

A Question of Trust: report on quantitative data collected

Introduction

- 1 This report summarises the results of our A Question of Trust campaign – a large-scale engagement exercise where people gave their views on the seriousness of different scenarios involving solicitors. The report covers the people we engaged with, how they responded to the scenarios and our analysis of the results.

Executive summary

- 2 We engaged with more than 5,000 people throughout our campaign. More than 2,000 of these were responses to our online survey, which from a bank of 62, contained 15 questions in each survey. The responses were evenly split between solicitors and non-solicitors.
- 3 On average, non-solicitors scored scenarios as more serious. Although these differences were statistically significant, for many questions they were not particularly large. Areas where there was a clear difference between solicitor and non-solicitor views are information security issues and solicitor competence issues, both of which the public saw as more serious. This may suggest solicitors underestimate how highly their clients value these attributes.
- 4 Some questions had a more diverse range of responses than others. For example, those on solicitors' conduct outside work generated a particularly wide range of views.
- 5 The types of misconduct seen as most serious were misuse of client money, self-dealing (taking advantage of a fiduciary position) and misleading or false evidence. This is in line with our current thinking.
- 6 Intent and harm were significantly linked to seriousness. Where respondents felt more intent was shown and more harm caused, the more serious that behaviour was perceived. If a scenario involved a junior solicitor, it tended to receive a lower score. However, we only tested a few scenarios about juniors, so this is not as robust as the findings on seriousness and harm.
- 7 There were some questions where different age groups or ethnicities had significantly different responses. For example, younger people who took part in the online survey voted many of the scenarios as slightly less serious

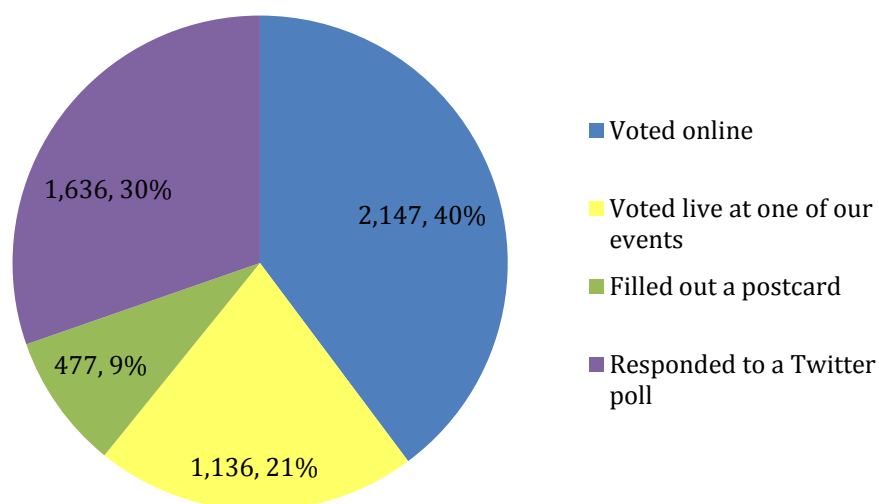
where there was pressure from managers, to do well or the solicitor was depicted as 'just' trying to be successful.

- 8 For those questions where white respondents and BAME respondents had a difference in views, there was no pattern in the type of questions that either white or BAME respondents found more serious.
- 9 Overall, the most striking findings were that respondents took more seriously those questions involving what we have traditionally viewed as more serious types of misconduct such as misuse of client money and involvement in criminality, and those questions where there was clear intent and/or harm.

Who did we speak to?

- In total 5,396 people had their say on A Question of Trust¹.
- 2,147 people responded online: 1,075 people completed the full survey, with a further 1,072 partially completing it. Each person voted on 15 questions, from a bank of 62.
- 1,136 people voted live at one of our events.
- 477 people filled out a postcard.
- 1,636 people responded to our Twitter polls.

Figure 1: How people engaged with A Question of Trust



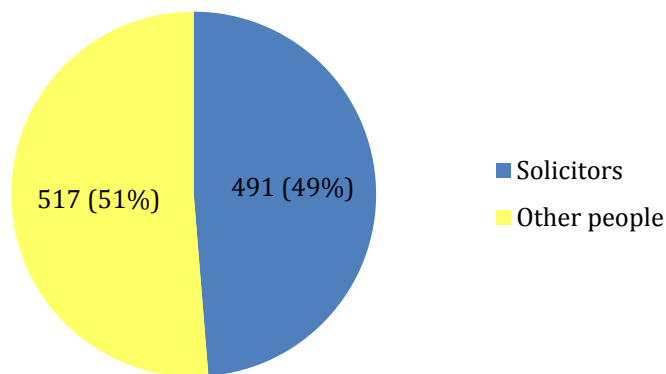
Who voted online?

10 Our A Question of Trust survey was available online between 30 September 2015 and 31 January 2016 and was open to anyone who wanted to vote. As can be seen from the chart below, an even split between solicitors and non-solicitors completed the online survey.²

¹ Does not include SRA staff or the firms who used the downloadable online kit

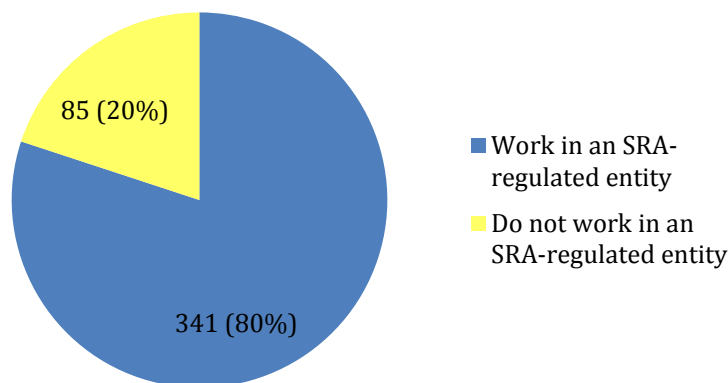
² Not all respondents answered these questions

Figure 2: Percentages of solicitors and non-solicitors who completed the online survey



11 Of those who were solicitors, 80 percent worked in an SRA-regulated business. This is the same percentage of solicitors currently on the roll who work in a regulated business. Those solicitors who do not work in a regulated business either work as in-house solicitors or are not currently practising.

Figure 3: Type of firm worked in by solicitors who completed the online survey



12 Those who voted online also provided us with anonymous diversity information. Figures 4, 5 and 6 show the range of people completed the online survey.

Figure 4: Gender of people who completed the online survey

		All	Solicitors	Non-solicitors
Gender	Male	52%	54%	51%
	Female	45%	45%	45%

	Transgender	<1%	<1%	<1%
	Alternative gender identity	<1%	0%	<1%
	Prefer not to say	3%	2%	4%

Figure 5: Ethnicity of people who completed the online survey

		All	Solicitors	Non-solicitors
Ethnicity	Asian / Asian British	6%	4%	7%
	Black / African / Caribbean / Black British	2%	1%	3%
	Mixed/Multiple ethnic groups	2%	2%	2%
	Other	3%	2%	3%
	White	88%	90%	86%

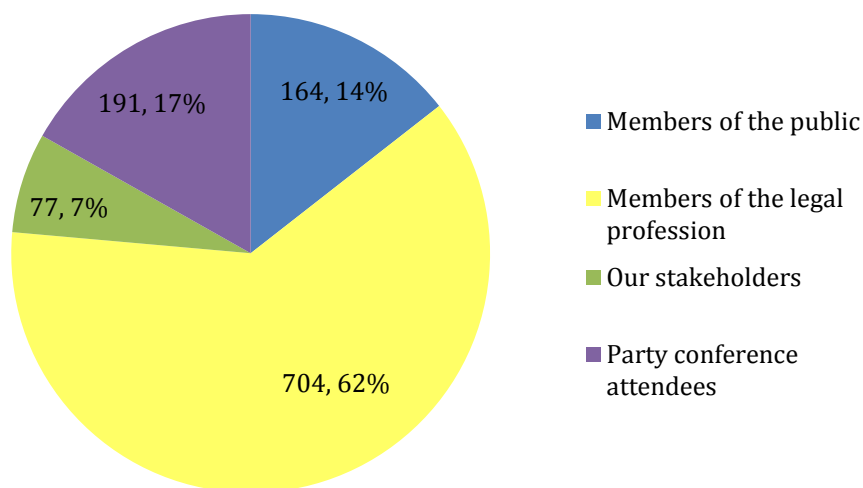
Figure 6: Age of people who completed the online survey

		All	Solicitors	Non-solicitors
Age	16-24	10%	2%	16%
	25-34	21%	20%	22%
	35-54	43%	51%	37%
	55-64	15%	18%	13%
	65+	9%	7%	9%

Who voted live at our events?

13 The majority of people who voted live were legal professionals. This was because we ran a large voting session at our Compliance Conference, as well as at smaller SRA events across England and Wales. A list of our events are available in Annex C.

Figure 7: People that voted at our events



Who filled out a postcard and responded to our Twitter polls?

- 14 We are not able to collect any information about Twitter poll respondents, however each of the 1,636 votes were counted and considered. Questions were selected for the polls that could effectively be communicated using Twitter's 140 characters limit.
- 15 We did collect data about the people who completed our postcards, which were available at various events.
- 477 people completed a postcard, of whom 19 percent were solicitors
 - They also provided us with anonymous diversity information. As can be seen from figures 7, 8 and 9, a diverse range of people filled out a postcard.

Figure 8: Gender of people who completed a postcard

		All
Gender	Male	38%
	Female	54%
	Not specified	8%

Figure 9: Ethnicity of people who completed a postcard

		All
Ethnicity	White British	73%
	Asian British	9%
	Caribbean	4%
	African	1%
	White European	2%
	Not specified	10%

Figure 10: Age of people who completed a postcard

		All
Age	19 or under	1%
	20-29	14%
	30-39	25%
	40-49	23%
	50-59	15%
	60-69	9%
	Not specified	13%

Survey results

How this results data is presented

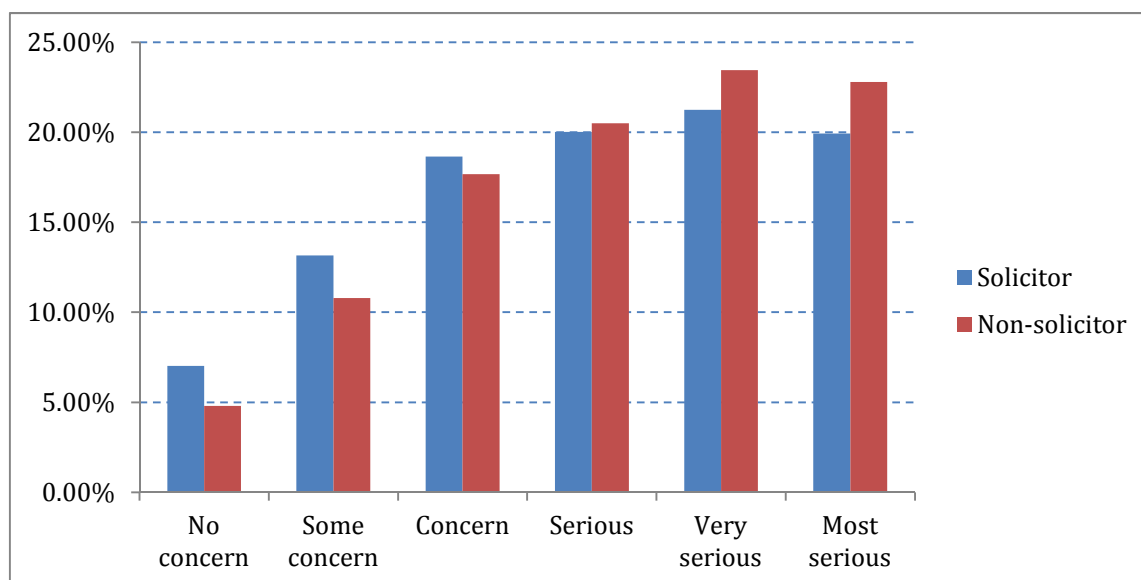
16 The online survey had 62 possible questions so these results are our primary data source. Some of the online questions correspond to the voting questions we asked at the events, on postcards and in Twitter polls. Where this is the case, we have cross-referenced the results to see if the other types of voting gave similar results to the online survey. We have done a comparison, rather than just added all the responses together, as the questions were worded differently in some cases.

17 Below are the scenarios voted on average 'most serious' in the online survey, followed by those said to be least serious (an average score of 'some concern'). We then summarise those between these two extremes. To summarise results, we have produced a 'dashboard' - a voting chart, a short narrative and statistics, and then any cross-referencing with other types of voting. These dashboards are in [Annex A](#) to preserve the narrative of the report.

Online survey results

Perceived seriousness – total votes from solicitors and non-solicitors

18 We can see from the chart below that overall non-solicitor responses were slightly higher scores than solicitor ones. However, in general the patterns of responses were very similar. In our results analysis we provided more detail about differences between solicitor and non-solicitor scores.



Perceived seriousness for the different scenarios

19 The following table shows the number of scenarios where the average score fell into each of the levels of seriousness.

Average score	Number of scenarios
Most serious	4
Very serious	16
Serious	24
Concern	13
Some concern	3
No concern	0

20 The table below shows the mean level of seriousness that was attributed to each of the scenarios (ranging from the highest to the lowest level of seriousness) and some data on the distribution of scores attributed by survey respondents (the range and the standard deviation). A '6' indicates the respondents described it as 'the most serious matters', and a '1' indicates it scored at the lowest level ('a matter of some concern'). A wide range of seriousness was attributed to the questions. The standard deviations for questions also vary considerably. Smaller standard deviations suggest stronger agreement over the seriousness of the question than larger ones:

Scenario	Count	Average	Min	Max	Variance	Std Dev
28	245	5.78	1	6	0.49	0.70
8	256	5.78	1	6	0.39	0.62
49	256	5.72	2	6	0.34	0.60
22	304	5.62	1	6	0.61	0.78
35	245	5.35	1	6	0.82	0.90
47	304	5.28	2	6	0.79	0.89
38	240	5.17	1	6	1.22	1.10
30	245	5.16	1	6	1.13	1.06
4	304	4.99	1	6	1.14	1.07
34	270	4.90	1	6	1.43	1.20
62	304	4.88	1	6	1.16	1.08
60	256	4.79	1	6	1.10	1.05
61	270	4.78	1	6	1.42	1.19
18	304	4.77	1	6	1.31	1.14
1	304	4.73	1	6	1.22	1.11
50	304	4.70	1	6	1.91	1.38
59	256	4.69	1	6	1.45	1.20
2	245	4.66	1	6	1.60	1.27

27	256	4.59	2	6	1.07	1.04
31	270	4.54	1	6	1.68	1.29
12	295	4.40	1	6	1.55	1.25
15	270	4.23	1	6	1.38	1.17
42	256	4.19	1	6	1.05	1.02
5	270	4.16	1	6	1.45	1.21
21	304	4.16	1	6	1.29	1.14
20	270	4.14	1	6	1.65	1.29
41	280	4.14	1	6	1.65	1.29
37	245	4.13	1	6	1.53	1.24
6	256	4.13	1	6	1.85	1.36
53	275	4.11	1	6	1.46	1.21
51	245	4.06	1	6	1.64	1.28
57	254	4.03	1	6	2.45	1.57
33	304	4.01	1	6	1.56	1.25
19	245	3.95	1	6	1.62	1.27
25	265	3.93	1	6	1.38	1.18
56	270	3.89	1	6	2.39	1.54
14	248	3.82	1	6	1.34	1.16
43	270	3.81	1	6	1.81	1.35
7	270	3.74	1	6	1.76	1.33
9	294	3.71	1	6	2.25	1.50
40	303	3.66	1	6	1.44	1.20
10	245	3.58	1	6	2.36	1.54
46	245	3.57	1	6	1.50	1.22
3	256	3.54	1	6	2.05	1.43
16	270	3.48	1	6	1.96	1.40
39	245	3.33	1	6	1.35	1.16
48	245	3.27	1	6	2.04	1.43
13	256	3.21	1	6	1.48	1.22
58	256	3.16	1	6	1.85	1.36
54	253	3.11	1	6	1.51	1.23
17	272	3.00	1	6	2.00	1.41
45	291	2.93	1	6	1.73	1.32
26	304	2.92	1	6	1.31	1.15
11	256	2.88	1	6	1.41	1.19
52	245	2.86	1	6	1.58	1.26
55	257	2.84	1	6	1.29	1.14
36	304	2.73	1	6	1.63	1.28
29	270	2.32	1	6	1.87	1.37

23	270	2.29	1	6	1.93	1.39
24	258	1.93	1	6	1.22	1.11

Scenarios scored as most serious in the online survey

21 Only four scenarios had an average score of 'most serious'. These were:

Q28. A senior solicitor in a law firm uses money that belongs to clients to pay his gambling debts. He says he always intended to pay the money back when his luck changed. (mean 5.78, SD 0.70)
Q8. A solicitor is convicted of providing forged documents to help someone unlawfully enter the UK. (mean 5.78, SD 0.62)
Q49. A solicitor encourages an elderly client to alter his will so that she will inherit some of his money. (mean 5.72, SD 0.58)
Q22. A solicitor uses money that belongs to clients, not the law firm itself, to solve cash-flow problems in his firm. (mean 5.62, SD 0.78)

22 The dashboards in [Annex A](#) show the responses. Three of these relate to client money, and one relates to forgery, and so the fact these were scored as most serious is in line with our current attitude towards these types of issues.

Scenarios scored as least serious

23 No scenarios had an average score of 'no concern'. Only three scenarios averaged only 'some concern'. These were:

Q29. A High Court judge reports a solicitor to the SRA for consistently taking on very weak cases on asylum and deportation. The judge says they are wasting court time and causing unnecessary costs. An investigation shows the solicitor's success rate is one in ten. The solicitor admits the cases are often weak but that he believes that the asylum seekers he represents should be given every chance to make their case and will be at risk if they are deported. (mean 2.32, SD 1.39)
Q23. A solicitor is caught fare dodging on public transport after drinking too much on a night out. She says she didn't intend to avoid the fare but forgot to use her travel card. She accepts a penalty notice and pays £60 fine. (mean 2.29, SD 1.39)
Q24. It is illegal to work as a solicitor without a practising certificate issued by the SRA. A typing mistake by a law firm leads to a solicitor unknowingly practising for three months without a current practising certificate. When the solicitor discovers the mistake she immediately takes steps to put the matter right. (mean 1.93, SD 1.11)

24 The dashboards at [Annex A](#) show the responses to these questions. Two scenarios all include an explanation that there is no intentional misconduct, and in the one which does (Q29), there is an inference that the solicitor does not believe the conduct is wrong.

All other scenarios from the online survey

Very serious

25 The following scenarios had an average score of 'very serious'. They are listed from highest to lowest.

Q35. A client asks for advice from his solicitor about suing a company. The solicitor has a financial interest in the company but he does not tell his client. Instead, he tells his client that his case has no merit, even though this is not true. (mean 5.35, SD 0.90)
Q47. A solicitor charges a widower for work she has not done. She is sure his lack of knowledge about the law means he will pay without question. (mean 5.28, SD 0.89)
Q38. A solicitor is holding money while a deceased client's will is being settled. The solicitor uses the money to pay her staff's wages. She returns the money before she is due to pay it to the deceased client's relations. (mean 5.17, SD 1.10)
Q30. A client, who brings a lot of business to a law firm, includes misleading information in a statement to be used in court. The solicitor handling the case knows this will create a false impression, and that it could influence the court's decision. She still submits the statement to the court. (mean 5.16, SD 1.06)
Q4. A solicitor's CV says he has a first class degree and three years' work experience in the USA. When his work proves to be poor, the firm investigates and discovers that neither is true. (mean 4.99, SD 1.07)
Q34. A solicitor's firm is having money problems. His bank refuses to give him a loan. Instead, he borrows money an ex-client who has a previous conviction for fraud. As the solicitor does not make proper checks, there is a risk that the money received results from criminal activity. (mean 4.90, SD 1.20)
Q62. A senior solicitor routinely overcharges clients and encourages his colleagues to do so too. (mean 4.88, SD 1.08)
Q60. Sarah is senior solicitor in a large law firm. She is responsible for the training and supervision of all trainee and newly qualified solicitors. Sarah puts pressure on a new solicitor to leave relevant information out of an important document relating to a case and tells him he won't get far in the firm if he doesn't do as he is told. What is your view of Sarah's actions? (mean 4.79, SD 1.05)
Q61. An experienced solicitor volunteers for a charity in his spare time. He provides advice on their legal problems. He regularly charges the charity for expenses he has not really paid for, saying that he has lost the receipt or that he forgot to ask for a receipt. (mean 4.78, SD 1.19)
Q18. A solicitor makes a large claim for a client who has been in an accident even though she knows her client is lying about the extent of his injuries. (mean 4.77, SD 1.14)
Q1. A solicitor, David, has two clients who have been charged with murder. They blame each other and give different accounts of what happened. David quickly realises that he cannot represent them both as making a case for one client will damage the case of the other. Despite this, David keeps acting for both clients until the day before the court case is due to start and only then informs the court of the situation. The court has to postpone hearing the case until another solicitor is found for one of the clients. What is your view of David's actions? (mean 4.73, SD 1.11)
Q50. A solicitor is working with a client who is taking a hospital to court following an operation that left her with a brain injury. The solicitor starts a sexual relationship with her, although he knows she has not recovered from her injuries. He also continues to act as her solicitor. (mean 4.70, SD 1.38)
Q59. A senior solicitor is employed by a company to handle their legal affairs. She discovers that some colleagues have been bribing government officials. She tries to protect her colleagues by not telling their bosses and simply telling them to stop. (mean 4.69, SD 1.20)
Q2. A solicitor is taking statements from witnesses to use at an Employment Tribunal. The first witness, Sarah, says she saw John leaving the HR department carrying files on the day that documents crucial to the case disappeared. When the solicitor interviews John she tells

him what Sarah said. The solicitor implies that, if John did take the files, he should invent an innocent explanation for his visit to HR to put into his statement. (mean 4.66, SD 1.27)
Q27. A solicitor in a law firm tries to keep clients by misleading them about the likely outcome of their cases. (mean 4.59, SD 1.04)
Q31. A client who brings a lot of work to a law firm persuades them to give advice that helps their business plans. The firm does so, although they know the advice will be used to justify action which may not be legal. (mean 4.54, SD 1.29)

26 The dashboards in [Annex A](#) show the responses to these questions. This category contains the rest of the scenarios involving client money. The fact that all the questions involving misappropriation of client money had an average score of most or very serious mirrors the current approach we take in this area.

Serious

27 The following scenarios had an average score of 'serious'. They are listed from highest to lowest.

Q12. It is illegal to work as a solicitor without a practising certificate issued by the SRA. However, a solicitor knowingly continues to work after his practising certificate has become out of date. (mean 4.40, SD 1.24)
Q15. A solicitor commits his clients to a set date for the purchase of a house without telling them. (mean 4.23, SD 1.17)
Q42. A solicitor misleads a potential new client about his costs by not discussing the large fees to be paid in a property development deal. (mean 4.19, SD 1.02)
Q5. A solicitor advertises in local newspapers promoting his work on personal injury claims. He deliberately includes inaccurate information in the adverts about his success rate with such cases. (mean 4.16, 1.21)
Q21. A solicitor is acting for a client who brings in a lot of business to her firm. She realises that a friend of hers is involved in the case, as they are working for the other side and the two friends have previously discussed it. The solicitor knows that SRA rules say she should tell her client about this and pass the case on to a colleague. However, she doesn't and keeps working on the case as it is likely to help her to get a promotion. (mean 4.16, SD 1.14)
Q20. A solicitor's computer system is hacked, giving the hackers access to information about private transactions. The investigation reveals the computer's security system was weak. (mean 4.14, SD 1.29)
Q41. A solicitor provides advice on an issue without fully understanding the relevant law. The client follows the advice, which results in them having to pay substantial extra costs. (mean 4.14, SD 1.29)
Q37. A solicitor writes a blog in his spare time, which makes it clear he is a solicitor. After a night out at the pub he publishes a rant on his blog about a barman who had refused to serve him, describing him in racially insulting terms. (mean 4.13, SD 1.24)
Q6. Five Muslim members of staff at a law firm complain that a partner discriminates against them when making internal promotions. An Employment Tribunal has looked at the evidence and found in favour of the staff. (mean 4.13, SD 1.36)
Q53. A junior solicitor misleads clients about the likely outcome of cases in order to keep the clients and impress his manager. (mean 4.11, SD 1.21)
Q51. A solicitor repeatedly texts and emails a client, making personal comments and pressing her to go out on a date. (mean 4.06, SD 1.28)

Q57. A solicitor, Sam, is working in a company and discovers that some colleagues have been bribing government officials. He raises this with the most senior lawyer in the firm who says she will take action. After a few weeks Sam realises that nothing has happened but he decides not to raise the matter again as the firm discourages staff from 'rocking the boat'. What is your view on Sam's behaviour? (mean 4.03, SD 1.57)
Q33. A train passenger can read confidential details about people's health, finances and families on a solicitor's laptop. (mean 4.01, SD 1.25)
Q19. A client complains that each time he sees his solicitor there are other clients' files open on the desk in the waiting area and no reception staff are present. (mean 3.95, SD 1.27)
Q25. A solicitor takes on lucrative work although she knows that she does not have the knowledge or experience to do it to the required standard. (mean 3.93, SD 1.18)
Q56. A solicitor notices that the bills her firm has sent to a large company include fees for hours she has not worked. She raises this with her manager. He tells her not to make a fuss and she lets the matter drop. What is your view on her behaviour? (mean 3.89 , SD 1.54)
Q14. A solicitor ignores complaints from clients about delays and standards of work. (mean 3.82, SD 1.16)
Q43. A solicitor fails to meet deadlines and so his client loses a valuable contract. (mean 3.81, SD 1.35)
Q7. Ben is a solicitor with increasing problems with his vision. He tells his boss, Mary, that he is finding it more and more difficult to work at his usual computer. Mary fails to make reasonable changes to help Ben, which forces him to resign from his post. What is your view of Mary's behaviour? (mean 3.74, SD 1.33)
Q9. A solicitor accepts a caution for possession of cocaine. (man 3.71, SD 1.50)
Q40. A solicitor fails to provide the SRA with information needed to make sure that their firm is complying with legal rules and regulations. (mean 3.66, SD 1.20)
Q10. A solicitor who is standing for election as a member of Parliament, stands down when a local paper reports that he has sent explicit photos of himself to a number of party workers. The local paper has evidence to back their story. (mean 3.58, SD 1.54)
Q46. A woman is a witness in a child custody case. She complains that the solicitor who took her statement sent it by ordinary post to the wrong address, where it was opened by her neighbour. This embarrassed her because it included personal details about her drug addiction and criminal convictions. (mean 3.57, SD 1.22)
Q3. A solicitor realises that no record was made of key decisions taken at a meeting with a client. Six months later, she writes up the note and backdates it to make it look like it was done immediately after the meeting. (mean 3.54, SD 1.43)

28 The dashboards in [Annex A](#) show the responses to these questions. The scenarios which have an average score of 'serious' cover a wider range of topics, notably most of the information security and the discrimination scenarios.

