Public Perceptions of Lawyers
Consumer Research Findings

April 2002

Prepared on behalf of

SECTION OF LITIGATION
American Bar Association

by

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ACKNOWLEDGEMENTS

The ABA Section of Litigation is grateful to Robert A. Clifford, Section Chair 2001-2002, whose vision and generous financial support made this report possible.

The Section also wishes to acknowledge Sara Parikh, Ph.D., of Leo J. Shapiro & Associates, who designed and managed this study and the following report.

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FOREWORD

By Robert A. Clifford

My year as chair of the American Bar Association Section of Litigation has been dedicated to working with the public and the profession to enhance understanding of the essential role our legal system and lawyers play in preserving our democracy and the American way of life.

The events of September 11 have brought a new and bitter poignancy to the need for this focus. The terrorist attacks were aimed not only at destroying buildings and human lives, but also at undermining Americans’ confidence in their government. While the terrorists’ attempts at the latter ultimately backfired, they did illustrate that our country is only as strong as the commitment of our people and leaders to protect the ideals upon which it is based: individual liberty, freedom of expression, and the ability to redress grievances through a system of laws rather than violence.

In early 2001, I commissioned a study by Leo J. Shapiro & Associates to examine public confidence in the courts, the judiciary and the legal profession. This far-reaching research project included telephone interviews with Americans across the country and focus groups in five markets.

What we learned is both troubling and reassuring. While most Americans say that lawyers are knowledgeable about the law and can help clients navigate the legal system, they are uncertain how to tell a good lawyer from a bad one, dissatisfied with the ways lawyers communicate with them and confused about how lawyers bill for their services.

Faced with this uncertainty, many consumers who may need a lawyer do not hire one. I believe that when people do not feel lawyers are accessible to them, their faith in our justice system is ultimately eroded.

On a positive note, we found that confidence in U.S. institutions, including the courts and the legal profession, has increased since September 11. Fifty-five percent of respondents in a January 2002 telephone survey, for example, said they were either “very” or “somewhat” satisfied with how lawyers responded to the events of September 11.
During those months after the terrorist attacks, lawyers were out in front, providing free legal help to thousands of victims and their families and military personnel mobilized in Operation Enduring Freedom, advising our government leaders on the myriad legal issues arising from the disaster, and speaking out in their communities for tolerance and understanding. In short, lawyers were doing what they have always done, only this was a time of crisis when all of America was looking for leadership and information to help them understand the shocking events of September 11.

To improve public confidence in lawyers, we can start by being better communicators. Lawyers must communicate more clearly and effectively with clients about their legal matters and legal fees; they must be taught the importance of lawyer-client relationships in law school; and they have an obligation to talk and to work with the public to enhance understanding of our justice system.

Associate Justice Anthony Kennedy of the Supreme Court of the United States has created a program that individual lawyers and bar associations can implement in their own communities to begin a conversation with the American public. “Dialogue on Freedom,” conceived by Justice Kennedy in the wake of the September 11 attacks, takes lawyers and judges into the classrooms to foster discussions about American civic values and the meaning of our democracy in a diverse society. Since Justice Kennedy and Laura Bush launched the project in January, “Dialogue” has successfully been presented across the country.

Sponsoring a “Dialogue on Freedom” is one important step all lawyers can take to help the profession earn the confidence and trust of the public and build its understanding of the importance of the rule of law to our democracy.

The image of lawyers is not just a matter of professional or personal pride. It affects the public’s belief in our justice system, and ultimately, their faith in our democracy.

I encourage bar leaders, law firms and lawyers across the country to read and learn from this report, and develop programs to transform America’s renewed confidence in its institutions into a deeper understanding of and respect for our justice system.

Robert A. Clifford
Chicago, Illinois
April 2002
INTRODUCTION

Lawyers have a high profile in American society. It is hard to overestimate the amount of coverage that lawyers get in news stories, television programs, movies, and other media. Where there is a significant news story, there are usually lawyers involved. From the O. J. Simpson trial to the end of Napster as we know it; from the custody battle over a young Cuban boy to President Clinton’s affair with a White House intern; and from spilled coffee at McDonald’s to a disputed Presidential election. Just about anywhere there is public controversy lawyers can be found in the middle of the controversy, and on both sides of it. The issues are significant and the public discussion meaningful and heated. In this context, it is no wonder that America is ambivalent about its lawyers.

Drawing upon telephone interviews and focus groups with Americans across the country, this report takes an in-depth look at America’s fascination with and aversion to lawyers and identifies some steps that lawyers and the legal profession can take to improve their standing in American society.
BACKGROUND AND METHODOLOGY

The American Bar Association Section of Litigation commissioned empirical research to better understand the public's perception of lawyers and the bases of those perceptions. The research was privately funded by Robert A. Clifford, Chair of the ABA Section of Litigation (2001-2), on behalf of the Section. The research proceeded in three stages, as follows:

1. Consumer survey conducted in April 2001 with a nationally representative sample of 450 U.S. households, with the head of household reporting for the household (half male; half female). This study replicated some measures asked in a parallel study conducted by the American Bar Association in 1998.* Namely, it measured current perceptions of the U.S. justice system in general, and the legal profession in particular.

2. Consumer focus groups conducted in Summer 2001 in five U.S. markets (Birmingham, Boston, Chicago, Dallas, and Los Angeles). A total of ten focus groups were conducted (two per market), with between eight and ten participants per group (half male; half female). Focus group respondents were recruited to represent the demographic composition of their community. Roughly half of the participants in each market had hired a lawyer in the past five years. The focus groups explored, in depth, public perceptions of lawyers and other occupations and professions; impressions of different types of lawyers; lawyers in the media and the popular press; law as a career; and personal experiences with lawyers.

* Study conducted in 1998 by MARC Research, on behalf of the American Bar Association. Results are presented in the report entitled, "Public Perceptions of the U.S. Justice System."
3. Consumer survey conducted in January 2002 with a nationally representative sample of 300 U.S. households, with the head of household reporting for the household (half male; half female). This third and final phase replicated some measures asked about in the April 2001 consumer survey. In addition, this study gauged the potential demand for personal legal services, consumer avoidance of lawyers, and consumer satisfaction with different aspects of working with lawyers. Finally, the January 2002 study measured consumer perceptions of the legal profession’s response to the events of September 11, 2001.

Together, these three inquiries give us an in-depth look at the American public’s positive and negative perceptions of lawyers, the bases of those perceptions, and suggest some alternative strategies that lawyers, law firms, and bar associations can undertake to improve their reputation in American society.

**RESEARCH SUMMARY**

- **April 2001** National survey of 450 households

- **Summer 2001** Ten focus groups in five U.S. markets

- **September 11th**

- **January 2002** National survey of 300 households

*Note: The particular source of quantitative data is indicated in each table in this report. Verbatim comments come from the focus groups conducted in Summer 2001.*
SUMMARY OF FINDINGS

America Is Ambivalent About Its Lawyers

On the Positive Side

- Americans say that lawyers are knowledgeable about the law, and can help clients navigate through difficult situations.

- Personal experiences with lawyers substantiate these positive beliefs. The majority of consumers who have hired a lawyer are satisfied with the service their lawyer provided.

- Consumers tell stories of lawyers who apply significant expertise and knowledge to their cases, identify practical solutions, and work hard on behalf of their clients.

