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**CONCEPTUALISING PRIVATE CLIENT
BEHAVIOUR WITHIN
THE PROFESSIONAL SERVICE
RELATIONSHIP**



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the degree of Doctor of Philosophy

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ABSTRACT

This study, which seeks to conceptualise client behaviours within the professional service relationship is located within the academic literature associated with relationship marketing. However, this study differs from the main characteristics of that literature in two ways.

First, that literature focuses on the organisational benefits of retaining customers and empirical work to explore the benefits customers receive is limited. This study, among clients of a professional service, provides a better understanding of why clients maintain relationships with solicitors and how their motives influence their behaviours within that relationship.

Secondly, empirical studies are primarily focused within the business-to-business context and attempts to extend theory generated from that context into consumer markets have been criticised. The focus of this study is the private client perspective. Consequently, this thesis draws heavily on construct and theory development within the social exchange literature to explain the empirical findings and highlight limitations with the conceptual development and measurement of constructs with the relationship marketing literature.

This thesis provides empirical support for the propositions that the presence of particular interaction variables will generate trust in the solicitor among private clients and that the presence of trust in the solicitor will result in private-client commitment to that relationship. Specific behaviours, exhibited by clients committed to the private client-solicitor relationship, are identified and suggestions made regarding client behaviours that emerge when private clients are not committed to the relationship. The thesis also critiques the way in which the trust and commitment constructs have been conceptualised and measured within the marketing discipline.

An agenda is identified for future research to extend knowledge in four broad areas: the appropriateness of relationship marketing theory for the professional service context; conceptual and measurement scale development of constructs that underpin relationship marketing theory; differentiation of antecedents generating trust in, or reliance upon, professional services providers; and further understanding of private client behaviours within the professional services relationship.

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CONCEPTUALISING PRIVATE CLIENT BEHAVIOUR WITHIN THE PROFESSIONAL SERVICE RELATIONSHIP

CHAPTER 1: INTRODUCTION

1.1 THE PROFESSIONAL SERVICE CONTEXT

This research study which seeks to explore customer behaviours within on-going relationships is set within the professional services context. This context, which includes such service providers as Doctors; Vets; Dentists; Lawyers; Accountants and Architects among others, is of interest to academic researchers for two main reasons. First, as a result of the on-going deregulation and scrutiny of professional service provision within the UK the sector is becoming more aware of the need to change the way in which it does business with its client. The professions have proved themselves to be reluctant converts to the need to adopt market oriented, or customer-facing, strategies with many service providers still paying lip service to the need to adapt to the newly competitive environment. So this context is one where academic researchers could provide valuable support to practitioners seeking to understand how the changing competitive environment will influence their future business. Consequently, the professional services sector is of interest to academic researchers who seek to help practitioners apply theory to practice.

Secondly, the professional services sector comprises provider-client contexts that the marketing literature would characterise as business-to-business (commercial clients) and business-to-consumer (private clients). So a study of provider-client relationships within the professional service sector might contribute to the development of relationship marketing theory within both the B2B and B2C marketing contexts. A study that focuses on private client relationships might also contribute to the current debate (Palmer, 1996; O'Malley & Tynan, 2000) regarding the usefulness of extending relationship marketing theory, developed within the B2B context, to that of B2C contexts.

The professional services sector comprises a large number of disparate professions so it was necessary for this study to focus upon one type of professional service provider on the basis that the findings may be generalisable to other professional services exhibiting similar characteristics. The legal profession was chosen to provide the specific professional service context for study. In part this decision was influenced by the ability to clearly distinguish the B2B (commercial client) usage needs from that of the B2C (private client) usage needs. Added to this is the current governmental focus on critically exploring the structures, processes and behaviour of the legal profession, particularly in relation to private clients (the B2C context). The final influence was the researcher's legal qualification and on-going consultancy activity within the field which provided anecdotal evidence leading to the conclusion that this particular context would be an appropriate area of study at this point in time. The solicitor-client context meets the dual need to explore a research question of interest to academics in such a way that the resultant findings are of practical interest to practitioners within the field of study.

1.2 RESEARCH AIMS AND OBJECTIVES

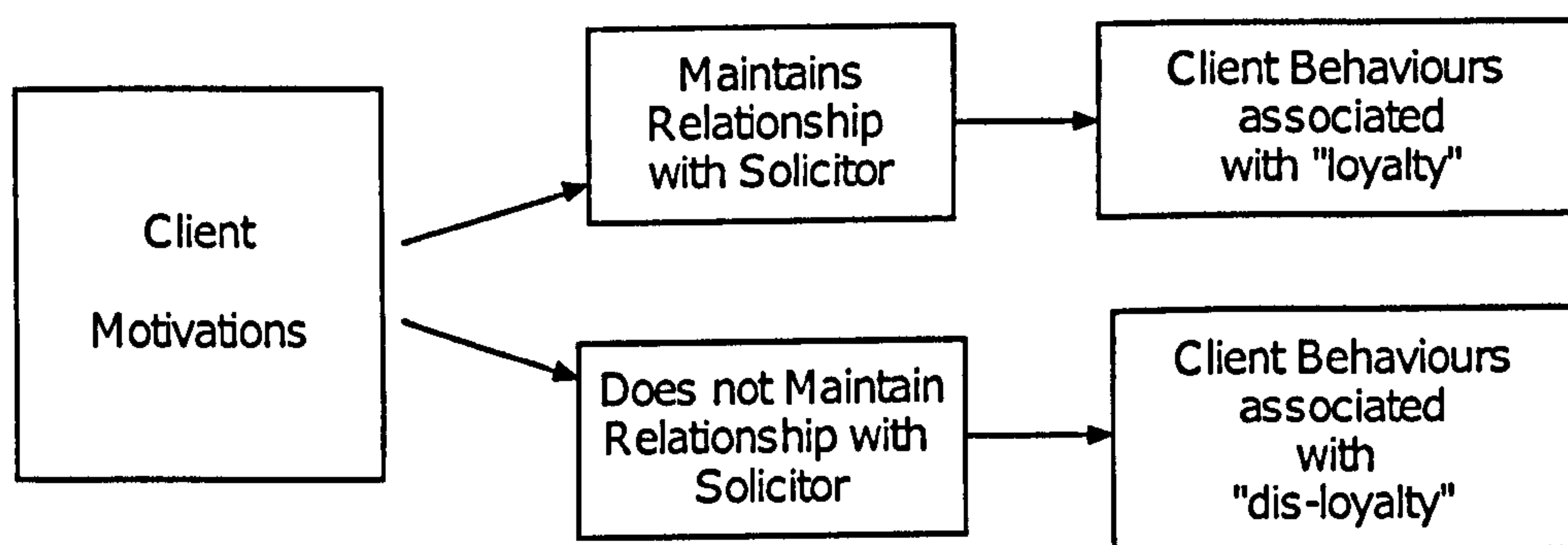
This thesis seeks to conceptualise client behaviours within the professional service relationship. The research aim for the study is to determine if it is possible for solicitors to manage their relationships with their clients in order to increase client retention rates over an extended period of time. The management aim is to assist law firms to develop long-term profitable relationships and defection management strategies.

Three specific research objectives will guide this study:

1. to understand, compare and contrast, the motives of private and commercial clients to maintain relationships with solicitors;
2. to determine whether specific motives for maintaining relationships with solicitors directly influence client behaviours within those relationships; and
3. to construct a model to explain client behaviours within the client-solicitor relationship.

The aim is based upon the assumption that clients do, and are motivated to, maintain relationships with solicitors. It further assumes that clients are motivated to maintain relationships for a variety of reasons and that the behaviours they exhibit within the relationship are a result of those motives, or reasons, for maintenance. There is an additional assumption that clients who are not motivated to maintain a relationship with a solicitor exhibit other behaviours. These assumptions presuppose that client behaviours are the outcomes of client motives to maintain the relationship. For the purposes of this exploratory study behaviours arising from a motivation to maintain the relationship can be associated with "loyalty" while behaviours arising from a lack of motivation to maintain the relationship can be associated with "dis-loyalty". These assumptions can be modelled accordingly:

Figure 1.1 Model of Research Assumptions



This brief discussion locates this study within the academic literature associated with relationship marketing. However it is worth noting that the relationship marketing literature is characterised by two key features. First, it is primarily focused on organisation benefits of retaining customers and empirical work among customers, or clients, is currently limited with Gwinner, Gremler & Bitner's 1998 study being the notable exception. In contrast this study seeks to add to extant knowledge by gaining a better understanding of the customer, or client, perspective: specifically what motivates them to maintain relationships with solicitors and how this influences their behaviours within the relationship. Secondly, the empirical studies related to organisational benefits arising from customer retention are primarily focused within business-to-business contexts and that although the theories have been extended to consumer contexts (eg Sheth & Parvatiyar, 1995) this is not without critique (Palmer, 1996; O'Malley & Tynan, 2000). Although this exploratory study aimed to compare and contrast the commercial and private client perspectives the quantitative stage focused upon the private client to

the exclusion of the commercial client perspective. As a result it became apparent that the reliance of this study on the current conceptual development of constructs within the relationship marketing literature was too limited. Consequently the final chapters of this thesis draw more heavily on construct and theory development within the social exchange literature to determine the agenda for future research.

However, rather than rendering the relational approach inappropriate for this study, these distinctions highlight the need for this study to explore the relevance of relationship marketing theory to the client-solicitor context. The next section will discuss the relevance of relationship marketing to this context before drawing attention to the gaps in extant knowledge that this study seeks to address: namely the need to understand what motivates clients to maintain relationships with solicitors and how motivations influence client behaviours within the relationship. The final section of this chapter outlines the structure of the remaining seven chapters of this thesis.

1.3 RELEVANCE OF RELATIONSHIP MARKETING

Following Levitt's (1983) suggestion that effective relationship management can have "spectacular" (p.92) results for an organisation, the emphasis within marketing shifted to customer retention and away from acquisition strategies. Although there are critics (Palmer, 1996; Dowling & Uncles, 1997; Reinartz & Kumar, 2000), the prevailing view is that loyal, or committed, customers provide organisations with greater: market share, cash flow and profits; cost less to service; spread positive word-of-mouth; buy more; buy more frequently; and are less price sensitive (Reichheld & Sasser, 1990; Schelsinger & Heskett, 1991; Reichheld, 1993; Heskett *et al*, 1994; Dick & Basu, 1994; Reichheld, 1996). Furthermore, Bendapudi & Berry (1997) suggest that customers behave differently within relationships depending upon whether they "want to stay" or "have to stay" and hypothesise that customers who want to stay will exhibit behaviours that have a positive impact on the organisation: co-operation; relationship enhancement; identification; and advocacy, all of which would benefit professional service providers.