29 Many of these scenarios have a higher variance and standard deviation. This is unsurprising, since 'middle' average scores (in this case 3.5-4.5 on a scale of 1-6, rather than say 1.5 or 5.5) are where the average score is likely to end up where there is diversity of views (e.g. some people have voted 1, and some 6, and it averaged out at 3.5). Questions 3, 9, 10 and 56 have particularly high standard deviations. Interestingly, two of these relate to solicitors' behaviour unrelated to the practice of law.

Concern

30 The following scenarios had an average score of ‘concern’. They are listed from highest average score to lowest.

Q16. A solicitor is in financial trouble and has not paid her tax bills. (mean 3.48, SD 1.40)
Q39. A client complains that his solicitor has sworn at him and is often rude. (mean 3.33, SD 1.66)
Q48. A solicitor represents a man with serious mental health problems in a number of different matters. The client believes his neighbours, the police and his doctors are against him. The solicitor realises that his client's allegations against these people are not true, but continues to act for him until the man's family complains. (mean 3.27, SD 1.43)
Q13. A solicitor in a small firm formally agrees to transfer money from their client to another solicitor. However, this is not done until the other solicitor makes a formal complaint three weeks later. (mean 3.21, SD 1.28)
Q58. A solicitor, Jo, realises that no note was taken of some key decisions at a meeting with a client. A number of staff from the firm were present, but each thought another was taking the note. Six months later, Jo raises this with the most senior lawyer who attended the meeting. The senior lawyer tells her to write up the note and backdate it, which she does. What is your view on Jo's actions? (mean 3.16, SD 1.36)
Q54. A newly qualified solicitor fails to comply with court rules leading to a case being delayed and higher costs for all those involved (including the court). (mean 3.11, SD 1.23)
Q17. A High Court judge reports a solicitor to the SRA for consistently taking on very weak cases on asylum and deportation. The judge says the solicitor is wasting court time and causing unnecessary costs. An investigation shows the solicitor's success rate representing these cases is one in ten. (mean 3.00, SD 1.41)
Q45. A solicitor leaves files which include private information locked in the boot of his car. During the night the car is stolen and abandoned in a side street. When the car is found, the papers are still in the boot. (mean 2.93, SD 1.32)
Q26. A partner takes on a number of new clients without considering the impact on his colleagues, as the firm does not have the resources to manage the increased workload. (mean 2.92, SD 1.15)
Q11. A solicitor provides advice without understanding the relevant area of law. His firm has become aware and has put right his mistake. (mean 2.88, SD 1.19)
Q52. A junior solicitor accepts a police caution after being involved in a drunken fight. (mean 2.86, SD 1.26)
A Q55. A junior solicitor in a large law firm does not inform clients of the progress of cases and causes delays. This results in an unrealistic number of cases being given to her by senior staff. (mean 2.84, SD 1.14)
Q36. A solicitor who represents clients accused of criminal offences is found guilty of dangerous driving. He pleads guilty, is banned for a year and fined £1,000. (mean 2.73, SD 1.28)

31 The dashboards in [Annex A](#) show the responses to these questions. As with the scenarios with an average score of ‘serious’, the ‘concern’ scenarios cover a range of different types of misconduct. However, it is worth noting that many of the scenarios either do not state a harmful consequence of the misconduct, or state that the matter was put right so there were no harmful consequences. Later in the paper we discuss more about the role of harm in how people see seriousness; our analysis shows that scenarios with obvious harm are on average rated as more serious.

Results summary

32 The results are broadly in line with the current matters we would take more and less seriously.

Analysis of results

33 We wanted to know what caused people to score a scenario as more serious. We analysed the results to find out if the following factors had an influence:

- The type of misconduct
- Intent – did the person doing something wrong intend to do it, or intend to cause harm?
- Harm – how did the conduct affect others?
- Vulnerability – was a vulnerable person involved?
- Seniority – did it make a difference if the person involved was in a senior position?
- Junior – did it make a difference if the person involved was junior or inexperienced?

Type of misconduct

34 We designed some questions to draw out whether people thought particular types of misconduct were particularly serious. We have grouped these together under various 'problem types' (see column one of the table below). These are broad characterisations of very short, specific questions that could be interpreted in different ways. The groupings should therefore be seen generally rather than specifically.

35 This analysis shows how scenarios dealing with similar issues (confidentiality, client money, personal misconduct, etc.) have been rated in the survey, to enable some consideration of similarities and differences in how serious people think these matters are. It also shows whether there were any statistically significant differences between how solicitors and non-solicitors scored the problems.

36 The most serious types of misconduct in the survey were misuse of client money, self-dealing³ and misleading or false evidence.

³ Taking advantage of a fiduciary position

Problem types	Broad characterisation	Differences⁴ between solicitors and non-solicitors
Misuse of client money	Most serious-very serious	Non-solicitors gave a lower score to the scenario where money was returned. In other misuse scenarios differences were small.
Self-dealing	Most serious-very serious	No difference apart from the question on self-dealing outside of work, which solicitors saw as more serious than non-solicitors.
Misleading or false evidence	Most serious-very serious	No differences for Q8, Q30 and Q18. A difference for Q2 (a question about encouraging a witness to mislead a tribunal) – solicitors scored it higher.
False CV	Very serious	No differences
Anti-money laundering	Very serious	Non-solicitor score was slightly higher.
Advice that may assist in potential illegality by the client	Very serious	No differences
Whistleblowing about bribery	Very serious-serious	There were no significant differences for one question. For the other, non-solicitors on average scored it slightly higher.
Conflict of interests	Very serious-serious	No differences
Overcharging/fees problems	Very serious-serious	The differences between solicitor and non-solicitor scores for these questions were very mixed, therefore we cannot say there is any discernible patterns for the group.
Misleading clients to get business	Very serious-serious	No differences
Inappropriate relationships with clients	Very serious-serious	Non-solicitors scored both these questions as more serious than solicitors did.
Conduct outside legal practice that calls into question suitability to be a solicitor	Very serious-some concern	No consistent pattern of differences across all questions.
Staff discrimination	Serious	Non-solicitors scored higher on average for one of the questions (failure to make reasonable adjustments), no difference on the other (found in favour of employee at tribunal for discrimination).
Complaint handling	Serious	No differences
Confidentiality	Serious	Non-solicitors scored all questions as more serious than solicitors did. These were some of the biggest differences between solicitors and non-solicitors across all questions.
Competence problems	Serious-concern	Non-solicitors scored all questions which looked at competence problems as more serious than solicitors did.

⁴ All differences are statistically significant

Problem types	Broad characterisation	Differences⁴ between solicitors and non-solicitors
Practising certificate problems	Serious-some concern	No difference for one question, but on another solicitors were less concerned than non-solicitors.
Mismanagement problems	Serious-some concern	No consistent pattern of differences across all questions.
Backdating	Concern	No differences
Taking advantage of a client	Concern	Non-solicitors scored this question higher than solicitors.
Rudeness to a client	Concern	No differences
Bringing weak cases	Concern-some concern	Non-solicitors scored Q29 as more serious than solicitors. There were no differences for Q17.

Misuse of client money

- 37 All the scenarios involving misuse of client money had an average score of either 'very serious' or 'most serious'. Responses were very consistent.
- 38 One scenario where a solicitor misused client money but then immediately replaced it scored as slightly lower. There was also a slightly wider range of views about this scenario.
- 39 There was also an interesting difference between solicitor and non-solicitor views on this. Solicitors always saw misuse as most serious, even if the money was replaced. However the public on average scored the question lower when the money was replaced. The table below shows this difference; nearly a quarter of the public voted the replacement scenario as something less than 'very serious' or 'most serious'.

Question	Solicitors	Non-solicitors
Q28. A senior solicitor in a law firm uses money that belongs to clients to pay his gambling debts. He says he always intended to pay the money back when his luck changed. (mean 5.78, SD 0.70)	5.9 – Most serious Less than 1% of people scored it less than 5	5.8 – Most serious 1% of people scored it less than 5
Q22. A solicitor uses money that belongs to clients, not the law firm itself, to solve cash-flow problems in his firm. (mean 5.62, SD 0.78)	5.8 – Most serious 3% of people scored it less than 5	5.5 – Most serious 6% of people scored it less than 5
Q38. A solicitor is holding money while a deceased client's will is being settled. The solicitor uses the money to pay her staff's wages. She returns the money before she is due to pay it to the deceased client's relations. (mean 5.17, SD 1.10)	5.5 – Most serious 7% of people scored it less than 5	4.9 – Very serious 23% of people scored it less than 5

Self-dealing

- 40 The following questions were designed to look at situations where a solicitor exploited opportunities for their own benefit or to protect their own financial position. These were all regarded as the most or very serious types of misconduct.

Q49. A solicitor encourages an elderly client to alter his will so that she will inherit some of his money. (mean 5.72, SD 0.58)
Q35. A client asks for advice from his solicitor about suing a company. The solicitor has a financial interest in the company but he does not tell his client. Instead, he tells his client that his case has no merit, even though this is not true. (mean 5.35, SD 0.90)
Q61. An experienced solicitor volunteers for a charity in his spare time. He provides advice on their legal problems. He regularly charges the charity for expenses he has not really paid for, saying that he has lost the receipt or that he forgot to ask for a receipt. (mean 4.78, SD 1.19)

- 41 For these questions, there was little difference between solicitor and non-solicitor responses, apart from Q61, where there was a statistically significant difference: solicitors on average scored the scenario higher (average score was 5.06 compared with non-solicitors 4.59). Interestingly this is the question about solicitor conduct outside their work.

Misleading or false evidence

- 42 Four problems dealt with solicitors leading or being complicit in the provision of false evidence, e.g. to the court and/or opponents. These range from most serious to very serious.

Q8. A solicitor is convicted of providing forged documents to help someone unlawfully enter the UK. (mean 5.78, SD 0.62)
Q30. A client, who brings a lot of business to a law firm, includes misleading information in a statement to be used in court. The solicitor handling the case knows this will create a false impression, and that it could influence the court's decision. She still submits the statement to the court. (mean 5.16, SD 1.06)
Q18. A solicitor makes a large claim for a client who has been in an accident even though she knows her client is lying about the extent of his injuries. (mean 4.77, SD 1.14)
Q2. A solicitor is taking statements from witnesses to use at an Employment Tribunal. The first witness, Sarah, says she saw John leaving the HR department carrying files on the day that documents crucial to the case disappeared. When the solicitor interviews John she tells him what Sarah said. The solicitor implies that, if John did take the files, he should invent an innocent explanation for his visit to HR to put into his statement. (mean 4.66, SD 1.27)

- 43 There were no significant differences in the scores of solicitors and non-solicitors for Q8, Q30 and Q18. There was a difference for Q2 – solicitors scored it an average of 4.85, higher than the non-solicitor average of 4.52.

False CV

- 44 The scenario relating to falsifying a CV was also one of the top scored types of misconduct.

Q4. A solicitor's CV says he has a first class degree and three years' work experience in the USA. When his work proves to be poor, the firm investigates and discovers that neither is true. (mean 4.99, SD 1.07)

- 45 There were no significant differences in how solicitors and non-solicitors scored this question.

Anti-money laundering

- 46 The question designed to look at anti-money laundering protections had an average score of very serious.

Q34. A solicitor's firm is having money problems. His bank refuses to give him a loan. Instead, he borrows money from an ex-client who has a previous conviction for fraud. As the solicitor does not make proper checks, there is a risk that the money received results from criminal activity. (mean 4.90, SD 1.20)

- 47 Non-solicitors scored this question more seriously than solicitors. Their average score was 5.11, whereas the solicitor was 4.71.

Advice that may assist with potential illegality by the client

- 48 This question had an average score which just came within the boundary of very serious. However, we can see from the standard deviation that there was some variation in the scoring of this scenario by the respondents.

Q31. A client who brings a lot of work to a law firm persuades them to give advice that helps their business plans. The firm does so, although they know the advice will be used to justify action which may not be legal. (mean 4.54, SD 1.29)

- 49 There were no significant differences in how solicitors and non-solicitors scored this question.

Whistleblowing about bribery

- 50 These questions appear to be affected by seniority of the solicitor.

Q59. A senior solicitor is employed by a company to handle their legal affairs. She discovers that some colleagues have been bribing government officials. She tries to protect her colleagues by not telling their bosses and simply telling them to stop. (mean 4.69, SD 1.20)

Q57. A solicitor, Sam, is working in a company and discovers that some colleagues have been bribing government officials. He raises this with the most senior lawyer in the firm who says she will take action. After a few weeks Sam realises that nothing has happened but he decides not to raise the matter again as

the firm discourages staff from 'rocking the boat'. What is your view on Sam's behaviour? (mean 4.03, SD 1.57)

- 51 There were no significant differences in how solicitors and non-solicitors scored Q59. For Q57, non-solicitors had an average score of 4.26, higher than the solicitor 's 3.84.

Conflict of interests

- 52 The two 'client and client' conflict of interest problems were generally regarded as either serious or very serious. The matter rated as more serious was the one where remedial action was taken, albeit late in the day.

Q1. A solicitor, David, has two clients who have been charged with murder. They blame each other and give different accounts of what happened. David quickly realises that he cannot represent them both as making a case for one client will damage the case of the other. Despite this, David keeps acting for both clients until the day before the court case is due to start and only then informs the court of the situation. The court has to postpone hearing the case until another solicitor is found for one of the clients. What is your view of David's actions? (mean 4.73, SD 1.11)

Q21. A solicitor is acting for a client who brings in a lot of business to her firm. She realises that a friend of hers is involved in the case, as they are working for the other side and the two friends have previously discussed it. The solicitor knows that SRA rules say she should tell her client about this and pass the case on to a colleague. However, she doesn't and keeps working on the case as it is likely to help her to get a promotion. (mean 4.16, SD 1.14)

- 53 There were no significant differences in how solicitors and non-solicitors scored these questions.

Overcharging/fees problems

- 54 This type of misconduct generated a range of responses from very serious to serious. The question with the lowest score is one where the solicitor has not overcharged, but instead has failed to report it.

Q47. A solicitor charges a widower for work she has not done. She is sure his lack of knowledge about the law means he will pay without question. (mean 5.28, SD 0.89)

Q62. A senior solicitor routinely overcharges clients and encourages his colleagues to do so too. (mean 4.88, SD 1.08)

Q42. A solicitor misleads a potential new client about his costs by not discussing the large fees to be paid in a property development deal. (mean 4.19, SD 1.02)

Q56. A solicitor notices that the bills her firm has sent to a large company include fees for hours she has not worked. She raises this with her manager. He tells her not to make a fuss and she lets the matter drop. What is your view on her behaviour? (mean 3.89 , SD 1.54)

- 55 The differences between solicitor and non-solicitor scores for these questions were very mixed, therefore we cannot say there is any discernible patterns for the group. For Q62 and Q56 there were no significant differences. Non-

solicitors scored Q42 slightly higher on average than solicitors, and solicitors scored Q47 slightly higher than solicitors.

Misleading clients to get business

56 Three scenarios involved solicitors deliberately misleading clients in the context of getting their instructions or advertising. The judgments range, in particular, between being seen as on average very serious towards being seen as serious (with quite a few respondents seeing them as merely matters of concern).

Q27. A solicitor in a law firm tries to keep clients by misleading them about the likely outcome of their cases. (mean 4.59, SD 1.04)

Q5. A solicitor advertises in local newspapers promoting his work on personal injury claims. He deliberately includes inaccurate information in the adverts about his success rate with such cases. (mean 4.16, 1.21)

Q53. A junior solicitor misleads clients about the likely outcome of cases in order to keep the clients and impress his manager. (mean 4.11, SD 1.21)

57 There were no significant differences in how solicitors and non-solicitors scored these questions.

Inappropriate relationships with clients

58 Two scenarios looked at having or seeking a relationship with a client. One was significantly 'stronger' in the sense that there was a sexual relationship and the client's vulnerability was clearer, and this was reflected in the voting. However, the high standard deviation shows that there was a wide degree of variation in how people voted on these questions.

Q50. A solicitor is working with a client who is taking a hospital to court following an operation that left her with a brain injury. The solicitor starts a sexual relationship with her, although he knows she has not recovered from her injuries. He also continues to act as her solicitor. (mean 4.70, SD 1.38)

Q51. A solicitor repeatedly texts and emails a client, making personal comments and pressing her to go out on a date. (mean 4.06, SD 1.28)

59 Non-solicitors scored both these questions as more serious than solicitors did. The average scores were:

Question	Solicitor average score	Non-solicitor average score
50	4.37	4.99
51	3.95	4.29

Conduct outside legal practice that calls into question suitability to be a solicitor

60 We included some questions about solicitors' private lives, to find out if conduct outside the workplace mattered to people. One of these scenarios had an average score of very serious, which was:

An experienced solicitor volunteers for a charity in his spare time. He provides advice on their legal problems. He regularly charges the charity for expenses he has not really paid for, saying that he has lost the receipt or that he forgot to ask for a receipt.

61 This suggests that there are matters where we should take action because of something a solicitor does in their private life. However, responses for every question relating to conduct outside of work were very split, suggesting that there is no consensus on how seriously we should take these matters.

Q61. An experienced solicitor volunteers for a charity in his spare time. He provides advice on their legal problems. He regularly charges the charity for expenses he has not really paid for, saying that he has lost the receipt or that he forgot to ask for a receipt. (mean 4.78, SD 1.19)
--

Q37. A solicitor writes a blog in his spare time, which makes it clear he is a solicitor. After a night out at the pub he publishes a rant on his blog about a barman who had refused to serve him, describing him in racially insulting terms. (mean 4.13, SD 1.24)
--

Q10. A solicitor who is standing for election as a member of Parliament, stands down when a local paper reports that he has sent explicit photos of himself to a number of party workers. The local paper has evidence to back their story. (mean 3.58, SD 1.54)
--

Q9. A solicitor accepts a caution for possession of cocaine. (mean 3.71, SD 1.50)

Q52. A junior solicitor accepts a police caution after being involved in a drunken fight. (mean 2.86, SD 1.26)
--

Q36. A solicitor who represents clients accused of criminal offences is found guilty of dangerous driving. He pleads guilty, is banned for a year and fined £1,000. (mean 2.73, SD 1.28)
--

Q23. A solicitor is caught fare dodging on public transport after drinking too much on a night out. She says she didn't intend to avoid the fare but forgot to use her travel card. She accepts a penalty notice and pays £60 fine. (mean 2.29, SD 1.39)
--

62 For four of these scenarios there were no differences in how solicitors voted compared with non-solicitors. Non-solicitors scored Q9 and Q36 more seriously than solicitors. Whereas solicitors scored Q61 more seriously than non-solicitors.

Staff discrimination

63 Two problems dealt with staff discrimination and both were scored as 'serious'. However both also had a high standard deviation, showing a high variation in how people view the seriousness of this type of misconduct.

Q6. Five Muslim members of staff at a law firm complain that a partner discriminates against them when making internal promotions. An Employment Tribunal has looked at the evidence and found in favour of the staff. (mean 4.13, SD 1.36)

Q7. Ben is a solicitor with increasing problems with his vision. He tells his boss, Mary, that he is finding it more and more difficult to work at his usual computer. Mary fails to make reasonable changes to help Ben, which forces him to resign from his post. What is your view of Mary's behaviour? (mean 3.74, SD 1.33)

64 Interestingly, there were no significant differences in how solicitors and non-solicitors scored Q6, but there was a statistically significant difference in how they scores Q7: solicitors scored Q7 on average 3.53, compared with non-solicitors scoring it on average 4.04.

Complaint handling

65 One scenario dealt with complaint handling. Although there was some variation this was generally regarded as a serious matter.

Q14. A solicitor ignores complaints from clients about delays and standards of work. (mean 3.82, SD 1.16)

66 There were no significant differences in how solicitors and non-solicitors scored this question.

Confidentiality

67 We had five questions that related to information security issues. All were rated as serious apart from one, which was on average rated only as a concern.

Q20. A solicitor's computer system is hacked, giving the hackers access to information about private transactions. The investigation reveals the computer's security system was weak. (mean 4.14, SD 1.29)

Q33. A train passenger can read confidential details about people's health, finances and families on a solicitor's laptop. (mean 4.01, SD 1.25)

Q19. A client complains that each time he sees his solicitor there are other clients' files open on the desk in the waiting area and no reception staff are present. (mean 3.95, SD 1.27)

Q46. A woman is a witness in a child custody case. She complains that the solicitor who took her statement sent it by ordinary post to the wrong address, where it was opened by her neighbour. This embarrassed her because it included personal details about her drug addiction and criminal convictions. (mean 3.57, SD 1.22)

Q45. A solicitor leaves files which include private information locked in the boot of his car. During the night the car is stolen and abandoned in a side street. When the car is found, the papers are still in the boot. (mean 2.93, SD 1.32)

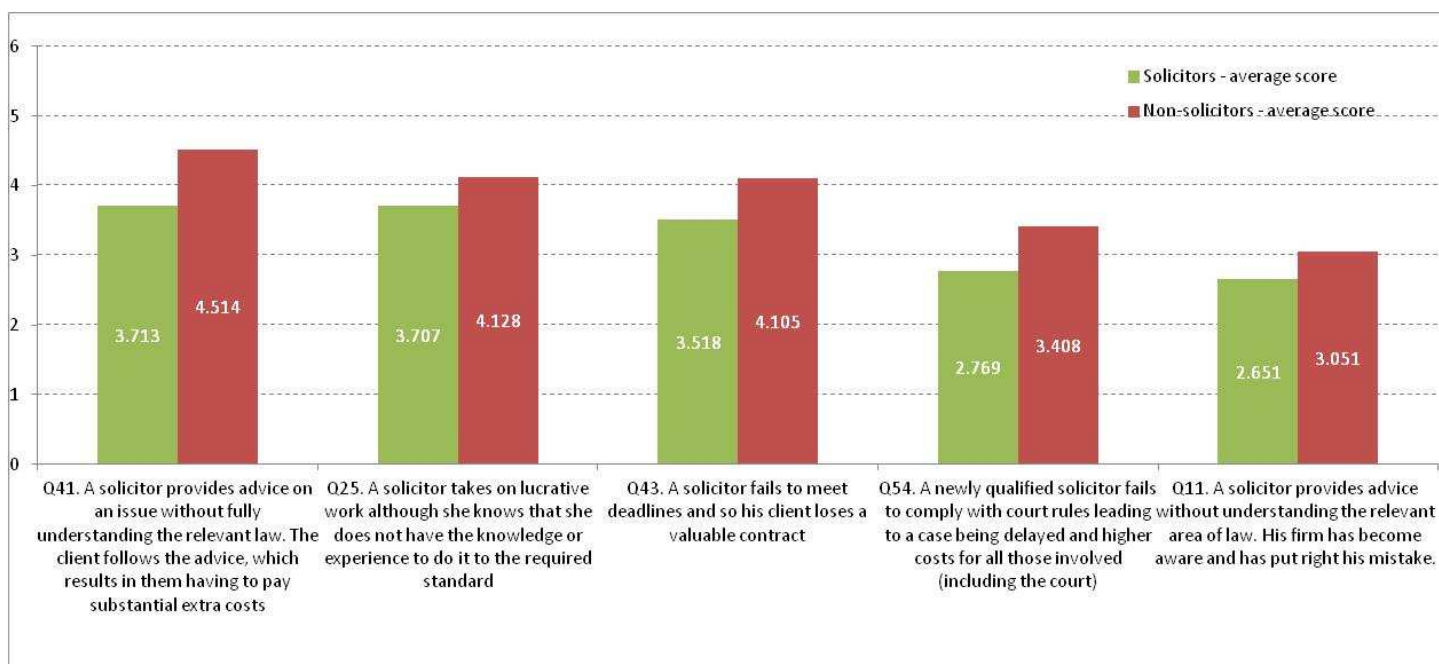
68 Interestingly, for each of these scenarios, non-solicitors thought the matter was more serious than solicitors did. These differences are statistically significant and were some of the biggest differences in opinion across all the questions. This suggests that solicitors take information security issues less seriously than the public.

