3.1.5), and is also consistent with information elements that consumers reportedly find valuable when comparing between barristers: hourly fees and an idea of the time taken to complete the work (Section 3.1.2). Recall also that this information was provided upfront in the hourly pricing model, but only partially in the other pricing models (see Table 7).

Table 10 Percentage of participants saying information was easy to find, by price/service disclosure and pricing model

Percentage of participants saying information was easy or very easy to find (%)								
	Prices	Time taken to complete the work	How prices may vary	How times taken to complete the work may vary	Services offered by the barrister	How to complain	Whether the barrister is regulated	Total sample
Price/service disclosure								
Minimum	10.3	12.5	33.4	29.8	50.3	66	57	186
Mandatory	60.5	30.8	48.5	37.5	56.1	60.9	52.9	559
Discretionary	69.5	35	57.4	44	51.4	57.6	48.1	571
Total	57.3	30	50.2	39.2	53.3	60.2	51.4	1,316
Pricing model								
Fixed	60.4	27.7	52	35.9	52.6	59.3	48.5	368
Hourly	73.5	45.6	53.6	48.1	59.6	62.6	55.4	376
Scenario	61.3	25.7	53.2	38.4	49.2	55.9	47.5	386
Total	65	32.9	52.9	40.7	53.7	59.3	50.4	1,130

Note: The behavioural experiment was conducted with 1,316 participants in the UK. In the following cases the base is smaller than 1,316: 1. Participants shown the minimum disclosure level were not split into fixed, hourly or scenario-based treatments and are excluded from the treatment type results. 2. The sample of participants who reported their disability is smaller (1,195) 3. The sample of participants who reported their confidence level when using the internet is smaller (705).

Source: London Economics analysis of experiment data

The focus group findings (see Section 3.1.2) indicated that laying out transparent, easy-to-find pricing information is valuable to consumers when they are searching for barristers. This information may be especially helpful for consumers in potentially vulnerable circumstances (Table 9): participants whose activities were at least somewhat limited by a disability reported significantly more difficulty finding information on how prices may vary (44 per cent of participants with some limitation due to disability said they could easily find this information compared to 53 per cent of participants without any such limitation). The difference was statistically significant at 95 per cent.

Table 10 also suggests that consumers may find it easier to access and process information about how timescales may vary if they also have information about how long the work may take.

The behavioural experiment results also suggest that consumers may prefer to have information on hourly rates and likely times taken, rather than providing a cost estimate. Participants in the fixed fees and scenario-based pricing models were shown cost estimates, whereas those in the hourly pricing model were shown an hourly fee and estimates of how many hours the work was likely to take (see Section 2.1.2). In other words, participants shown the hourly fee would need to compute the estimated cost, rather than being shown the estimate as with the other pricing models.

We may expect participants to prefer being shown the computed estimate, but participants reported that information on prices was easier to find with the hourly pricing model. This suggests that consumers may prefer the greater transparency of being shown the likely breakdown of costs across hourly fees and time taken to complete the work.

3.2 Assessing pricing/service information

3.2.1 Understanding of price/service information

Participants found the minimum disclosure treatment significantly less easy to understand overall, and the hourly pricing model significantly the easiest model to understand. This is consistent with participants' confidence in comparing barristers (Section 3.1.5) and their ease in finding information relevant to comparing barristers (Section 3.1.6).

Table 11 Percentage of participants reporting that the pricing/service information was easy or very easy to understand overall

	Percentage of participants reporting that the pricing/service information was easy or very easy to understand (%)	Total sample
Price/service disclosure		
Minimum	26.7	186
Mandatory	44.8	559
Discretionary	42.1	571
Total	41.1	1,316
Pricing model		
Fixed	39.8	368
Hourly	51.6	376
Scenario	39.3	386
Total	43.5	1,130

Note: QCS2: Thinking of the quote you were shown, overall how easy to understand was it?. The behavioural experiment was conducted with 1,316 participants in the UK. In the following cases the base is smaller than 1,316: 1. Participants shown the minimum disclosure level were not split into fixed, hourly or scenario-based treatments and are excluded from the treatment type results. 2. The sample of participants who reported their disability is smaller 3. The sample of participants who reported their confidence level when using the internet is smaller

Source: London Economics analysis of experiment data

However, participants' subjective opinions of pricing/service presentation did not always match up with their ability to understand them. The behavioural experiment assessed participants' objective comprehension of pricing/service information in a number of ways:

- Questions about bill elements with objectively 'right or wrong' answers; and

- Testing participants' ability to compare two barristers side-by-side and identify which was the cheaper.

The behavioural experiment results suggest that giving consumers more information may not always help them understand barristers' pricing/service information. For example, participants who were shown the discretionary disclosure (with additional information about how timescales and costs may vary) were significantly less likely, compared to other disclosure levels, to:

- Get at least half the 'objective comprehension' questions correct; and
- Identify the likely cheaper barrister in a side-by-side comparison.

Objective comprehension of pricing/service information elements

The behavioural experiment tested participants' comprehension of pricing/service information elements by asking three questions with objectively 'right or wrong' answers. Overall, providing participants with more information did not help them to identify information elements more often: participants shown the discretionary disclosure were significantly:

- More likely to get up to half of the maximum possible score on the questions: for example, 81 per cent of participants in the discretionary disclosure treatment got up to 1.5 out of a maximum of 3,⁴⁷ compared to 34 per cent of participants shown the minimum disclosure treatment. The difference was statistically significant at 99 per cent;
- Less likely to score more than 50 per cent of the highest possible score. For example, 19 per cent of participants shown the discretionary disclosure treatment scored more than 1.5 out of a maximum of 3, compared to 66 per cent of participants shown the minimum disclosure treatment, and 56 per cent of those shown the mandatory disclosure treatment. The difference was statistically significant at 99 per cent.