Until recently relationship marketing was considered to be most appropriate for the industrial or business-to-business context on the basis that, "...the size of consumer markets; the nature of competition; the anonymity of customers; the limited interaction between consumer and organisation; and the difficulties associated with potentially intrusive technology (Barnes, 1994, 1995; Gronroos, 1991, 1994, 1995; Hogg *et al*, 1993)" makes it less relevant for mass consumer markets (O'Malley & Tynan, 2000, p.800). Levitt himself saw the relevance of the paradigm to be most appropriate for situations where there is an extended service delivery duration or the involvement of complex products (1983). Even Christy *et al*, (1996), who have done much to encourage acceptance of relationship marketing within the business to consumer context, suggest that the paradigm will be more appropriate to some consumer markets than others. They posit the existence of an inherent "relationship-friendliness" of markets depending on customer characteristics and/or product attributes:

Customer Characteristics:

- a. *High involvement* in the purchase by the customer;
- b. Customer's *uncertainty* arising either from ignorance or from the inability/difficulty in evaluating the product/service prior to purchase (high credence qualities);
- c. Customer's *ability or preparedness to pay more* for the added value offerings that associated with the relationship;
- d. Customer's ability to meet *qualifying conditions* to enter the relationship;
- e. The need for a higher-than-normal degree of *customisation*, leading to dependence upon the relationship;
- f. Customer's perceived need for *training*;
- g. General *psychological variables* such as status seeking.

Product or Service Attributes:

- h. A need for regular maintenance or repair;
- i. A higher purchase frequency;
- j. The ability to differentiate (or customise) the offering in a way that delivers added value to the customer;
- k. The existence of high switching (or termination) costs.

They further posit that situations that are more "relationship-friendly" are those where the transaction type is a differentiated offering, rather than a commodity; and where the timeframe is long, rather than, short-term: *"the key characteristics of a marketing relationship are those extra ingredients that deliver more than mere commodity values, over time"* (p. 179)

Furthermore, O'Malley & Tynan (2000) suggest that the relevance of the application of the social exchange theory behind the relationship marketing paradigm is limited to situations where: *"...relationships are recognised by both marketers and consumers, where product involvement is high, demand is inelastic and interaction frequent"* (p. 809)

Applying these criteria to the legal service context it would appear that commercial client relationships are inherently more "relationship-friendly" than private client relationships. Commercial clients are more likely to have a regular need for legal services, and thus purchase more frequently. The researcher has considerable anecdotal evidence to suggest that law firms are more likely to customise their service provision for commercial clients than private clients. The more on-going nature of commercial business suggests that commercial clients are more likely to be active clients at any given time which would increase the impact on their business of switching provider. They are also more likely to require customisation; be able or willing to pay more for added value; and require legal training than private clients.

Such a conclusion is consistent with the recent growth in literature from academics querying the extension of the relationship marketing paradigm to business-to-consumer services (eg: O'Malley & Tynan, 2000). However, this researcher believes that the provision of legal services to consumers (private clients) can be sufficiently differentiated from the more general business-to-consumer situations envisaged by these authors. Most business-to-consumer contexts are characterised by a limited number of providers servicing an enormous number of consumers in such a way that keeps the consumer at a distance. The legal service context is different. There are many more providers servicing considerably fewer customers and the service delivery involves greater interaction and contact than the majority of business-to-consumer contexts.

Doubt has also been raised regarding the desire of many consumers to engage with many businesses in a "relational" way. Levitt's use of the social exchange metaphor of marriage to describe such potentially dysfunctional relationships has been called into question by Tynan (1997). However, there is sufficient evidence that consumers of legal services may actually seek relationships with providers. Any "dysfunctional" aspects of these relationships may arise from the fact that the reluctance for "relational" exchange appears to generate from solicitors dealing with private clients. As such this particular relationship is not one envisaged by Tynan (1997). Tynan notes that to date the focus of extant literature has been on the organisation managing relationships with willing, or unwilling customers, and calls for future research to focus on the "*relationship as viewed by the customer...*" (p. 702).

Anecdotal evidence from a variety of research projects undertaken by this researcher reveals a tendency for private clients to talk in terms of their on-going relationships with solicitors whereas solicitors do not. A recent research study within the legal context, reported by O'Malley & Harris (1999) provides support for this perspective. The contents of the paper lend support for the assumption that the nine clients interviewed were private clients, although the authors do not specify.

"Indeed, clients typically describe their relationships with solicitors as akin to friendships, whilst solicitors view the relationships as purely professional. The perception of a close relationship on behalf of the client may be expanded by the frequency of interaction, the nature of disclosure and the extent of emotional investment. In contrast, solicitors' description of client relationships (in purely professional terms) is first prescribed by their Code of Conduct and is second influenced by the lack of mutuality in personal information disclosure (which renders it unlikely that the relationship will extend beyond a professional capacity)" (p.889).

Not only does this statement suggest that private clients recognise that they have relationships with their solicitors, it also implies that clients may be motivated to maintain relationships with their solicitors as a result of frequency of interaction; nature of disclosures and the extent of their

emotional investments. This leads into one of the specific areas for exploration by this study: motives for maintaining relationships with solicitors.

1.4 MOTIVATION TO MAINTAIN RELATIONSHIPS

Current literature suggests that individuals are motivated to maintain interpersonal relationships either because they genuinely want to or because they believe they have no other option (Johnson, 1982) and Bendapudi & Berry (1997) note that marketing tends to conceptualise relationship marketing based upon **either** the desire to continue the relationship **or** on the dependency aspects of the relationship.

The psychology literature, and that of social-exchange theory, emphasises the role of affective responses on the decision to remain or leave. This literature stresses the continuance of relationships as a result of an active desire and is summed up by Moorman, Zaltman & Deshpande's (1992) view that commitment is an enduring desire to maintain a valued relationship. Bendapudi & Berry (1997) classify relationships maintained by desire as dedication-based maintenance.

In contrast, the economic perspective (Williamson, 1975) focuses on the costs and benefits of remaining in the relationship compared with those involved in leaving and suggests that relationships persist where there exists a need to remain due to economic, social or psychological costs (Johnson, 1982). Bendapudi & Berry (1997) define the "have to remain" perspective as constraint-based maintenance (Stanley and Markman, 1992).

Summarising the literature from all of the above areas to date, Bendapudi & Berry (1997) suggest that "constraints will only determine the stability of the relationship (will it persist?) whereas dedication determines the quality of the relationship (will it grow?)" (p. 18). The implication here is clear. Behavioural outcomes will differ depending upon the motivation to maintain the relationship.

1.5 BEHAVIOURAL OUTCOMES

The emphasis on customer retention rather than acquisition arises from the belief that customers who maintain their relationships with the organisation are "loyal" and act in ways that benefit the organisation providing greater cash flow and profits because they reduce servicing costs; increase sales volume, value and frequency; are less price sensitive and spread positive word-of-mouth (Reichheld & Sasser, 1990; Schelsinger & Heskett, 1991; Reichheld, 1993; Heskett *et al*, 1994; Dick & Basu, 1994; Reichheld, 1996). However, researchers agree that loyalty is a poorly understood and complex construct so it would be inadvisable to suggest that all customers who maintain a relationship with a service provider are necessarily acting in ways that benefit the provider.

The need for organisations to achieve the outcomes associated with loyalty has led numerous empirical studies to focus on identifying and measuring loyalty. Consequently loyalty to products has been defined in behavioural terms (Bass, 1974; Tranberg & Hansen, 1986) and measured by the frequency of purchases or the level of brand switching. However behavioural definitions have been criticised because such an approach does not provide an understanding of the reason for, or influence on, the repeat purchase or the repeat patronage: the motivation for the maintenance of the relationship. Indeed empirical studies of dissatisfaction demonstrate that dissatisfaction does not necessarily lead to relationship termination (Hirschman, 1970; Day and Landon, 1977)

Critics of the behavioural approach, such as Day (1969), prefer to measure customer preferences and dispositions towards products and brands. Jones and Sasser (1995) discuss customer loyalty as a "feeling of attachment to or affection for a company's people, products or services" (p.94); Day (1969) posits brand loyalty to occur when repeat purchases are prompted by a strong favourable internal disposition towards the brand; and de Ruyter *et al* (1998) suggest that customers may develop "preference loyalty" when they have a favourable attitude towards a service provider.

An integrated framework, combining both previous approaches and measuring attitudes (affective loyalty) and behaviours (behavioural loyalty) has been developed (Dick and Basu, 1994). This approach suggests that customer

loyalty is "the strength of the relationship between an individual's relative attitude and repeat patronage" (p.99).

Dick & Basu (1994) propose the existence of four client loyalty states that result from the strength of the relationship between an individual's relative attitude towards a service provider and loyalty behaviour as evidenced by repeat patronage. Dick & Basu determine relative attitude by combining the strength, or extremity, of an individual's attitude towards a supplier and the degree of difference among suppliers perceived by that individual.

Figure 1.2 Relative Attitude

Attitudinal Differentiation

		No	Yes
<i>Attitudinal Strength</i>	Strong	Low Relative Attitude	Highest Relative Attitude
	Weak	Lowest Relative Attitude	High Relative Attitude

Dick & Basu (1994) p.101

Dick & Basu further posit that the relative attitude results in differences in repeat patronage behaviour, which in turn leads to one of four specified loyalty states, as below:

Figure 1.3 Model of Loyalty States

		<i>Repeat Patronage</i>	
		High	Low
<i>Relative Attitude</i>	High	Loyalty	Latent Loyalty
	Low	Spurious Loyalty	No Loyalty

Dick & Basu (1994) p.101

When customers have a strong preference for a service provider but do not "exhibit high repeat patronage due to some situational or environmental variable" (Javalgi and Moberg, 1997, p.167), the loyalty state is said to be *latent*. Latent loyalty would occur where a customer was particularly happy

with a service provider, such as a restaurant, but sought other providers out of a desire for variety. Given this scenario there is unlikely to be a great deal of latent loyalty among clients of professional service providers, particularly law firms. In contrast to this *Spurious*, or "partial" (Ennew & Binks, 1996) loyalty occurs when customers frequently avail themselves of the service provision but perceive little differentiation among competitive service providers. Such customers may easily move to another provider if, for example using an alternative provider became more convenient, because their behavioural loyalty does not reflect a particular preference for that provider. Customers who have no preference for the providers, perhaps because they perceive little differentiation, and also re-patronise infrequently have no loyalty to the organisations. Dick & Basu suggest that behavioural loyalty alone could reflect a "routine-bound" approach and such customers may not be attitudinally loyal because they are dissatisfied with the service provider and willing to change their routine if a more convenient provider was available.