- Americans also believe that law is a good and even respectable career.

On the Negative Side

- Americans say that lawyers are greedy, manipulative, and corrupt. Personal experiences with lawyers substantiate these beliefs. Consumers tell stories of lawyers who misrepresent their qualifications, overpromise, are not upfront about their fees, charge too much for their services, take too long to resolve matters, and fail to return client phone calls.

- Americans are also uncomfortable with the connections that lawyers have with politics, the judiciary, government, big business, and law enforcement. These connections imbue lawyers with a certain degree of power in society. Americans believe that the central place of lawyers in society enables them not only to play the system, but also to shape that very system.

- Americans also believe that lawyers do a poor job of policing themselves. Bar associations are not viewed as protectors of the public or the public interest, but as clubs to protect lawyers.
For the consumer, legal services are among the most difficult services to buy. The prospect of doing so is rife with uncertainty and potential risk.

- When it comes to hiring a lawyer, consumers feel uncertain about how to tell a good lawyer from a bad one.

- Consumers also say that it is often unclear exactly what the lawyer will do for them and how much the lawyer will charge.

Faced with these uncertainties, many consumers who might need a lawyer do not hire one.

- Nearly seven in ten households had some occasion during the past year that might have led them to hire a lawyer.

- Over half of those who might need a lawyer say that they do not plan on hiring one.

The challenge (and opportunity) for the legal profession is to make lawyers more accessible and less threatening to consumers who might need them.

- A slight improvement in the reputation of the legal profession in the wake of September 11, 2001 suggests that there are things that lawyers can do to improve their standing in society.

- Strategies for improving the reputation of the legal profession are outlined at the end of this report, on pages 35 to 38.
LAWYERS’ STANDING IN SOCIETY

As found in the 1998 ABA study and other previous research, the legal profession is among the least reputed institutions in American society. Of ten different institutions asked about, consumer confidence in the legal profession ranks only above the media.

Less than one in five (19%) of consumers say that they are “extremely” or “very” confident in the legal profession or lawyers. Slightly fewer (16%) express confidence in the media.

"First, I’d like to talk to you about your confidence in different institutions in American Society. Here is a list of American institutions. As far as the people running these institutions are concerned, how confident do you feel about each institution?"

Percent Who Say They Are "Extremely"/"Very" Confident In:

- Medical Profession/Doctors: 50%
- Executive Branch of Government: 46%
- U.S. Supreme Court: 46%
- U.S. Justice System in General: 39%
- Federal Courts Other than Supreme Court: 37%
- Judiciary/Judges: 33%
- State and Local Courts: 31%
- Federal Congress: 22%
- Legal Profession/Lawyers: 19%
- The Media: 16%


* Comparative data from earlier studies are reported on page 29 of this report.
WHAT AMERICANS DO NOT LIKE ABOUT LAWYERS

Negative Beliefs About Lawyers

Respondents were asked to react to a series of statements about lawyers. The results suggest that lawyers have a reputation for winning at all costs, and for being driven by profit and self-interest, rather than client interest.

Consumers have four central criticisms of lawyers. The American public says that lawyers are greedy; lawyers are manipulative; lawyers are corrupt; and that the legal profession does a poor job of policing itself.

For each of the following statements, please tell me whether you strongly agree, agree, neither agree nor disagree, disagree, or strongly disagree.

<table>
<thead>
<tr>
<th>Percent of Americans Who Agree That:</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawyers are more interested in winning than in seeing that justice is served</td>
<td>74%</td>
</tr>
<tr>
<td>Lawyers spend too much time finding technicalities to get criminals released</td>
<td>73</td>
</tr>
<tr>
<td>Lawyers are more interested in making money than in serving their clients</td>
<td>69</td>
</tr>
<tr>
<td>Most lawyers are more concerned with their own self-promotion than their client's best interests</td>
<td>57</td>
</tr>
<tr>
<td>We would be better off with fewer lawyers</td>
<td>51</td>
</tr>
<tr>
<td>Lawyers do not keep their clients informed of the progress of their case</td>
<td>40</td>
</tr>
<tr>
<td>Most lawyers try to serve the public interests well</td>
<td>39</td>
</tr>
<tr>
<td>The best lawyers are selected to serve as judges</td>
<td>28</td>
</tr>
<tr>
<td>The legal profession does a good job of disciplining lawyers</td>
<td>26</td>
</tr>
</tbody>
</table>

SOURCE: LJS April 2001 survey.
"Lawyers Are Greedy"

Over two-thirds of respondents (69%) agree with the statement that "lawyers are more interested in making money than in serving their clients." Consumers report that lawyers are more interested in personal and financial gain than in serving either the public's interests or their clients' interests. Simply put, they believe that lawyers are motivated by greed.

“I think most of them come out of school with the right intentions, but they figure out, if I do a little bit here and there, I can make enough money to drive a Mercedes Benz.” (Chicago, Male, 28)

“I thought we had some good lawyers who were dealing with the smoking issue in the State of Texas, until I found out how many lawyers had their hand in the pot and how much the payout would be. Their payout is as big as what the state is going to get. Now, how is that helping the community?” (Dallas, Male, 46)

“It’s like buying a car. You know, they say ‘No money down.’ But, if they don’t get you in the front, they get you in the back. You know that if you get an attorney, you’re going to have to pay. They are out for the money. Some of them may care, some of them may not. But, they are all about making a big sale for themselves.” (Birmingham, Female, 33)

"Lawyers Are Manipulative"

Another common criticism is that lawyers are manipulative. They are believed to manipulate both the system and the truth. Nearly three in four respondents (73%) agree that "lawyers spend too much time finding technicalities to get criminals released." This manipulation of the system is believed to be motivated, in part, by lawyers' greed.

“To beat the system, they sometimes have to bend the law a little bit.” (Los Angeles, Male, 68)

“I think they manipulate the law. Well, that’s part of the job, to interpret, and I guess manipulate is the kind of perception we have.” (Chicago, Female, 47)

“I have had a couple of settlements. I mean, they were not there during the accident, but they go by what they tell you. They get into a courtroom, and they are like sharks. They want that money, and they are smart. They will find loopholes, and they will talk and talk.” (Boston, Male, 36)

“The one that sticks in my mind is the criminal lawyer who prepped his client for court. He said, ’No matter what we do when we go in there, we must tell the truth. Now, this is what the truth is.’ Now, that is pretty much standard procedure.” (Boston, Male, 67)
Some consumers believe that it is an imperfect justice system that allows, and perhaps even encourages, lawyers to manipulate the system. Yet, because prosecutors, judges, and many politicians are also lawyers, they say that lawyers benefit from the very system they create.

"Lawyers Are Corrupt"

In some instances, lawyers’ tactics are said to border on the unethical, and even illegal. This idea does not just come from the media. Personal experiences bear it out.

Consumers tell stories of lawyers who stage accidents, send clients to doctors for injuries they don’t have, and even offer to pay off judges or prosecutors. Some of these stories have the ring of “urban myth,” but these respondents say that they are real experiences.