Table 12 Participants' scores in objective comprehension task, by price/service disclosure and pricing model

	Percentage of participants with score - out of a maximum of 3 (%)			Total sample
	0	0.5 to 1.5	More than 1.5	
Price/service disclosure				
Minimum	18.1	15.5	66.4	186
Mandatory	19.4	24.8	55.8	559
Discretionary	25.1	55.7	19.1	571
Total	21.7	36.9	41.4	1,316
Pricing model				
Fixed	26.1	37.1	36.8	368
Hourly	18.9	48.2	32.8	376
Scenario	21.8	36.1	42.1	386
Total	22.3	40.4	37.3	1,130

Note: The behavioural experiment was conducted with 1,316 respondents in the UK. In the following cases the base is smaller than 1,316: 1. Respondents shown the minimum disclosure level were not split into fixed, hourly or scenario-based treatments and are

⁴⁷ On one of the questions participants could score a half point. Therefore scores in the objective comprehension task could include 0.5, 1.5 and 2.5 as well as 0,1,2 and 3.

excluded from the treatment type results. 2. The sample of respondents who reported their disability is smaller 3. The sample of respondents who reported their confidence level when using the internet is smaller

Source: London Economics analysis of experiment data

However, the aggregate score presented in Table 12 should be interpreted cautiously. This is because pricing/service information varied across disclosure treatments. Participants in the minimum disclosure treatment received the least information, and participants in the discretionary disclosure received the most information (see Table 8). Therefore, depending on the disclosure treatment, participants did not always have the information needed to answer the objective comprehension questions. For example, participants in the minimum disclosure treatment did not have the information to answer two out of three questions. In this case, the correct answer was to report that the information they were shown did not include the answer.

However, some participants may have selected this response option 'blindly'. For example, 52 per cent of participants selected the response option 'The information shown does not include this' for at least one of the objective comprehension questions, of whom 73 per cent were shown the minimum disclosure and mandatory disclosure treatments. Therefore, participants could score high in the objective comprehension questions if they selected this response option without reading the pricing/service information, even if they did not actually understand the information they were shown.

Therefore, in order to assess the impact of price/service information on objective understanding, we now focus on a question which all participants had the information to answer correctly.

Participants were asked to identify which factors were explicitly mentioned in the pricing/service information shown as influencing the timescales for a case. All participants were given this information, which was placed behind an 'i' button that participants could click on. However, participants who were shown the discretionary disclosure treatment were also shown some upfront text about how timescales may vary, which was not shown to participants in the other disclosures (see Section 2.1.22.1.4 for an illustration of the pricing/service information shown to participants). Participants could score half a point for the question if they correctly identified one factor that was explicitly mentioned in the pricing/service information and scored the full point if they correctly identified both factors.

Focussing on this question presents a contrasting story, where participants shown the discretionary disclosure treatment were significantly more likely to currently answer the question compared to those in the mandatory disclosure treatment. 62 per cent of participants shown the discretionary disclosure treatment (who were also shown additional upfront text relating to case timescales) correctly identified at least one of the factors affecting timescales, compared to 47 per cent of participants in the mandatory disclosure treatment. The difference was statistically significant at 99 per cent.

This suggests that prompting consumers to think about relevant features of their case may help them to better understand pricing/service information elements. Carefully-selected text informing consumers about how costs and timescales may vary may be especially helpful for legal services consumers. Legal work is complex and previous research indicates that consumers are often in a position of information asymmetry i.e. their legal services provider has more information than they

do.⁴⁸ Focus group participants pointed out that they often did not have any idea of what factors may affect timings, work and costs.

Consumers may also better understand price information if it is presented in the form of a table rather than in blocks of text. 42 per cent of participants in the scenario-based pricing model correctly identified (at least part of) pricing/service information elements compared to 55 – 56 per cent of those participants shown the fixed or hourly pricing model. The difference was statistically significant at 99 per cent.

These results are consistent with the findings of the focus group, where participants indicated they found the scenario-based presentation opaque and ‘woolly’. The results are also in line with previous consumer research conducted in retail electricity markets, where consumers were more likely to understand marketing and pre-contractual material if it were presented in a simple, striking manner.⁴⁹

Table 13 Participants' scores in objective comprehension (information given to all participants), by price/service disclosure and pricing model

	Percentage of participants with score - out of a maximum of 1 (%)			Total sample
	0	0.5	1	
Price/service disclosure				
Minimum	44.4	30	25.6	186
Mandatory	53.1	22.9	24	559
Discretionary	38.2	42.9	18.9	571
Total	45.4	32.5	22	1,316
Pricing model				
Fixed	44.9	32.5	22.5	368
Hourly	44.5	34.2	21.4	376
Scenario	47.2	21.4	20.5	386
Total	45.6	33	21.5	1,130

Note: The behavioural experiment was conducted with 1,316 respondents in the UK. In the following cases the base is smaller than 1,316: 1. Respondents shown the minimum disclosure level were not split into fixed, hourly or scenario-based treatments and are excluded from the treatment type results. 2. The sample of respondents who reported their disability is smaller 3. The sample of respondents who reported their confidence level when using the internet is smaller