However, the usefulness of this model is somewhat limited in the context of legal service provisions for two main reasons. First there are limitations for the model in this particular context, and secondly the model only identifies one behavioural outcome – that of repeat patronage.

Dick & Basu (1994) suggest that repeat patronage itself can be influenced by situational variables and the legal service context appears to be a good example of this. So, private clients are generally less likely to have a need for repeat patronage within a given time period than commercial clients. As such commercial and private clients are likely to occupy different quadrants within the Dick & Basu framework as a direct result of the frequency of occurrence of their respective legal needs. So commercial clients are likely to be either *loyal* or *spuriously loyal* while private clients are likely to be either *not-loyal* or *latently loyal*.

Secondly, the model posits that the only client behaviour indicating loyalty, or a desire to continue the relationship, is that of repeat patronage. By inference this suggests that the only benefit that a commercial organisation receives from client loyalty is the revenue associated with repeat patronage. Anecdotal evidence gathered by this researcher over a number of years suggests that lawyers consider establishing relationships with private clients

to be a waste of their time because private clients legal needs are limited and infrequent. So clearly, lawyers view repeat patronage, and cross-selling, to deliver benefits to the law firm. These are only two behavioural outcomes; are there others? What if lawyers stand to gain from other behavioural outcomes, and what if they actually stand to lose from particular outcomes?

Clients may well engage in other behaviours that also benefit a service provider (as opposed to a product manufacturer). Indeed this perspective appears to be a dated one. Extant literature already identifies other outcomes of loyalty to service providers:

Zeithaml, Berry and Parasuraman (1996) suggest that loyalty can be operationalised as customers: recommending the company to others who seek advice; encouraging friends and relatives to do business with the organisation; saying positive things about the company; considering the organisation as the first choice provider; and continuing to do business with the organisation in the next few years.

Within the relationship marketing literature Morgan & Hunt (1994) considered the effect that trust and relationship commitment (dedication-based motives to maintain a relationship) had on five "qualitative outcomes": Acquiescence; Propensity to leave; Cooperation; Functional conflict and Uncertainty while Bendapudi & Berry (1997) identify six behavioural outcomes of relationship maintenance (Interest in Alternative Providers; Acquiescence; Co-operation; Enhancement; identity and Advocacy) and consider repeat patronage to be only one way in which a client can *enhance* (broaden and/or deepen) the relationship. "Good clients" who engage in co-operative co-production behaviours (Bendapudi & Berry, 1997; Ennew & Binks, 1999) may reduce a lawyer's service provision costs. Referring friends, colleagues and family contacts to "their lawyer" will result in additional revenue for the firm. Indeed the need to identify and understand the full range of client behaviours may in fact be an imperative for legal service providers within an infrequent re-purchase environment such as that of the private client context.

So it is important for this study to determine whether clients exhibit the range of client behaviours proposed by Morgan & Hunt (1994); Bendapudi & Berry (1997): Zeithaml *et al* (1996) and Ennew & Binks (1999), rather than limiting the study to repeat patronage. Indeed, Bendapudi & Berry (1997)

posit that behavioural outcomes depend upon the client's motivation to maintain the relationship, and suggest that constraint-based motivation will lead to passive behavioural outcomes (eg acquiescence) while dedication-based relationship maintenance will lead to active behavioural outcomes (eg: co-operation, relationship enhancement, identification with the provider and advocacy). In a similar vein, Ennew & Binks (1999) note that the institutional atmosphere of the relationship influenced customer participation behaviours. Both sets of authors make it clear that positive perceptions of the relationship lead to a significantly wider range of behavioural outcomes than just repeat patronage. So it is also important for this study to determine whether a direct relationship exists between specific motivations for relationship maintenance and specific client behaviours within that relationship.

1.6 STRUCTURE OF THIS THESIS

Chapter two provides an extensive review of the literature on three key aspects of knowledge that will underpin the development of the primary research programme. The chapter commences with a brief review of literature from several disciplines that provide insight into possible customer motives for maintaining relationships with service providers. The discussion identifies two specific motives: desire-based, the "want to" motive and constraint-based, the "have to" motive. The discussion then moves on to identify factors, such as trust, commitment and dependency, that might mediate the customer motivation to maintain relationships before identifying antecedent variables posited to influence the development of trust in or dependency upon the service provider. The discussion highlights that potential discrepancies between rival models arise, for the most part, from the researchers focusing on different motives for maintaining relationships and also from different research contexts (business-to-business and business-to-consumer). Finally various outcomes of relationship maintenance are discussed. The discussion concludes that the model proposed by Dick & Basu (1994) is too restrictive given its focus on only one behavioural outcome, that of repeat purchase or repeat patronage of a service provider. Clients are likely to exhibit a much larger range of behaviours, depending upon their motive for maintaining the relationship, which may have both positive and negative impacts upon a service provider. Given that this study is concerned with both

functional and dysfunctional relationships there will be an emphasis given to measuring as many different behaviours as possible.

Chapter three evaluates alternative research methodologies that could be utilised to investigate the propositions underpinning the study, and then justifies the methodological choice made with reference to the need for practicality of execution. The chapter discusses the philosophy of management research locating this study within the post-positivistic research paradigm. There is a clear management aim, or agenda, for the study: to identify ways in which lawyers can improve their relationships with clients in order to increase client retention rates over an extended period of time. This aim is rooted in the positivistic commitment to improvement and the desire to discover the fundamental laws governing social phenomena. The ontological approach is a firm commitment to an external and independent reality that can be measured in an objective manner.

However the nature of the study is one that seeks to plug gaps in extant knowledge. The review of extant literature in chapter 2 makes it clear that the study seeks depth of understanding of a specific research context and does not seek to generalise results across many marketing contexts. In order to do this there is a need to understand the research context from the participant (private client), or “knower”, perspective. This is an acceptance of a more interpretivist epistemological position. There is a need to understand the relevance, interpretation and shared meanings given to the variables to be measured among private clients. This will be best achieved using qualitative research methods. Therefore this study plans to benefit from Deshpande’s (1983) method triangulation approach, using both qualitative and quantitative research methods. Details of the qualitative research programme, designed to explore the relevance and applicability of the constructs discussed in the literature review to the client-solicitor relationship, are provided.

Chapter four presents the findings from the qualitative research phase. This chapter discusses the relevance of each of the variables conceptualised by either Bendapudi & Berry (1997) or Morgan & Hunt (1994) to the client-solicitor relationship. One important finding altered the course of the study. Commercial clients were found to be more homogenous in their attitudes towards solicitors and behaviours within the client-solicitor relationship than

private clients. As a result the decision was taken to focus the quantitative research stage on private clients. The chapter concludes that relationships between private clients and solicitors are characterised by the existence of contextual variables that create dependency upon the solicitor. Thus, in the absence of any variables positively influencing the development of trust in the solicitor, any maintenance of such relationships must be motivated by a client perception of constraints. Bendapudi & Berry (1997) suggest that such a scenario will lead to a particular set of client behaviours. Following this argument through, variables that influence the development of trust in the solicitor must be mediating variables. Bendapudi & Berry (1997) suggest that the presence of such mediating variables will result in different client behaviours because the client is dedicated to the relationship. The proposed model that emerges from the qualitative research suggests that the environmental, or contextual, variables generate private client dependency upon solicitors. Secondly it proposes that particular interaction variables mediate the effect of dependency because they will generate trust. Thirdly it posits a direct link between trust and commitment to maintain the relationship to reflect the contribution made by Morgan & Hunt (1994). Finally the model proposes that private clients demonstrate different behaviours which depend upon whether or not the interaction variables have generated trust in and commitment to the solicitor. The chapter concludes by highlighting the three propositions that will underpin the quantitative exploration phase:

P 1 *That the presence of particular interaction variables will generate trust in the solicitor among private clients*

P 2 *That the presence of trust in the solicitor will result in private-client commitment to that relationship*

P 3 *That private clients who are committed to the relationship with their solicitor will exhibit different behaviours within the relationship from those private clients who are merely dependent upon the solicitor.*

Chapter five outlines the development and distribution of the measurement instrument used to collect data among private clients within the quantitative research stage. The discussion highlights sources used to generate items to

measure the posited constructs clearly identifying when previously published scales were used and the process for developing measurement scales where none existed. The chapter also provides an account of amendments made to the measurement instrument following the pre-testing and pilot testing development stages. Finally this chapter provides details of the problems encountered when distributing the questionnaire and the impact this may have on the research study.

Chapter six presents the results of the quantitative research stage. The presentation of findings commences with a discussion of decisions taken to eliminate data from the analysis as a result of examining the data. Following the presentation of descriptive data, such as frequencies, the discussion moves into the key points which provide a contribution to knowledge. The first contribution relates to the development of measurement scales for the emergent constructs. The second contribution explores whether differences in factor scores can be explained by membership of particular groups. The third contribution concerns the predictive relationships between the emergent factors. The chapter concludes with the proposal of two separate models to explain private client behaviours within the client-solicitor relationship.

Chapter seven provides an in depth discussion of the research findings structured around the three propositions outlined at the end of chapter four and, in order, presents the findings related to trust; commitment and client behaviours; debates the findings in relation to current literature and highlights the contribution to knowledge made by the findings while also identifying areas for future research. The chapter highlights the empirical support found for the first and second proposition and reports that the study is unable to provide support either for or against the third proposition. The chapter foretells of a need for greater research concluding that there is a need for further conceptual and measurement scale development of the trust and commitment constructs.

Chapter eight commences with a discussion of the relevance of relationship marketing to the private client-solicitor context to provide justification for the need for further research into the private client-solicitor context. The chapter outlines the implications for solicitors that arise from the research to date. The limitations of the current study are reviewed before the chapter concludes

the thesis with the implications for academic researchers: the agenda for future research.

CHAPTER 2: LITERATURE REVIEW

2.1 INTRODUCTION

Palmer (1996) notes that the marketing literature identifies three levels of relationship marketing. Practitioners may refer to their reliance upon information technology to generate short-term loyalty schemes as relationship marketing. However this thesis is not concerned with such a *tactical* definition of relationship marketing. This thesis concerns itself with the literature which associates relationship marketing both with an organisational *strategy*, whereby suppliers seek to “tie-in” customers, and with the business *philosophy* which “*refocuses marketing strategy away from products and their life cycles towards customer relationship life cycles*” (Palmer, 1996, p.19).