Competence problems

69 There were five questions which dealt with competence issues. They scored on average between concern and serious, but we can see that factors like intent and seniority could be affecting the scores.

Q41. A solicitor provides advice on an issue without fully understanding the relevant law. The client follows the advice, which results in them having to pay substantial extra costs. (mean 4.14, SD 1.29)
Q25. A solicitor takes on lucrative work although she knows that she does not have the knowledge or experience to do it to the required standard. (mean 3.93, SD 1.18)
Q43. A solicitor fails to meet deadlines and so his client loses a valuable contract. (mean 3.81, SD 1.35)
Q54. A newly qualified solicitor fails to comply with court rules leading to a case being delayed and higher costs for all those involved (including the court). (mean 3.11, SD 1.23)
Q11. A solicitor provides advice without understanding the relevant area of law. His firm has become aware and has put right his mistake. (mean 2.88, SD 1.19)

70 As with the information security matters above, non-solicitors scored scenarios which looked at competence problems as more serious than solicitors did. These differences were all statistically significant.



Practising certificate problems

71 The two problems prompted significant variation here. The ability to blame the firm, rather than the individual, and/or the putting the problem right appeared to reduce the perceived seriousness significantly.

Q12. It is illegal to work as a solicitor without a practising certificate issued by the SRA. However, a
--

solicitor knowingly continues to work after his practising certificate has become out of date. (mean 4.40, SD 1.24)

Q24. It is illegal to work as a solicitor without a practising certificate issued by the SRA. A typing mistake by a law firm leads to a solicitor unknowingly practising for three months without a current practising certificate. When the solicitor discovers the mistake she immediately takes steps to put the matter right. (mean 1.93, SD 1.11)

72 There were no statistically significant differences between solicitors and non-solicitors on Q12, but on Q24 solicitors were less concerned than non-solicitors (average score of 1.77 as opposed to 2.13).

Mismanagement problems

73 A number of problems we have grouped together as mismanagement problems, either at the firm level or at the individual lawyer's level. Here we see quite a range of attributed seriousness.

Q15. A solicitor commits his clients to a set date for the purchase of a house without telling them. (mean 4.23, SD 1.17)

Q40. A solicitor fails to provide the SRA with information needed to make sure that their firm is complying with legal rules and regulations. (mean 3.66, SD 1.20)

Q16. A solicitor is in financial trouble and has not paid her tax bills. (mean 3.48, SD 1.40)

Q26. A partner takes on a number of new clients without considering the impact on his colleagues, as the firm does not have the resources to manage the increased workload. (mean 2.92, SD 1.15)

Q55. A junior solicitor in a large law firm does not inform clients of the progress of cases and causes delays. This results in an unrealistic number of cases being given to her by senior staff. (mean 2.84, SD 1.14)

74 Differences between responses varied across the questions in this set – although non-solicitors scored some of these matters more seriously, this was not the case across the board. This, along with the variation in seriousness scores, suggests that perhaps this group of questions covers too much of a range of different matters to be viewed meaningfully as one group.

Backdating

75 Two scenarios raised the problem of backdating, and their scores were quite similar – there was a lot of variation in how people responded to both questions.

Q58. A solicitor, Jo, realises that no note was taken of some key decisions at a meeting with a client. A number of staff from the firm were present, but each thought another was taking the note. Six months later, Jo raises this with the most senior lawyer who attended the meeting. The senior lawyer tells her to write up the note and backdate it, which she does. What is your view on Jo's actions? (mean 3.16, SD 1.36)

Q3. A solicitor realises that no record was made of key decisions taken at a meeting with a client. Six months later, she writes up the note and backdates it to make it look like it was done immediately after the meeting. (mean 3.54, SD 1.43)

76 There were no significant differences in how solicitors and non-solicitors scored these questions.

Taking advantage of a client

77 Another problem dealt with taking advantage of a vulnerable client. This question had a relatively low average score, but again the high standard deviation shows that there were a wide variety of responses.

Q48. A solicitor represents a man with serious mental health problems in a number of different matters. The client believes his neighbours, the police and his doctors are against him. The solicitor realises that his client's allegations against these people are not true, but continues to act for him until the man's family complains. (mean 3.27, SD 1.43)

78 Non-solicitors scored this question higher than solicitors, the averages being 3.62 and 3.06 respectively.

Rudeness to client

79 This matter was seen as being of concern.

Q39. A client complains that his solicitor has sworn at him and is often rude. (mean 3.33, SD 1.66)

80 There were no significant differences in how solicitors and non-solicitors scored this question.

Bringing weak cases

81 Two scenarios raised the problem of bringing weak cases. These were scored as concern and some concern, but there were a variety of responses.

Q17. A High Court judge reports a solicitor to the SRA for consistently taking on very weak cases on asylum and deportation. The judge says the solicitor is wasting court time and causing unnecessary costs. An investigation shows the solicitor's success rate representing these cases is one in ten. (mean 3.00, SD 1.41)

Q29. A High Court judge reports a solicitor to the SRA for consistently taking on very weak cases on asylum and deportation. The judge says they are wasting court time and causing unnecessary costs. An investigation shows the solicitor's success rate is one in ten. The solicitor admits the cases are often weak but that he believes that the asylum seekers he represents should be given every chance to make their case and will be at risk if they are deported. (mean 2.32, SD 1.39)

82 Non-solicitors scored Q29 as more serious than solicitors (2.50 compared with 2.05). There were no differences for Q17.

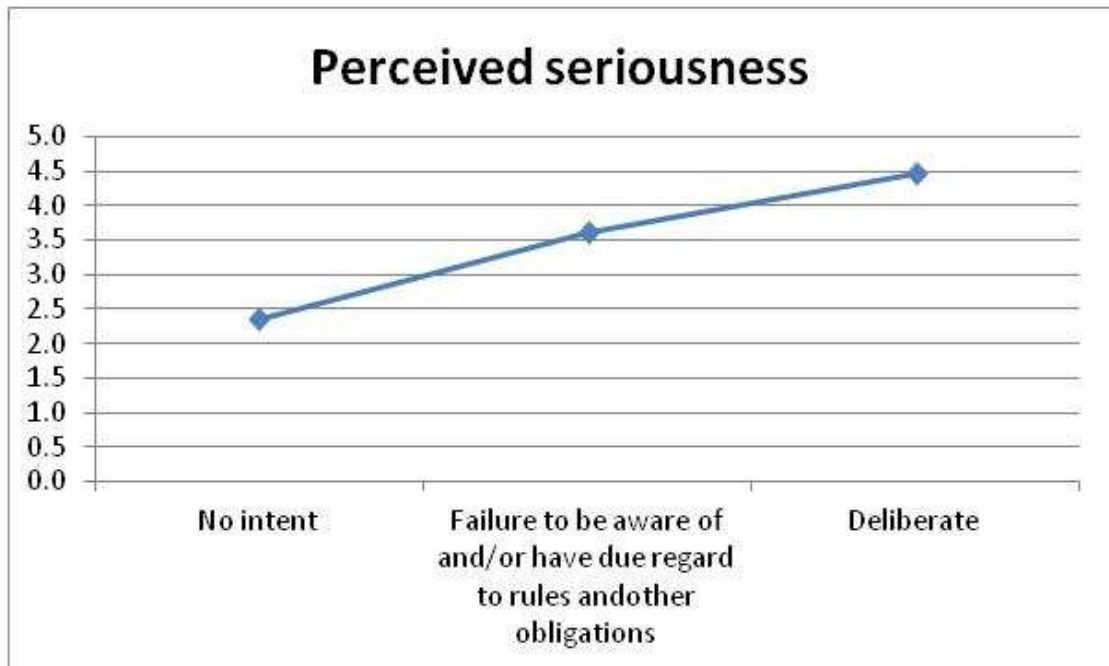
Other factors outside type of misconduct

- 83 To assess what role factors other than misconduct played, we used some of the scenarios to measure issues such as intent and harm. To test these, we calculated the correlation coefficient⁵ between the average score for the questions (seriousness) and the score for the factor for the questions. The correlation coefficient (r) and the p -value (p) are presented to show the significance of the correlation.
- 84 Because various factors were measured through different questions, not every question measured every factor. Therefore it was not possible to perform a meaningful multi-linear regression analysis to explore the association of each factor with seriousness, taking into account the effect of the other factors. When we performed linear regression for each variable, again the results were difficult to interpret as some of the factors were tested in such a low number of questions. Therefore we have presented the correlation data to give an indication of a meaningful association, alongside some further testing through comparing sets of questions where the only variable changed was the factor.

Intent

- 85 42 out of the 62 scenarios were rated regarding the level of intent of the described actions. 29 were regarded as 'deliberate' actions, 10 were described as 'failure to be aware of and/or have due regard to rules and other obligations', and 3 were considered to denote 'no intent' (see Annex 2).
- 86 A positive and significant association was found ($r = .63$, $p < .001$) between the level of intent present in the scenario and its perceived seriousness, with those describing higher levels of intent being generally regarded as more serious. We can estimate that the following figure presents the mean level of seriousness rated by survey respondents at different levels of intent, as rated by experts. It should be remembered, however, that there is significant variation around each mean (especially for 'deliberate' scenarios), so the graph simplifies the situation considerably.

⁵ Pearson correlation



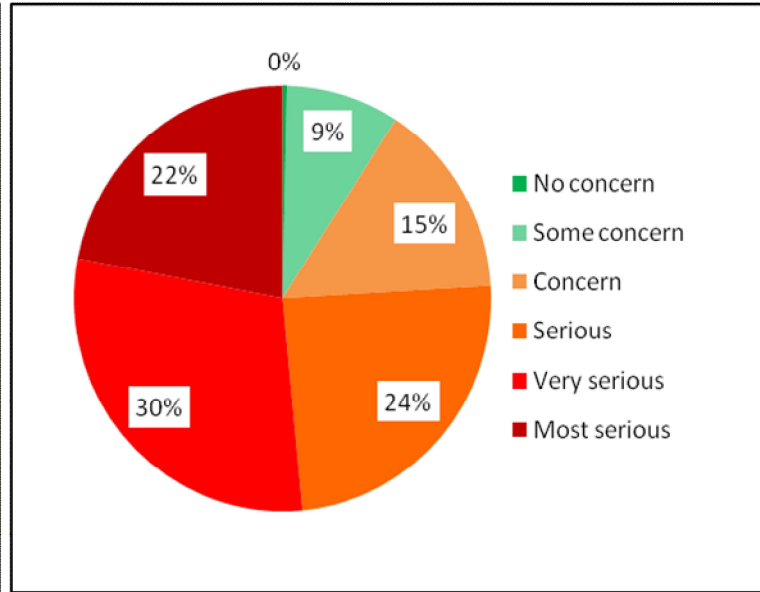
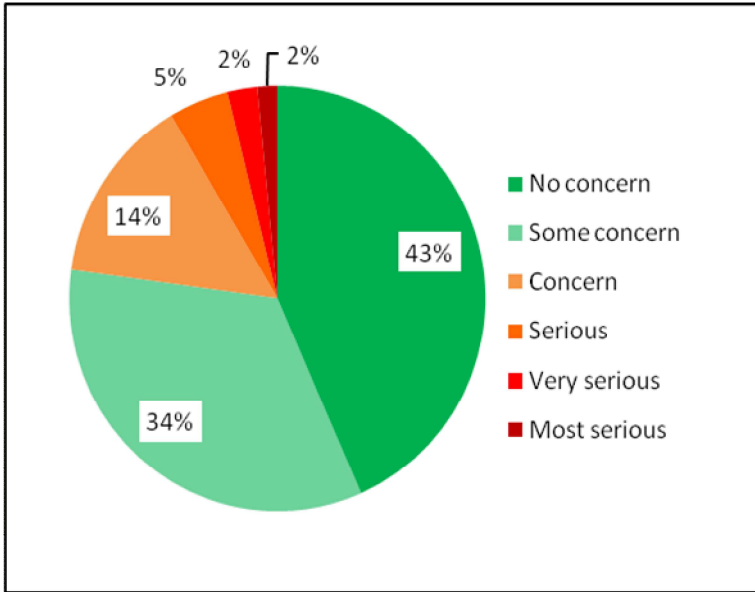
Testing intent through similar questions

87 We designed some of the questions to be similar, but with differences relating to the intent of the solicitor involved. The results below show how people responded differently based on the intent, showing that it is a significant factor in perception of seriousness. We asked different people different versions of the question, so a person would not be voting on two very similar scenarios.

88 This scenario is about a solicitor working without a practising certificate. In Q24, this is a genuine mistake, where as in Q12, it is intentional. In this scenario people are clearly influenced by intent, as Q24 was voted far less serious and there was far more consensus of votes.

Q24. It is illegal to work as a solicitor without a practising certificate issued by the SRA. A typing mistake by a law firm leads to a solicitor unknowingly practising for three months without a current practising certificate. When the solicitor discovers the mistake she immediately takes steps to put the matter right. (mean 1.93, SD 1.11)

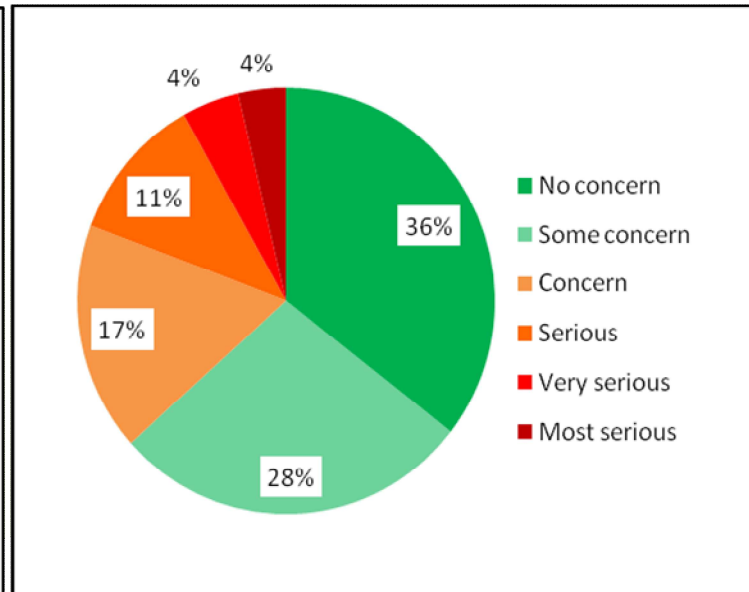
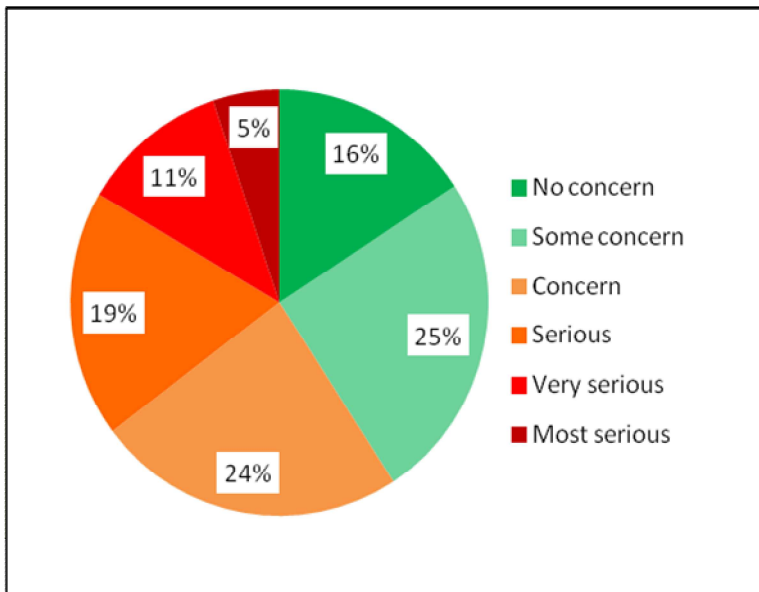
Q12. It is illegal to work as a solicitor without a practising certificate issued by the SRA. However, a solicitor knowingly continues to work after his practising certificate has become out of date. (mean 4.40, SD 1.24)



89 The next scenario concerns a solicitor reported to the SRA for bringing weak asylum cases with only a 1 in 10 success rate. In Q17 no motivation is given. In Q29, the solicitor admits the cases are weak but says he believes the people he represents should be given every chance to make their case as the stakes are high. In this scenario, we can again see the influence of intent, as when a good intention is given of the intent of the solicitor, people voted the matter as less serious.

Q17. A High Court judge reports a solicitor to the SRA for consistently taking on very weak cases on asylum and deportation. The judge says the solicitor is wasting court time and causing unnecessary costs. An investigation shows the solicitor's success rate representing these cases is one in ten. (mean 3.00, SD 1.41)

Q29. A High Court judge reports a solicitor to the SRA for consistently taking on very weak cases on asylum and deportation. The judge says they are wasting court time and causing unnecessary costs. An investigation shows the solicitor's success rate is one in ten. The solicitor admits the cases are often weak but that he believes that the asylum seekers he represents should be given every chance to make their case and will be at risk if they are deported. (mean 2.32, SD 1.39)



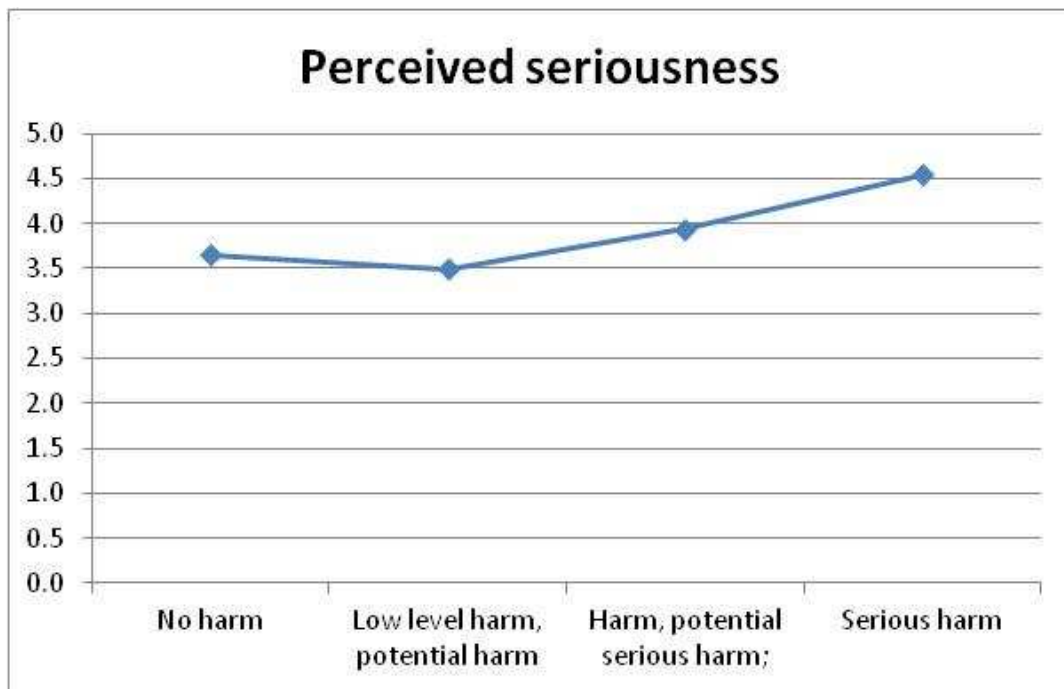
90 These two scenarios back up the initial analysis in suggesting that intent does have an influence on seriousness.

Harm

91 42 out of the 62 scenarios were rated by experts to establish the level of harm of the described actions. 15 were regarded as describing 'serious harm', 20 as describing 'harm, potential serious harm', 6 as 'low level harm, potential harm' and one as 'no harm'(see Annex 2).

92 A positive and significant association was found ($r = .43$, $p < .001$) between the level of harm present in the scenario and its perceived seriousness, with scenarios describing higher levels of harm being perceived as being more serious ethical breaches. The following figure presents the mean level of

seriousness as rated by survey respondents at different levels of harm, as coded by us.



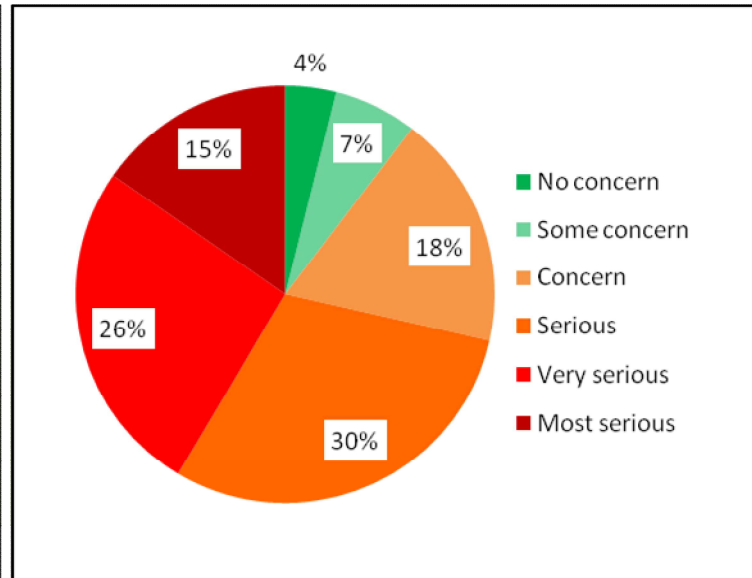
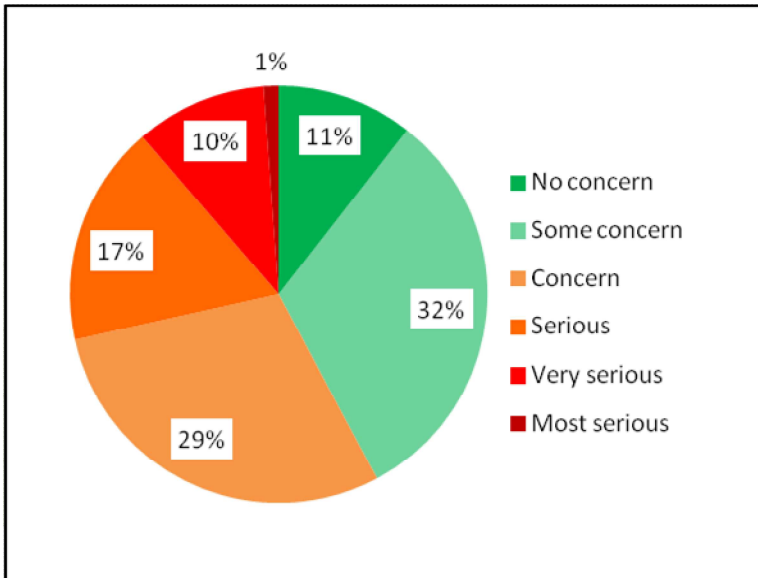
Testing harm through similar questions

93 We designed two questions to be similar, but with differences relating to the level of harm involved. The results below show how people voted differently based on the level of harm and how it is a factor in perception of seriousness in this scenario. We asked different people different versions of the question, so a person would not be answering on two very similar scenarios.

94 The scenario was a solicitor who provided poor advice because he didn't have the relevant knowledge. In Q11, there was no harm as the mistake was put right. In Q41, there was harm as the client had to pay extra costs. As can be seen below, this did make a difference, and people voted the scenario with more harm as more serious.

Q11. A solicitor provides advice without understanding the relevant area of law. His firm has become aware and has put right his mistake. (mean 2.88, SD 1.19)

Q41. A solicitor provides advice on an issue without fully understanding the relevant law. The client follows the advice, which results in them having to pay substantial extra costs. (mean 4.14, SD 1.29)



95 However, interestingly when we look at the questions on misuse of client money in the previous section, the difference is much less. This could suggest that harm is factor when the matters are in themselves less serious. But when the matter becomes really serious, such as those involving misuse of client money, judgements about harm have less impact.