Source: London Economics analysis of experiment data

Identifying the likely lower estimated cost

The behavioural experiment also tested participants' ability to compare between two sets of pricing/service information and identify the likely lower estimated fee. Participants were shown two sets of pricing/service information side-by-side, asked which they would choose and why. The information was designed such that one had a lower estimated cost than the other. The behavioural experiment could test whether participants:

- Could identify the (likely) lower estimated cost;

⁴⁸ Solicitors Regulation Authority (2017b), Research into the experiences and effectiveness of solicitors' first tier complaints handling processes

⁴⁹ London Economics, Ipsos and Deloitte (2016), Second Retail Electricity Market Study, report prepared for the European Commission

- Were consistent in their choices i.e. whether participants:
 - reported that they chose the barrister they did because they were likely to be cheaper; and
 - Correctly identified the (likely) cheaper estimated cost.

The experiment results indicate that providing consumers with additional information may sometimes confuse them. Participants who were shown the discretionary disclosure were significantly less likely than those shown the mandatory disclosure treatment to:

- Identify which barrister’s estimated cost was likely to be lower (Table 14): 48.5 per cent of participants shown the discretionary disclosure correctly identified the likely cheaper barrister, compared to 57 per cent of those shown the mandatory disclosure. The difference was statistically significant at 95 per cent.
- Choose the (likely) cheaper barrister when they said their chosen barrister was the cheaper one (Table 15). 60 per cent of participants shown the discretionary disclosure reported their chosen barrister was likely cheaper and correctly identified the likely cheaper barrister, compared to 71.5 per cent of those shown the mandatory disclosure treatment. The difference was statistically significant at 95 per cent.

This finding is consistent with previous consumer research which has identified consumers’ tendency to suffer from ‘information overload’.⁵⁰ In the discretionary disclosure treatment, participants were shown fees/hours broken down by stage of work, whereas in the mandatory disclosure treatment participants were shown a single range of hours/fees. Consumers have difficulty processing lots of information, and providing more information can sometimes be harmful to consumers, preventing them from making better decisions.^{[51][52]} Therefore, it is important to carefully judge which information to present upfront to consumers, and which information can be placed behind ‘information’ buttons or can be presented at a later stage.

Table 14 Percentage of participants who identified the barrister who was likely to be cheapest

	Percentage who correctly identified the barrister likely to be cheaper (%)	Total sample
Price/service disclosure		
Mandatory	57.3	559
Discretionary	48.5	571
Total	53.5	1,316
Pricing model		
Fixed	51.3	368
Hourly	53.3	376
Scenario	54	386
Total	52.9	1,130

Note: QBFF1b: Why did you choose the barrister you selected? Examined answer: The chambers I chose were cheaper. In the following cases the base is smaller than 1,316: 1. Respondents shown the minimum disclosure level were not split into fixed, hourly or scenario-

⁵⁰ Jacoby, Speller and Berning (1974), Brand Choice Behavior as a Function of Information Load: Replication and Extension, Journal of Consumer Research, Vol. 1, No. 1 (Jun., 1974), pp. 33-42

⁵¹ London Economics (1997), Consumer Detriment under Conditions of Imperfect Information, prepared for the Office of Fair Trading

⁵² Della Vigna (2009) ‘Psychology and Economics: Evidence from the Field’

based treatments and are excluded from the treatment type results. 2. The sample of respondents who reported their disability is smaller 3. The sample of respondents who reported their confidence level when using the internet is smaller (381). Participants shown the minimum disclosure treatment are dropped from the table since they had no information to identify which barrister was likely to be cheaper.

Source: London Economics analysis of experiment data

Table 15 Percentage of participants who correctly identified the cheaper barrister when they said their chosen barrister was cheapest

	Inconsistent in their choice	Reported their chosen barrister was cheaper; incorrectly identified likely cheaper barrister	Reported their chosen barrister was cheaper; correctly identified likely cheaper barrister	Total sample
Price/service disclosure				
Mandatory	14.5	14	71.5	342
Discretionary	16.3	23.5	60.1	339
Total	18.3	18.6	63.1	710
Pricing model				
Fixed	16.5	21	62.4	228
Hourly	15.3	18.4	66.4	211
Scenario	14.5	16.8	68.7	242
Total	15.4	18.7	65.9	681

Note: QBFF1b: Why did you choose the barrister you selected? Examined answer: The chambers I chose were cheaper. The table presents the results for a sample narrowed to respondents who selected the examined answer (710). In the following cases the base is smaller than 710: 1. Participants shown the minimum disclosure level were not split into fixed, hourly or scenario-based treatments and are excluded from the treatment type results. 2. The sample of participants who reported their disability is smaller (651). 3. The sample of participants who reported their level of confidence in using the Internet is smaller (381). Participants shown the minimum disclosure treatment are dropped from the table since they did not receive any price information therefore could not identify which barrister was likely to be cheaper.

Source: London Economics analysis of experiment data

3.2.2 How does price/service information affect consumers' opinions of barristers?

Previous consumer research in legal services markets has pointed out that tools such as price comparison websites would be difficult to design for complex, bespoke services such as legal services,⁵³ and that comparison tools would be 'tacky'.⁵⁴ Some participants in the focus group thought that it may not be appropriate to publish price estimates on a chambers website, since it felt "like a supermarket" (Section 3.1.2).