Relationships are said to exist when relational exchanges relate to both past and future exchanges (Dwyer, Schurr, and Oh, 1987) and are thereby distinguished from discrete transactions which have a “distinct beginning, short duration, and sharp ending by performance” (p. 13). Such relationships are said to be more likely to be developed between customer and service provider than customer and product manufacturer for several reasons (Zeithaml, 1991). First, many services, such as insurance and utility supply, are actually governed by contracts that require on-going membership (Lovelock, 1983). Secondly customers and clients of many services that are characterised by intangibility and credence properties, such as those provided by professionals, may prefer to seek longevity in order to reduce the risks associated with evaluating providers. Thirdly, services are characterised by the inseparability of service provision from the service provider. So customers are more likely to form relationships with individual service providers, and their organisations, where services are performed by specific providers who are personally responsible for the customer service experience. Hence marketing academics have called for greater attention to be paid to the role of relationships between service providers and their customers and clients (Gronroos, 1990; Gummesson, 1987).

Relationship Marketing – “the establishment of long-term marketing relationships” (Bendapudi & Berry, 1997, p.15) - has been hailed as a paradigm shift (Gronroos, 1991; Kotler, 1991; Sheth and Parvatiyar, 1995) which may result in changing the competition rules within marketplaces (McKenna, 1991; Vavra, 1995). Consequently the emphasis of marketing literature has shifted to the need to retain customers rather than merely acquire them.

Customers that are retained by organisations are said to be loyal. Customer loyalty is reported to be the primary determinant of profit and growth for organisations (Heskett *et al*, 1994) and has been said to explain the differences in profitability among competitors within the same industry (Reichheld, 1993). A positive link has been established between customer retention and market share (Rust and Zahorick, 1993). Loyal customers are said to produce greater cash flow and profits; cost less to service; spread positive word-of-mouth; buy more; buy more frequently; are less price sensitive than newer customers (Reichheld & Sasser, 1990; Schelsinger & Heskett, 1991; Reichheld, 1993; Heskett *et al*, 1994; Dick & Basu, 1994; Reichheld, 1996). Organisations are able to amortise sales, marketing and set-up costs associated with customer acquisition over a longer customer lifetime (Clark & Payne, 1994). However this is not a universally held view. Palmer (1996) points out that “relationship marketing can add to costs, as well as to revenues” (p.22) and Dowling & Uncles (1997) suggest that it is a “gross oversimplification” (p.78) to contend that loyal customers are always more profitable to organisations than disloyal customers. Empirical studies that contradict the prevailing view that relationship marketing is always a good thing have found that both short and long-life customers can be profitable in non-contractual business to consumer relationships (Reinartz and Kumar, 2000) and that the returns that an organisation receives from customer loyalty diminish over a period of time so there is a need to “identify the true costs of building relationships so as to judge whether the diminishing returns justify the effort” (Hibbard, Brunel, Dant and Iacobucci, 2001, p.29)

Although the debate over the actual long-term profitability of loyal customers, while interesting, is outside of the scope of this thesis which focuses on client behaviours within the client-solicitor relationship a suggestion arising from the Reinartz and Kumar (2000) study is worth noting. Their findings are particularly relevant to the private client context since they speculate that,

because virtually no switching costs exist in the non-contractual relationships that characterise business to consumer markets, consumers maintain relationships because of "a match between a firm's offerings, compared with those of competition, and the customer's desires" (p.32). Consequently they suggest that it would be an effective managerial strategy to "try to predict the lifetime characteristics of a customer as early as possible and then act accordingly" (p.32).

Linked to this idea of predicting the likely duration of a customer relationship, Bendapudi and Berry (1997) note two fundamental knowledge gaps that remain outstanding within the relationship marketing literature, both of which arise from positioning relationship marketing as either an organisational philosophy or strategy. First, determining whether all customers are equally receptive to maintaining relationships with service providers and secondly, the consequences for the service provider if customers do have different motivations for maintaining relationships with them. This study examines these two issues within the context of UK legal service provision and seeks to develop a model to explain different client behaviours within client-solicitor relationships.

The focus of this study is therefore distinguished from that of the IMP group who set out to "*describe the nature of buyer-seller relationships that exist in different situations, to provide evidence of the variations in these relationships, and to try to give at least some explanations of these variations*" (p.6). Although the author is familiar with the work of the IMP group, when the focus for this study emerged as a business to consumer context there was a need to identify more appropriate models and theories to address the issues raised by the research question posed. As a result this literature review concentrates on models and theories more relevant to the consumer context and these were found within the social exchange and services marketing literature rather than the relationship marketing and industrial marketing literature. Thus the emphasis is on Bendapudi & Berry's proposed model (1997) in preference to Morgan and Hunt's empirically based model (1994).

Establishing, building and maintaining relationships with clients commits law firms to both investment and opportunity costs so it must be an imperative to identify those clients (potential and actual) that are most receptive to

maintaining long-term relationships. Therefore the relevant areas for literature review are those concerned with relationship maintenance and customer, or service loyalty.

Literature that focuses on customer, or service, loyalty is really concerned with behavioural and attitudinal outcomes that arise from using a given service provider. In contrast, the relationship marketing literature, of which relationship maintenance is an element, is primarily interested in the dynamics within the relationship and between the parties to that relationship. This separation provides a useful structure for this chapter which will contextualise customer loyalty (behaviours and attitudes) as an outcome influenced by the motivational basis for maintaining the relationship.

Extant literature suggests that individuals are motivated to maintain interpersonal relationships either because they genuinely want to or because they believe they have no other option (Rusbult and Buunk, 1993; Bendapudi & Berry, 1997). However, marketers have tended to conceptualise relationship maintenance by focusing on one or other of these two motivations instead of examining both in tandem (Bendapudi & Berry, 1997). Interestingly, the business-to-business literature suggests a third motivation behind the long-term maintenance of business relationships – that of mutual inertia (Yorke, 1990), although there is little current support for this perspective (Young & Denise, 1995). This study sets out to fill the existing knowledge gap by examining factors that determine whether a client is motivated to maintain the relationship with a given service provider through desire, inertia, or constraint.

Extant literature on customer "loyalty" has a tendency to imply that customers are positively motivated to remain loyal and therefore is primarily desire-focused rather than constraint-focused. The loyalty framework developed by Dick & Basu (1994) suggests that four customer loyalty states exist that are determined by the attitude towards a service provider and the behavioural outcome of repeat patronage. The limitations of this model for the legal service context are discussed and compared with other literature that identifies additional behavioural and attitudinal outcomes.

Tynan's "...review of the marriage analogy in relationship marketing" (1997, p. 695), suggests that the usefulness of the marriage metaphor is limited to

functional relationships, based upon mutual willingness to be involved, rather than dysfunctional relationships such as those built upon the coercion or constraint of another. If this is true then the behavioural outcomes of each type of relationship should differ as a result of the motivations. Thus behavioural outcomes of functional and dysfunctional relationships will also be examined within this chapter.

The focus of this chapter is the identification of factors that lead to desire-based and constraint-based relationship maintenance. The chapter also considers whether different motives for relationship maintenance result in different behavioural outcomes, and whether such behaviours reflect functional and dysfunctional relationships. As such the discussion highlights the conceptual framework of relationship maintenance proposed by Bendapudi & Berry (1997). They hypothesise antecedents and consequences for the maintenance of customer relationships on the assumption that not all customers are equally receptive to, and have different motivations for, maintaining service relationships.

Before moving into the literature review it is worth making the point that this review will not include a discussion of the services marketing context that led to the emergence of theories surrounding relationship marketing. The underlying principles of services marketing, for example the characteristics of services compared with products, are now so widely discussed and accepted that there is no need to reiterate such theories here when this study primarily seeks to explore the relationship between client motives to maintain relationships and their subsequent behaviours within that relationship.

The chapter commences with a brief review of literature from several disciplines that provide insight into possible customer motives for maintaining relationships with service providers. The discussion then moves on to identify factors, such as trust and dependency, which might mediate the customer motivation to maintain relationships before identifying antecedent variables posited to influence the development of trust in or dependency upon the service provider. Finally the different behavioural outcomes arising from the different motives to maintain relationships posited by Bendapudi & Berry (1997) are discussed.

2.2 CUSTOMER MOTIVES FOR MAINTAINING RELATIONSHIPS WITH SERVICE PROVIDERS

Current literature suggests that individuals are motivated to maintain interpersonal relationships either because they genuinely want to or because they believe they have no other option (Johnson, 1982). Similar findings have been reported in the employment field where Iverson & Roy (1994) found that some employees remain with employers out of preference while others remain because they do not consider leaving to be a realistic option.

Bendapudi & Berry (1997) note that marketing tends to conceptualise relationship marketing based upon **either** the desire to continue the relationship **or** on the dependency aspects of the relationship. They suggest that "focusing on only one set of motivations (instead of examining both in tandem), runs the risk of perpetuating a schism in our understanding of relationships. This schism may reflect the different disciplinary roots of relationship maintenance." (p. 17)

The psychology literature and that in the field of inter-personal relationships emphasises the role of affective responses of a party and identifies influences on the decision to remain or leave as: satisfaction, identification with the partner, and attitudinal commitment to the relationship. This literature stresses the continuance of relationships as a result of an active desire (eg., Hinde, 1979 and Duck, 1994). This perspective is summed up by the Moorman, Zaltman & Deshpande's (1992) view that commitment is an enduring desire to maintain a valued relationship. Reviewing literature from this discipline, Bendapudi & Berry (1997) classify relationships maintained by desire as dedication-based commitment.

In contrast, the economic perspective (Williamson, 1975) focuses on the costs and benefits of remaining in the relationship compared with those involved in leaving. This literature emphasises the roles played by switching costs, dependence on the relationship and attractiveness of alternatives and suggests that relationships persist where there exists a need to remain due to economic, social or psychological costs (Johnson, 1982). Within the channels literature, Ganesan (1994) found that dependence of a retailer on a vendor had a positive effect on the retailer's long-term orientations towards the vendor and Skinner, Gassenheimer & Kelly (1992) have gone further by

claiming that dependence is a critical foundation for the stability of relationships. Bendapudi & Berry define the "have to remain" perspective as constraint-based maintenance (Stanley and Markman, 1992).

Within the marketing literature an empirical study within the business-to-business context by Morgan & Hunt (1994) concluded that trust must be present within a relationship for commitment to exist.

Summarising the literature from the various disciplines, Bendapudi & Berry (1997) hypothesise that "constraints will only determine the stability of the relationship (will it persist?) whereas dedication determines the quality of the relationship (will it grow?)" (p. 18). The implication here is clear. Loyalty, and presumably behavioural, outcomes will differ depending upon the motivation to maintain the relationship. The discussion will return to the behavioural outcomes in more detail within section 2.5 below.