Vulnerability

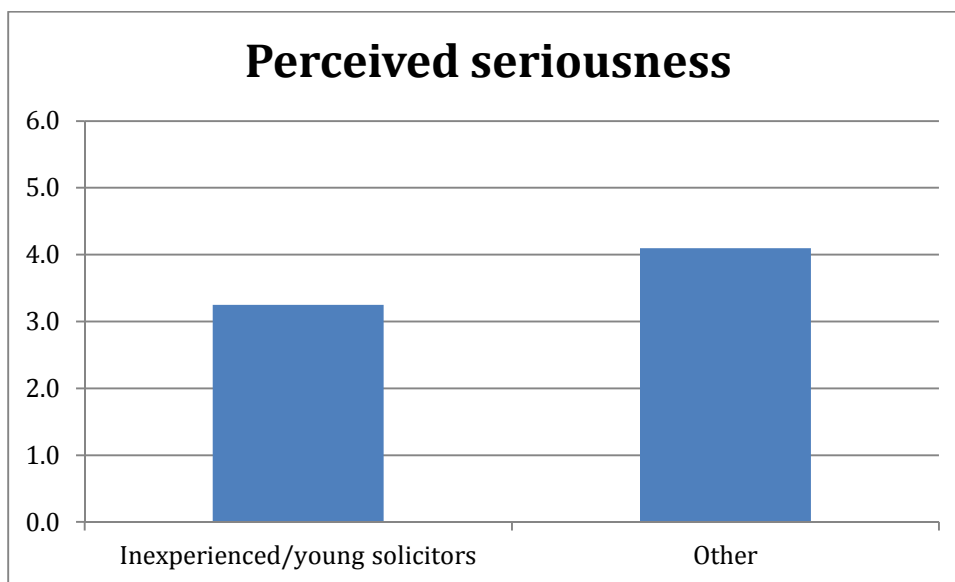
96 Out of the 60 scenarios, 7 were coded as describing situations involving vulnerable clients (see Annex 2). However, no relationship was found between scenarios describing (or not) a situation involving vulnerable clients and their seriousness, as rated by respondents ($p > .10$). In the original pilot study, again no significant relationship was found.

97 We did not ask any comparable questions where the only difference was the vulnerability of the client.

Junior solicitors

98 4 of the 60 scenarios described situations involving inexperienced solicitors (see Annex 2).

99 A negative and significant association was found ($r = -.24$, $p = .006$) between scenarios describing situations involving inexperienced solicitors and its perceived seriousness. The situations with young/ junior solicitors were perceived, on average, as less serious than the situations described in other scenarios. The following figures show the mean level of seriousness as rated by survey respondents for scenarios describing (or not) situations with inexperienced solicitors.



100 We did not ask any comparable questions where the only difference was whether or not the solicitor was junior/inexperienced.

Senior solicitors

101 Four scenarios described situations involving senior staff/people with a position of additional trust in the company (see Annex 2).

102 However, no relationship was found between scenarios describing (or not) a situation involving senior staff and their seriousness, as rated by respondents ($p > .10$).

Background of the respondent

103 The final factor we tested was whether the background of the respondent had any influence on how they scored the questions.

104 We found that different age groups and ethnicities sometimes did have a statistically significant difference on certain types of questions. However, this

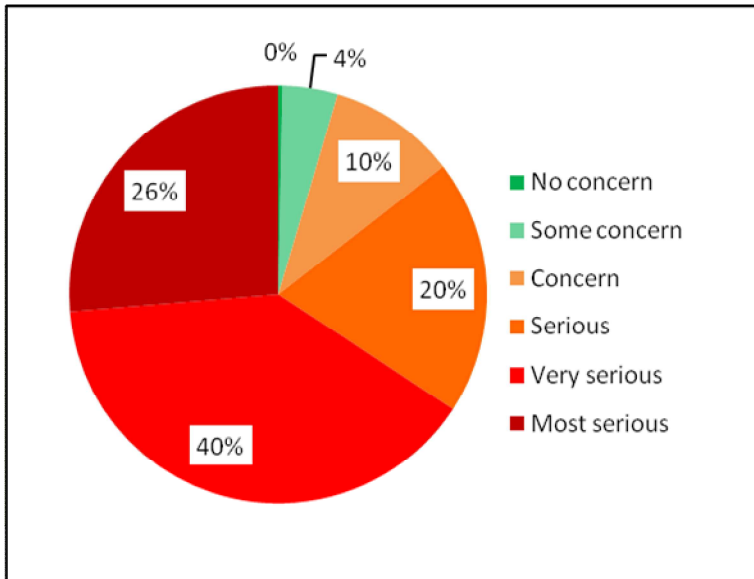
did not apply to the majority of questions, indicating that there was no overall trend of one group voting higher or lower than the other.

105 The only pattern we found was that younger people scored many of the scenarios as slightly less serious where there was pressure from managers, pressure to do well, or the solicitor was 'just' trying to be successful.

106 The questions where BAME respondents and white respondents differed in their seriousness scores, or respondents of different ages differed, applied only to particular questions and had no pattern.

Annex A – results for each question

Q1. A solicitor, David, has two clients who have been charged with murder. They blame each other and give different accounts of what happened. David quickly realises that he cannot represent them both as making a case for one client will damage the case of the other. Despite this, David keeps acting for both clients until the day before the court case is due to start and only then informs the court of the situation. The court has to postpone hearing the case until another solicitor is found for one of the clients.



Scenario statistics	
Number of votes	304
Average	4.7
Min	1
Max	6
Variance	1.2
Std Dev	1.1

- At our live events 729 people voted on the following similar scenario using the same scale as the online survey:

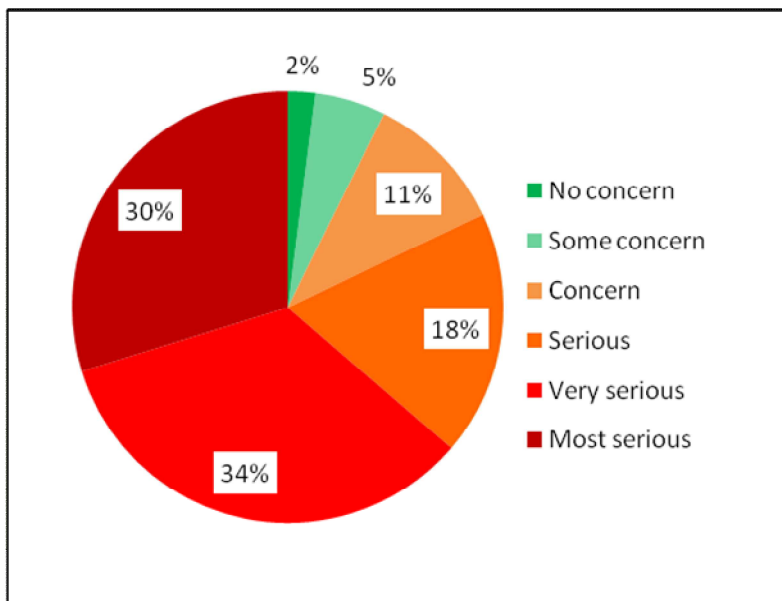
A solicitor agrees to act for two clients who have been charged with the murder of a man outside a nightclub. The clients blame each other and give different accounts of what happened. The solicitor quickly realises that he cannot represent them both as making a case for one client will damage the case of the other. Even so, he keeps acting for both clients until the day before the court case is due to start. The court has to postpone hearing the case until another solicitor is found for one of the clients.

- The wording is only slightly different and so this can be reliably compared with the results above. The results from the live events were:

No concern – 2% Some concern – 2% Concern – 12% Serious – 31%
 Very serious – 40% Most serious – 13% Average – 4.5 Std Dev – 1.1

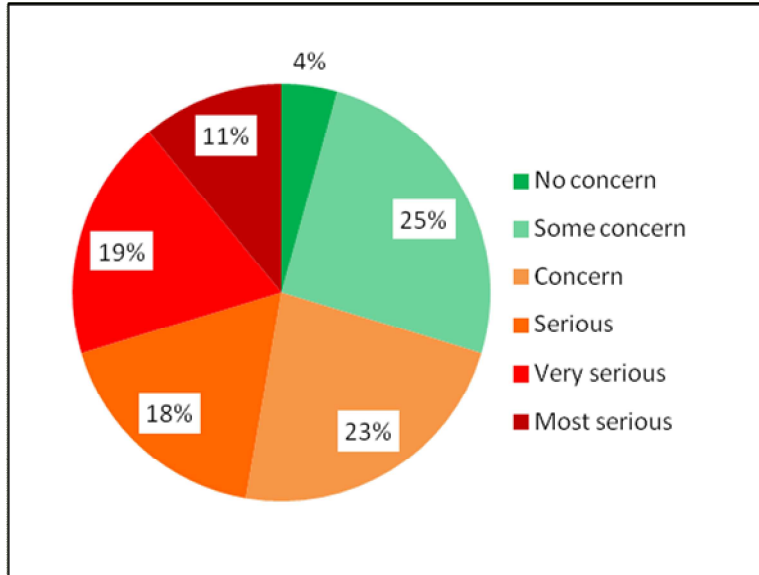
- 3 In the live voting, like the online survey, most people thought this matter was very serious. Overall the voting was slightly more lenient, with an average score of 4.5.

Q2. A solicitor is taking statements from witnesses to use at an Employment Tribunal. The first witness, Sarah, says she saw John leaving the HR department carrying files on the day that documents crucial to the case disappeared. When the solicitor interviews John she tells him what Sarah said. The solicitor implies that, if John did take the files, he should invent an innocent explanation for his visit to HR to put into his statement.



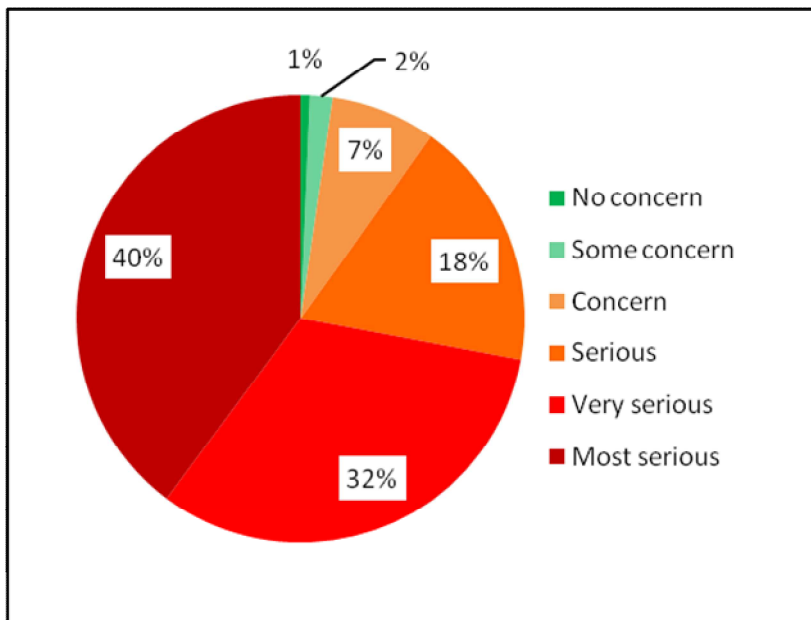
Scenario statistics	
Number of votes	245
Average	4.7
Min	1
Max	6
Variance	1.6
Std Dev	1.3

Q3. A solicitor realises that no record was made of key decisions taken at a meeting with a client. Six months later, she writes up the note and backdates it to make it look like it was done immediately after the meeting.



Scenario statistics	
Number of votes	256
Average	3.5
Min	1
Max	6
Variance	2.1
Std Dev	1.4

Q4. A solicitor's CV says he has a first class degree and three years' work experience in the USA. When his work proves to be poor, the firm investigates and discovers that neither is true.



Scenario statistics	
Number of votes	304
Average	5.0
Min	1
Max	6
Variance	1.1
Std Dev	1.1

- 4 At our live voting events 723 people voted on the following similar scenario using the same scale as the online survey:

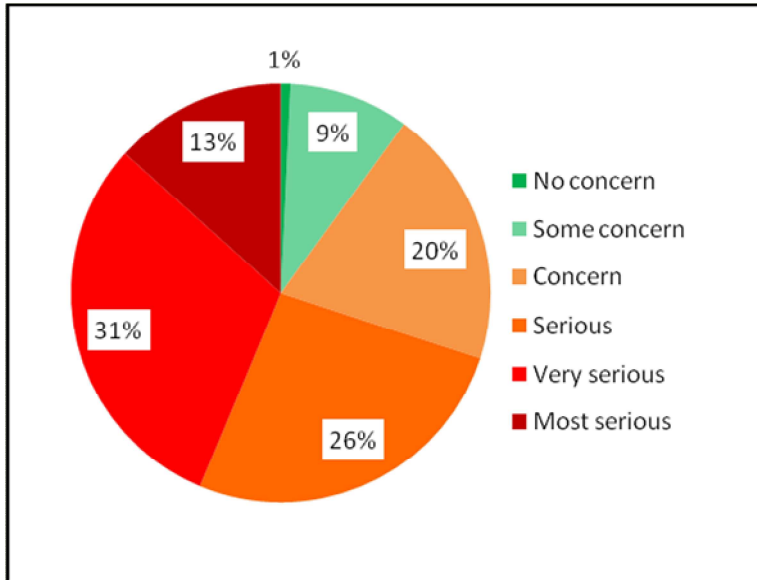
A solicitor was taken on by a large law firm. In his CV he said he had a first class degree and three years' work experience in the USA. When the solicitor's work proved to be poor the firm looked into his claims and discovered that neither was true.

- 5 There is one different detail, that the solicitor works for a large law firm, and so this can be reliably compared with the results above. The results from the live events were:

No concern – 3%	Some concern – 4%	Concern – 11%	Serious – 18%
Very serious – 27%	Most serious – 37%	Average – 4.7	Std Dev – 1.3

- 6 In the live voting, like the online survey, most people thought this matter was most serious. Overall the voting was slightly more lenient, with an average score of 4.7.
- 7 We asked in a Twitter poll: A solicitor lies on their CV. Should we do anything about this? (yes or no). 93 people voted, of whom 81 percent said yes. In another twitter poll we asked: A solicitor lies on their CV. How do you think we should treat this matter? (serious / not serious). 86 people voted, of whom 80 percent said serious. In another twitter poll we asked: A solicitor lies on their CV. Is this serious in your judgment? (serious / not serious). 87 people voted, of whom 80 percent said serious.

Q5. A solicitor advertises in local newspapers promoting his work on personal injury claims. He deliberately includes inaccurate information in the adverts about his success rate with such cases.



Scenario statistics	
Number of votes	270
Average	4.2
Min	1
Max	6
Variance	1.5
Std Dev	1.2

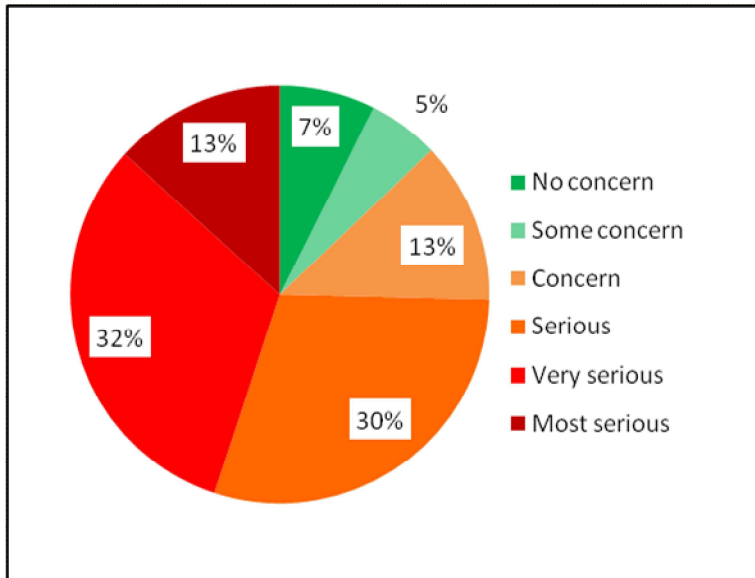
8 115 people filled out at postcard asking:

Rate how serious these situations are from 1 – 6 (1 being no SRA action and 6 being a solicitor should be struck off). A law firm's newspaper adverts are inaccurate about their success rate for helping people who have been injured in accidents.

The results were: 1 – 5%, 2 – 19%, 3 – 28%, 4 – 24%, 5 – 11% and 6 – 12%.

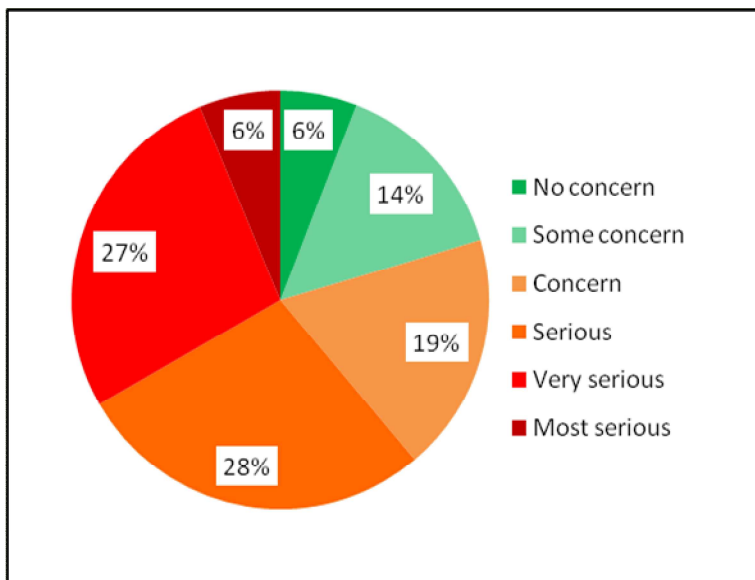
The results are very split, much like those in the online survey.

Q6. Five Muslim members of staff at a law firm complain that a partner discriminates against them when making internal promotions. An Employment Tribunal has looked at the evidence and found in favour of the staff.



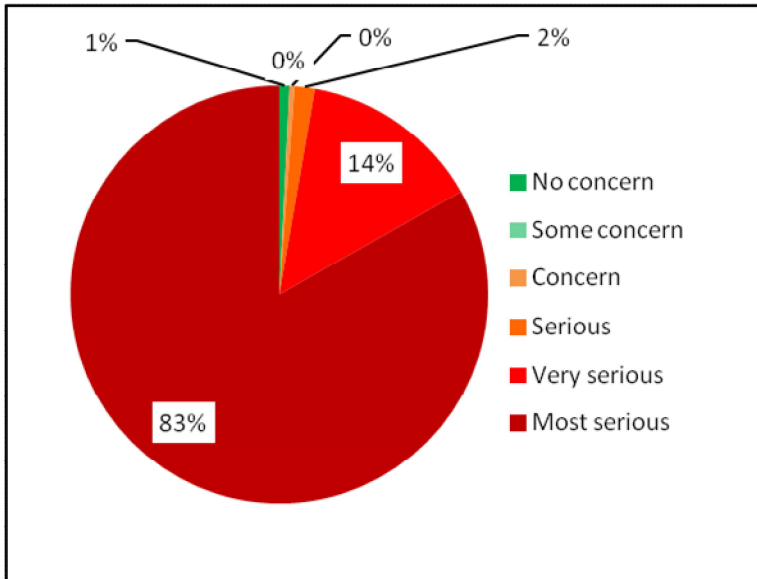
Scenario statistics	
Number of votes	256
Average	4.1
Min	1
Max	6
Variance	1.9
Std Dev	1.4

Q7. Ben is a solicitor with increasing problems with his vision. He tells his boss, Mary, that he is finding it more and more difficult to work at his usual computer. Mary fails to make reasonable changes to help Ben, which forces him to resign from his post. What is your view of Mary's behaviour?



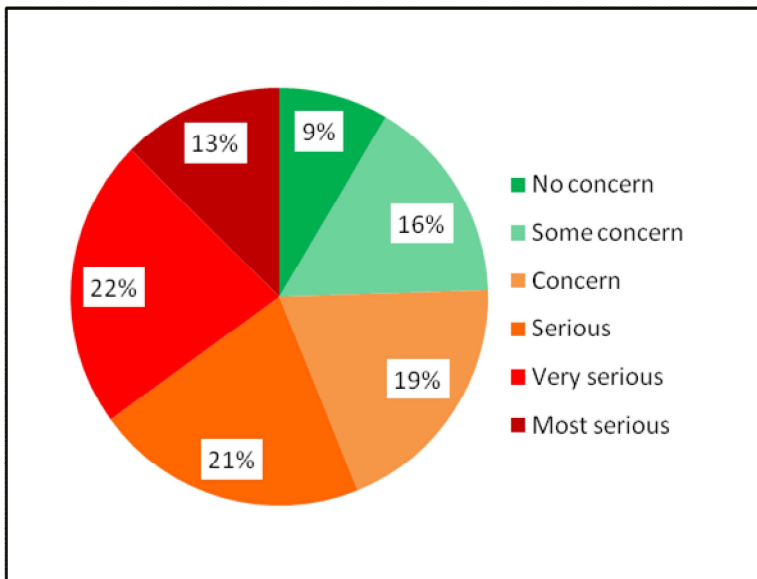
Scenario statistics	
Number of votes	270
Average	3.7
Min	1
Max	6
Variance	1.8
Std Dev	1.3

Q8. A solicitor is convicted of providing forged documents to help someone unlawfully enter the UK.



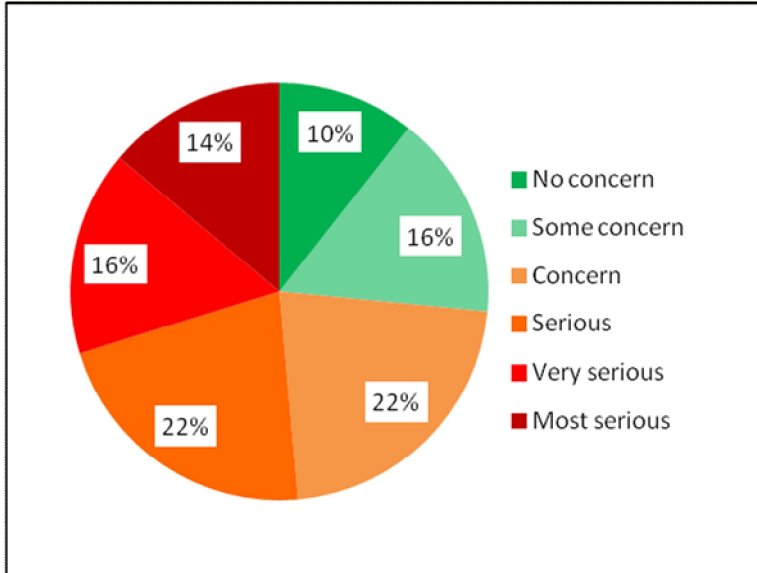
Scenario statistics	
Number of votes	256
Average	5.8
Min	1
Max	6
Variance	0.4
Std Dev	0.6

Q9. A solicitor accepts a caution for possession of cocaine.



Scenario statistics	
Number of votes	294
Average	3.7
Min	1
Max	6
Variance	2.2
Std Dev	1.5

Q10. A solicitor who is standing for election as a member of Parliament, stands down when a local paper reports that he has sent explicit photos of himself to a number of party workers. The local paper has evidence to back their story.



Scenario statistics	
Number of votes	245
Average	3.6
Min	1
Max	6
Variance	2.4
Std Dev	1.5

9 At our live events 626 people voted on the following scenario using the same scale as the online survey:

A practising solicitor, who is also standing for election as a member of Parliament, stands down when a local paper reports that he has sent explicit photos of himself to a number of party workers. The paper has clear evidence to back its story.

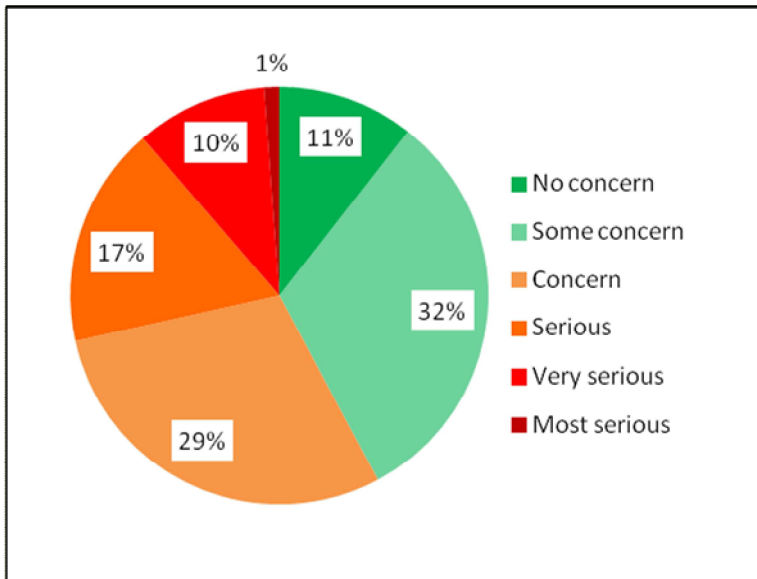
This question is identical to the one in the online survey, so is directly comparable. The results from the live events were:

No concern – 8% Some concern – 16% Concern – 25% Serious –
 17% Very serious – 20% Most serious – 13% Average – 3.7 Std
 Dev – 1.5

In the live voting, the results were very similar to the online voting.