However, other focus group participants thought that it would be useful to have some price information to help them search and compare between barristers (Section 3.1.2), and the behavioural experiment suggests that consumers' opinions of barristers' skill, professionalism or quality of service was not significantly affected by price/service information or pricing model (Table 16). In fact, participants allocated to the groups with relatively more transparency (e.g. the

⁵³ Competition and Markets Authority (2016) Legal Services Market Study

⁵⁴ London Economics and YouGov (2017), Consumer Behaviour Research: report prepared for the Law Society

mandatory and discretionary disclosure) were slightly more likely to say that they had a good opinion of barristers' skill, professionalism and quality of service (though the difference is not statistically significant).

Table 16 Participants' opinions of barristers' skill, professionalism and service quality

	Percentage (%) of participants indicating that they feel good or very good about a barrister's....			
	Skill	Professionalism	Quality of service	Total sample
Price/service disclosure				
Minimum	21	22.2	16.8	186
Mandatory	23.9	25.3	22.1	559
Discretionary	22.6	27.3	23.9	571
Total	22.9	25.7	22.1	1,316
Pricing model				
Fixed	20.2	25.3	20.5	368
Hourly	26.8	29.2	27.6	376
Scenario	22.7	24.5	21	386
Total	23.2	26.3	23	1,130
Participant socio-demographic characteristics				
Disability				
Somewhat limited	21	22.8	20.7	407
Not limited	23.1	26	21.3	788
Total	22	24.9	21.1	1,195
Social grade				
A2B	21.3	27	21.7	432
C2DE	23.5	25.2	22.3	884
Total	22.9	25.7	22.1	1,316
Age				
18-34	27.1	29.5	26.1	323
35-54	21.1	23.2	20	408
55+	21.4	25.1	21	585
Total	22.9	25.7	22.1	1,316
Confidence in searching online				
Not confident	24.6	27	21.7	184
Confident	26.9	27.2	24.3	521
Total	26.3	27	23.6	705
Gender				
Men	22.5	26.3	22.4	628
Women	23.3	25.2	21.9	688
Total	22.9	26	22.1	1,316
Whether participant has searched for legal services				
No	22.1	25.2	21.6	1,095
Yes	26.9	28.4	24.9	221
Total	22.9	25.7	22.1	1,316

Note: QSC4: How does this way of presenting pricing information make you feel about the barrister's ...(skill, professionalism, quality of service). The behavioural experiment was conducted with 1,316 participants in the UK. In the following cases the base is smaller than 1,316: 1. Participants shown the minimum disclosure level were not split into fixed, hourly or scenario-based treatments and are

excluded from the treatment type results. 2. The sample of participants who reported their disability is smaller 3. The sample of participants who reported their confidence level when using the internet is smaller

Source: London Economics analysis of experiment data

4 Summary and implications

The BSB is interested in determining how to present price and service information to improve consumers’:

- Understanding;
- Ability to identify cheaper or preferred options; and
- Confidence in making a decision.

To this end, the present study explores consumers’ decision-making and opinions of price/service disclosure and pricing models. The conclusions and implications of the study are summarised below.

4.1 Consumers’ decision-making when searching for and choosing a barrister

The research found that consumers generally do not search for barristers themselves. They prefer to use a recommendation from a source they trust, usually their solicitor. This is consistent with previous research on how consumers choose legal services providers^{[55][56]} and the behavioural drivers of social norms and social proofing. Consumers often use decision-making shortcuts, or ‘heuristics’, when faced with a complex decision in a situation of uncertainty e.g. when consumers need representation in a legal matter. Legal work is especially challenging for consumers when searching and making decisions, because of a number of factors:

- Legal services are ‘credence’ goods – that is, it is difficult (if not impossible) for consumers to assess quality during the search stage;
- Asymmetry of information: legal services are complex and most consumers do not have the information to form expectations of the likely value for money of a service;
- Legal work is bespoke, and consumers will generally use legal services providers very few times in their lives, and barristers even less frequently. Therefore, consumers do not have the opportunity to ‘learn by doing’.

A recommendation from a trusted source, or from someone consumers identify with, can help consumers to feel less uncertain in their choice.

However, if consumers did not trust their solicitors, they contacted their barrister directly. Focus group participants who had used a public access barrister were more likely to indicate that they were worried about hidden contractual relationships between their solicitors and the barristers they recommended.

⁵⁵ Ipsos MORI (2016), Online survey of individuals’ handling of legal issues in England and Wales 2015, conducted for Legal Services Board and The Law Society

⁵⁶ London Economics and YouGov (2017), Consumer Behaviour Research: report prepared for the Law Society

4.1.1 The information consumers search for

The research found that:

- Consumers **prioritise expertise** and likelihood of winning.
- Focus group participants frequently did not indicate that price was a priority – in fact, some worried that lower prices might indicate less expertise or experience.
- However, **many consumers would value having information on prices at the search stage** to help them compare between barristers. Previous research has found that consumers are more likely to choose a cheaper solicitor when price information is made readily-accessible to them,⁵⁷ consistent with research on consumers' search and decision-making in the market for general insurance add-ons.⁵⁸
- Some consumers were concerned that having prices on a barrister's website would be too much 'like a supermarket'. However, in general the behavioural experiment found that having **more transparent price/service information did not have a significant impact on participants' opinions of barristers'** professionalism or competence.

Implication: Consumers value having readily-accessible information on prices and services which they can use when comparing between barristers. This information may be especially valuable for consumers who contact barristers directly, since other consumers tend to follow a trusted recommendation.