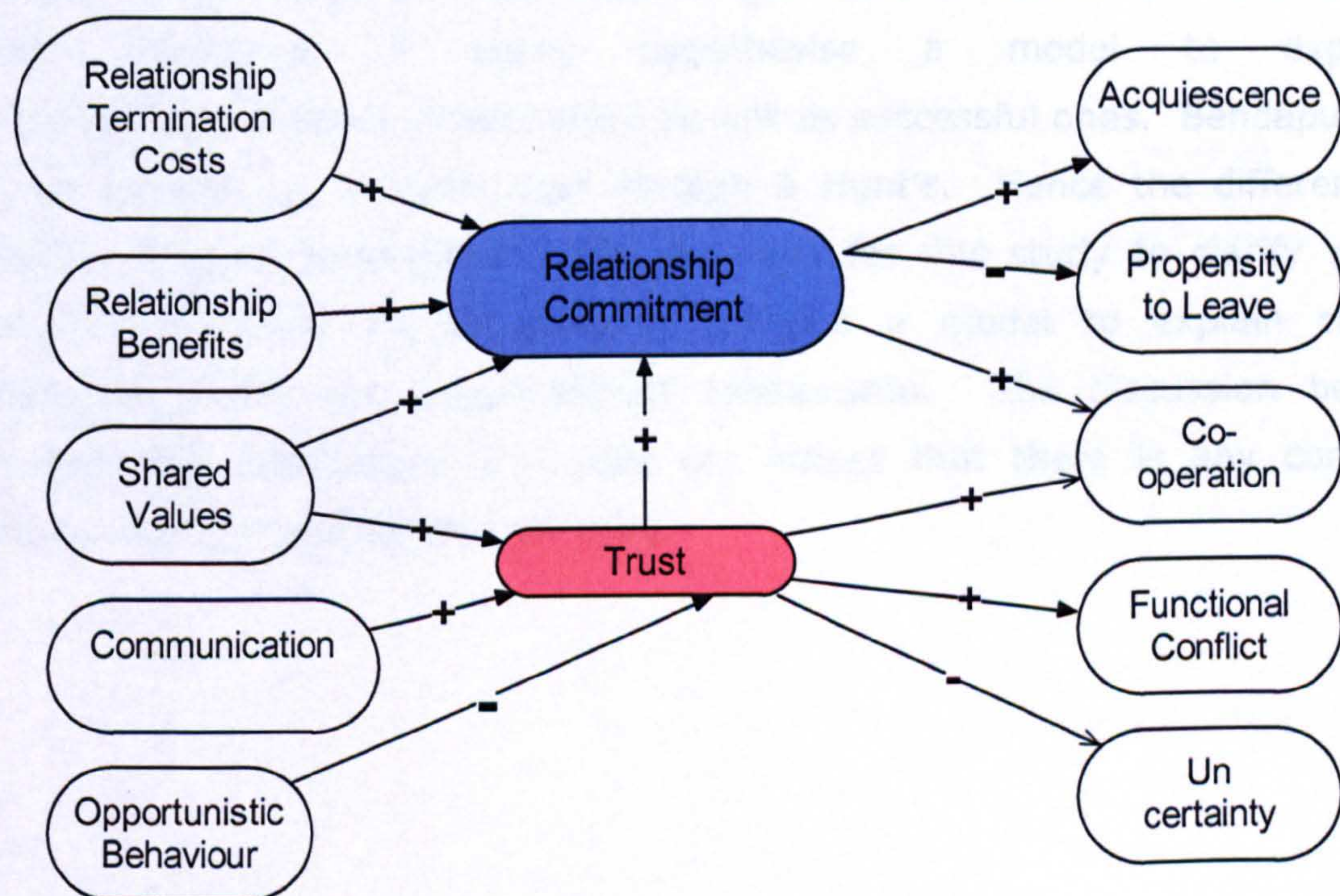
Since the emergence of the relationship marketing perspective it has become common for marketers to draw on analogies of inter-personal relationships to analyse business relationships. Theodore Levitt first compared the stages of the business relationship to that of a marriage (1983) and since then this analogy has been widely used by relationship marketers. The implication being that a long-term marketing relationship is as functional as a successful marriage. However, as Tynan (1997) points out many interpersonal relationships are dysfunctional ones, eg: stalking; prostitution; rape and that using the marriage analogy to describe marketing relationships takes no account of those that might be similarly dysfunctional. This study will examine dysfunctional as well as functional marketing relationships.

The next section will deal with the factors that mediate the motivation for relationship maintenance and result in either a desire or constraint/coercion based motive. This will be followed by a review of the antecedent factors that determine the presence and level of the influencing factors. Finally the literature related to the possible consequences of relationship maintenance (loyalty outcomes) will be discussed.

2.3 FACTORS THAT MEDIATE THE MOTIVATION FOR RELATIONSHIP MAINTENANCE

Morgan and Hunt (1994) define relationship marketing as “*all marketing activities directed toward establishing, developing, and maintaining successful relational exchanges*” (p.22) and suggest that relationships are more likely to be successful, or effective, when both “*relationship commitment and trust*” exists between the parties, rather than the presence of power which is posited to “*condition others*” (Thorelli, 1986, p.38). Consequently they provide the following model for the successful, or effective, relationship:

Figure 2.1 KMV (Key Mediating Variable) Model of Relationship Marketing



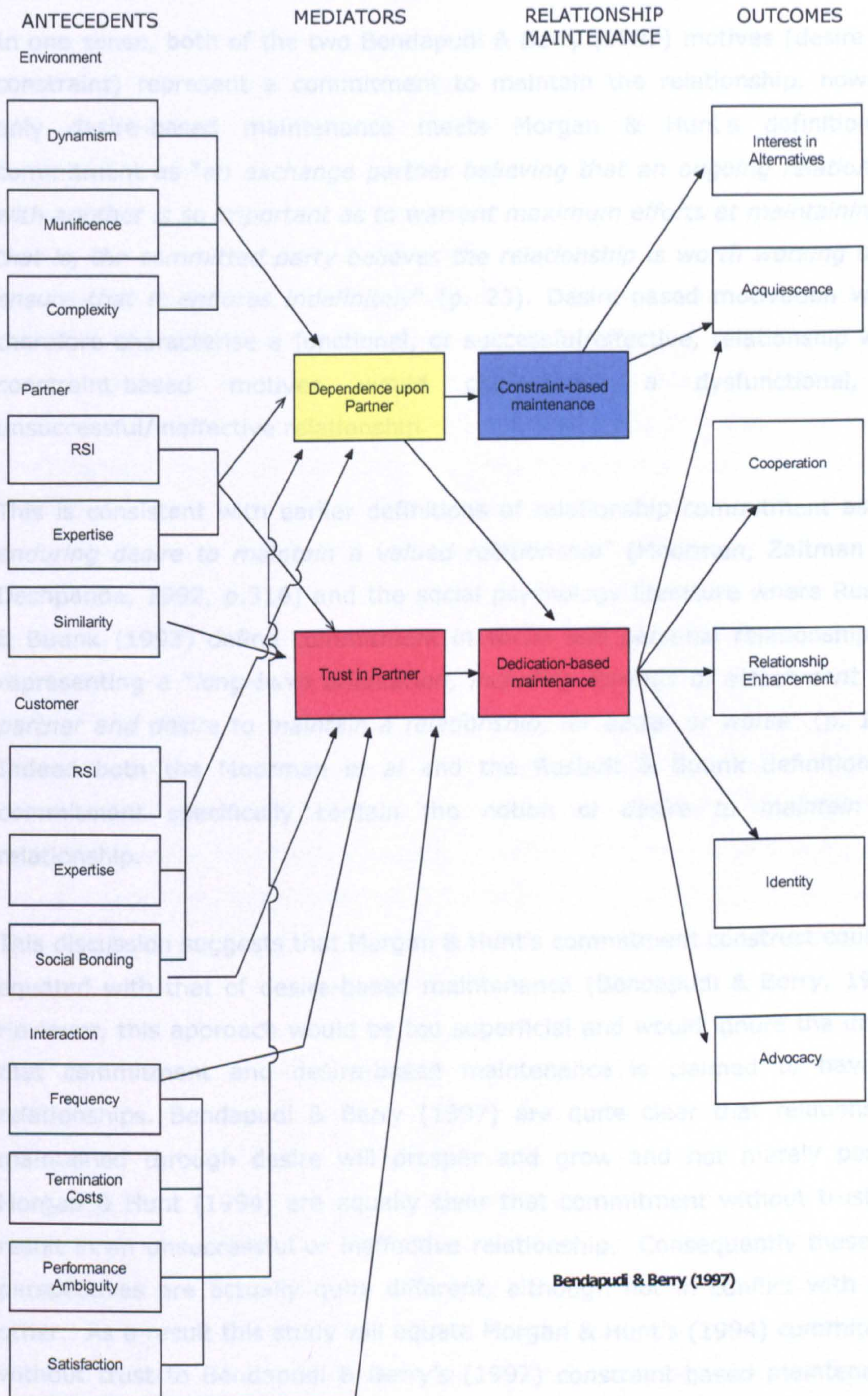
Morgan & Hunt (1994)

Implicit in the Morgan and Hunt perspective above is a focus on functional or “effective” relationships to the exclusion of the dysfunctional or “ineffective” relationship perspective (Tynan, 1997). However the focus of this thesis is on explaining client behaviours within the client-solicitor relationship and will therefore need to examine both functional and dysfunctional relationships in tandem so it is important to recognise the contribution offered by Bendapudi and Berry (1997) at this point.

Although Bendapudi & Berry (1997) recognise two distinct motives for maintaining relationships, desire and constraint but they do not recognise a single specific construct of "relationship commitment". At first it may appear that these two perspectives from Morgan & Hunt (1994) and Bendapudi & Berry (1997) are in conflict with each other. This study suggests that they are not. That in fact they explore different aspects of relationship maintenance such that combining the two views may provide a more complete explanation of relationship maintenance, covering both functional and dysfunctional relationships.

The respective contributions from Morgan & Hunt and Bendapudi & Berry arise from their focus on different research questions. Morgan & Hunt concern themselves with determining characteristics of successful/effective business relationships while Bendapudi & Berry pursue the impact that different motives for maintaining relationships might have on customer behaviours. Hence Bendapudi & Berry hypothesise a model to explain unsuccessful/ineffective relationships as well as successful ones. Bendapudi & Berry's perspective is wider than Morgan & Hunt's. Hence the differences between the two contributions and the need for this study to clarify what those contributions are in order to develop a model to explain client behaviours within the client-solicitor relationship. The discussion below provides that clarification and does not accept that there is any conflict between the two leading contributions.