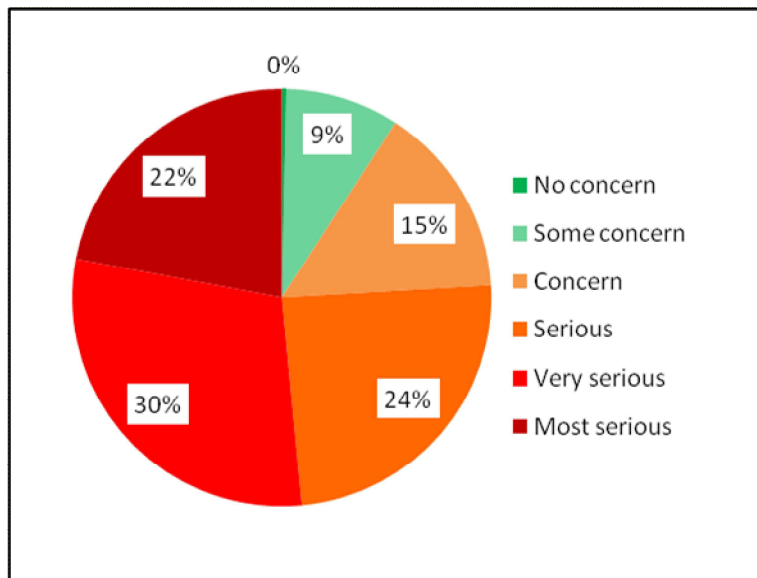
10 We also have some comparative data from the twitter polls for question 10. We asked: A solicitor sends inappropriate images of themselves to a client. Should we do anything? (yes or no). 96 people voted, with 86 percent saying yes. In another poll we asked: A solicitor sends explicit images of themselves to a client. How should we treat this matter? (serious / not serious). 77 people voted, 87 percent said serious. We also asked: A solicitor sends sexually explicit texts to a client. How serious is this in your judgment? (serious / not serious). 86 people voted, 90 percent said serious.

Q11. A solicitor provides advice without understanding the relevant area of law. His firm has become aware and has put right his mistake.



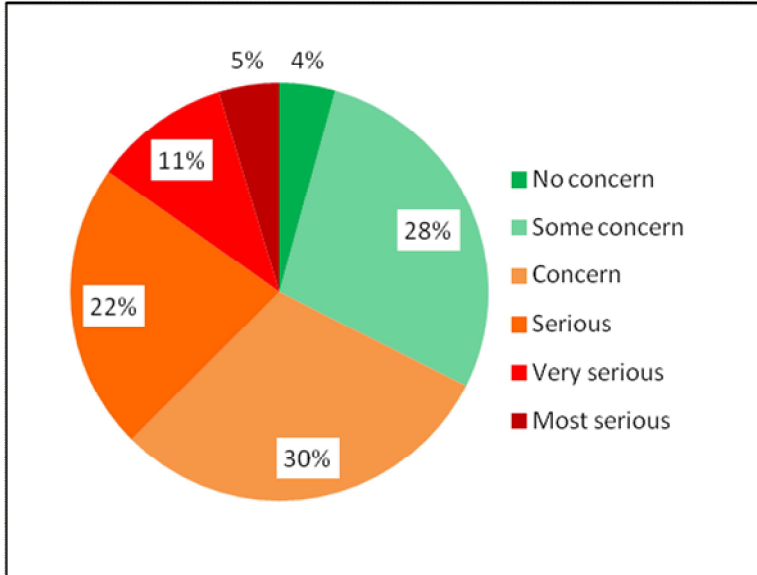
Scenario statistics	
Number of votes	256
Average	2.9
Min	1
Max	6
Variance	1.4
Std Dev	1.2

Q12. It is illegal to work as a solicitor without a practising certificate issued by the SRA. However, a solicitor knowingly continues to work after his practising certificate has become out of date.



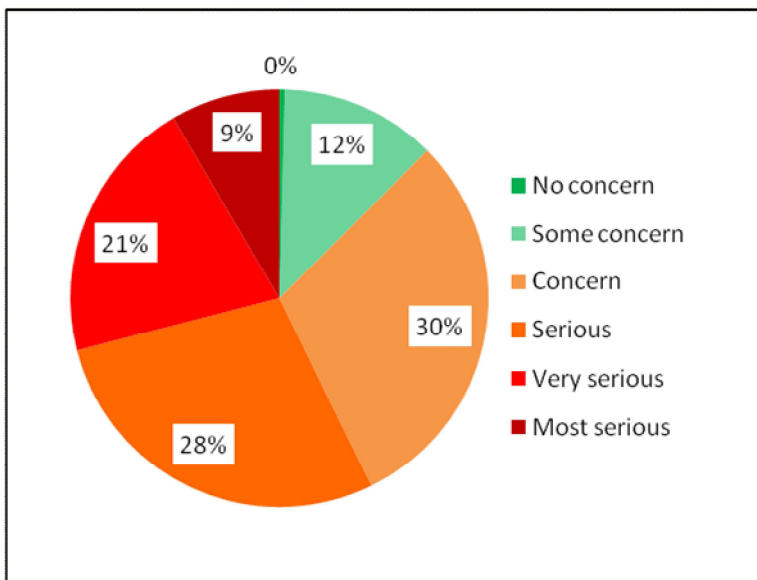
Scenario statistics	
Number of votes	295
Average	4.4
Min	1
Max	6
Variance	1.6
Std Dev	1.2

Q13. A solicitor in a small firm formally agrees to transfer money from their client to another solicitor. However, this is not done until the other solicitor makes a formal complaint three weeks later.



Scenario statistics	
Number of votes	256
Average	3.2
Min	1
Max	6
Variance	1.5
Std Dev	1.2

Q14. A solicitor ignores complaints from clients about delays and standards of work.



Scenario statistics	
Number of votes	248
Average	3.8
Min	1
Max	6
Variance	1.3
Std Dev	1.2

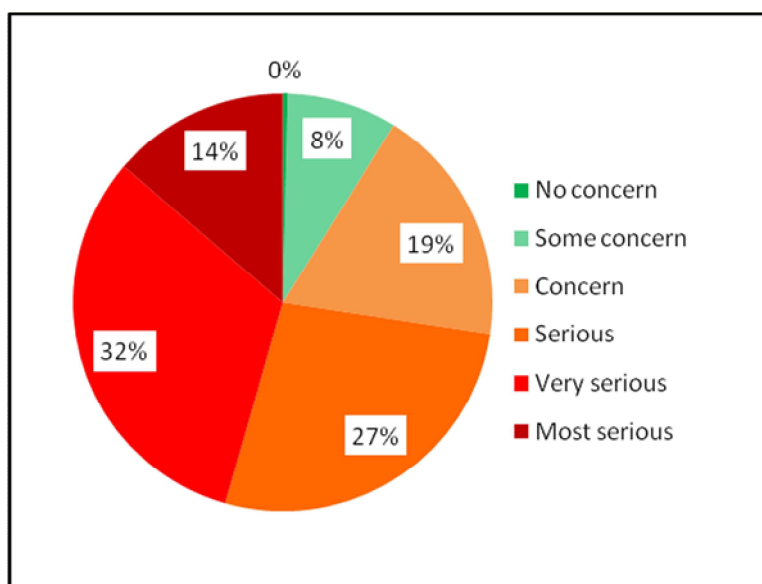
11 124 people completed a postcard asking:

Rate how serious these situations are from 1 – 6 (1 being no SRA action and 6 being a solicitor should be struck off). A solicitor ignores clients' complaints about delays and the quality of their work.

The results were: 1 – 6%, 2 – 19%, 3 – 19%, 4 – 34%, 5 – 17% and 6 – 6%.

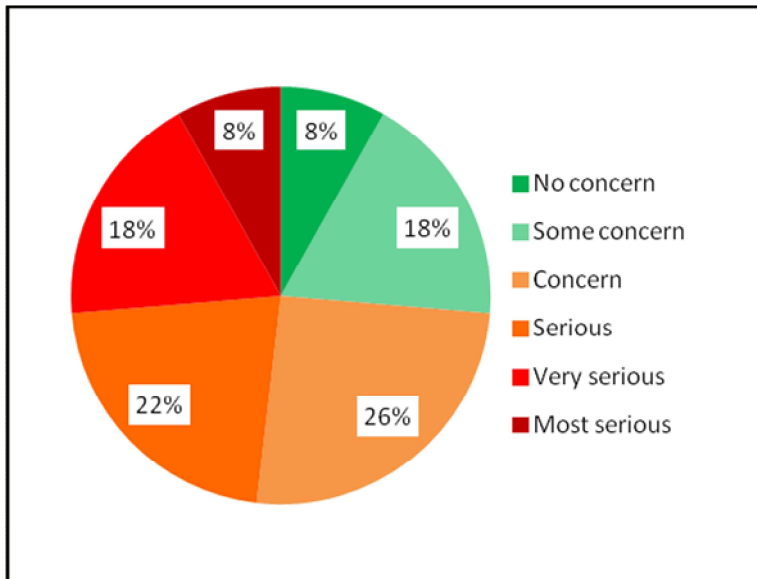
These results show more consensus around the 'serious' rating than the online voting, but the trend is broadly the same.

Q15. A solicitor commits his clients to a set date for the purchase of a house without telling them.



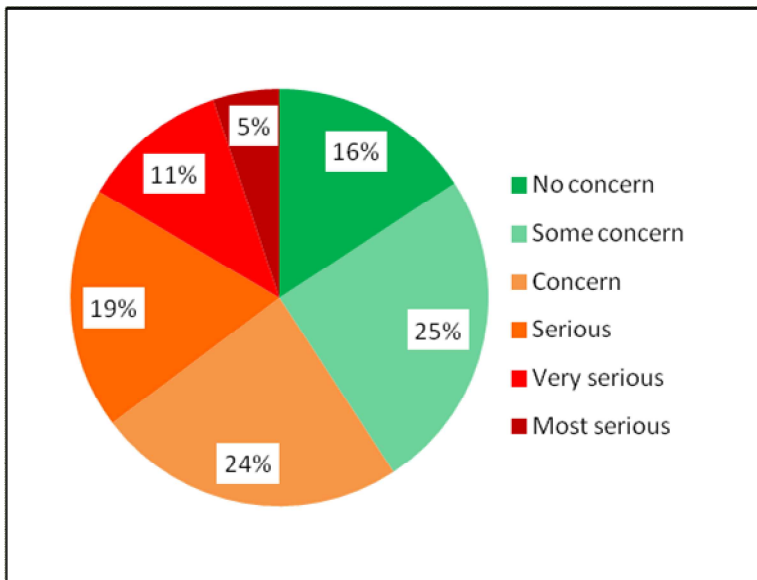
Scenario statistics	
Number of votes	270
Average	4.2
Min	1
Max	6
Variance	1.4
Std Dev	1.2

Q16. A solicitor is in financial trouble and has not paid her tax bills.



Scenario statistics	
Number of votes	270
Average	3.5
Min	1
Max	6
Variance	2.0
Std Dev	1.4

Q17. A High Court judge reports a solicitor to the SRA for consistently taking on very weak cases on asylum and deportation. The judge says the solicitor is wasting court time and causing unnecessary costs. An investigation shows the solicitor's success rate representing these cases is one in ten.



Scenario statistics	
Number of votes	272
Average	3.0
Min	1
Max	6
Variance	2.0
Std Dev	1.4

12 At our live events 705 people voted on the following similar scenario using the same scale as the online survey:

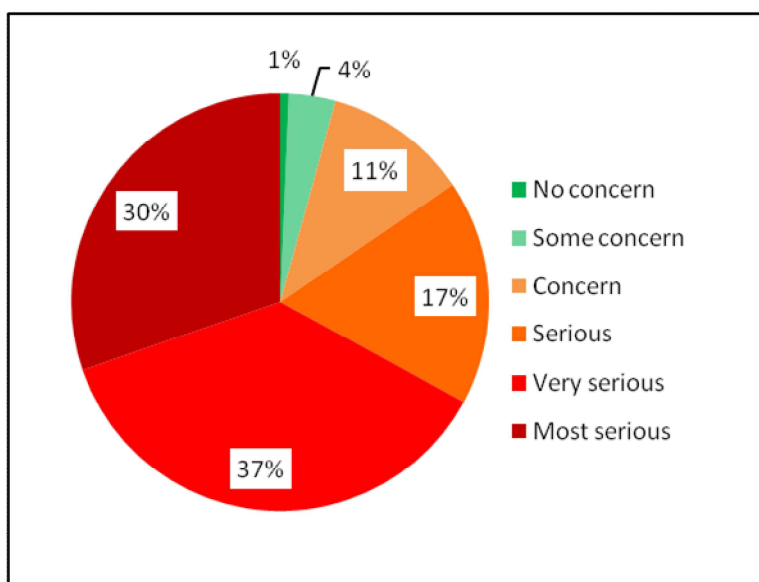
A senior solicitor is reported to the SRA by a High Court judge for regularly taking very weak cases on asylum. The judge guesses that the solicitor's success rate is only about 1 in 10. An investigation by the SRA shows this success rate is correct and the solicitor knows the cases are very unlikely to succeed.

The results from the live events were:

No concern – 17% Some concern – 16% Concern – 22% Serious – 20%
 Very serious – 18% Most serious – 6% Average – 3.2 Std Dev – 1.5

13 In the live voting, the results were similar, although slightly more serious, to the online survey. More people thought this was a 'very serious' matter, but generally the vote was quite split, much like the online survey.

Q18. A solicitor makes a large claim for a client who has been in an accident even though she knows her client is lying about the extent of his injuries.



Scenario statistics	
Number of votes	304
Average	4.8
Min	1
Max	6
Variance	1.3
Std Dev	1.1

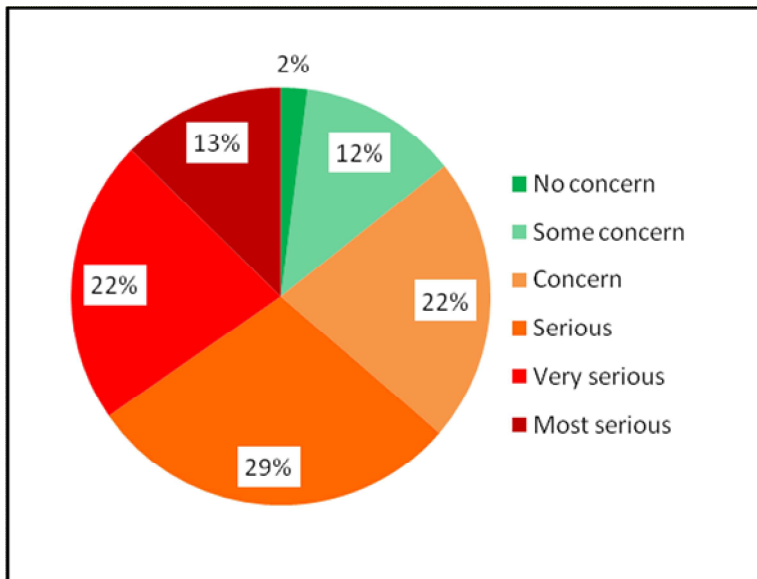
14 125 people filled out at postcard asking:

Rate how serious these situations are from 1 – 6 (1 being no SRA action and 6 being a solicitor should be struck off). A solicitor makes a big damages claim knowing their client is lying about the extent of their injuries after an accident.

The results were: 1 – 6%, 2 – 19%, 3 – 19%, 4 – 34%, 5 – 17% and 6 – 6%.

Those who completed postcards were more lenient about this misconduct than people answering the online survey.

Q19. A client complains that each time he sees his solicitor there are other clients' files open on the desk in the waiting area and no reception staff are present.



Scenario statistics	
Number of votes	245
Average	3.9
Min	1
Max	6
Variance	1.6
Std Dev	1.3

15 At our live events 752 people voted on the following similar scenario using the same scale as the online survey:

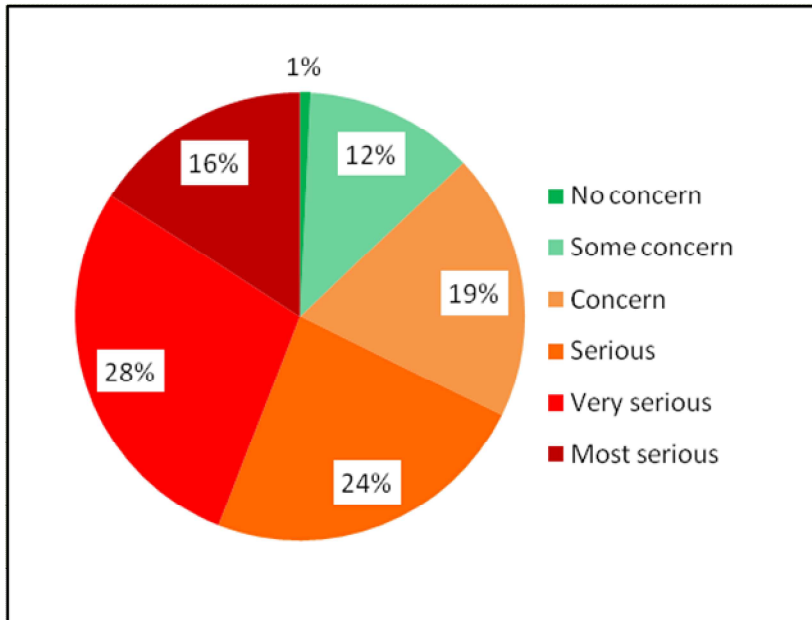
A woman complains that each time she sees her solicitor there are papers with information about his other clients sitting on the desk in the waiting area.

However, this question is slightly different from the online survey which also refers to no reception staff being present. The results from the live events were:

No concern – 3% Some concern – 20% Concern – 27% Serious – 25%
 Very serious – 20% Most serious – 6% Average – 3.6 Std Dev – 1.3

16 In the live voting, the results were similar to the online survey, although slightly more lenient on average. Less people thought this was a 'most serious' matter, but this could have been affected by the fact that reception staff were stated as present, meaning the woman could resolve it on the spot if desired.

Q20. A solicitor's computer system is hacked, giving the hackers access to information about private transactions. The investigation reveals the computer's security system was weak.



Scenario statistics	
Number of votes	270
Average	4.1
Min	1
Max	6
Variance	1.7
Std Dev	1.3

17 At our live events 762 people voted on the following similar scenario using the same scale as the online survey:

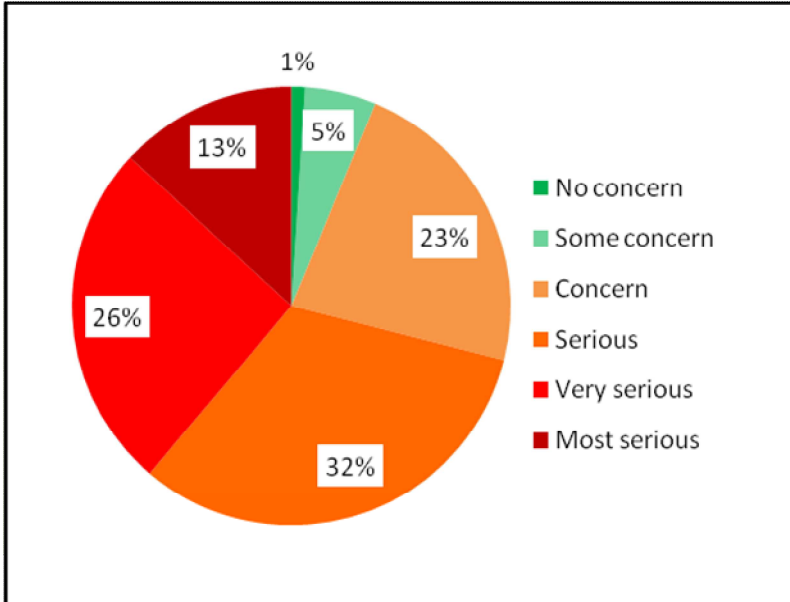
A solicitor's computer system is hacked. The hackers get hold of private information about one of the solicitor's clients. An investigation reveals the computer's security system was weak.

However, this question is different than in the online survey as it states that only one client was affected. The results from the live events were:

No concern – 4% Some concern – 18% Concern – 31% Serious – 28%
 Very serious – 17% Most serious – 2% Average – 3.4 Std Dev – 1.1

18 In the live voting, the results were more lenient than the online survey. This is unsurprising as this scenario states only one client was affected, whereas the online question states general access. This tallies with our analysis that harm is a factor in seriousness.

Q21. A solicitor is acting for a client who brings in a lot of business to her firm. She realises that a friend of hers is involved in the case, as they are working for the other side and the two friends have previously discussed it. The solicitor knows that SRA rules say she should tell her client about this and pass the case on to a colleague. However, she doesn't and keeps working on the case as it is likely to help her to get a promotion.



Scenario statistics	
Number of votes	304
Average	4.2
Min	1
Max	6
Variance	1.3
Std Dev	1.1

19 At our live events 698 people voted on the following similar scenario using the same scale as the online survey:

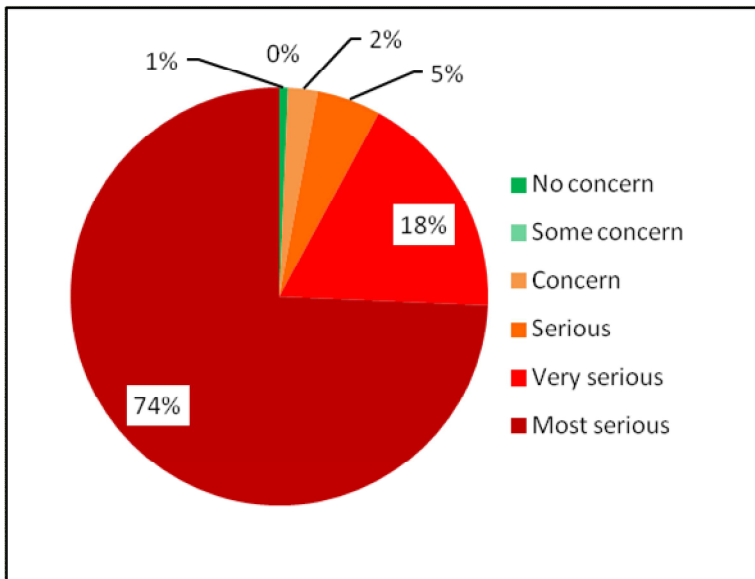
A senior solicitor is acting for client who brings a lot of business into her firm. She realises that she knows some details that she shouldn't about the other side of a case- her friend is representing the other person involved and she and her friend have discussed the case. The solicitor decides to keep acting because if she wins this dispute it could help her get a promotion.

Here the question does not specify that it is against the rules, just that 'she knows some details that she shouldn't'. The results from the live events were:

No concern – 2% Some concern – 3% Concern – 16% Serious – 29%
 Very serious – 38% Most serious – 11% Average – 4.3 Std Dev – 1.1

20 In the live voting, the results were similar to the online survey, with a close average score.

Q22. A solicitor uses money that belongs to clients, not the law firm itself, to solve cash-flow problems in his firm.



Scenario statistics	
Number of votes	304
Average	5.6
Min	1
Max	6
Variance	0.6
Std Dev	0.8

21 At our live events 758 people voted on the following similar scenario using the same scale as the online survey:

A solicitor is holding money for one of their clients while they are waiting to buy a house. Without their client's knowledge, the solicitor uses that money to pay their staff wages.

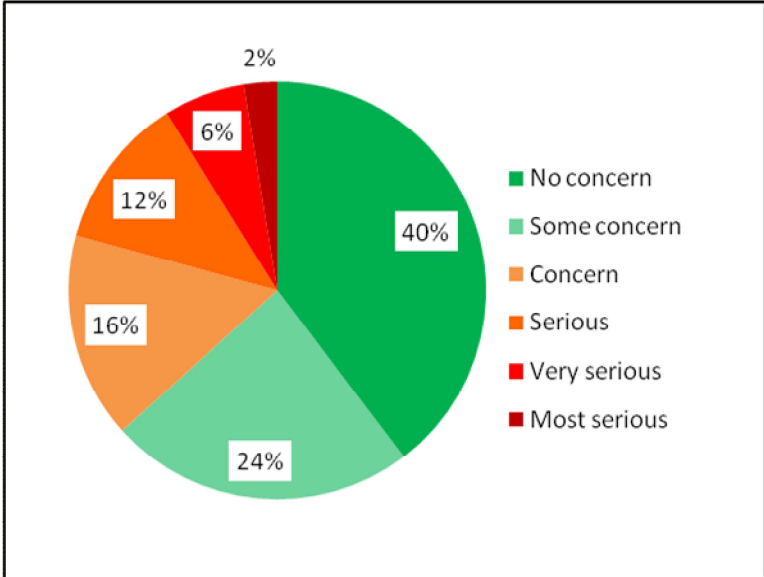
The wording is different, as the money is spent on wages rather than cash-flow and is specified as a housing deposit, therefore they are not directly comparable. The results from the live events were:

No concern – 0% Some concern – 0% Concern – 1% Serious – 4%
 Very serious – 25% Most serious – 70% Average – 5.6 Std Dev – 0.7

In the live voting, the results were similar to the online survey, with the same average score and close standard deviations.

22 We also have comparative data from the Twitter polls for Q22. We asked: *A solicitor uses client money to pay his staff. Should we do anything? (yes or no)*. 98 people voted, with 97 percent saying yes. In another poll we asked: *A solicitor uses client money to pay his staff. How do you think we should treat this matter? (serious / not serious)*. 75 people voted, 99 percent said this was serious. We also asked: *Solicitor uses client money to buy Christmas presents for staff. How serious is this in your view? (serious / not serious)*. 108 voted, with 94 percent saying its serious.

Q23. A solicitor is caught fare dodging on public transport after drinking too much on a night out. She says she didn't intend to avoid the fare but forgot to use her travel card. She accepts a penalty notice and pays £60 fine.



Scenario statistics	
Number of votes	270
Average	2.3
Min	1
Max	6
Variance	1.9
Std Dev	1.4

23 We have comparative data from a Twitter poll for Q23. On Twitter we asked: *A solicitor is caught fare dodging on public transport. Is this serious in your judgment? (serious or not serious.)* 87 people voted, with 54 percent saying it was serious, and 46 percent said it was not. This is slightly different to the online survey, where results were more skewed towards the less serious end of the spectrum. Interestingly, this was the most even split of responses in the polls.