Implication: Consumers value information relating to barristers' expertise. It may be helpful to conduct research into how best to present the information (e.g. quality marks, testimonials etc.) so that consumers can understand and compare between barristers.

- Consumers did not mention searching for information relating to consumer protection e.g. regulatory status, complaints information etc. The behavioural experiment found that potentially vulnerable consumers had particular difficulty finding this information on barristers' pricing/service presentation. However, previous research has shown that consumers have very low awareness of legal services regulation or its implications, and value having consumer protections once they are explained.⁵⁹

Implication: There is a general need to inform and educate legal services users, and those who use barristers specifically, about the implications of regulation and how consumers are protected. It may also be helpful to make information about regulation and consumer protection more transparent and salient on barristers' websites. This may be particularly valuable for some potentially vulnerable consumers.

⁵⁷ Solicitors Regulation Authority (2017a), Price transparency in the conveyancing market

⁵⁸ London Economics and YouGov (2014), Study into the sales of Add-on General Insurance Products: Experimental consumer research: A report for the Financial Conduct Authority

⁵⁹ London Economics and YouGov (2017), Consumer Behaviour Research: report prepared for the Law Society.

4.2 Consumers' opinions of different price/service disclosure levels

The behavioural experiment found that, in general, participants valued having at least some minimum information relating to the likely costs and/or timescales of their work, rather than just being told about the pricing model. Participants found the **minimum disclosure treatment the least clear** compared to other disclosure treatments on a number of dimensions:

- Information needed to compare between barristers;
- Their confidence in comparing; and
- Overall understanding of information.

Implication: It would help consumers to receive estimates regarding costs and timescales of work, in order to help them understand pricing/service information and compare between barristers.

In addition, consumers may find it helpful to understand price/service information if they are prompted to consider relevant features of their case. Consumers are often in a position of information asymmetry relative to legal services providers: legal work is complex and consumers often do not know what to expect. Therefore, it may help consumers to receive prompts, or reminders, to think about aspects of the work e.g. timescales.

However, **more information is not always better**. While information helped behavioural experiment participants in some contexts, in others, additional information seemed to distract or confuse them. The behavioural experiment found that consumers who were shown additional information were significantly less likely to identify the cheaper barrister in a side-by-side comparison. This may be because consumers often have cognitive limitations and find it difficult to process large quantities of information. These limitations can be amplified when consumers are in a position of emotional distress or vulnerability, which they often are when searching for barristers' services. Therefore, providing too much information can risk 'information overload' and can actually harm consumers.⁶⁰ Previous research in retail electricity markets has found that it can help consumers to better understand marketing and pre-contractual material to 'drip' non-essential information behind pop-up buttons.⁶¹

Implication: It is important to carefully consider and select which information to present upfront to consumers, and which information can be 'dripped' behind pop-up buttons, or in links that consumers can click on.

4.3 Consumers' opinions of different pricing models

The behavioural experiment found that, in general, consumers preferred the hourly fee pricing model to other models, especially the scenario-based pricing model. **Consumers preferred having information on hourly fees and likely timescales** to receiving an estimated cost, on a number of dimensions:

- Confidence when comparing between barristers;
- Information needed to compare between barristers; and

⁶⁰ London Economics (1997), Consumer Detriment under Conditions of Imperfect Information, prepared for the Office of Fair Trading

⁶¹ London Economics, Ipsos and Deloitte (2016), Second Retail Electricity Market Study, report prepared for the European Commission

- Perceived ease of understanding of the pricing/service information.

Consumers also found the **scenario-based pricing model too heavy on text** in the focus group, and were significantly less likely to identify the likely cheaper barrister in a side-by-side comparison.

Implication: Consumers prefer information on hourly fees and likely time taken to complete the work in tabular form, and find text-based price/service pricing models less transparent and easy to understand.

ANNEXES

Annex 1 Profile of focus group respondents

Figure 5 Profile of focus group respondents

Group 1						
Name	Age	Region	Social Class	Ethnicity	Legal services used in past 24 months	Route to barrister
Beverly S	56	London	B	White British	Litigation and dispute resolution	I was referred to a barrister by another person
Valerie C	53	Manchester	C1	White British	Litigation and dispute resolution	I contacted my barrister directly without going through a solicitor or law firm
Paul H	40	London	C1	White British	Property (excluding conveyancing work), Employment	I contacted my barrister directly without going through a solicitor or law firm
Margaret J	58	Yorkshire	C1	White British	Family Law (e.g. divorce, care proceedings and child custody cases)	I contacted my barrister directly without going through a solicitor or law firm
Ben A	45	Yorkshire	B	White British	Family Law (e.g. divorce, care proceedings and child custody cases)	I was referred to a barrister by another person
Bukky C	46	Yorkshire	B	White British	Family Law (e.g. divorce, care proceedings and child custody cases)	I contacted my barrister directly without going through a solicitor or law firm, I was referred to a barrister by another person
Joanne B	47	Yorkshire	E	White British	Employment	I was referred to a barrister by my solicitor or law firm