"It’s a stacked deck. The problem is that the laws that allow these types of suits are promulgated into law by the legislature. And, who controls the legislature? Lawyers. And, lawyers look out for lawyers. It’s a stacked deck." (Boston, Male, 58)

"The lawyers are the ones who make the legal system so hard to navigate through that you have to have them because you can’t even defend yourself." (Birmingham, Female, 40)

"I do remember some years ago, I had an automobile accident. This one attorney hooked me up to go to this one doctor. I remember when I went in, they gave me something really thick and said, ‘Just sign, and then don’t worry about it. You don’t have to come back in.’ I was like, ‘What the hell is going on?’ But, they were in cahoots with the doctor." (Los Angeles, Female, 32)

"My sister works for the courthouse. She stepped out of the building and fell into an uncovered manhole. And, of course, lawyers are always crawling around the courthouse. There were about 500 business cards around there when they were taking her out. They said, ‘Don’t worry. Just stay there. We will get you an ambulance, and we will see you get paid.’" (Chicago, Male, 28)

"To tell the truth, the judge does get a piece of the pie because the lawyer told me and told my dad, ‘If you raise me $4,000 more, I can pay the judge, and I can pay the prosecutor.’" (Dallas, Male, 50)

"People I know have sued insurance companies for accidents when they really weren’t hurt. But, the lawyer is in cahoots. You know, they have their own doctors and their own chiropractors. They want you to go to that particular person because, of course, they are going to do what they have to do to win their case.” (Birmingham, Female, 37)
Consumers also view with suspicion the connections that lawyers have. They say that lawyers are intimately connected to politics, judges and law enforcement, and believe these connections are as important to lawyers' success as the skills that lawyers have.

"It sounds like a big racket, you know, this one knows this one and that one." (Dallas, Female, 49)

"You think this lawyer is trying to protect your rights, but they are golf buddies with the prosecuting attorneys. You don't know that. And, they are cutting deals on the side. You think they are looking out for you, but they are trying to cut a deal and also pacify you." (Birmingham, Female, 33)

"Lawyers Don't Police Themselves"

This distrust about lawyers' connections also extends to images about professional self-regulation. Consumers say that lawyers do a poor job of policing each other. Just one-quarter of respondents (26%) agree with the statement, "the legal profession does a good job of disciplining lawyers." The American Bar Association is viewed as an "Old Boys Network," more similar to a union or club than a professional association. Consumers feel that they have no recourse if their attorney fails to properly represent them. While they acknowledge that some bad attorneys give the rest of the profession a bad name, they blame the entire profession for not keeping its house clean.

"If one of the lawyers goofed up, they should disbar them. But, most of the time they don't. They just cover it up." (Chicago, Male, 61)

"The ethics committee with the bar association, it is too totally controlled by them. It needs an independent body. And, some of the members ought to be nonlawyers." (Los Angeles, Male, 38)

"The ABA is like a rubber stamp. You have to do something drastically bad to be disbarred." (Dallas, Male, 46)

"I had a probate case, and I actually went through three different attorneys before I got one that was competent. The first guy kept my retainer, and as far as trying to appeal to the bar association, that is a joke. I did, and they sent me a nice letter saying there was no merit to my case, despite the fact that the man did nothing for me. He did not file anything. He just kept my retainer; so, I was out of luck." (Los Angeles, Male, 38)

"Nothing speaks worse than a bad apple. It doesn't matter how good the whole group is. Those bad apples spoil everything, and if you don't get rid of them, they are just going to keep causing the same problems." (Dallas, Male, 46)
Beliefs About Different Types of Lawyers

Few lawyers are immune to criticism. Some lawyers fare better than others, but these consumers found negative things to say about every type of lawyer asked about. Criminal defense lawyers are criticized for representing guilty clients; prosecutors for cutting too many deals; public defenders for being inexperienced and overextended; personal injury lawyers for chasing ambulances and pursuing frivolous cases; divorce lawyers for exacerbating conflict; and corporate lawyers for engaging in underhanded practices in the interests of their powerful clients. More neutral or positive reactions are found only for real estate lawyers, who are largely viewed as functionaries; and civil rights lawyers, who are said to be working in the public interest.

"A real estate lawyer, for instance, is basically doing you good. You know, he is checking things out for your real estate, either to help you sell it or to help you buy it. A criminal lawyer is sleazy 90% of the time." (Chicago, Female, 53)

"In my experience with corporate securities, I read a lot about chicanery going on in the issuing of stock and selling of stock, backed up by the lawyer." (Boston, Male, 72)

"I think prosecutors make too many deals. You know, they ask for murder, and instead of murder, they give them manslaughter and make a deal. They do too much of that." (Chicago, Male, 61)

"I don’t care what the lawyer practices. I would think negatively about all of them, and I have had dealings with a couple of lawyers who were excellent." (Boston, Male, 67)
Lawyers in the Media and Popular Press

High-profile legal cases capture our attention because they often tap into preexisting beliefs about lawyers and justice. For example, the O. J. Simpson case supports the public belief that money can buy justice, that lawyers manipulate the truth and the system, and that lawyers are looking out for their own interests. The McDonald’s coffee spill case feeds into the belief that America is too litigious, that people do not take responsibility for their own actions, and that lawyers will always find a way to benefit from people’s carelessness. Respondents believe that the media perpetuates these negative perceptions of lawyers by focusing on the highly controversial cases that feed into the public belief system and by ignoring facts and stories that do not.

“You never hear something good that a lawyer did on television. It’s only something bad.” (Dallas, Male, 34)

“The O. J. Simpson case tells me that if you have money, you can get away with anything.” (Los Angeles, Male, 33)

“It’s all media manipulation. It is just that a few have been picked out, and they are all criminal-type stuff. But, there are thousands of lawyers who are in patent law and real estate, you know, the most boring stuff you can think of, who are totally right on, not at all the horrible things that people have said.” (Los Angeles, Female, 47)

“I think you see more of the bad than you do of the good. I think you see more of the greedy and the people who are getting off, instead of the good that comes out of it.” (Birmingham, Female, 21)
Importantly, television programs that feature lawyers do not appear to have a significant impact on the public’s perception of lawyers. The research finds little difference in confidence in lawyers between consumers who watch law-related television programs (e.g., The Practice, Law and Order, Court TV, Judge Judy, and Ally McBeal) and consumers who do not watch such programs.

Lawyer Advertising

Consumers discuss how lawyer advertising also contributes to negative perceptions of lawyers. Television and Yellow Pages advertising that is geared towards the general public is said to be unprofessional, overpromising, overly dramatic, and targeted to vulnerable people.

Consumers seem to be more concerned with the tenor of lawyer advertising, than they are with the presence of lawyer advertising. They say that it is more important that lawyers change the way that they advertise, than it is that they stop advertising altogether. (See page 32 below.)

“You see all these advertisements, like where they are getting drunk drivers off. That is what you see on TV and the newspapers. You don’t see good lawyers advertising.” (Boston, Male, 21)

“When I see a personal injury ad like that, I think, these are the ambulance chasers. These are the people waiting for an accident to happen.” (Dallas, Male, 46)

“I don’t think they should advertise on television; they should be in the newspaper. They are very flashy on TV. They try and get your attention, but it sounds crazy. I think it’s horrible for an attorney to act so silly. It makes it look very unprofessional.” (Los Angeles, Male, 68)
Negative Experiences with Lawyers

As previous research has indicated, the majority of consumers who have hired a lawyer say that they are satisfied with their lawyer. (See page 19 below.) However, personal experiences with lawyers also contribute to the poor reputation of the profession. Part of the problem is endemic to the practice of law. Consumers say that having to hire a lawyer often means that you have a crisis or difficulty. Lawyers are perceived as a necessary evil.