Figure 2.2 Model of Relationship Maintenance from the Customer's Perspective



Bendapudi & Berry (1997)

2.3.1 Relationship Commitment

In one sense, both of the two Bendapudi & Berry (1997) motives (desire and constraint) represent a commitment to maintain the relationship, however only desire-based maintenance meets Morgan & Hunt's definition of commitment as "*an exchange partner believing that an ongoing relationship with another is so important as to warrant maximum efforts at maintaining it; that is, the committed party believes the relationship is worth working on to ensure that it endures indefinitely*" (p. 23). Desire-based motivation would therefore characterise a functional, or successful/effective, relationship while constraint-based motives would characterise a dysfunctional, or unsuccessful/ineffective relationship.

This is consistent with earlier definitions of relationship commitment as "*an enduring desire to maintain a valued relationship*" (Moorman, Zaltman and Deshpande, 1992, p.316) and the social psychology literature where Rusbult & Buunk (1993) define commitment in social and personal relationships as representing a "*long-term orientation, including feelings of attachment to a partner and desire to maintain a relationship, for better or worse*" (p. 180). Indeed both the Moorman *et al* and the Rusbult & Buunk definitions of commitment specifically contain the notion of *desire to maintain* the relationship.

This discussion suggests that Morgan & Hunt's commitment construct could be equated with that of desire-based maintenance (Bendapudi & Berry, 1997). However, this approach would be too superficial and would ignore the impact that commitment and desire-based maintenance is claimed to have on relationships. Bendapudi & Berry (1997) are quite clear that relationships maintained through desire will prosper and grow and not merely persist. Morgan & Hunt (1994) are equally clear that commitment without trust will result in an unsuccessful or ineffective relationship. Consequently these two perspectives are actually quite different, although not in conflict with each other. As a result this study will equate Morgan & Hunt's (1994) commitment without trust to Bendapudi & Berry's (1997) constraint-based maintenance, while commitment with trust will equate to the desire-based maintenance concept.

2.3.2 Trust

The two perspectives do recognise a similar role for the influence of trust on the maintenance of relationships. Morgan & Hunt (1994) require the presence of trust within their model of successful or effective relationships while Bendapudi & Berry (1997) require trust for dedication-based relationship maintenance.

Trust has been defined as the willingness to rely on an exchange partner in whom one has confidence (Moorman *et al*, 1992) and that trust is the confidence in an exchange partner's reliability and integrity (Morgan and Hunt, 1994). Both definitions highlight the confidence that the client has in the reliability of the trusted party – in this context the lawyer or law firm. Trust is also associated with a reduction in the fear of opportunistic behaviour by the other party (Anderson & Narus, 1990). The outcome of trust is a *"belief that [the partner] will perform actions that will result in positive outcomes for the firm as well as not take unexpected actions that result in negative outcomes."* (p.45)

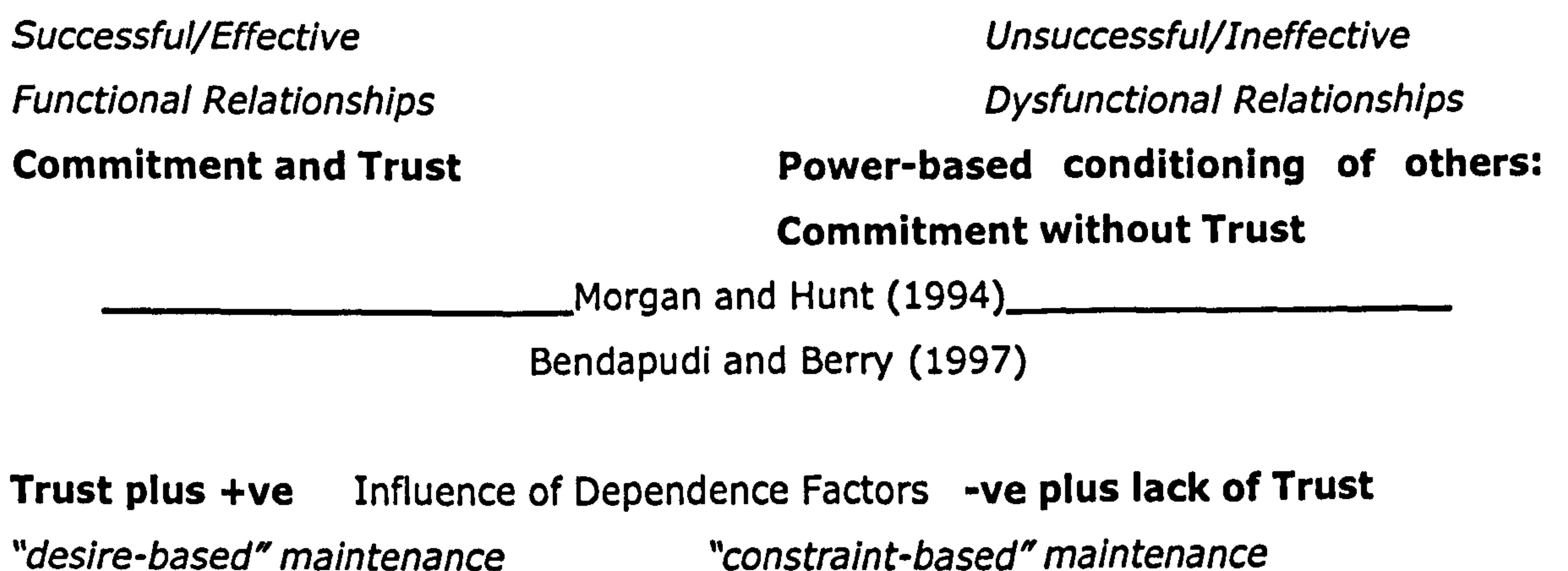
Transactional cost analysis theory (Williamson, 1981) suggests that parties enter into long term relationships in order to reduce their transaction costs that might otherwise involve search, selection, negotiation and contractual set-up costs for each interaction. Consequently trust between parties becomes an imperative in long-term relationships since initial set-up contracts cannot possibly envisage every eventuality that may occur.

Morgan and Hunt (1994) suggest that a causal relationship exists between trust and relationship commitment, such that trust is a requirement for a good/effective relationship. Social exchange theory suggests that *"mistrust breeds mistrust and as such would also serve to decrease commitment in the relationship and shift the transaction to one of more direct short-term exchanges"* (McDonald, 1981, p.834). The inference is that a lack of trust in a service provider will result in a lack of client commitment (using Morgan & Hunt's terminology) to the relationship. However, a client may still maintain that relationship and, if so, then Bendapudi & Berry (1997) suggest that s/he would do so as a result of perceived constraints that force him or her to remain because they depend upon that relationship to achieve particular goals.

So, at the outset, this study accepts that trust is a requirement for desire-based relationship maintenance (Bendapudi & Berry, 1997). This is consistent with Morgan and Hunt's claim that trust is a requirement for a successful, or effective, business relationship. This study also uses a measurement scale with items that emphasise the reliability of the solicitor, the details of which are discussed in chapter five. However, the analysis of the findings raises a number of issues related to the way in which trust is conceptualised and measured within the marketing field. Consequently this thesis returns to the conceptualisation and measurement of the trust construct as a key discussion point in chapters seven and eight.

The preceding discussion suggests that relationship maintenance could be modelled as a continuum as follows:

Figure 2.3 Relationship Maintenance Continuum



Source: compiled by author

2.3.3 Dependency

While Bendapudi & Berry (1997) do not recognise a distinct "commitment" construct, they do identify an influential role for "dependency" upon a partner. Morgan & Hunt (1994) do not recognise dependency as a distinct construct. As such this is another area of possible conflict that requires clarification for this study into the development of a model to explain client behaviours within the client-solicitor relationship.

Morgan & Hunt (1994) appear to discuss dependence only in relation to *expected* relationship termination costs and suggest that such costs can generate a commitment to a relationship without the presence of trust. Given that they posit that relationships are only successful when both commitment and trust are present this is an implied acknowledgement that dependence upon a partner has a negative effect upon the relationship presumably leading to an unsuccessful, or ineffective, relationship. Using Bendapudi & Berry's (1997) terminology such dependency upon a partner would lead to constraint-based relationship maintenance, which is exactly as Bendapudi & Berry model it.

However dependence has been posited to involve the reliance on a partner to obtain good outcomes or -achieve the fulfilment of important needs (Rusbult & Buunk, 1993). Researching interpersonal relationships Thibaut & Kelley (1959) noted a difference between voluntary and non-voluntary dependence. Those individuals who were voluntarily dependent upon their partner felt satisfaction with the relationship. In contrast, those who considered themselves to be non-voluntarily dependent were dissatisfied although they continued to maintain the relationship. So, voluntary dependency appears to be associated with functional personal relationships while non-voluntary dependency is associated with dysfunctional relationships. As a result of this finding Thibaut & Kelley (1959) called for future studies to determine whether the behavioural outcomes differ in relationships that are maintained by parties who are non-voluntarily dependent and voluntarily dependent.

Bendapudi & Berry (1997) build on these findings to posit that dependency can affect business relationships in similar ways. The clear implication is that voluntary dependency is a good thing and leads to desire-based maintenance while non-voluntary dependency is a bad thing and leads to constraint-based maintenance.

So, once again, there is not a substantive conflict between the two sets of authors. By associating dependency with expected relationship termination costs, Morgan & Hunt (1994) clearly link dependency to "commitment without trust" while Bendapudi & Berry (1997) consider positive aspects of dependence upon a partner that can lead to desire-based maintenance. In effect Bendapudi & Berry, by looking at dysfunctional as well as functional relationships, have contributed an additional aspect of dependency that

Influences the motives to maintain a relationship. This provides further evidence for equating Morgan & Hunt's "commitment without trust" to Bendapudi & Berry's constraint-based maintenance while relationships characterised by the presence of commitment and trust will equate to Bendapudi & Berry's desire-based maintenance.

It is worth noting that the definition of "*commitment level*" as a "*psychological state that globally represents the experience of dependence on a relationship...*" (Rusbult and Buunk, p.180) implies the existence of degrees of commitment along a continuum. This provides further support for the Bendapudi & Berry approach that relationship commitment (maintenance) can arise from both positive and negative influences and can then, presumably, generate different behavioural outcomes.

2.3.4 A role for Mutual Inertia?

There is little doubt that a distinguishing characteristic of professional business-to-business relationships is their longevity. It has been suggested that such longevity is sustained through mutual inertia rather than any deep desire to remain working together (Yorke,1990). However, Young & Denize (1995) who empirically studied commitment within a professional business to business context, found a "*respondent desire for continuity as long as a minimally acceptable quality of service was provided*" and that "*it would take a great deal to make them terminate their current relationship*" (p.26). This "desire for continuity" kept relationships going even when there was clear evidence of strong reasons to switch to another provider, such as large geographic distances or even the dishonesty of the supplier! It is worth noting that the Young and Denize (1995) study also links commitment with desire-based motivations rather than constraint-based motivations to maintain relationships.