Group 2						
Name	Age	Region	Social Class	Ethnicity	Legal services used in past 24 months	Route to barrister
June R	53	London	B	White British	Accident or injury claims, Any criminal matters (including road traffic offences)	I contacted my barrister directly without going through a solicitor or law firm
Richard W	59	London	C1	White British	Family Law (e.g. divorce, care proceedings and child custody cases)	I contacted my barrister directly without going through a solicitor or law firm
Louise E	47	Yorkshire	C1	White British	Family Law (e.g. divorce, care proceedings and child custody cases)	I was referred to a barrister by my solicitor or law firm
Hetash M	44	Greater London	C2	Asian British	Family Law (e.g. divorce, care proceedings and child custody cases)	I was referred to a barrister by my solicitor or law firm
Karen S	45	London	B	White British	Property (excluding conveyancing work), Will writing	I contacted my barrister directly without going through a solicitor or law firm
Michelle B	42	Sheffield	C2	White British	Family Law (e.g. divorce, care proceedings and child custody cases)	I was referred to a barrister by my solicitor or law firm
Elena L	47	Essex	C1	White British	Conveyancing (i.e. legal work involving buying, selling or, Accident or injury claims, Litigation and dispute resolution	I was referred to a barrister by my solicitor or law firm

Group 3						
Name	Age	Region	Social Class	Ethnicity	Legal services used in past 24 months	Route to barrister
Steve F	48	South West	C1	White British	Family Law (e.g. divorce, care proceedings and child custody cases)	I chose a barrister from a list of options provided to me by the referrer
Glenys S	73	North West	A	White British	Will writing and litigation and dispute resolution	A barrister was chosen for me by the referrer
Joanna B	48	South West	E	White British	Family Law (e.g. divorce, care proceedings and child custody cases)	I was referred to a barrister by my solicitor or law firm
Suresh S	37	London	A	Indian	Immigration and asylum matters and litigation and dispute resolution	I chose a barrister myself after carrying out my own research
Tim C	37	South West	B	White British	Any criminal matters (including road traffic offences)	A barrister was chosen for me by the referrer
Chris B	47	South West	C1	White British	Family Law (e.g. divorce, care proceedings and child custody cases)	I chose a barrister from a list of options provided to me by the referrer
Peter H	71	North West	A	White British	Family Law (e.g. divorce, care proceedings and child custody cases)	A barrister was chosen for me by the referrer
Zara M	43	Hertfordshire	C1	White British	Litigation and dispute resolution, Financial disputes	I was referred to a barrister by my solicitor or law firm

Source: YouGov

Annex 2 Supplementary behavioural experiment results

Table 17 Percentage of participants who chose to compare between alternative barristers

	Percentage who chose to compare alternative barristers (%)	Total sample
Price/service disclosure		
Minimum	90.8	186
Mandatory	90.2	559
Discretionary	88.2	571
Total	89.4	1,316
Pricing model		
Fixed	87.8	368
Hourly	91.7	376
Scenario	88.1	386
Total	89.2	1,130
Participant socio-demographic characteristics		
Disability		
Somewhat limited	86.8	407
Not limited	91.8	788
Total	90.1	1,195
Social grade		
A2B	90.5	432
C2DE	89.0	884
Total	89.4	1,316
Age		
18-34	88.6	323
35-54	90.3	408
55+	89.3	585
Total	89.4	1,316
Confidence in searching online		
Not confident	92.1	184
Confident	87.7	521
Total	88.9	705
Gender		
Men	87.9	628
Women	90.9	688
Total	89.4	1,316
Whether participant has searched for legal services		
No	89.3	1,095
Yes	90.2	221
Total	89.4	1,316

Note: The behavioural experiment was conducted with 1,316 participants in the UK. In the following cases the base is smaller than 1,316: 1. Participants shown the minimum disclosure level were not split into fixed, hourly or scenario-based treatments and are excluded from the treatment type results. 2. The sample of participants who reported their disability is smaller (1,195).

Source: London Economics analysis of experiment data

Table 18 Percentage of participants comparing alternative barristers (crossing price/service information and pricing model)

	Percentage of participants comparing alternative barristers (%)	Total sample
Minimum price/service disclosure	90.8	186
Mandatory disclosure		
Fixed pricing	88.8	152
Hourly pricing	91.6	208
Scenario-based	89.8	199
Discretionary disclosure		
Fixed pricing	87.1	216
Hourly pricing	91.9	168
Scenario-based	86.3	187
Total	89.4	1,316

Note: Note

Source: London Economics analysis of experiment data

Table 19 Participants' reasons for choosing to compare alternative barristers, by socio-demographic group

	Percentage of participants choosing response (%)				
	I could not easily understand the information I was shown and wanted to search further	I could easily understand the information I was given, but wanted to make sure I got the best deal.	I felt confident comparing alternative barristers in the format of the original information	I felt I needed more information to make my decision.	Total sample
Participant socio-demographic characteristics					
Disability					
Somewhat limited	20.8	38.9	26.5	45.7	357
Not limited	15.3	43.8	29.4	47.3	727
Total	17.1	42.2	28.5	46.8	1,084
Social grade					
A2B	14.9	44.2	26.9	54.1	390
C2DE	17.2	41	28.9	44.9	797
Total	16.6	41.9	28	47.5	1,187
Age					
18-34	14.9	44.2	26.9	54.1	323
35-54	17.2	41	28.9	44.9	408
55+	16.6	41.9	28	47.5	585
Total	14.9	44.2	26.9	54.1	1,316
Confidence in searching online					
Not confident	18.2	41.4	26.4	48.5	171

	Percentage of participants choosing response (%)				
Confident	15	42.3	31.5	43.3	462
Total	15.8	42.1	30.1	44.7	633
Gender					
Men	16.6	41.3	31.1	50	558
Women	17	42.5	25.9	45.2	629
Total	16.6	41.9	28.3	47.5	1,187
Whether participant has searched for legal services					
No	16.6	41.5	28.4	47.8	985
Yes	17	43.9	28	45.9	202
Total	16.6	41.9	28.3	47.5	1,187

Note: QAFF2: Why did you choose to compare alternative quotes? Please select all that apply. The behavioural experiment was conducted with 1,316 participants in the UK. In the following cases the base is smaller than 1,316: 1. Participants shown the minimum disclosure level were not split into fixed, hourly or scenario-based treatments and are excluded from the treatment type results. 2. The sample of participants who reported their disability is smaller (1,195). 3. Many subsamples are smaller than 1316 as some participants have not given their response to the question asked e.g. 129 participants did not put “Yes” nor “No” next to the response A (“I could not easily understand the information in the quote I was shown and wanted to search further”).