"To a certain extent, lawyers are victims themselves in that people are coming to them with problems. When you are dealing in an environment when the client is not in a favorable position, not a good frame of mind, obviously, they are going to have a low opinion of you." (Boston, Male, 50)

"You normally need a lawyer when you have a problem, and you associate them with problems. And, the deeper your problem, the more you need them, and the more expensive they are going to become." (Boston, Male, 58)

"Most of the things that they are involved in are not very pleasant things, anyway: divorce, child custody, the drugs that people have died from, or someone is killed in a car accident. So, many of the things they are involved in helping people are not very good things, anyway." (Birmingham, Female, 62)

Lawyers' Fees

Of all of the criticisms that consumers raise about their personal experiences with lawyers, the greatest number of complaints arise around lawyers' fees. Consumers say that lawyers charge too much for their services; are often not upfront about their fees; and are unwilling to account for their charges or hours.

"I was very impressed (with the work the lawyer did for me), but shocked at the charges because I did not realize they bill you for every little minute. The overall complete thing was wonderful, but we paid out the nose to get all the estate trust settled. But, it's not something that a normal person can do, and there are all kinds of rules and regulations." (Dallas, Female, 62)

"My lawyer told me that for a divorce, to set up the paperwork was going to be $750 to $1,000. By the time I was through with it, it was $7,000. I don't know what happened. I wasn't in there through most of it." (Dallas, Male, 46)

"What they do is they charge you so much for ten minutes or so much for an hour, but they never come forward with their accounting of all of their minutes." (Chicago, Male, 61)

"I had one lawyer with a law firm, and I said, 'Before we go any further, what are you going to do for me?' And, they couldn't answer me. I said, 'But, you took my money. How can you put a price on something when you don't know what you're going to do?'" (Boston, Male, 67)
No one legal specialty is singled out for overcharging. Consumers complain about the fees charged by all types of lawyers.

"The ones who do a commission have more of a concept of being a used-car salesman. — ‘Let’s see, how much can I get out of this deal?’ So, they are ambulance chasers. Those are the ones you don’t want to trust. There is no structure. You don’t know what you are paying for."  
(Dallas, Male, 46)

"The problem is with the hourly-based attorney. That is like giving them a carte blanche. It’s ‘buyer beware.’"  
(Chicago, Male, 53)

"If they are with a big firm, they have a demand on them to bill so many hours. If they are in private practice, they can bill one hour for a fax or whatever."  
(Dallas, Female, 54)

"The last time we bought a house, the real estate attorney did absolutely nothing. But, she got this huge commission because there were only things that she could do, and we couldn’t do it on our own."  
(Dallas, Female, 62)

"My neighbor is going through a divorce. She said that the divorce attorney is per hour, and she could not believe how expensive it’s getting. She and her husband are trying to work things out as far as what to do to avoid all these hours."  
(Chicago, Female, 47)

Lengthy Delays

A few consumers also complain that lawyers drag out and overstaff cases unnecessarily. Some believe that lawyers do this deliberately in order to inflate their expenses on a case.

"I gave a deposition a while back, and the other side had three lawyers and an assistant there. There were four of them, and I had my one lawyer. The other side was probably $1,000 or $1,500 an hour for asking me questions. They didn’t have to do that to their client. One of them could have asked all of the questions."  
(Los Angeles, Male, 57)

"Sometimes lawyers are very shrewd in knowing how to drag a case out. And, the reason for that is the fee keeps going. They are not stupid."  
(Boston, Male, 58)

"I had an experience with one lawyer where I just felt they were money hungry. They stretched it out over a year. To me, they deliberately held on to my check so they could get interest on it."  
(Los Angeles, Female, 32)
**Misrepresentation and Overpromises**

In addition to the many complaints about lawyers' fees, consumers also complain about lawyers who take cases that they are not equipped to handle, lawyers who fail to competently represent their client, and lawyers who promise what they cannot deliver.

"The second guy was incompetent. He did not know anything about probate, although he purported to. Finally, I got somebody else who did know something."  
(Los Angeles, Male, 38)

"My boyfriend had an injury case against a company, and he was very badly injured; he almost lost a foot. He got a very small settlement. We wouldn't have hired a lawyer if we knew that was all he was going to do. We could have gotten the same amount of money without him. He didn't tell us what percentage he was entitled to until the day of court. I thought it was really shady for him not to be upfront and tell my boyfriend, 'This is exactly what I am going to take. This is the ballpark of what we are expecting. You have the option of going to trial.'"  
(Birmingham, Female, 23)

"My first lawyer showed up while I was in the emergency room, like an ambulance chaser. So, I didn't take him. And, the second lawyer I had worked on the case for almost a year and accomplished nothing. The third lawyer got it settled in three weeks."  
(Birmingham, Male, 35)

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**Escalating Problems**

Finally, some consumers feel that lawyers can do more harm than good. This is particularly true of people going through a divorce. They say that divorce lawyers can exacerbate an already difficult situation.

"I went through that when I was eighteen years old. My parents were fighting for custody, and I was on my mother's side. And, my father's lawyer just ripped me on the stand. I was an eighteen-year-old girl. That was the first experience I had with lawyers, and immediately, my impression was negative."  
(Los Angeles, Female, 54)

"My dad's lawyer pulled some bull... while they were going through the divorce. He was trying to ask for alimony from my mom and that kind of stuff, and it was amazing how unscrupulous he was. I think they take advantage of the lack of knowledge that people have about the legal system."  
(Birmingham, Male, 30)
WHAT AMERICANS LIKE ABOUT LAWYERS

Positive Beliefs About Lawyers

Though many comments about the legal profession are negative, even consumers recognize that this is a stereotype, rather than a universal truth about all lawyers. In fact, when asked to take sides, the majority of consumers (59%) say that most lawyers are knowledgeable about the law and are interested in serving their clients. Just over one-third (34%) say that lawyers deserve the bad reputation that they have.

"As you may or may not know, lawyers have a relatively poor reputation in American society. Some people say that most lawyers are knowledgeable about the law and are interested in serving their clients. Others say that lawyers deserve the bad reputation that they have. Which of these do you tend to agree with more?"

"Most lawyers are knowledgeable about the law and are interested in serving their clients." 59%

"Lawyers deserve the bad reputation that they have." 34%

Don't know 7%

While consumers describe lawyers as greedy, manipulative, and corrupt, they also say that lawyers are well-educated, intelligent, knowledgeable, hardworking, aggressive, outgoing, well-spoken, and confident. Some even defend lawyers, arguing that it is the system, and not lawyers, that is the source of the problem. Others say that the very traits that lawyers are criticized for (e.g., being aggressive) make lawyers good at their jobs. Finally, some argue that lawyers are not greedy, but deserve to earn a living, just like members of any other occupation.

"I think attorneys are just working within the law, and I think that we can work to change the laws if we don’t like them." (Los Angeles, Female, 59)

"Most of them are entrepreneurs. If you look at the characteristics, like motivated or hardworking, they essentially have their own law firm that they are working for. Even if you go to a larger law firm they are still motivated to generate revenue for themselves. They are working for themselves and their own business. That makes them hardworking and motivated."