24 At our live events 764 people voted on this scenario using the same scale as the online survey:

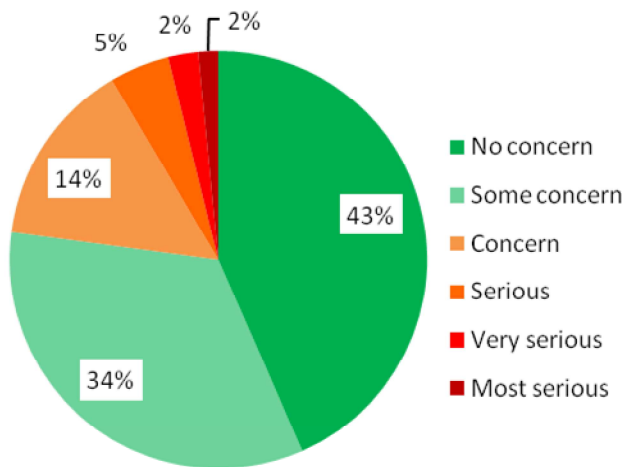
A junior solicitor is caught fare dodging on the tube after a night out with friends. They accept a penalty notice and pay a £60 fine.

25 However, this question is different from the online survey in some important ways. Firstly, it specifies that the solicitor is junior, and secondly, the solicitor did not say that she 'didn't intend to avoid the fare but forgot to use her travel card'. We should therefore be cautious in comparing the results for these two scenarios, as they have different factors for the voters to consider. The results from the live events were:

No concern – 32% Some concern – 24% Concern – 23% Serious – 12%
 Very serious – 7% Most serious – 2% Average – 2.4 Std Dev – 1.3

In the live voting, the results were similar to the online survey, with the same average score and close standard deviations. The scores were on average slightly higher, perhaps reflecting the lack of explanation in this case that the fare dodging was unintentional.

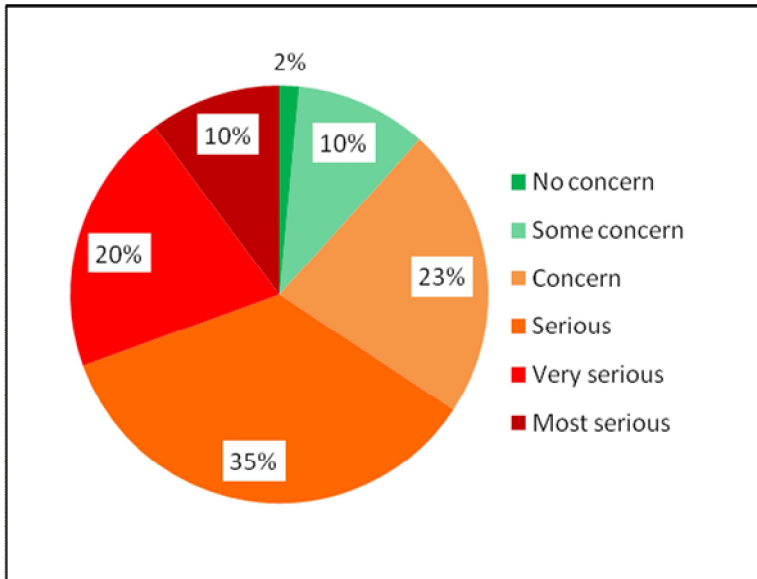
Q24. It is illegal to work as a solicitor without a practising certificate issued by the SRA. A typing mistake by a law firm leads to a solicitor unknowingly practising for three months without a current practising certificate. When the solicitor discovers the mistake she immediately takes steps to put the matter right.



Scenario statistics	
Number of votes	258
Average	1.9
Min	1
Max	6
Variance	1.2
Std Dev	1.1

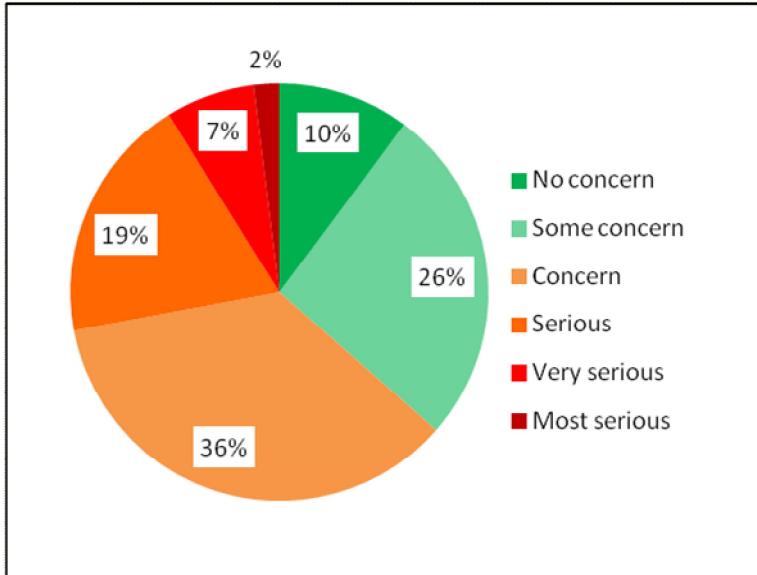
This scenario was voted as the least serious out of all the questions. Less than 1 in 4 people saw it as anything above 'some concern'.

Q25. A solicitor takes on lucrative work although she knows that she does not have the knowledge or experience to do it to the required standard.



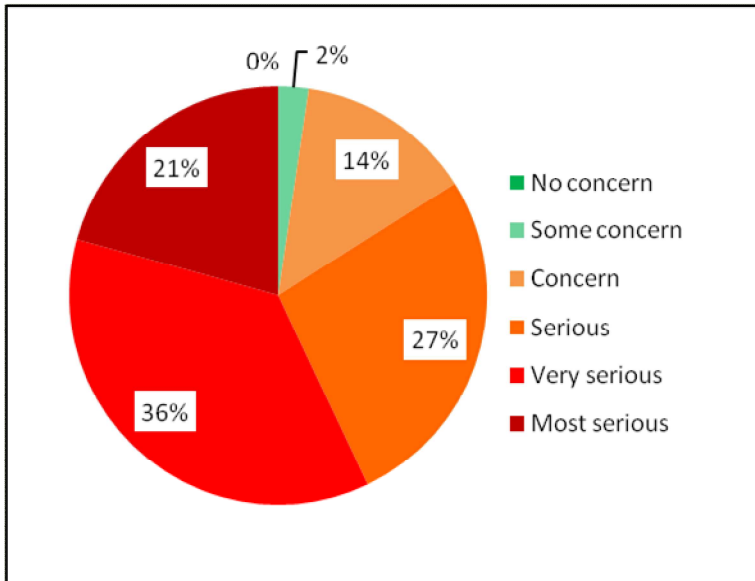
Scenario statistics	
Number of votes	265
Average	3.9
Min	1
Max	6
Variance	1.4
Std Dev	1.2

Q26. A partner takes on a number of new clients without considering the impact on his colleagues, as the firm does not have the resources to manage the increased workload.



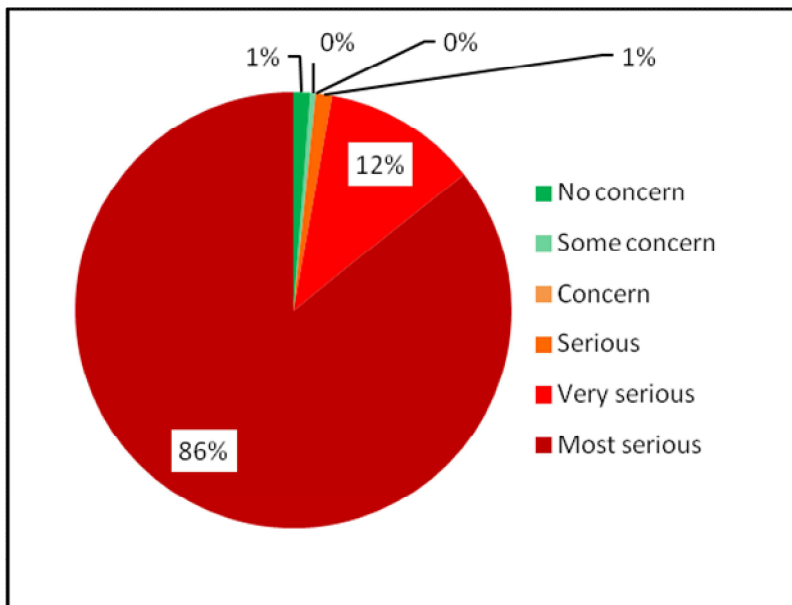
Scenario statistics	
Number of votes	304
Average	2.9
Min	1
Max	6
Variance	1.3
Std Dev	1.1

Q27. A solicitor in a law firm tries to keep clients by misleading them about the likely outcome of their cases.



Scenario statistics	
Number of votes	256
Average	4.6
Min	2
Max	6
Variance	1.1
Std Dev	1.0

Q28. A senior solicitor in a law firm uses money that belongs to clients to pay his gambling debts. He says he always intended to pay the money back when his luck changed.

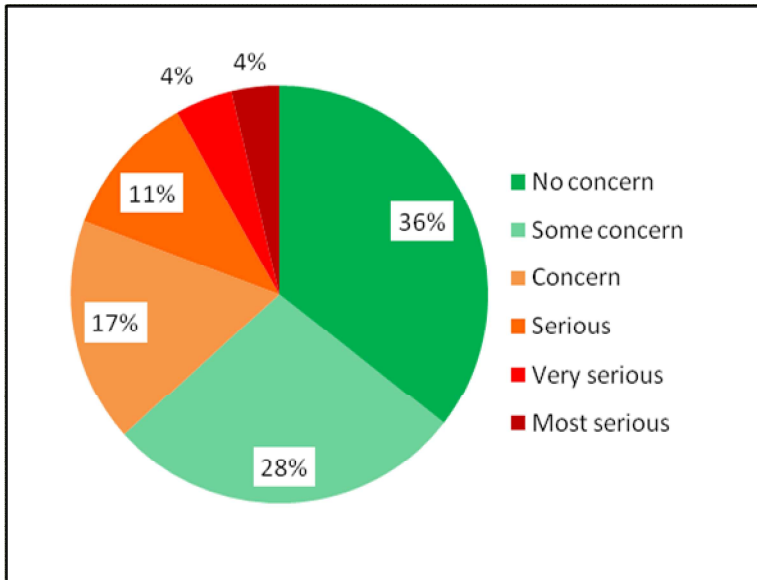


Scenario statistics	
Number of votes	245
Average	5.8
Min	1
Max	6
Variance	0.5
Std Dev	0.7

The overwhelming majority of people voted that this was 'most serious', and this scenario had the highest percentage of 'most serious' votes.

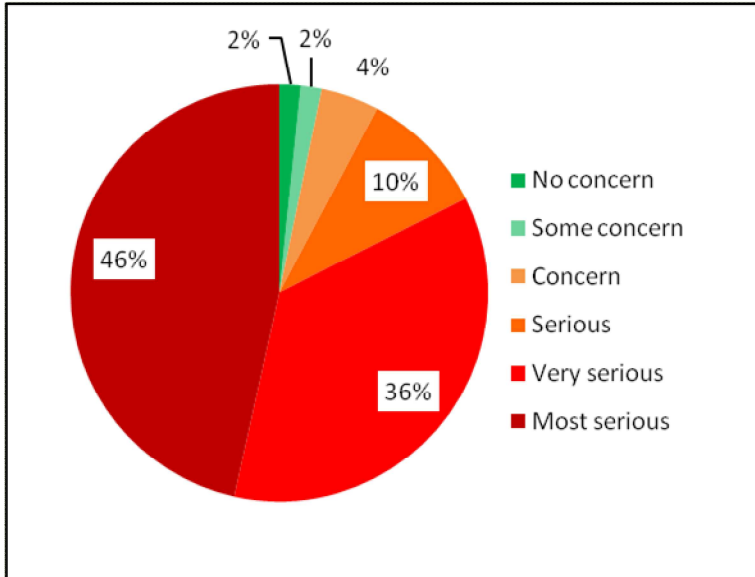
No comparable questions were asked in other votes.

Q29. A High Court judge reports a solicitor to the SRA for consistently taking on very weak cases on asylum and deportation. The judge says they are wasting court time and causing unnecessary costs. An investigation shows the solicitor's success rate is one in ten. The solicitor admits the cases are often weak but that he believes that the asylum seekers he represents should be given every chance to make their case and will be at risk if they are deported.



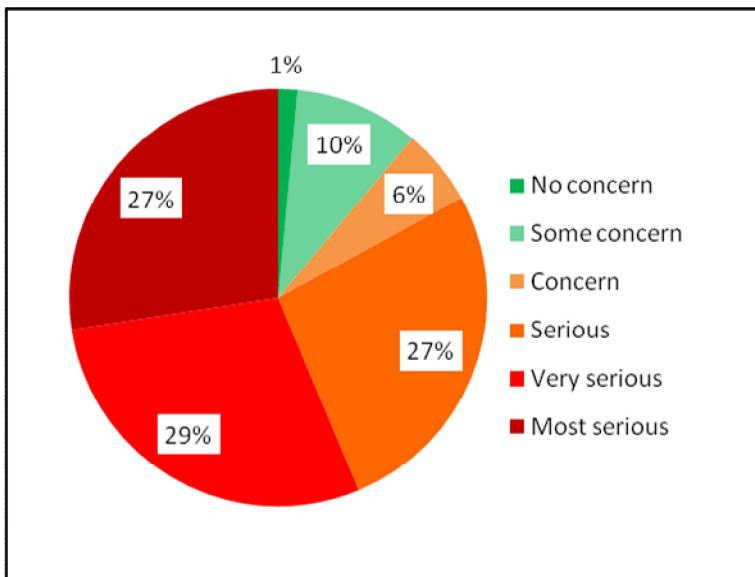
Scenario statistics	
Number of votes	270
Average	2.3
Min	1
Max	6
Variance	1.9
Std Dev	1.4

Q30. A client, who brings a lot of business to a law firm, includes misleading information in a statement to be used in court. The solicitor handling the case knows this will create a false impression, and that it could influence the court's decision. She still submits the statement to the court.



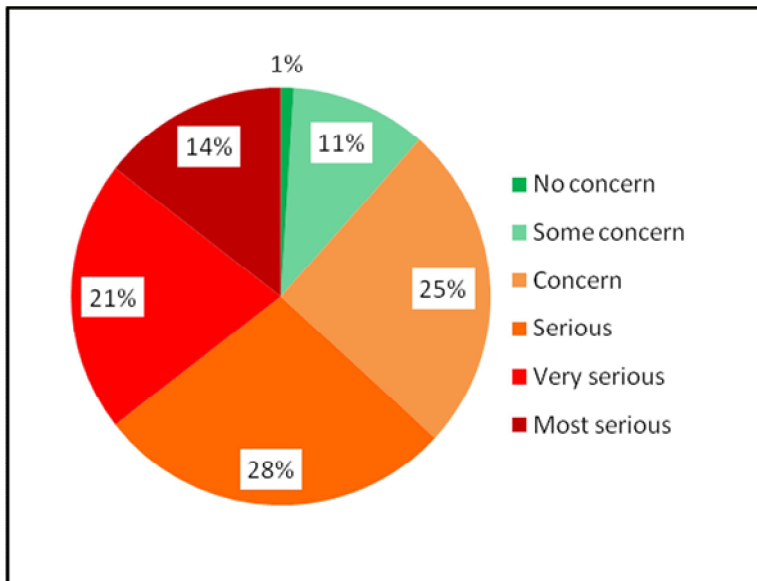
Scenario statistics	
Number of votes	245
Average	5.2
Min	1
Max	6
Variance	1.1
Std Dev	1.1

Q31. A client who brings a lot of work to a law firm persuades them to give advice that helps their business plans. The firm does so, although they know the advice will be used to justify action which may not be legal.



Scenario statistics	
Number of votes	270
Average	4.5
Min	1
Max	6
Variance	1.7
Std Dev	1.3

Q33. A train passenger can read confidential details about people's health, finances and families on a solicitor's laptop.



Scenario statistics	
Number of votes	304
Average	4.0
Min	1
Max	6
Variance	1.6
Std Dev	1.2

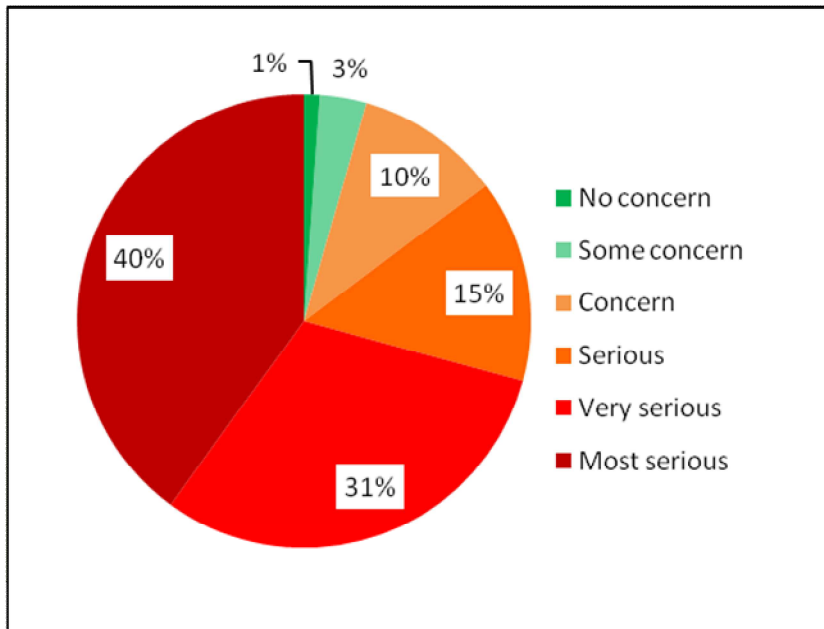
26 116 people completed a postcard asking:

Rate how serious these situations are from 1 – 6 (1 being no SRA action and 6 being a solicitor should be struck off). A train passenger can read confidential details about people's health, finances and families on a solicitor's laptop.

The results were: 1 – 4%, 2 – 7%, 3 – 14%, 4 – 20%, 5 – 29% and 6 – 26%.

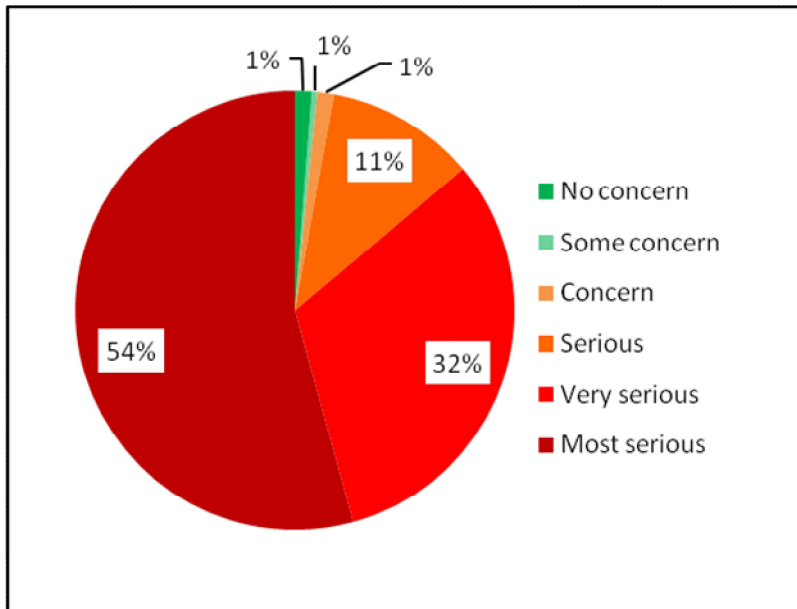
The results are very split, much like those in the online survey. People filling out a postcard saw the situation as slightly more serious than those who voted online.

Q34. A solicitor's firm is having money problems. His bank refuses to give him a loan. Instead, he borrows money an ex-client who has a previous conviction for fraud. As the solicitor does not make proper checks, there is a risk that the money received results from criminal activity.



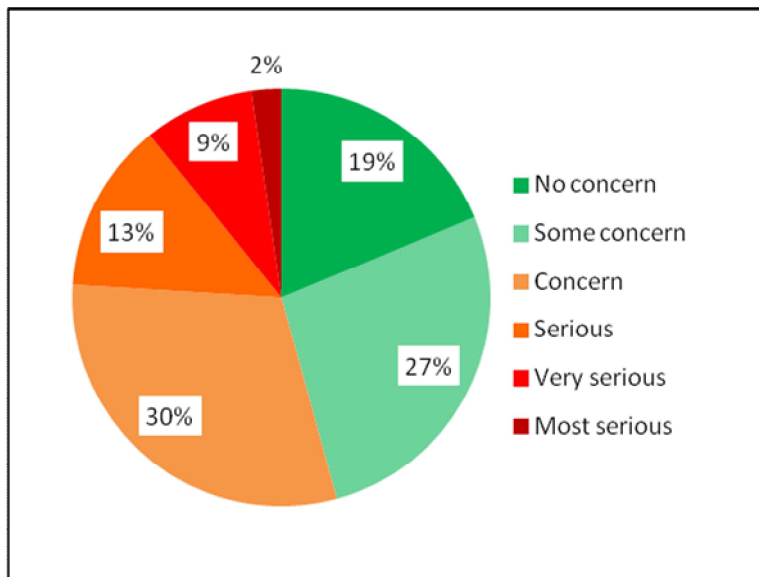
Scenario statistics	
Number of votes	270
Average	4.9
Min	1
Max	6
Variance	1.4
Std Dev	1.2

Q35. A client asks for advice from his solicitor about suing a company. The solicitor has a financial interest in the company but he does not tell his client. Instead, he tells his client that his case has no merit, even though this is not true.



Scenario statistics	
Number of votes	245
Average	5.3
Min	1
Max	6
Variance	0.8
Std Dev	0.9

Q36. A solicitor who represents clients accused of criminal offences is found guilty of dangerous driving. He pleads guilty, is banned for a year and fined £1,000.



Scenario statistics	
Number of votes	304
Average	2.7
Min	1
Max	6
Variance	1.6
Std Dev	1.3

- 27 At our live events 740 people voted on the following similar scenario using the same scale as the online survey:

A senior solicitor in a large business law firm is found guilty of drink driving, banned for a year and fined £1,000.

However, this question is different from the online survey in that it involves drink driving, rather than dangerous driving. The results from the live events were:

No concern – 12%	Some concern – 18%	Concern – 28%	Serious – 24%
Very serious – 15%	Most serious – 3%	Average – 3.2	Std Dev – 1.3

- 28 At the live events, the results were slightly more serious than the online survey, with less people voting no concern or some concern. We could speculate that this added seriousness is due to the fact drink driving rather than dangerous driving is specified.

- 29 At the live voting events, we then asked a further similar question, adding in the factor of the solicitor being a criminal advocate. 766 people voted on this.

A senior solicitor represents people in court when they are accused of a crime. One day he is found guilty of drink driving, banned for a year and fined £1000.

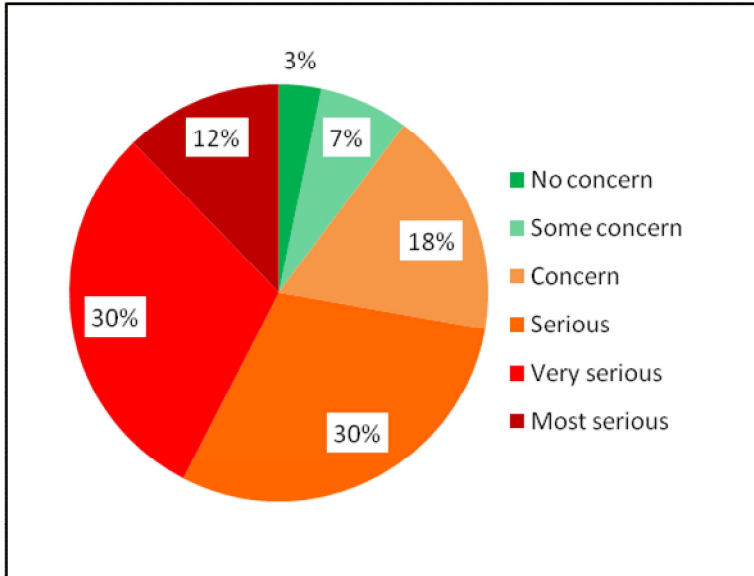
The results from the live events were:

No concern – 7%	Some concern – 21%	Concern – 33%	Serious – 22%
Very serious – 14%	Most serious – 3%	Average – 3.2	Std Dev – 1.2

- 30 Interestingly, this change to the question produced no corresponding changes in average score, suggesting that whether or not the solicitor is a criminal advocate has little bearing on the seriousness of the misconduct.

We have some comparative data from the Twitter polls for Q36. We asked: *A solicitor is caught drinking and driving. Should we do anything? (yes or no)*. 92 people voted, with 60 percent saying yes. In another poll we asked: *A solicitor is caught drinking and driving. How do you think we should treat this matter? (serious / not serious)*. 95 people voted, 63 percent said serious. We also asked: *A solicitor is caught drinking & driving. How serious is this in your judgment? (serious / not serious)*. 86 people voted, of whom 66 percent said serious.