Source: London Economics analysis of experiment data

Table 20 Participants' reasons for comparing alternative barristers (crossing price/service information and pricing model)

	Percentage of participant choosing response (%)				
	I could not easily understand the information I was shown and wanted to search further	I could easily understand the information I was given, but wanted to make sure I got the best deal.	I felt confident comparing alternative barristers in the format of the original information	I felt I needed more information to make my decision.	Total sample
Minimum price/service disclosure	23.2	21.9	18.5	58.3	170
Mandatory disclosure					
Fixed pricing	14.3	44.4	31.1	47.2	137
Hourly pricing	9	43.2	34.2	48.3	193
Scenario-based	15.9	46.4	29.9	41.9	181
Discretionary disclosure					
Fixed pricing	15.8	48.5	32.3	50.1	191
Hourly pricing	11	50.6	28.1	47.2	154

Scenario-based	27.2	38.6	23.5	38.9	161
Total	16.6	41.9	28.3	47.5	1,187

Note: QAFF2: Why did you choose to compare alternative quotes? Please select all that apply. The sample is smaller than 1316 as some participants have not given their response to the question asked: 129 participants did not put “Yes” nor “No” next to the response A (“I could not easily understand the information in the quote I was shown and wanted to search further”).

Source: London Economics analysis of experiment data

Table 21 Percentage of participants who felt confident or extremely confident about comparing between alternative barristers, by socio-demographic group

	Percentage who reported feeling confident or extremely confident about comparing between barristers (%)	Total sample
Price/service disclosure		
Minimum	90.8	186
Mandatory	90.2	559
Discretionary	88.2	571
Total	89.4	1,316
Pricing model		
Fixed	87.8	368
Hourly	91.7	376
Scenario	88.1	386
Total	89.2	1,130
Participant socio-demographic characteristics		
Disability		
Somewhat limited	86.8	407
Not limited	91.8	788
Total	90.1	1,195
Social grade		
A2B	90.5	432
C2DE	89.0	884
Total	89.4	1,316
Age		
18-34	88.6	323
35-54	90.3	408
55+	89.3	585
Total	89.4	1,316
Confidence in searching online		
Not confident	92.1	184
Confident	87.7	521
Total	88.9	705
Gender		
Men	87.9	628
Women	90.9	688
Total	89.4	1,316
Whether participant has searched for legal services		
No	89.3	1,095
Yes	90.2	221

	Percentage who reported feeling confident or extremely confident about comparing between barristers (%)	Total sample
Total	89.4	1,316

Note: The behavioural experiment was conducted with 1,316 participants in the UK. In the following cases the base is smaller than 1,316: 1. Participants shown the minimum disclosure level were not split into fixed, hourly or scenario-based treatments and are excluded from the treatment type results. 2. The sample of participants who reported their disability is smaller (1,195).

Source: London Economics analysis of experiment data

Table 22 Participants' reasons for feeling unconfident about comparing between barristers, by socio-demographic group

	Percentage of participant choosing response (%)						
	I could not understand the pricing information	I could not understand what services the barrister was offering	I could not understand how long my legal work would take	I could not understand how costs might change for my legal work	I found it difficult to compare between the two barristers	I did not have all the information I needed to compare between barristers and make my decision	Total sample
Participant socio-demographic characteristics							
Disability							
Somewhat limited	19.4	21.1	40.5	39.2	43.7	39.3	180
Not limited	16.9	18.2	47.1	40.2	37	48.6	381
Total	17.7	19.1	45	39.9	39.4	45.6	561
Social grade							
A2B	16.9	22.3	47	40.8	39.2	48.2	221
C2DE	17.7	18	43.7	37.1	38.3	42.2	393
Total	17.5	19.3	44.8	38	38.6	44.1	614
Age							
18-34	21.9	25.9	45.8	41.9	37.5	41.8	160
35-54	16.8	21.8	47.7	36.2	44.9	46.2	187
55+	14.6	12.6	41.7	37.1	34.5	44.2	267
Total	17.5	19.3	44.8	38.2	38.6	44.1	614
Confidence in searching online							
Not confident	21.1	22.7	45.4	36.5	40.5	51.3	100
Confident	13.8	15.6	43.2	36.8	37.1	42.8	207
Total	16.2	17.9	44	36.7	38.2	45.6	307
Gender							
Men	14	16.4	44.6	36.3	37.6	43.3	291
Women	20.7	22.1	44.9	40	39.5	44.8	323
Total	17.5	19.3	44.8	38.2	38.6	44.1	614
Whether participant has searched for legal services							

	Percentage of participant choosing response (%)						
No	17.7	19.4	44.4	38	38.1	43.8	510
Yes	16.3	19.3	46.4	39.3	41.1	45.7	104
Total	17.5	19.3	44.8	38.2	38.6	44.1	614