(Chicago, Male, 24)

"If you have an attorney who is going to represent you, you want them to be aggressive, motivated, and knowledgeable because he is representing you, and you want him to do the best job possible. I think that it is positive for an attorney to have these things."

(Chicago, Female, 37)

"Why not go into it for the money? Don’t we have our careers to make a living? I mean, it is different when you are a shark. That is different. But, why don’t you look at anything you go into as a money-making venture? You might have family you have to support. Not everything you do is out of the goodness of your heart."

(Los Angeles, Female, 47)

Further, the same public who holds negative views of lawyers also generally believes that the law is a good, and even respectable, career. Many consumers also say that they would be proud if one of their children was a lawyer. They reconcile this, in part, by saying that their child would be one of the “good lawyers.” And, they believe that a career in law is a financially stable, lucrative path.

"You always assume that your kid is going to be a good lawyer." (Dallas, Male, 58)

"You want your child to be successful. In America, we think of successful as being wealthy, and with being a lawyer comes wealth."

(Chicago, Female, 21)
Positive Experiences with Lawyers

As found in the 1998 ABA study and other studies, this research finds that the majority of consumers who have hired a lawyer are satisfied with their lawyer. Among consumers who have hired a lawyer in the past five years, nearly three in five (58%) say that they were “very satisfied” with that lawyer. An additional 18% were “somewhat satisfied.”

<table>
<thead>
<tr>
<th></th>
<th>ABA</th>
<th>LJS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1998</td>
<td>January 2002</td>
</tr>
<tr>
<td></td>
<td>(1000)</td>
<td>(300)</td>
</tr>
<tr>
<td>ALL RESPONDENTS</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Very satisfied</td>
<td>53%</td>
<td>58%</td>
</tr>
<tr>
<td>Somewhat satisfied</td>
<td>23</td>
<td>18</td>
</tr>
<tr>
<td>Neither satisfied nor dissatisfied</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>Somewhat dissatisfied</td>
<td>9</td>
<td>3</td>
</tr>
<tr>
<td>Very dissatisfied</td>
<td>11</td>
<td>9</td>
</tr>
</tbody>
</table>
Survey participants were asked to rate their satisfaction with different aspects of working with their lawyer. Consumers who have hired a lawyer in the past five years express the greatest level of satisfaction with their lawyer’s knowledge of the law, how the lawyer handled the initial conversation and explained their fees, and how sensitive the lawyer was to the client’s needs and concerns. Consumers are least likely to be satisfied with how well the lawyer kept them informed, and how long it took to resolve the matter.

"Well, thinking about your experience with this lawyer, how satisfied were you with…?"

<table>
<thead>
<tr>
<th>Percent Who Said That They Were Very Satisfied With:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>How well the lawyer knew the law in this area</td>
<td>72%</td>
</tr>
<tr>
<td>The way the lawyer handled the initial conversation with you</td>
<td>68</td>
</tr>
<tr>
<td>How upfront the lawyer was with the fees he/she would charge you</td>
<td>68</td>
</tr>
<tr>
<td>How sensitive the lawyer was to your needs and concerns</td>
<td>65</td>
</tr>
<tr>
<td>How proactive the lawyer was in protecting and serving your interests</td>
<td>62</td>
</tr>
<tr>
<td>The fees the lawyer actually charged you</td>
<td>62</td>
</tr>
<tr>
<td>The advice the lawyer gave you</td>
<td>61</td>
</tr>
<tr>
<td>How quickly the lawyer worked to resolve the issue</td>
<td>56</td>
</tr>
<tr>
<td>How well the lawyer kept you informed of your case</td>
<td>53</td>
</tr>
</tbody>
</table>

Consumers tell many positive stories of lawyers who have helped them through both routine and complex legal matters.

From these stories, we learn of lawyers who know the law, take time with their clients, work hard on their clients' behalf, charge them reasonable fees, and generally help them through a difficult period. Some tell stories of lawyers who got their clients out of a tough spot or persisted through a difficult situation.

"I went through the closing from hell. It took 22 months from the time I signed the purchase of sale to the time of the actual closing. My lawyer was a personal friend of mine, and he stayed on top of this thing for 22 months. If it hadn't been for him, it would have fallen apart."  
(Boston, Male, 58)

"In my own experience, I haven't won anything big. But, it is involved with real estate, and the lawyers were very helpful and concerned. They seemed to know all kinds of angles and avenues that the normal, everyday person wouldn't know."  
(Boston, Female, 41)

"We had a business problem last year, and we couldn't resolve it with the person we were having the problem with. It was just at a standstill. The lawyer was able to talk to both people and mediate and make it work."  
(Los Angeles, Female, 59)

"I had one about fifteen years ago. My husband was ill with cancer. The doctors did not think he was going to make it, but he did. He has been in remission for fifteen years. But, at the time, the doctors told me to go and sign him up for Social Security disability. The first time my husband was turned down; so, the doctors told me to go to an attorney. So, I went to one. He was very professional and took the percentage that he said he would in the very beginning. We also had to go to a hearing. The lawyer had other professionals there and doctors to back him up. My husband was on disability for two years."  
(Birmingham, Female, 62)
Consumers also tell positive stories of legal aid lawyers who help unsophisticated clients navigate the legal system, and private-sector lawyers who charge reasonable fees or offer their services free of charge to help out an indigent client.

"We emigrated from Iran when I was a little girl, and I remember going through the whole thing applying for our Green Card. My mom speaks broken English, and here she is going into an office with a little girl who is supposed to translate. But, I just remember the lawyer. He was so nice. He was so patient with my mom. He explained everything again and again. You know, I think lawyers are protectors. They could be the ones to tell you 'Look, you are going to get screwed here. You better watch your back. You are going to need someone to do it. I could do it for you.' I will pay them whatever. That's fine, as long as they do their job right for me."
(Los Angeles, Female, 26)

"I divorced my first husband. I had kids, and I didn't have any money; so, I went to the Women's Legal Aid that used to be down here. All these lawyers came in and gave their time for free. They all had big businesses. They gave advice, and you paid $25 for the year to join. And, the lady who helped me saw I was overwhelmed. She took my case and did it all for me. I gave her $300, and she did it all for me: the restraining order, custody, and everything."
(Los Angeles, Female, 47)

"It was a franchise lawyer, and it was a very positive experience. He billed by the hour, and he only billed us for the three hours we visited with him. He just offered advice, listened to us, and gave us documentation. It was very positive."
(Dallas, Female, 54)

"I know someone who had a real good criminal defense lawyer, and he didn't even charge the person because he knew he didn't have any money. And, he really did help him."
(Chicago, Female, 47)
THE UNTAPPED DEMAND FOR LAWYERS:
LAWYER AVOIDANCE

Uncertainty in Hiring a Lawyer

While many consumers have had positive experiences with lawyers, many of these same people have had negative experiences as well. The problem is that these two types of stories represent a sort of Jekyll and Hyde for consumers. It is difficult to know whether they are hiring a good lawyer or a bad lawyer, a reasonably priced lawyer or an expensive one.

Because of this uncertainty, the very prospect of hiring a lawyer can engender feelings of vulnerability and anxiety in consumers. Just as they do with their contractors, when people enter a relationship with a lawyer, they start off from a stance of mistrust.