Q37. A solicitor writes a blog in his spare time, which makes it clear he is a solicitor. After a night out at the pub he publishes a rant on his blog about a barman who had refused to serve him, describing him in racially insulting terms.



Scenario statistics	
Number of votes	245
Average	4.1
Min	1
Max	6
Variance	1.5
Std Dev	1.2

31 At our live events 727 people voted on the following identical scenario using the same scale as the online survey:

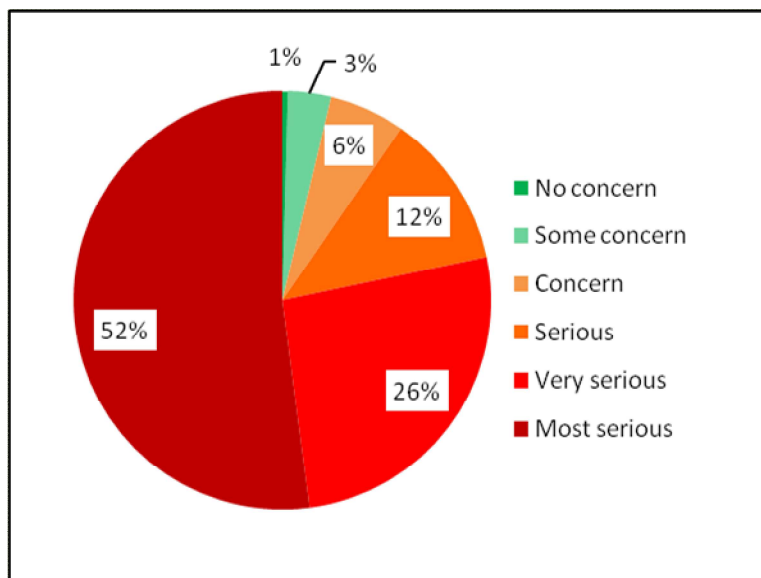
A solicitor writes a blog in his spare time, which makes it clear that he is a solicitor. After a night out at the pub he writes a post in which he rants about a barman who refused to serve him and describes him using racist terms.

These questions can be directly compared. The results from the live events were:

No concern – 3% Some concern – 12% Concern – 23% Serious – 23%
 Very serious – 26% Most serious – 1% Average – 4.0 Std Dev – 1.3

32 In the live voting, the results were similar to the online survey, with a close average score.

Q38. A solicitor is holding money while a deceased client's will is being settled. The solicitor uses the money to pay her staff's wages. She returns the money before she is due to pay it to the deceased client's relations.



Scenario statistics	
Number of votes	240
Average	5.2
Min	1
Max	6
Variance	1.2
Std Dev	1.1

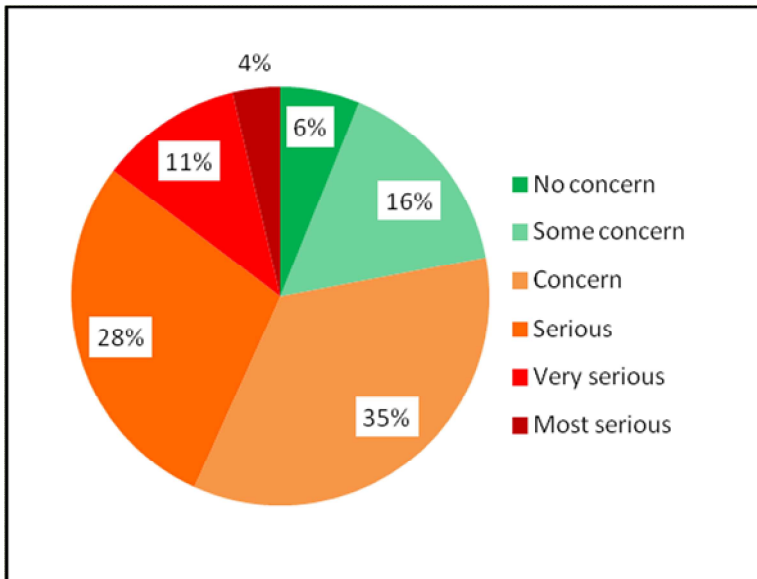
33 112 people completed a postcard asking:

Rate how serious these situations are from 1 – 6 (1 being no SRA action and 6 being a solicitor should be struck off). A solicitor uses money that belongs to clients, not the law firm itself, to pay staff wages. They return the money afterwards.

The results were: 1 – 1%, 2 – 4%, 3 – 6%, 4 – 12%, 5 – 28% and 6 – 50%.

34 Those filling out postcards voted very similarly to those completing the online survey.

Q39. A client complains that his solicitor has sworn at him and is often rude.



Scenario statistics	
Number of votes	245
Average	3.3
Min	1
Max	6
Variance	1.4
Std Dev	1.2

35 At our live events 753 people voted on the following similar scenario using the same scale as the online survey:

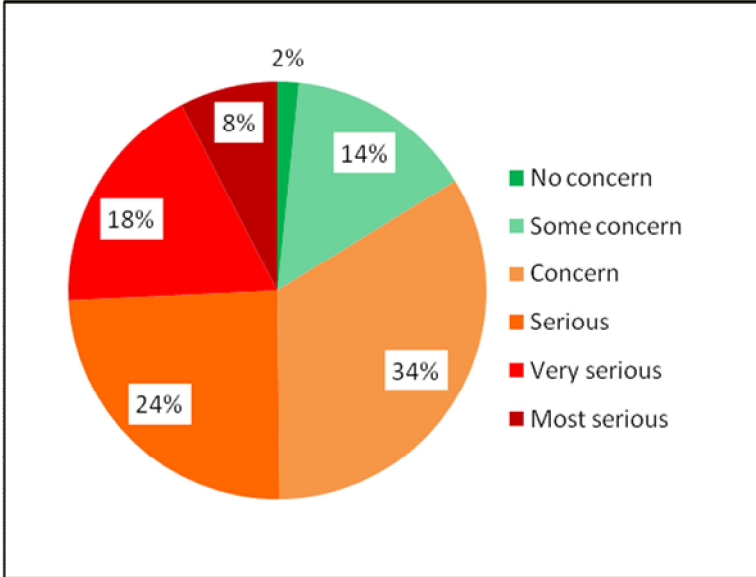
A man using a solicitor complains that they swear and are rude.

The wording is very similar, so this can be reliably compared with the results above. Those from the live events were:

No concern – 14% Some concern – 47% Concern – 29% Serious – 6%
 Very serious – 3% Most serious – 1% Average – 2.4 Std Dev – 1.0

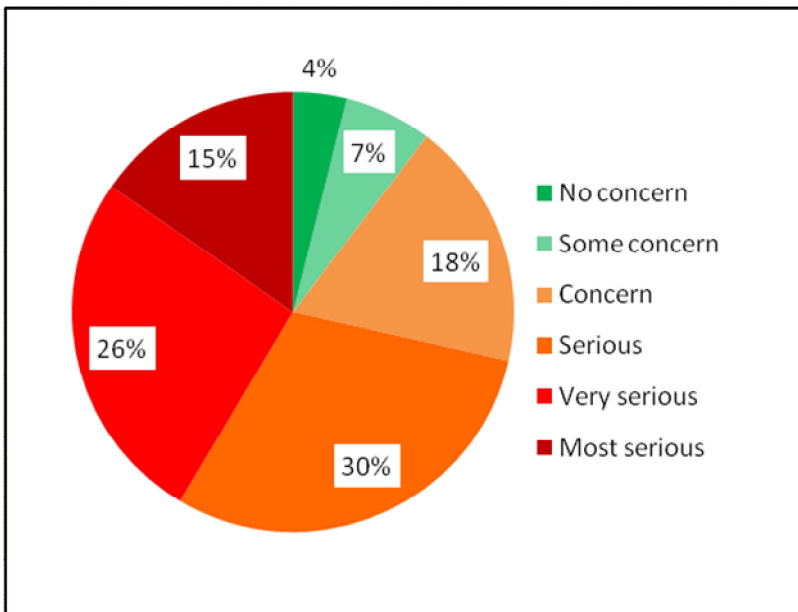
36 In the live voting, the results were slightly different from the online survey. Instead of 'concern', the majority of people were more lenient and voted only 'some concern'. This is reflected in the significant difference in the average – 2.4 down from 3.3.

Q40. A solicitor fails to provide the SRA with information needed to make sure that their firm is complying with legal rules and regulations.



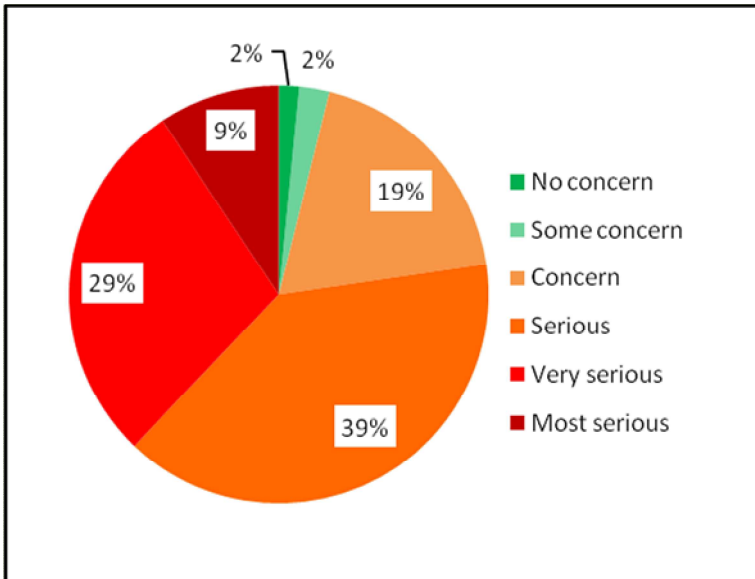
Scenario statistics	
Number of votes	303
Average	3.7
Min	1
Max	6
Variance	1.4
Std Dev	1.2

Q41. A solicitor provides advice on an issue without fully understanding the relevant law. The client follows the advice, which results in them having to pay substantial extra costs.



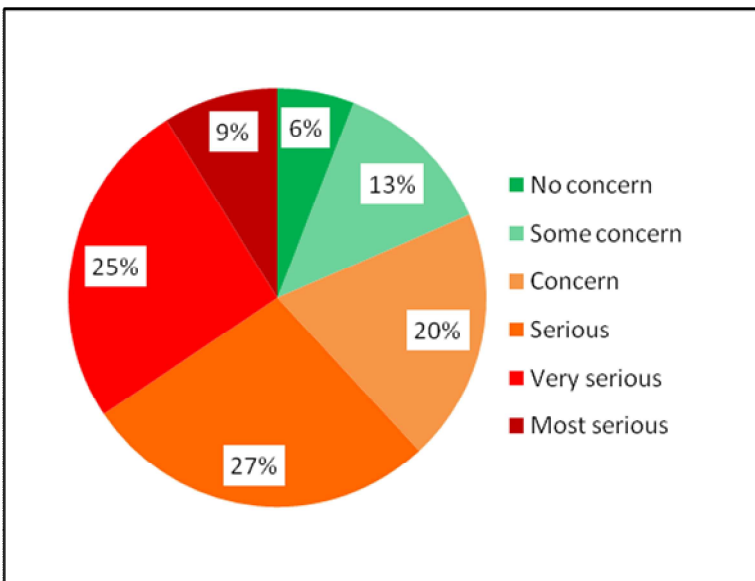
Scenario statistics	
Number of votes	280
Average	4.1
Min	1
Max	6
Variance	1.7
Std Dev	1.3

Q42. A solicitor misleads a potential new client about his costs by not discussing the large fees to be paid in a property development deal.



Scenario statistics	
Number of votes	256
Average	4.2
Min	1
Max	6
Variance	1.0
Std Dev	1.0

Q43. A solicitor fails to meet deadlines and so his client loses a valuable contract.



Scenario statistics	
Number of votes	248
Average	3.8
Min	1
Max	6
Variance	1.3
Std Dev	1.2

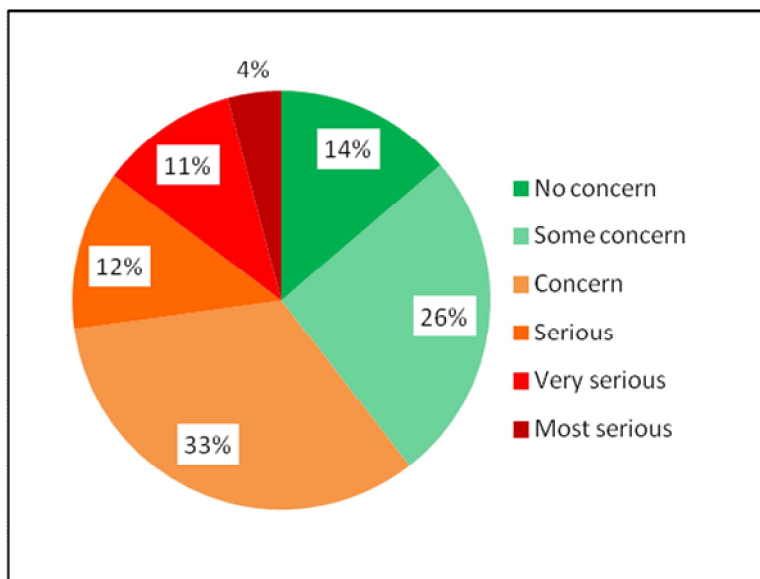
37 111 people filled out at postcard asking:

Rate how serious these situations are from 1 – 6 (1 being no SRA action and 6 being a solicitor should be struck off). A solicitor fails to meet deadlines and so their client loses a valuable contract.

The results were: 1 – 11%, 2 – 15%, 3 – 27%, 4 – 27%, 5 – 17% and 6 – 9%.

38 Those completing postcards voted very similarly to those completing the online survey.

Q45. A solicitor leaves files which include private information locked in the boot of his car. During the night the car is stolen and abandoned in a side street. When the car is found, the papers are still in the boot.



Scenario statistics	
Number of votes	291
Average	2.9
Min	1
Max	6
Variance	1.7
Std Dev	1.3

39 At our live events 718 people voted on the following similar scenario using the same scale as the online survey:

One of the most senior solicitors in a law firm leaves a file of papers locked in the boot of his car. The file includes private information about a business deal for a client. During the night the car is stolen.

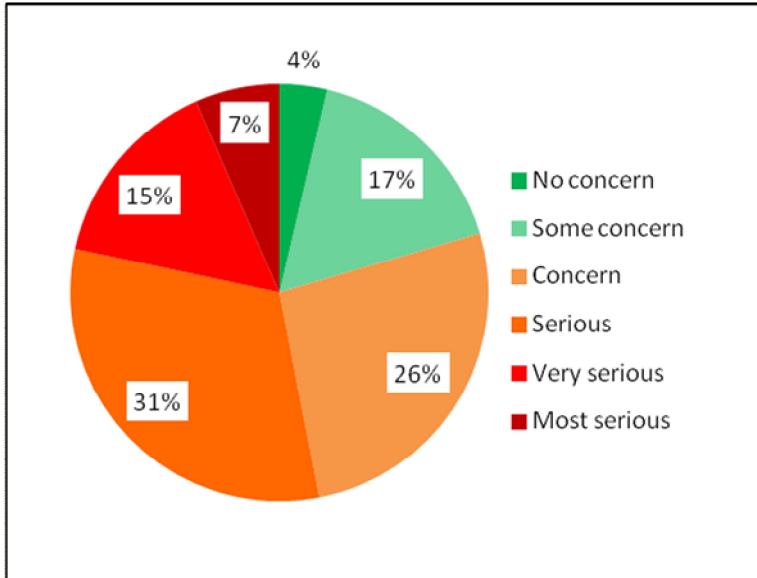
40 However, this question is significantly different from the online survey question. In this case the car was stolen, adding significantly more harm, and the solicitor was described as 'one of the most senior' in the firm. The results from the live events were:

No concern – 12% Some concern – 24% Concern – 30% Serious – 19%

Very serious – 12% Most serious – 2% Average – 3.0 Std Dev – 1.3

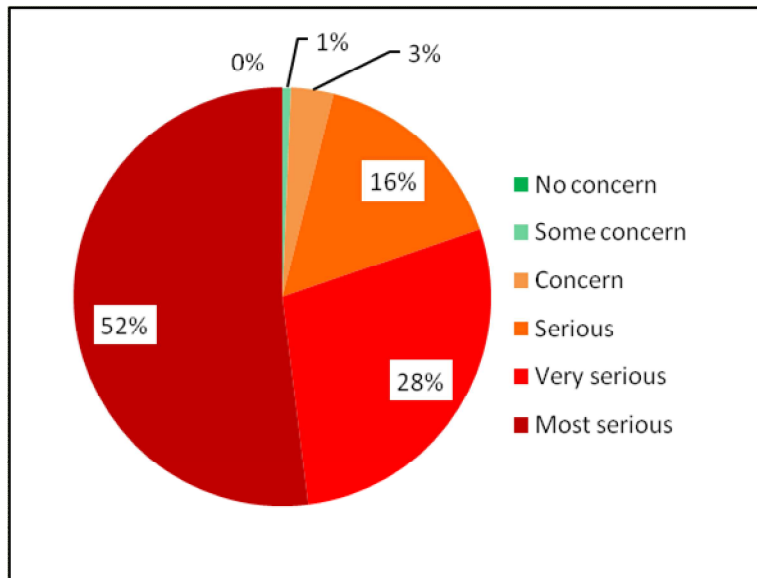
41 In the live voting, the results were very similar to the online survey. This is interesting as it suggests that the harm is less significant in this scenario and its more about the type of misconduct.

Q46. A woman is a witness in a child custody case. She complains that the solicitor who took her statement sent it by ordinary post to the wrong address, where it was opened by her neighbour. This embarrassed her because it included personal details about her drug addiction and criminal convictions.



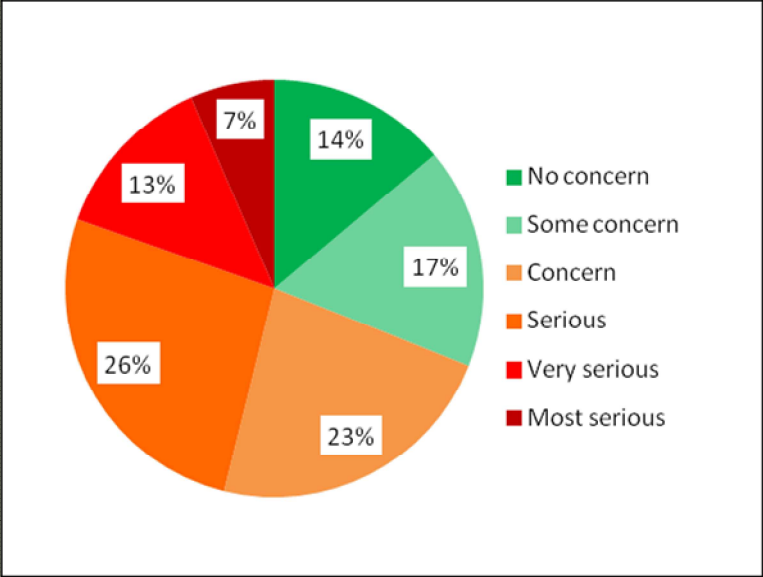
Scenario statistics	
Number of votes	245
Average	3.6
Min	1
Max	6
Variance	1.5
Std Dev	1.2

Q47. A solicitor charges a widower for work she has not done. She is sure his lack of knowledge about the law means he will pay without question.



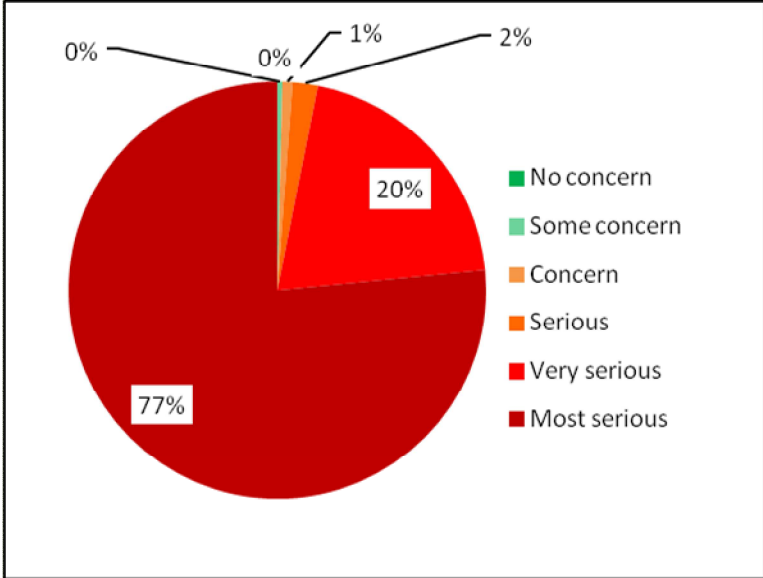
Scenario statistics	
Number of votes	304
Average	5.3
Min	2
Max	6
Variance	0.8
Std Dev	0.9

Q48. A solicitor represents a man with serious mental health problems in a number of different matters. The client believes his neighbours, the police and his doctors are against him. The solicitor realises that his client's allegations against these people are not true, but continues to act for him until the man's family complains.



Scenario statistics	
Number of votes	245
Average	3.3
Min	1
Max	6
Variance	2.0
Std Dev	1.4

Q49. A solicitor encourages an elderly client to alter his will so that she will inherit some of his money.



Scenario statistics	
Number of votes	256
Average	5.7
Min	2
Max	6
Variance	0.3
Std Dev	0.6

42 We have comparative data from the Twitter polls and postcards for Q49. We asked in a poll: *A solicitor encourages an elderly client to alter a will in their favour. Should we do anything? (yes or no)*. 107 people voted, with 97 percent saying yes. This reflects the seriousness of this scenario in the online voting. We also asked: *Solicitor encourages elderly client to alter will in their favour. How should we treat this matter? (serious or not serious)*. The first time we tweeted this question, 82 people responded, 96 percent said 'serious'. The second time we tweeted it, and did not include that the client was elderly, 106 people responded and 99 percent said 'serious'.

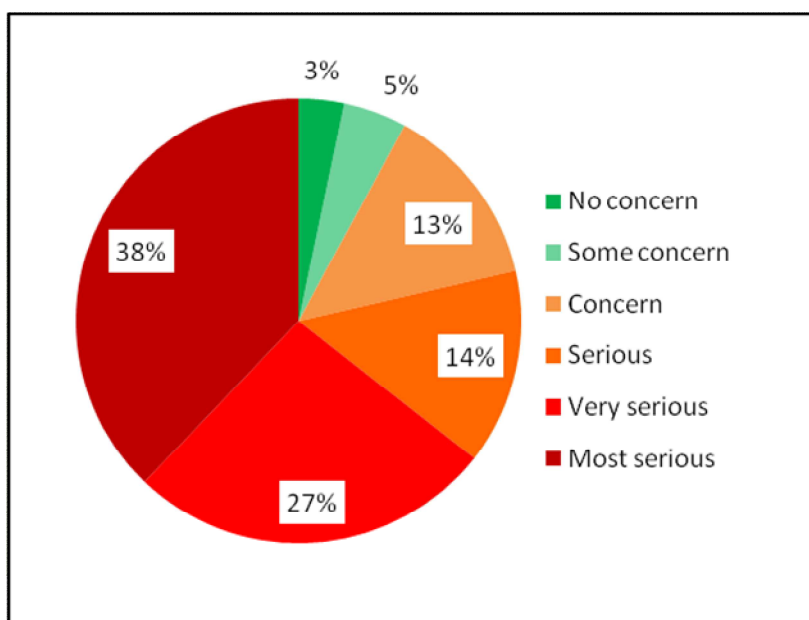
43 One postcard question asked:

A solicitor persuades a frail, elderly client to alter their will in the solicitor's favour. Rate how serious this situation is from 1 – 6 (1 being no SRA action and 6 being a solicitor should be struck off).

44 124 people completed a card, 91 percent (113 people) rated it a 6, 9 people rated it a 5, 1 person a 4 and 1 person a 1. Nobody rated it a 2, or 3. Out of all the scenarios on the postcards, it was the most seriously rated.

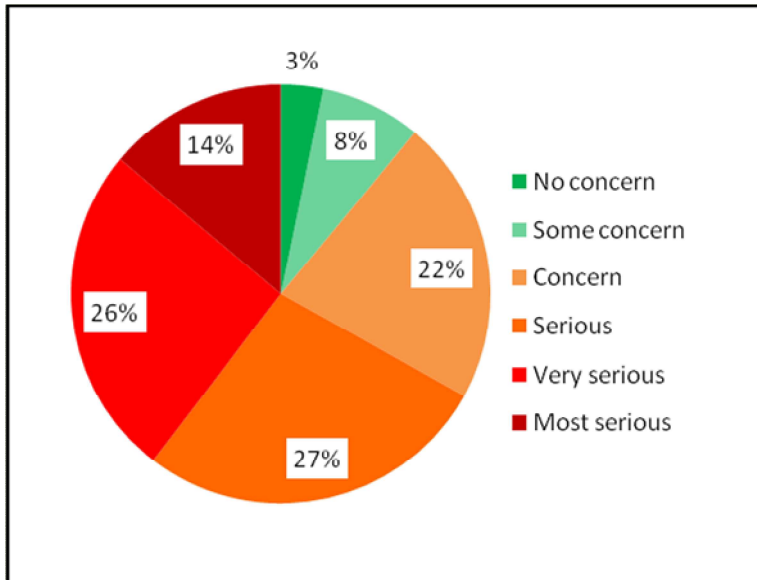
45 Looking at the results of the three Twitter polls and postcard, the responses reflect the seriousness of this scenario in the online survey.