Note: QBFF2a: You said that you would feel unconfident about making a choice. Why do you think this? Please select all that apply. The behavioural experiment was conducted with 1,316 participants in the UK. In the following cases the base is smaller than 1,316: 1. Participants shown the minimum disclosure level were not split into fixed, hourly or scenario-based treatments and are excluded from the treatment type results. 2. The sample of participants who reported their disability is smaller (1,195). 3. Many subsamples are smaller than 1316 as some participants have not given their response to the question asked e.g. 129 participants did not put "Yes" nor "No" next to the response A ("I could not easily understand the information in the quote I was shown and wanted to search further")

Source: London Economics analysis of experiment data

Table 23 Percentage of participants reporting that the pricing/service information was easy or very easy to understand overall, by socio-demographic group

	Percentage of participants reporting that the information was easy or very easy to understand (%)	Total sample
Participant socio-demographic characteristics		
Disability		
Somewhat limited	38.2	407
Not limited	42.5	788
Total	41	1,195
Social grade		
A2B	43	432
C2DE	40.4	884
Total	41	1,316
Age		
18-34	41.9	323
35-54	41.5	408
55+	40	585
Total	41.1	1,316
Confidence in searching online		
Not confident	36.9	184
Confident	45.6	521
Total	43	705
Gender		
Men	40.2	628
Women	42	688
Total	41.1	1,316
Whether participant has searched for legal services		
No	40	1,095
Yes	46.8	221
Total	41.1	1,316

Note: QCS2: Thinking of the quote you were shown, overall how easy to understand was it?. The behavioural experiment was conducted with 1,316 participants in the UK. In the following cases the base is smaller than 1,316: 1. Participants shown the minimum disclosure level were not split into fixed, hourly or scenario-based treatments and are excluded from the treatment type results. 2. The sample of participants who reported their disability is smaller 3. The sample of participants who reported their confidence level when using the internet is smaller

Source: London Economics analysis of experiment data

Table 24 Percentage of participants who correctly identified the (likely) cheaper barrister, by socio-demographic group

	Percentage who correctly identified (likely) cheaper barrister (%)	Total sample
Participant socio-demographic characteristics		
Disability		
Somewhat limited	52.5	407
Not limited	54.4	788
Total	53.7	1,195
Social grade		
A2B	56.1	432
C2DE	52.5	884
Total	53.5	1,316
Age		
18-34	48.9	323
35-54	52.2	408
55+	57.8	585
Total	53.5	1,316
Confidence in searching online		
Not confident	56.6	184
Confident	50.4	521
Total	52	705
Gender		
Men	52.2	628
Women	54.8	688
Total	53.5	1,316
Whether participant has searched for legal services		
No	53.2	1,095
Yes	55	221
Total	53.5	1,316

Note: QBFF1a: In your opinion, which barrister's chambers are likely to be cheaper based on the information you were shown? The behavioural experiment was conducted with 1,316 participants in the UK. In the following cases the base is smaller than 1,316: 1. Participants shown the minimum disclosure level were not split into fixed, hourly or scenario-based treatments and are excluded from the treatment type results. 2. The sample of participants who reported their disability is smaller (1,195). 3. The sample of participants who reported their level of confidence in using the Internet is smaller (705).

Source: London Economics analysis of experiment data

Table 25 Percentage of participants who correctly identified the cheaper barrister when they said their chosen barrister was cheapest, by socio-demographic group

	Inconsistent in their choice	Reported their chosen barrister was cheaper; incorrectly identified cheaper barrister	Reported their chosen barrister was cheaper; correctly identified cheaper barrister	Total sample
Participant socio-demographic characteristics				
Disability				

	Inconsistent in their choice	Reported their chosen barrister was cheaper; incorrectly identified cheaper barrister	Reported their chosen barrister was cheaper; correctly identified cheaper barrister	Total sample
Somewhat limited	Somewhat limited	Somewhat limited	Somewhat limited	Somewhat limited
Not limited	Not limited	Not limited	Not limited	Not limited
Total	Total	Total	Total	Total
Social grade				
A2B	A2B	A2B	A2B	A2B
C2DE	C2DE	C2DE	C2DE	C2DE
Total	Total	Total	Total	Total
Age				
18-34	18-34	18-34	18-34	18-34
35-54	35-54	35-54	35-54	35-54
55+	55+	55+	55+	55+
Total	Total	Total	Total	Total
Confidence in searching online				
Not confident	Not confident	Not confident	Not confident	Not confident
Confident	Confident	Confident	Confident	Confident
Total	Total	Total	Total	Total
Gender				
Men	Men	Men	Men	Men
Women	Women	Women	Women	Women
Total	Total	Total	Total	Total
Whether participant has searched for legal services				
No	No	No	No	No
Yes	Yes	Yes	Yes	Yes
Total	Total	Total	Total	Total

Note: QBFF1b: Why did you choose the barrister you selected? Examined answer: The chambers I chose were cheaper. The table presents the results for a sample narrowed to respondents who selected the examined answer (710). In the following cases the base is smaller than 710: 1. Participants shown the minimum disclosure level were not split into fixed, hourly or scenario-based treatments and are excluded from the treatment type results. 2. The sample of participants who reported their disability is smaller (651). 3. The sample of participants who reported their level of confidence in using the Internet is smaller (381).

Source: London Economics analysis of experiment data



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