"You are a lot more vulnerable with a lawyer than with a doctor. Even when a doctor is dealing with a medical condition, it is easier to get second opinions. It is easier to figure out what is going on. With a lawyer, you have no idea if you can trust them; you don’t know the laws. You can’t go and investigate every law. That is the job that you entrust them with." (Los Angeles, Female, 25)

"The law in general can be very frustrating to the average human being. He is dealing with a world that is just not natural to deal in, and then he has to deal with people in this unnatural world who are charging him fees that are going out of sight; they are never ending." (Boston, Male, 58)

"I guess there is not one standard of lawyers. It’s always hit or miss, it seems." (Chicago, Male, 35)

"The reputation is that lawyers can push the limits. They can take advantage of things other people cannot take advantage of. Power of attorney — you give them power of attorney. They can sign things for you. They can take money from you. You hear about them taking money from other people. That is where they get a bad reputation.” (Dallas, Male, 46)

"There is no rating system for an attorney; so, you don’t know what you are getting, unless you have a personal experience." (Dallas, Male, 39)

"You know that if you want a referral or are trying to find an attorney, there is not a whole lot out there, and it’s not easy to find a good one." (Chicago, Male, 38)
Given this anxiety and the difficulty in evaluating a lawyer, some consumers avoid using lawyers altogether. Part of this is a desire to avoid the kind of situations that would require a lawyer. But, part of this is also a desire to avoid both the anxiety and the costs involved with hiring a lawyer. This means that some consumers are simply not getting their legal needs met, while others are finding ways to solve their problems without having to hire a lawyer.

"I hope I can go through my entire life without ever having to use a lawyer."
(Boston, Male, 58)

"I went to see a divorce lawyer to get my divorce. Of course, I don’t know the laws on that, but it boiled down to $1,200. I found out I could divorce myself for $200; so, I divorced myself for $200."
(Dallas, Female, 30)

"There is a group of paralegals that have a website that tells you everything you need to do. And, for $250, which is much less than it would cost to hire a lawyer, they draw up all the papers for you, have everything, send it to you, and all you have to do is take it to the court and everything is done."
(Dallas, Female, 35)

Potential Demand for Lawyers

In order to measure the extent to which consumers avoid hiring lawyers, survey participants were read a list of 25 different events that might have caused them to hire a lawyer during the past twelve months. In a given year, the need for any specific type of legal service is relatively low. However, collectively, there is a great demand for personal legal services.

Altogether, seven in ten U.S. households (71%) report experiencing some event in the past twelve months that might have led them to hire a lawyer. The most common events are real estate transactions, mortgage refinancing, damage to property or automobile, creation of wills or estate plans, inadequate health care, moving traffic violations, and trouble with creditors.
"In this survey, we are concerned with things that were happening to you or others in your household during the past 12 months. As I describe each situation, please tell me whether it occurred to you or another member of your household during the past 12 months. During the past 12 months, did you or any other member of your household... (ASK FOR EACH)?"

<table>
<thead>
<tr>
<th>ANY EVENT OCCURRED WITHIN PAST 12 MONTHS (NET):</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bought or sold real estate</td>
<td>16</td>
</tr>
<tr>
<td>Refinanced a mortgage</td>
<td>14</td>
</tr>
<tr>
<td>Suffered damage to property or automobile</td>
<td>13</td>
</tr>
<tr>
<td>Created or revised a will, estate plan, or trust</td>
<td>12</td>
</tr>
<tr>
<td>Felt they were given inadequate medical care</td>
<td>12</td>
</tr>
<tr>
<td>Got a moving traffic violation</td>
<td>12</td>
</tr>
<tr>
<td>Had trouble with creditors</td>
<td>11</td>
</tr>
<tr>
<td>Had a dispute with a landlord, tenant, condo board, or neighbor</td>
<td>9</td>
</tr>
<tr>
<td>Had to administer an estate or deal with inheritance</td>
<td>8</td>
</tr>
<tr>
<td>Had trouble getting medical insurance coverage</td>
<td>8</td>
</tr>
<tr>
<td>Felt they were a victim of consumer fraud</td>
<td>7</td>
</tr>
<tr>
<td>Considered filing for bankruptcy</td>
<td>6</td>
</tr>
<tr>
<td>Had difficulty collecting public benefits (e.g., Social Security, veterans benefits, disability)</td>
<td>6</td>
</tr>
<tr>
<td>Had a problem with or discontinuation of basic utilities (e.g., telephone, gas, electricity)</td>
<td>6</td>
</tr>
<tr>
<td>Got involved in child custody or child support dispute</td>
<td>5</td>
</tr>
<tr>
<td>Other*</td>
<td>26</td>
</tr>
</tbody>
</table>

**No Event Occurred Within Past 12 Months**

29

**SOURCE:** LJS January 2002 survey.

* Mentioned by fewer than 5% of households. This includes events such as workplace discrimination, personal injury, divorce, felony convictions, and problems with the IRS.*
Avoidance of Lawyers

However, while the collective need for legal services is high, most households who have an occasion to hire a lawyer do not actually hire one. Altogether, among those households who had some occasion to hire a lawyer in the past twelve months, less than half (45%) have already hired a lawyer or say that they plan to. Similar results were found in an earlier study on unmet legal needs among low-income and moderate-income Americans.

| ALL RESPONDENTS WHO HAD AN EVENT IN PAST 12 MONTHS THAT MIGHT HAVE LED THEM TO HIRE A LAWYER | Total  |
|                                                                 | (214) | 100% |

| Hired a Lawyer or Plans to (Net):                                | 45%   |
| Already hired a lawyer                                          | 37    |
| Plans to hire a lawyer                                          | 8     |
| Does Not Plan to Hire a Lawyer                                  | 55    |


Altogether, one-third of all U.S. households say that they have had at least one occasion where they considered hiring a lawyer, but did not. When asked why they decided not to hire a lawyer, the expense of doing so is mentioned most often (28%), followed by "took care of it myself" (19%), and it's "not worth it/won't do any good" (15%). Some of these occasions are believed to be readily resolved without a lawyer. For example, those who had a real estate transaction or refinanced a mortgage often say that they didn't feel they needed a lawyer.

"Why did you decide not to hire a lawyer?"

<table>
<thead>
<tr>
<th>Reason</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALL WHO HAVE CONSIDERED HIRING A LAWYER, BUT DID NOT</td>
<td>(96) 100%</td>
</tr>
<tr>
<td>Too expensive/can't afford it</td>
<td>28%</td>
</tr>
<tr>
<td>Took care of it myself</td>
<td>19</td>
</tr>
<tr>
<td>Not worth it/won't do any good</td>
<td>15</td>
</tr>
<tr>
<td>Not enough time</td>
<td>9</td>
</tr>
<tr>
<td>Matter was resolved/settled</td>
<td>6</td>
</tr>
<tr>
<td>Don't need a lawyer/not necessary</td>
<td>5</td>
</tr>
<tr>
<td>Don't trust lawyers</td>
<td>5</td>
</tr>
<tr>
<td>It's in the past/over</td>
<td>3</td>
</tr>
<tr>
<td>Went through the state</td>
<td>2</td>
</tr>
<tr>
<td>Insurance company handled case</td>
<td>2</td>
</tr>
<tr>
<td>Didn't want to</td>
<td>1</td>
</tr>
<tr>
<td>Other</td>
<td>15</td>
</tr>
</tbody>
</table>

I
n summary, the potential demand for personal legal services is high, but much of this goes untapped. Over half of all consumers who might need a lawyer do not hire one. Part of this stems from the lack of a real need for a lawyer and from the routinization of certain transactions (e.g., real estate, mortgage refinancing). But, negative experiences with and perceptions of the profession also contribute to the avoidance of lawyers. The research indicates that the avoidance of lawyers is greater among consumers who have had a negative experience with a lawyer in the past.