Q50. A solicitor is working with a client who is taking a hospital to court following an operation that left her with a brain injury. The solicitor starts a sexual relationship with her, although he knows she has not recovered from her injuries. He also continues to act as her solicitor.



Scenario statistics	
Number of votes	304
Average	4.7
Min	1
Max	6
Variance	1.9
Std Dev	1.4

Q51. A solicitor repeatedly texts and emails a client, making personal comments and pressing her to go out on a date.



Scenario statistics	
Number of votes	245
Average	4.1
Min	1
Max	6
Variance	1.6
Std Dev	1.3

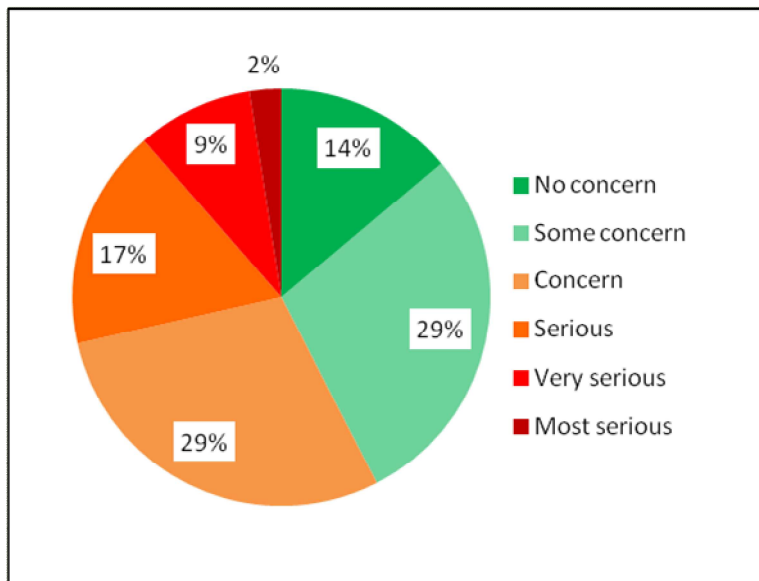
46 122 people completed a postcard asking:

Rate how serious these situations are from 1 – 6 (1 being no SRA action and 6 being a solicitor should be struck off). A solicitor fails to meet deadlines and so their client loses a valuable contract.

The results were: 1 – 6%, 2 – 3%, 3 – 16%, 4 – 20%, 5 – 27% and 6 – 28%.

Those filling out postcards said the matter was slightly more serious compared to those completing the online survey.

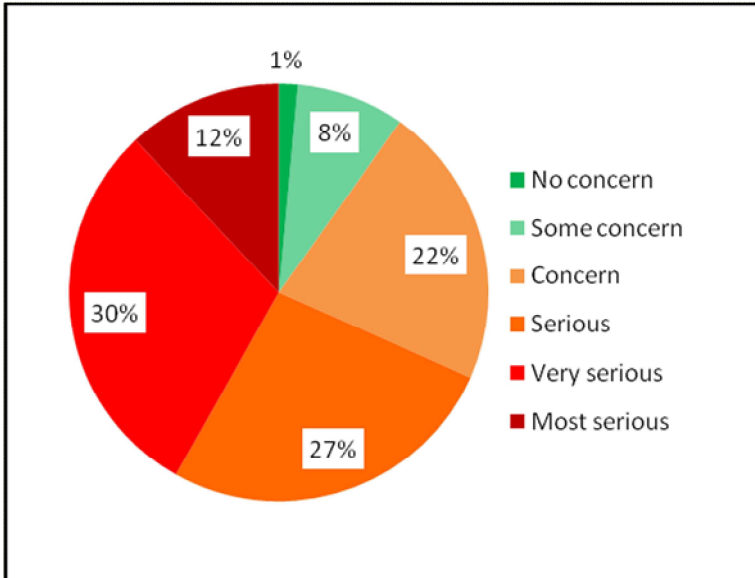
Q52. A junior solicitor accepts a police caution after being involved in a drunken fight.



Scenario statistics	
Number of votes	245
Average	2.9
Min	1
Max	6
Variance	1.6
Std Dev	1.3

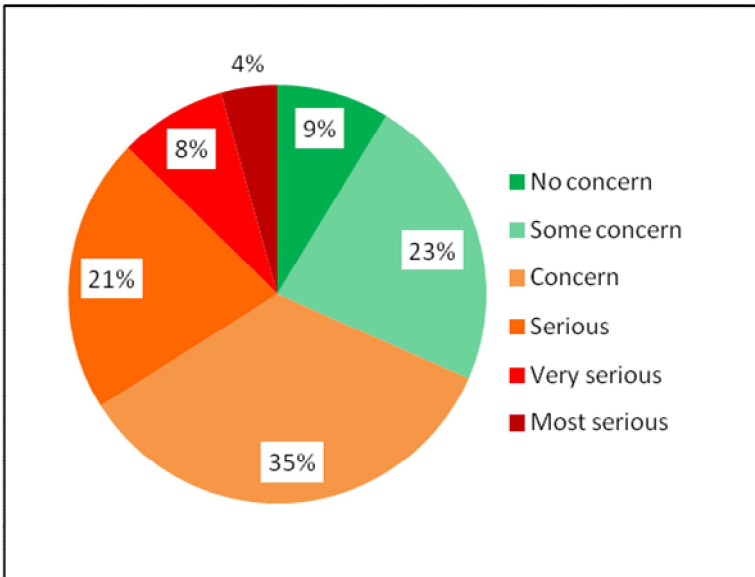
47 We have comparative data from the Twitter polls for Q52. We asked: *A solicitor gets involved in a drunken fight. Should we do anything? (yes or no)*. 101 people voted, with 44 percent saying yes. In another poll we asked: *A solicitor gets involved in a drunken fight. How do you think we should treat this matter?* 74 people voted, 42 percent said serious.

Q53. A junior solicitor misleads clients about the likely outcome of cases in order to keep the clients and impress his manager.



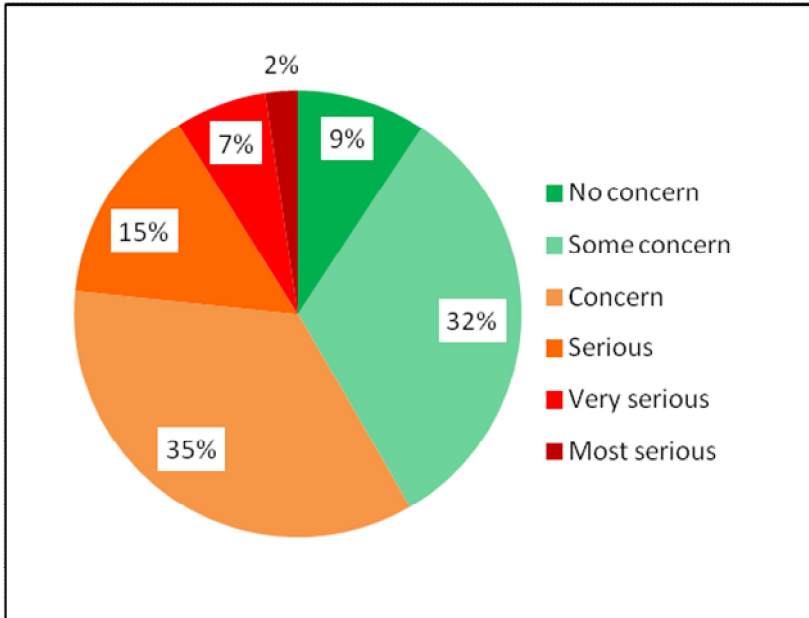
Scenario statistics	
Number of votes	275
Average	4.1
Min	1
Max	6
Variance	1.5
Std Dev	1.2

Q54. A newly qualified solicitor fails to comply with court rules leading to a case being delayed and higher costs for all those involved (including the court).



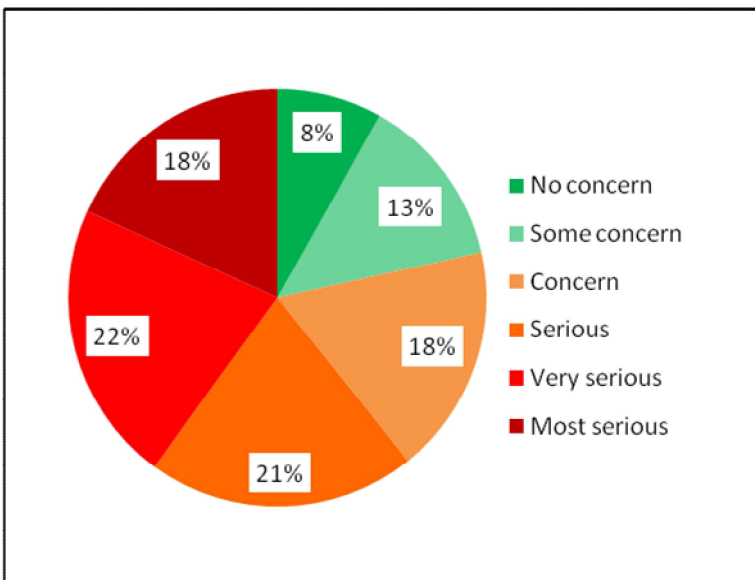
Scenario statistics	
Number of votes	253
Average	3.1
Min	1
Max	6
Variance	1.5
Std Dev	1.2

Q55. A junior solicitor in a large law firm does not inform clients of the progress of cases and causes delays. This results in an unrealistic number of cases being given to her by senior staff.



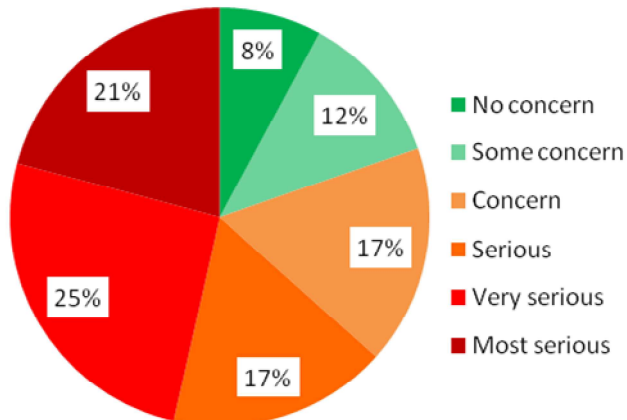
Scenario statistics	
Number of votes	257
Average	2.8
Min	1
Max	6
Variance	1.3
Std Dev	1.1

Q56. A solicitor notices that the bills her firm has sent to a large company include fees for hours she has not worked. She raises this with her manager. He tells her not to make a fuss and she lets the matter drop. What is your view on her behaviour?



Scenario statistics	
Number of votes	270
Average	3.9
Min	1
Max	6
Variance	2.4
Std Dev	1.5

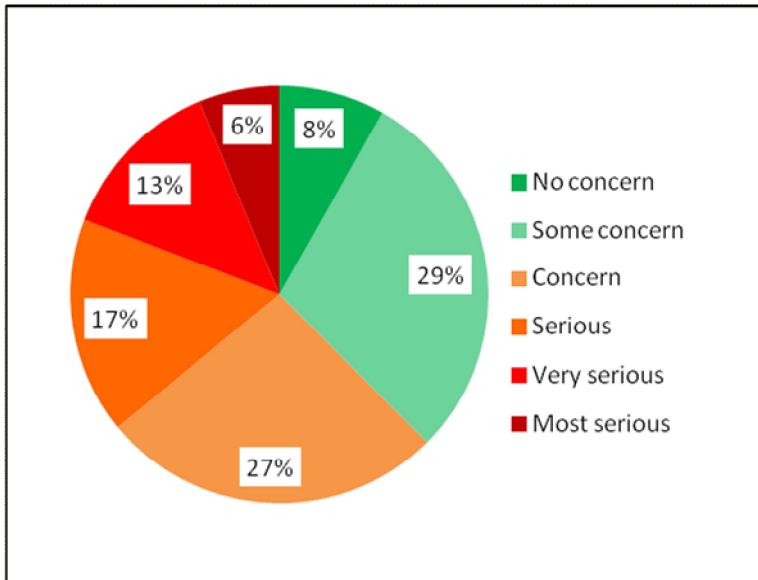
Q57. A solicitor, Sam, is working in a company and discovers that some colleagues have been bribing government officials. He raises this with the most senior lawyer in the firm who says she will take action. After a few weeks Sam realises that nothing has happened but he decides not to raise the matter again as the firm discourages staff from 'rocking the boat'. What is your view on Sam's behaviour?



Scenario statistics

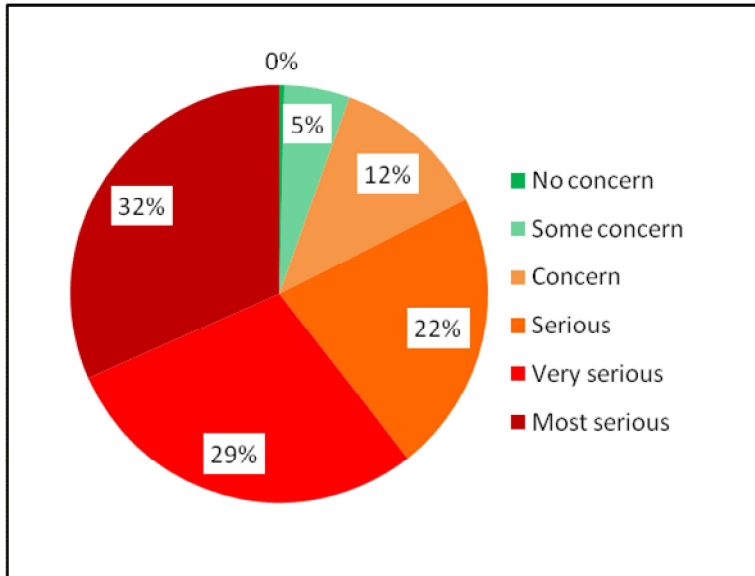
Number of votes	254
Average	4.0
Min	1
Max	6
Variance	2.4
Std Dev	1.6

Q58. A solicitor, Jo, realises that no note was taken of some key decisions at a meeting with a client. A number of staff from the firm were present, but each thought another was taking the note. Six months later, Jo raises this with the most senior lawyer who attended the meeting. The senior lawyer tells her to write up the note and backdate it, which she does. What is your view on Jo's actions?



Scenario statistics	
Number of votes	256
Average	3.2
Min	1
Max	6
Variance	1.9
Std Dev	1.4

Q59. A senior solicitor is employed by a company to handle their legal affairs. She discovers that some colleagues have been bribing government officials. She tries to protect her colleagues by not telling their bosses and simply telling them to stop.



Scenario statistics	
Number of votes	256
Average	4.7
Min	1
Max	6
Variance	1.4
Std Dev	1.2

48 At our live events 680 people voted on the following scenario using the same scale as the online survey:

A solicitor is employed by a large company to look after all of their legal affairs. She discovers that some of her colleagues have been involved in illegal bribery of government officials. She decides not to tell her bosses but just advises her colleagues to stop.

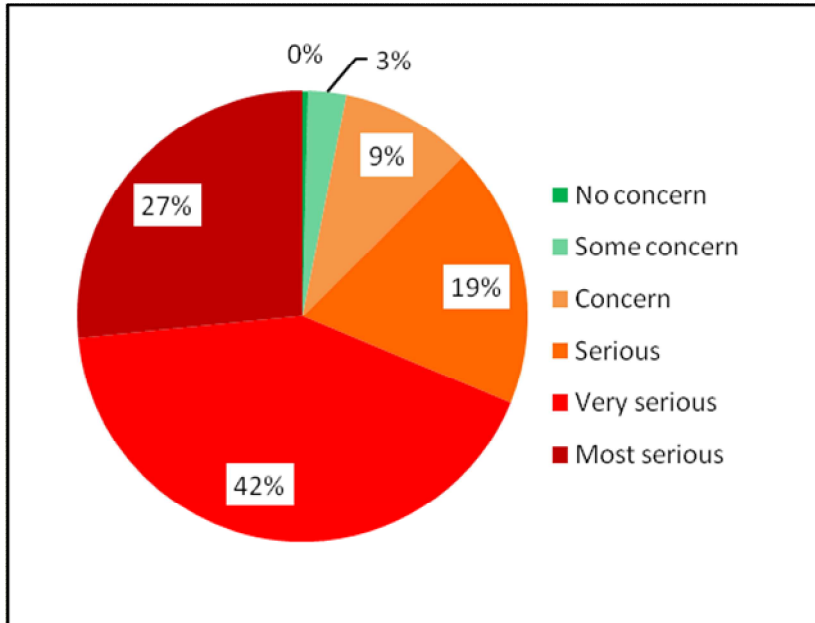
This question is different to the online survey in that it does not state that she is trying to protect her colleagues.

49 The results from the live events were:

No concern – 2% Some concern – 5% Concern – 12% Serious – 22%
 Very serious – 37% Most serious – 21% Average – 4.5 Std Dev – 1.2

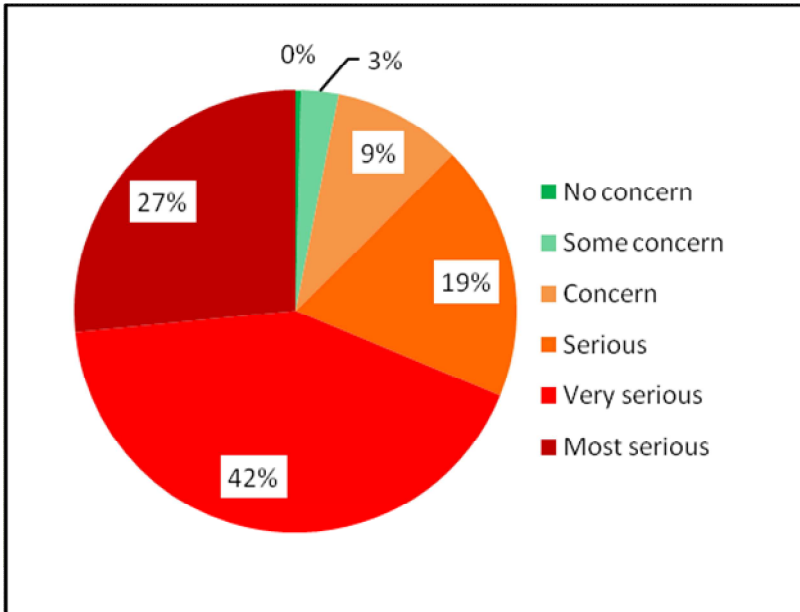
50 In the live events, the results were similar to the online survey, but slightly more people voted 'no concern' and less people voted 'most serious'. However, the distribution of responses is similar.

Q60. Sarah is senior solicitor in a large law firm. She is responsible for the training and supervision of all trainee and newly qualified solicitors. Sarah puts pressure on a new solicitor to leave relevant information out of an important document relating to a case and tells him he won't get far in the firm if he doesn't do as he is told. What is your view of Sarah's actions?



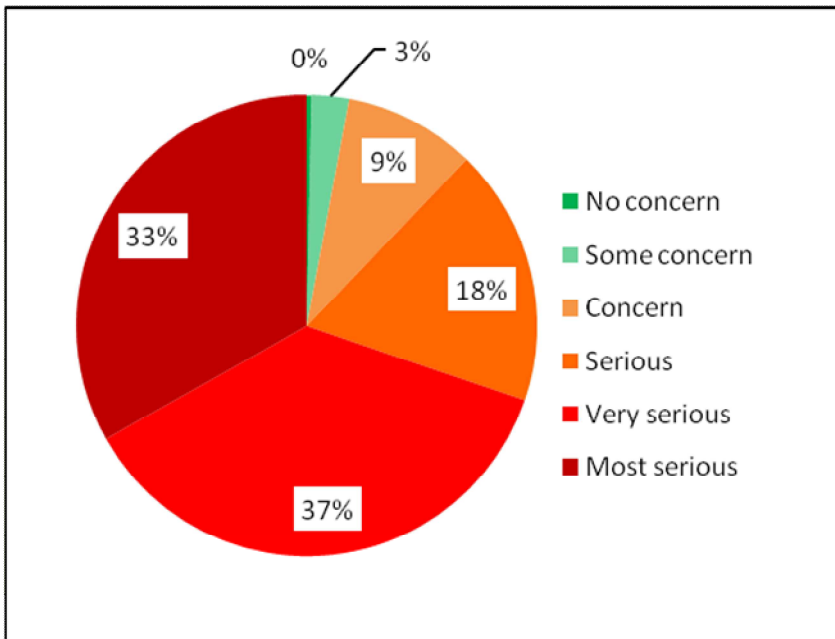
Scenario statistics	
Number of votes	256
Average	4.8
Min	1
Max	6
Variance	1.1
Std Dev	1.0

Q61. An experienced solicitor volunteers for a charity in his spare time. He provides advice on their legal problems. He regularly charges the charity for expenses he has not really paid for, saying that he has lost the receipt or that he forgot to ask for a receipt.



Scenario statistics	
Number of votes	256
Average	4.8
Min	1
Max	6
Variance	1.1
Std Dev	1.0

Q62. A senior solicitor routinely overcharges clients and encourages his colleagues to do so too.



Scenario statistics	
Number of votes	304
Average	4.9
Min	1
Max	6
Variance	1.2
Std Dev	1.1

Annex B – coding for each question

Question	Intent	Harm	Vulnerable	Junior	Pressure	Senior
1	3	3	1	0	0	0
2	3	4	0	0	0	0
3	3	3	0	0	0	0
4	3	4	0	0	0	0
5	3	3	1	0	0	0
6	2	3	0	0	0	0
7	2	3	0	0	0	0
8	3	4	0	0	0	0
9	3	3	0	0	0	0
10	2	3	0	0	0	0
11	0	2	0	0	0	0
12	0	0	0	0	0	0
13	0	3	0	0	0	0
14	2	3	0	0	0	0
15	0	2	0	0	0	0
16	0	0	0	0	0	0
17	3	0	0	0	0	0
18	2	0	0	0	0	0
19	0	0	0	0	0	0
20	0	0	0	0	0	0
21	3	0	0	0	0	0
22	3	0	0	0	0	0
23	1	0	0	0	0	0
24	1	0	0	0	0	0
25	3	0	0	0	0	0
26	2	0	0	0	0	0
27	3	0	0	0	0	0
28	3	0	0	0	0	0
29	3	0	0	0	0	0
30	3	0	0	0	0	0
31	3	0	0	0	0	0
33	2	0	0	0	0	0
34	0	3	0	0	0	0
35	0	4	0	0	0	0
36	0	2	0	0	0	0
37	0	3	0	0	0	0
38	0	2	0	0	0	0

39	0	2	0	0	0	0
40	0	1	0	0	0	0
41	0	4	0	0	0	0
42	3	3	0	0	0	0
43	0	4	0	0	0	0
45	2	3	0	0	0	0
46	0	3	1	0	0	0
47	3	3	1	0	0	0
48	3	4	1	0	0	0
49	3	4	1	0	0	0
50	3	4	1	0	0	0
51	3	4	0	0	0	0
52	2	3	0	1	0	0
53	3	3	0	1	0	0
54	0	4	0	1	0	0
55	1	2	0	1	0	0
56	3	3	0	0	2	0
57	3	4	0	0	1	0
58	2	3	0	0	2	0
59	3	4	0	0	0	1
60	3	4	0	0	0	2
61	3	3	0	0	0	2
62	3	4	0	0	0	1

Annex C – list of our events

Public

We engaged with members of the public at the following events:

- Birmingham 'A Question of Trust' roadshow
- Bristol 'A Question of Trust' roadshow
- Chester 'A Question of Trust' roadshow
- Leeds 'A Question of Trust' roadshow
- Liverpool 'A Question of Trust' roadshow
- Maidstone 'A Question of Trust' roadshow
- Newcastle 'A Question of Trust' roadshow
- Nottingham 'A Question of Trust' roadshow

Legal profession

We engaged with members of the legal profession at the following events:

- Birmingham 'A Question of Trust' roadshow
- Bristol 'A Question of Trust' roadshow
- Chester 'A Question of Trust' roadshow
- City law firms 'A Question of Trust' roadshow
- Leeds 'A Question of Trust' roadshow
- Liverpool 'A Question of Trust' roadshow
- Maidstone 'A Question of Trust' roadshow
- Newcastle 'A Question of Trust' roadshow
- Nottingham 'A Question of Trust' roadshow
- Meeting of the Southern Area Association of Law Societies
- SRA's annual Compliance Conference

Our stakeholders

The stakeholders we surveyed were:

- SRA/Law Society Joint EDI Committee
- Legal Services Consumer Panel
- Legal Services Board
- National Association of Gypsy and Traveller Officers
- Legal Regulators' Forum
- The Law Society's Regulatory Affairs Board

- Lawyers with Disabilities Division

Party conference attendees

Attendees voted at SRA fringe events at the Conservative and Labour Party Conferences 2015.