Avoidance of lawyers is also greater among consumers who have a low opinion of lawyers. This suggests that the lack of public confidence in the legal profession impacts the bottom line of that profession: it leads to the avoidance of lawyers. While it may be difficult to make significant inroads, there are some indications that the profession’s reputation can be improved through lawyers’ actions. The next section discusses some modest improvements in the profession’s reputation since the events of September 11, 2001.
CONFIDENCE POST-SEPTEMBER 11

Confidence in U.S. Institutions

Consumer confidence in many U.S. institutions eroded after the 2000 presidential election. However, most U.S. institutions have recovered, and even gained consumer confidence, in the wake of September 11, 2001. For example, public confidence in the U.S. Supreme Court plummeted after the 2000 presidential election (from 50% in 1998 to 32% in April 2001), but has rebounded (to 46%) since the events of September 11, 2001. Confidence in the Executive Branch of Government, and in the U.S. Justice System as a whole, are both higher in 2002 compared to 1998. While still relatively low, both the legal profession and the media have also gained consumer confidence since the events of September 11, 2001.

“First, I’d like to talk to you about your confidence in different institutions in American Society. Here is a list of American institutions. As far as the people running these institutions are concerned, how confident do you feel about each institution?”

<table>
<thead>
<tr>
<th>Institution</th>
<th>ABA Study 1998</th>
<th>LJS Study April 2001</th>
<th>LJS Study January 2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALL RESPONDENTS</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Percent Who Say That They Are</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>“Extremely”/“Very” Confident In:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical profession/doctors</td>
<td>46%</td>
<td>42%</td>
<td>50%</td>
</tr>
<tr>
<td>Executive branch of government</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Office Of President, Departments of Commerce, Defense, etc.)</td>
<td>26</td>
<td>27</td>
<td>46</td>
</tr>
<tr>
<td>U.S. Supreme Court</td>
<td>50%</td>
<td>32%</td>
<td>46</td>
</tr>
<tr>
<td>Federal Courts other than the</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supreme Court</td>
<td>34%</td>
<td>23%</td>
<td>37</td>
</tr>
<tr>
<td>Judiciary/judges</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State and local courts</td>
<td>28%</td>
<td>21%</td>
<td>31</td>
</tr>
<tr>
<td>Federal Congress</td>
<td>18%</td>
<td>16%</td>
<td>22</td>
</tr>
<tr>
<td>Legal profession/lawyers</td>
<td>14%</td>
<td>14%</td>
<td>19</td>
</tr>
<tr>
<td>The media</td>
<td>8%</td>
<td>8%</td>
<td>16</td>
</tr>
<tr>
<td>U.S. Justice System in General</td>
<td>30%</td>
<td>24%</td>
<td>39</td>
</tr>
</tbody>
</table>
Response to September 11, 2001

Survey participants were also asked how they feel about how different U.S. institutions have responded to the events of and since September 11, 2001. While the military, the President, and the U.S. Postal Service receive the highest marks, the majority of Americans express satisfaction with each of the institutions asked about, including national security agencies, the media, and the legal profession. Over half of respondents (55%) say that they are "very" or "somewhat" satisfied with how the legal profession has handled the events of and since September 11, 2001.

"Now I would like you to specifically think about the way that some U.S. institutions have responded to the events of and since September 11. Thinking about the events since September 11, how satisfied would you say that you are with the way that...has responded?"

<table>
<thead>
<tr>
<th>Institution</th>
<th>Very/Somewhat Satisfied</th>
<th>Neither Satisfied Nor Somewhat Satisfied</th>
<th>Somewhat/Very Dissatisfied</th>
</tr>
</thead>
<tbody>
<tr>
<td>The military</td>
<td>92%</td>
<td>3%</td>
<td>6%</td>
</tr>
<tr>
<td>The President</td>
<td>87</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>The United States Postal Service</td>
<td>86</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>The medical profession/doctors</td>
<td>79</td>
<td>13</td>
<td>7</td>
</tr>
<tr>
<td>Your local or city government</td>
<td>75</td>
<td>16</td>
<td>9</td>
</tr>
<tr>
<td>Corporate America or the business community</td>
<td>73</td>
<td>11</td>
<td>16</td>
</tr>
<tr>
<td>U.S. intelligence agencies, such as the FBI and CIA</td>
<td>72</td>
<td>8</td>
<td>19</td>
</tr>
<tr>
<td>Federal Congress</td>
<td>71</td>
<td>8</td>
<td>20</td>
</tr>
<tr>
<td>The airlines</td>
<td>67</td>
<td>7</td>
<td>26</td>
</tr>
<tr>
<td>National security agencies, such as the Office for Homeland Security</td>
<td>64</td>
<td>18</td>
<td>18</td>
</tr>
<tr>
<td>The media</td>
<td>59</td>
<td>6</td>
<td>35</td>
</tr>
<tr>
<td>The legal profession/lawyers</td>
<td>55</td>
<td>27</td>
<td>19</td>
</tr>
</tbody>
</table>


*NOTE: Figures may not add to 100% due to rounding.*
Public confidence in many U.S. institutions has wildly fluctuated over the past two years, dropping immediately following the 2000 presidential election and recovering post-September 11, 2001. The legal profession has been under the radar during most of this period. However, to the extent that lawyers have responded (or chosen not to respond) to the events of September 11, the public reaction has been favorable to neutral. This may change as more lawsuits are filed, and some public backlash may be unavoidable, as lawyers take center stage in the controversy over compensating the victims' families. However, these data suggest that lawyers' actions can impact public perceptions of the profession. It also suggests that the large-scale pro-bono work done on behalf of the victims' families has the potential to ameliorate some of the negativity generated by lawsuits, assuming that consumers are made aware of these public service activities.
CONSUMER RECOMMENDATIONS

Survey respondents were asked to rate some different things that lawyers and the legal profession might do to improve their reputation in society. Their recommendations speak to the individual lawyer, and to the profession as a whole. For the individual lawyer, consumer recommendations focus on lawyer-client communication. Consumers say that it is important that lawyers do a better job of communicating with their clients (80%) and do a better job of explaining their fees to their clients (69%). For the profession, consumers say that they would most like to see the legal profession educate the public about handling common legal problems (81%), and do a better job of policing and regulating themselves (78%). Least important to consumers: that lawyers change the way that they advertise (45%) or stop advertising altogether (27%).

"People have offered a number of different solutions to improve lawyers' reputation in American society. Thinking about the things that lawyers and the legal profession might do to improve their reputation, on a nine-to-one scale, where "9" means it is "very important," all the way down to "1" meaning it is "not so important," how important do you feel it is that lawyers...?"

<table>
<thead>
<tr>
<th>Percent Rating it as Important (&quot;7-9&quot; Rating on a Nine-Point Scale)</th>
<th>Mean Rating (Nine-Point Scale)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Educate the public about how to handle common legal problems</td>
<td>81%</td>
</tr>
<tr>
<td>Do a better job of communicating with their clients</td>
<td>80</td>
</tr>
<tr>
<td>Do a better job of policing and regulating themselves</td>
<td>78</td>
</tr>
<tr>
<td>Do a better job of explaining their fees to their clients</td>
<td>69</td>
</tr>
<tr>
<td>Do more public service/pro-bono work</td>
<td>63</td>
</tr>
<tr>
<td>Lower their fees</td>
<td>57</td>
</tr>
<tr>
<td>Be more selective about the cases that they take</td>
<td>46</td>
</tr>
<tr>
<td>Change the way that they advertise</td>
<td>45</td>
</tr>
<tr>
<td>Stop advertising</td>
<td>27</td>
</tr>
</tbody>
</table>

CONCLUSIONS

The negative perceptions of lawyers run deep and wide, as do the possible remedies. Part of this is inherent to the adversarial process, and to the difficult situations that lead people to hire a lawyer. Part of this, no doubt, is also due to the controversy inherent in high-profile cases, the way that lawyers are portrayed in the media, and the manner in which lawyers advertise. But, personal experiences with lawyers often substantiate the public’s belief that lawyers are greedy, manipulative, and corrupt. While some sectors of the bar are more tainted than others, no area of the profession is untouched by these perceptions. Consumer experiences with their own lawyers color their perceptions of all types of lawyers.

At the same time, consumers also have many positive things to say about the lawyers they know and the lawyers they have hired. There are many stories told of lawyers who apply considerable knowledge and skill to help clients get through difficult periods. To some extent, negative perceptions of lawyers moderate as consumers consider the constraints that lawyers operate under, and the range of their experiences with lawyers. Yet, even though consumers grasp the complexities and acknowledge many of the good things that lawyers do, they stand by their negative overall assessments. The public does not divide greatly in its views of lawyers. Rather, the same people hold both negative and positive views of the legal profession.

For the consumer, there is little middle ground in hiring a lawyer. While many lawyers do a good job of explaining their services and fees to their clients, many lawyers do not. The reward for hiring a good lawyer is high; but so is the potential cost of hiring a bad lawyer. And, whether the lawyer is good or bad, the financial costs are uncertain and often greater than the average consumer can bear.
This uncertainty generates feelings of vulnerability and anxiety in consumers and creates a real potential for tension in the lawyer-client relationship and for the avoidance of lawyers altogether. While over seven in ten households have had a potential need for a lawyer in the past year, less than half of those who might need a lawyer will actually hire one. The irony is that, at the same time that so many consumers’ legal needs go unmet, many members of the growing legal profession are struggling to secure clients.

Data on public confidence in the legal profession post-September 11, 2001 suggests that there are steps that can be taken to improve public confidence in lawyers and the legal profession. Because the poor reputation of the legal profession has multiple sources, consumers say that the problem must be addressed on multiple fronts. On the following pages are strategies that lawyers, law firms, and bar associations can undertake to improve lawyers’ standing in society.
WHAT INDIVIDUAL LAWYERS CAN DO

Law is a service industry, but it is a difficult service to purchase for most consumers. Consumers say that individual lawyers need to improve their relationship with the clients they serve. Consumer recommendations center on lawyer-client communication and the fees that lawyers charge.

IMPROVE COMMUNICATION WITH YOUR CLIENTS

- Good communication with clients is critical to earning their trust. Consumers are concerned not only about the outcome of working with a lawyer but are also concerned about the process. To address these issues, lawyers should:
  - Clearly explain their role and what they can and cannot do for a client.
  - Provide a realistic assessment of their client’s options and potential outcome.
  - Explain the process in easy to understand terms.
  - Explain the timetable and establish reasonable expectations for how long it will take until a problem is resolved.
  - Provide regular communication to clients about the status of their cases and explain the reasons for delays, if any.
  - Return client phone calls and respond promptly to inquiries.

EXPLAIN FEE STRUCTURE UP FRONT

- The fees that lawyers charge are a significant source of anxiety for consumers. Consumers are confused about lawyers’ fee structures, and concerned about the amount of those fees. Therefore, it is critical that fees be a part of the conversation that lawyers have with their clients. In this discussion, lawyers should:
  - Explain their fees upfront, including what is covered in the basic charge, (e.g., phone calls, responding to e-mail, research, appearing in court), and what additional costs the client will be charged for (e.g., overhead, phones, administrative support, filing fees).
  - Establish and communicate in writing what the fees are, the billing process, any payment schedule, etc.
  - Alert client and explain the nature of all additional and/or unexpected charges.
WHAT LAW FIRMS CAN DO

Law firms can promote the profession best by training their own lawyers to better serve their clients and by encouraging and promoting the public service activities of the firm and its members.

**Promote Public Service By The Firm And Its Lawyers**

- Encourage *pro bono* work and assistance to low and moderate income groups by lawyers in the firm.

**Educate Lawyers In The Firm About Good Lawyer-Client Relationships**

- Teach firm members how to develop and maintain good client communication, including establishing reasonable expectations and outlining clear and understandable fees.

**Advertise Responsibly**

- Firms should make a commitment to follow the standards or ethical rules for advertising as established by their jurisdiction or in the ABA guidelines for taste and truth in advertising.
WHAT BAR ASSOCIATIONS CAN DO

Bar associations can promote the profession through public education, continuing education of lawyers, policing the profession more aggressively and promoting the good things that lawyers already do and are known for.

EDUCATE LAWYERS ABOUT MAINTAINING GOOD CLIENT RELATIONSHIPS

- Provide legal education programs on client service.
- Set standards and guidelines for client communication.

EDUCATE CONSUMERS ABOUT HANDLING COMMON LEGAL PROBLEMS

- Create or enhance ongoing education programs that provide students and consumers information on how to handle common legal problems (seminars, brochures, websites, public speaking, and public service programs).
- Educate consumers about the questions they need to ask and what to look for when hiring a lawyer.
- Support and promote state/local lawyer referral services.

SUPPORT AND PROMOTE SAFEGUARDS FOR CONSUMERS AND ENFORCE DISCIPLINARY RULES

- Create state/local plan to adopt recommendations from the following reports:
- Advocate a more open and active lawyer disciplinary system.
**Encourage Public Service Activities Of Lawyers**

- Encourage *pro bono* work by lawyers.

- Promote public service and community outreach by lawyers and judges.

**Public Relations/Public Outreach**

- Public relations should focus on the positive things that lawyers do and are known for. Consumers appreciate lawyers for their knowledge of the law and for their advocacy on behalf of their clients. Any campaign should emphasize that lawyers are *experts* and *advocates* (rather than *adversaries*). For example, bar associations can highlight stories of individual lawyers who have helped their clients.

- Create materials and programs to help the news media understand the legal system and judicial process. Partner with media organizations to provide such services.

**Undertake Further Research On Lawyer-Client Relationships**

This study suggests that additional research is needed in the area of lawyer-client relationships and lawyers' fees, in order to more fully explore such questions as:

- In what ways are different types of lawyers best serving their clients? Where do they fall short?

- What do different types of lawyers currently charge for their services and how are their fees structured?

- How do clients value the services they receive for these fees?

- What information do clients now receive about lawyer fees?

- What information, if any, do clients feel they need that they do not now receive?