The Collins Dictionary define inertia as a "*feeling of unwillingness to do anything; property by which a body remains still or continues to move unless a force is applied to it*" (p. 316). Motive is defined as a "*reason for a course of action*" (p.399). Given that inertia appears to be devoid of motivation it falls outside of the scope of this thesis, even if it does exist in business to business relationships.

There are two further reasons for not pursuing Inertia within this study. First, the qualitative research, discussed in chapter four, found that commercial clients were well aware of the need to actively manage their relationships with their legal advisers and several respondents spontaneously reported that they did not remain in their relationships as a result of Inertia. Secondly, following the qualitative research the study focused on the private, rather than commercial, client-solicitor relationship.

2.3.5 Summary

The fact that Morgan & Hunt (1994) chose to measure the characteristics of successful relationships while Bendapudi & Berry (1997) considered the impact different motivations for maintaining relationships might have upon the relationship explains the differences between the two models that form the starting point for this particular study.

Morgan & Hunt (1994) concentrate on Commitment and Trust as mediating constructs that characterise successful relationships, while Bendapudi & Berry (1997) focus upon Trust and Dependency as mediating constructs influencing both successful/functional and unsuccessful or dysfunctional relationships. The discussion above has clarified the contributions of both sets of authors to this study into the development of a model to explain client behaviours within the client-solicitor relationship by drawing together and disentangling various definitions and perspectives on desire-based and constraint-based relationship maintenance.

The discussion identifies trust as the key differentiator between functional and dysfunctional relationships. Trust in a partner clearly plays a central role in dedication-based relationship maintenance whereas dependence upon the partner appears to be a central feature when relationships are maintained as a result of constraints. Bendapudi & Berry (1997) and Morgan & Hunt (1994) both suggest that the presence of trust characterises the successful, effective and therefore functional, relationship whereas a lack of trust characterises the unsuccessful, ineffective, or dysfunctional relationship.

The next stage in the development of a model to explain client behaviours within the client-solicitor relationship is the identification of the antecedents

that cause clients to trust in and/or depend upon a service provider which, in turn, result in desire or constraint-based motivations to maintain the relationship. The next section discusses the various antecedents that have been proposed to influence client motivations to maintain relationships.

Given that Bendapudi & Berry (1997) hypothesise that loyalty outcomes vary depending upon the motivation to maintain the relationship, trust in a partner and dependence upon a partner must be dependent variables. A relationship maintained as a result of trust in the partner and a commitment to the relationship will be one motivated by desire. In contrast, a relationship maintained as a result of constraints is likely to be based on dependence, without trust. Trust and dependence vary depending upon the antecedents that influence the motivation to maintain relationships, so the antecedents must be independent variables.

2.4 ANTECEDENT INFLUENCES ON MOTIVATION TO MAINTAIN RELATIONSHIPS

As previously discussed, the literature tends to fall into two schools of thought. The interpersonal relationship, services marketing and relationship marketing literature tends to hypothesise and study relationship maintenance in terms of desire-based motivations, while the economics and channel management literature focuses on constraint-based motivations. These two perspectives will be reviewed separately below before moving on to discuss the Bendapudi & Berry (1997) model that hypothesises antecedents that, when mediated by dependence and trust, result in either dedication-based or constraint-based motives to maintain relationships.

2.4.1 Antecedents for Dedication-based Relationship Maintenance

It has been established, previously in this chapter, that successful, or effective, or functional relationships require the presence of trust and, according to Morgan and Hunt (1994), a commitment to the relationship. The previous discussion also established that the social psychology literature

requires a desire to maintain a relationship for commitment to a relationship to occur (Rusbult & Buunk, 1993; Moorman, *et al*, 1992). Furthermore this study has clarified that Morgan & Hunt's commitment without trust represents constraint-based motives for relationship maintenance. Consequently definitions of commitment contained within the social psychology literature are more appropriate to inform the dedication-based motive to maintain relationships than the definition provided by Morgan & Hunt (1994).

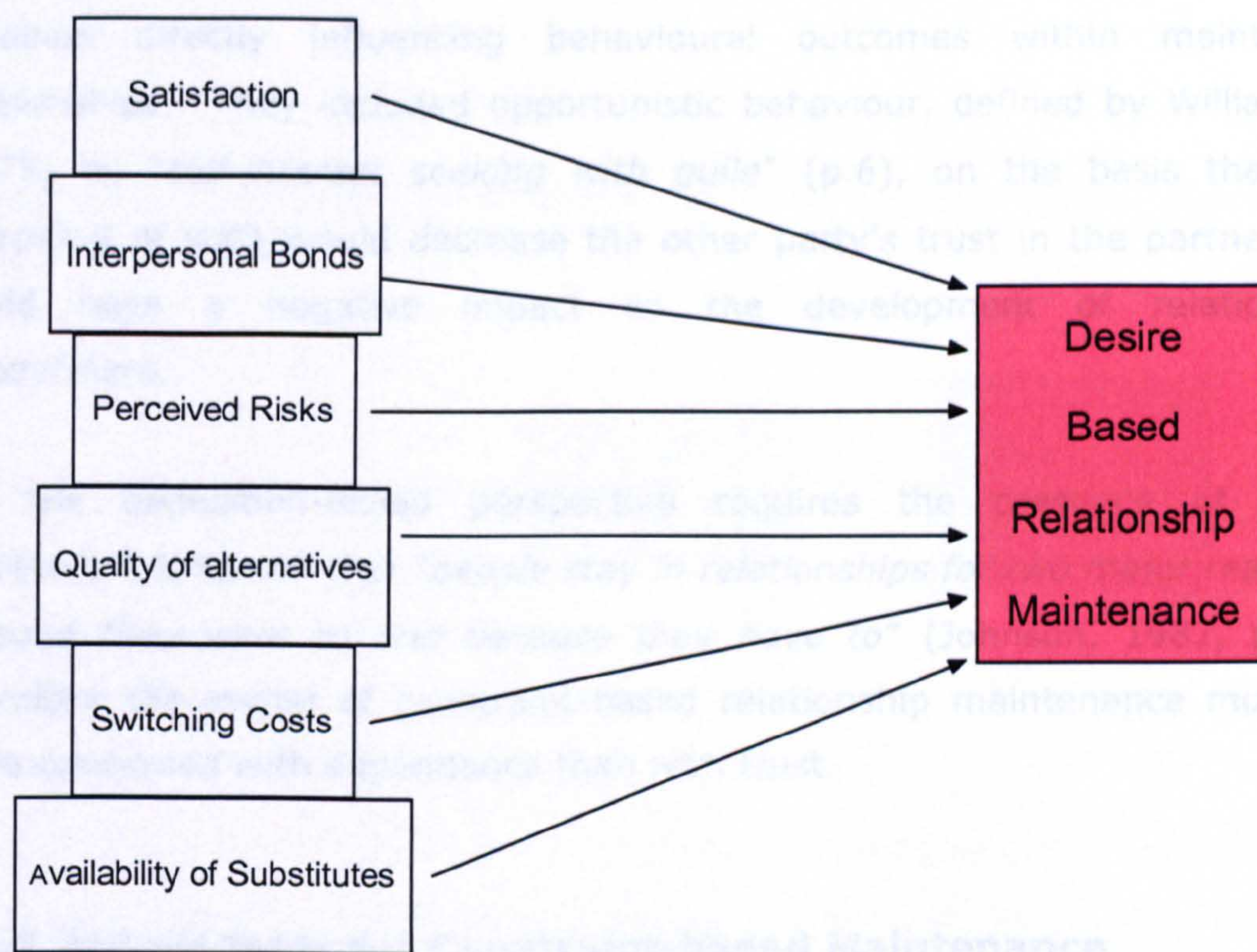
Rusbult & Buunk (1993) propose that commitment occurs when individuals: are satisfied with the relationship; and perceive alternatives to be of poorer quality; and believe the investment (time, emotional energy, personal sacrifices, personal identity, cognitive interdependence such as shared information and memory) in the relationship is too great to sacrifice.

Similarly, within the service marketing literature, Zeithaml (1981) summarises the main determinants of brand loyalty for products and services as: satisfying past experiences; perceived risk associated with a purchase; availability of substitutes; and the cost of changing brands.

Gremler and Brown (1996) suggest that there are three antecedents that determine service loyalty: satisfaction; switching costs; and interpersonal bonds. This list looks similar to that of Zeithaml (1981) and Rusbult and Buunk (1993). The main difference is the explicit inclusion of interpersonal bonds as an antecedent. Such bonds are more likely to be present in the service provider-customer relationship, due to the nature of the service experience, than in the branded goods-consumer relationship.

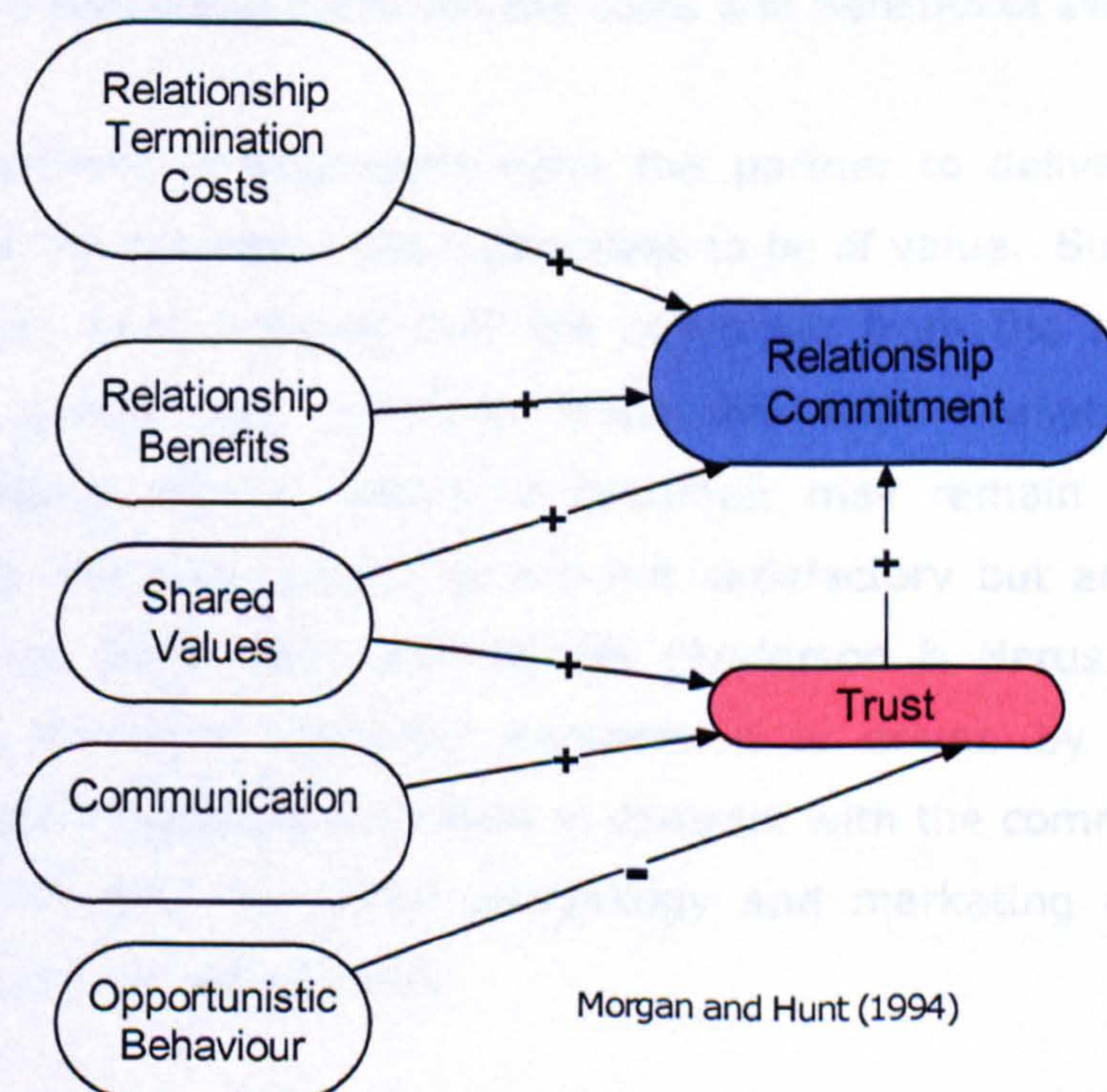
On the basis of the above contributions a possible model of desire-based relationship maintenance is as follows:

Figure 2.4 Factors Leading to Desire-Based Relationship Maintenance



Morgan & Hunt (1994) developed their KMV (Key Mediating Variable) model to underline the need for commitment and trust (the mediating variables) in successful marketing relationships. Although the focus for their research was the successful, functional relationship they did not include relationship satisfaction as an antecedent for trust or relationship commitment.

Figure 2.5 Independent Variables Influencing Behavioural Outcomes



Morgan and Hunt comprised this list of variables from a review of several empirical studies that had considered each of these to be independent variables directly influencing behavioural outcomes within maintained relationships. They included opportunistic behaviour, defined by Williamson (1975) as "*self-interest seeking with guile*" (p.6), on the basis that the exercising of such would decrease the other party's trust in the partner and would have a negative impact on the development of relationship commitment.

So, the dedication-based perspective requires the presence of trust. However, it is known that "*people stay in relationships for two major reasons: because they want to and because they have to*" (Johnson, 1982, p.52). Therefore the model of constraint-based relationship maintenance must be more concerned with dependence than with trust.

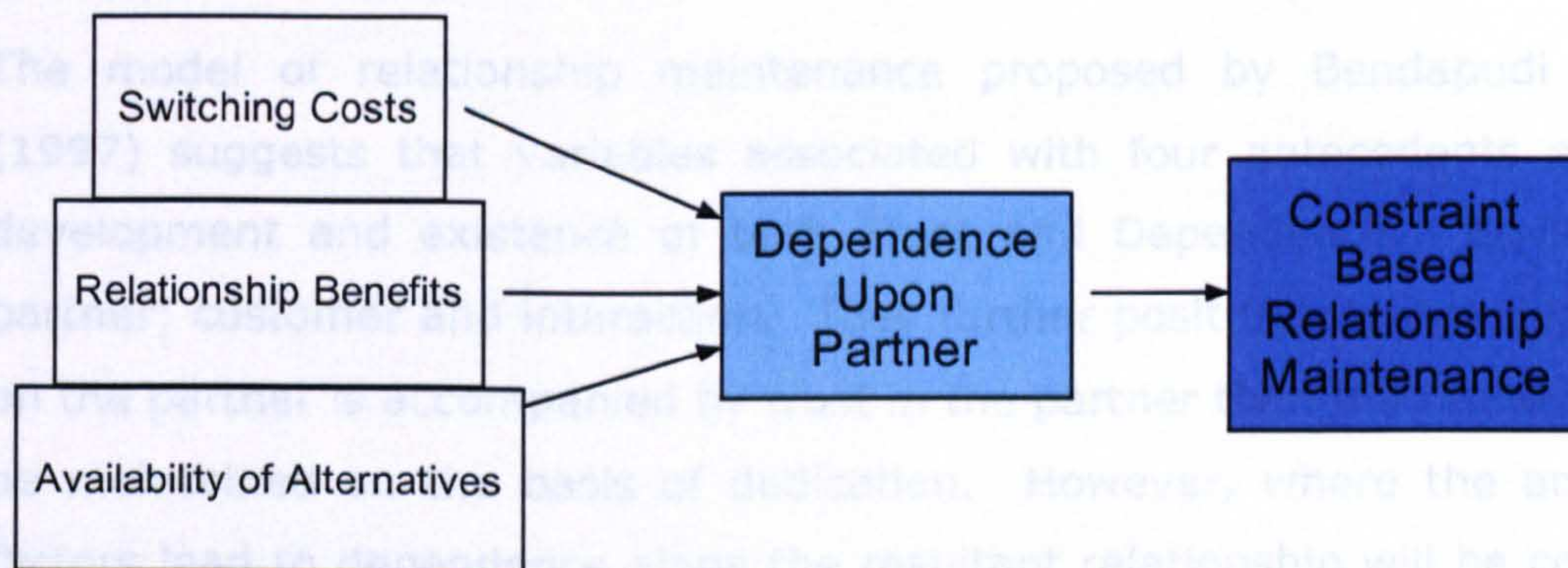
2.4.2 Antecedents for Constraint-based Maintenance

The economic perspective on long-term relationships explains maintenance in terms of an objective assessment of the costs and benefits of remaining in the relationship versus the costs and benefits of switching to another provider (eg: Williamson, 1975). Comparing this with the desire-based maintenance it is clear that a major difference is the irrelevance of satisfaction with the relationship, unless a satisfying relationship is defined as one where the costs and benefits of remaining outweigh the costs and benefits of switching.

The customer/client is dependent upon the partner to deliver the required outcomes that the customer/client perceives to be of value. Such dependence is said to arise from a belief that the outcomes from the relationship are valuable in general and compare favourably with available alternatives (Thibaut & Kelley, 1959). Indeed a customer may remain with a service provider if the relational outcomes are not satisfactory but are nevertheless perceived to be better than alternatives (Anderson & Narus, 1990). It is worth noting that the economic perspective is driven by a cost/benefit comparison with alternative providers in contrast with the commitment/loyalty literature within both the social psychology and marketing disciplines that stresses the need for satisfaction.

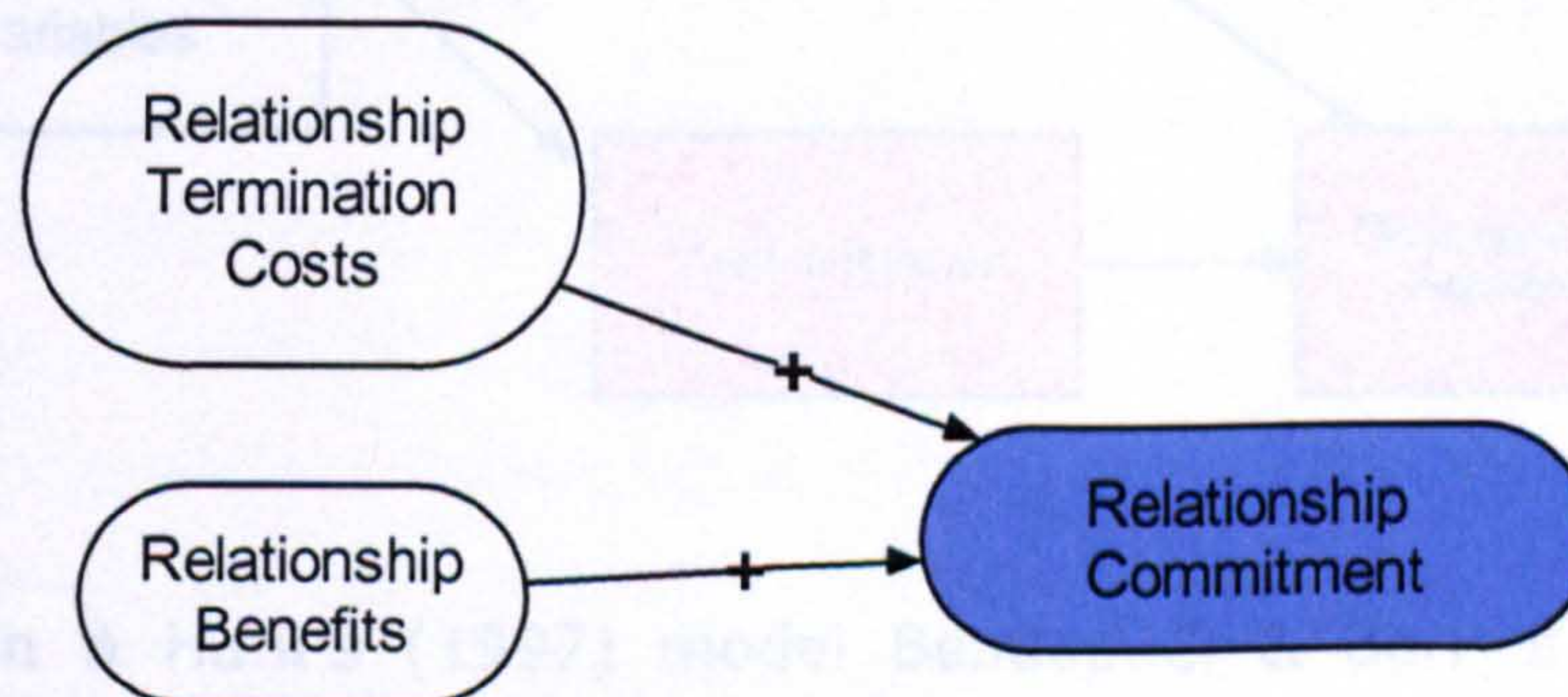
Therefore this perspective only requires a dependence upon a partner to maintain the relationship and does not require trust and could be modelled accordingly:

Figure 2.6 Factors Leading to Constraint-Based Relationship Maintenance



Morgan & Hunt (1994) also identify two factors leading to commitment only in their KMV model. These are remarkably consistent with the economic perspective discussed above:

Figure 2.7 Factors Leading to Commitment without Trust (Morgan & Hunt, 1997)



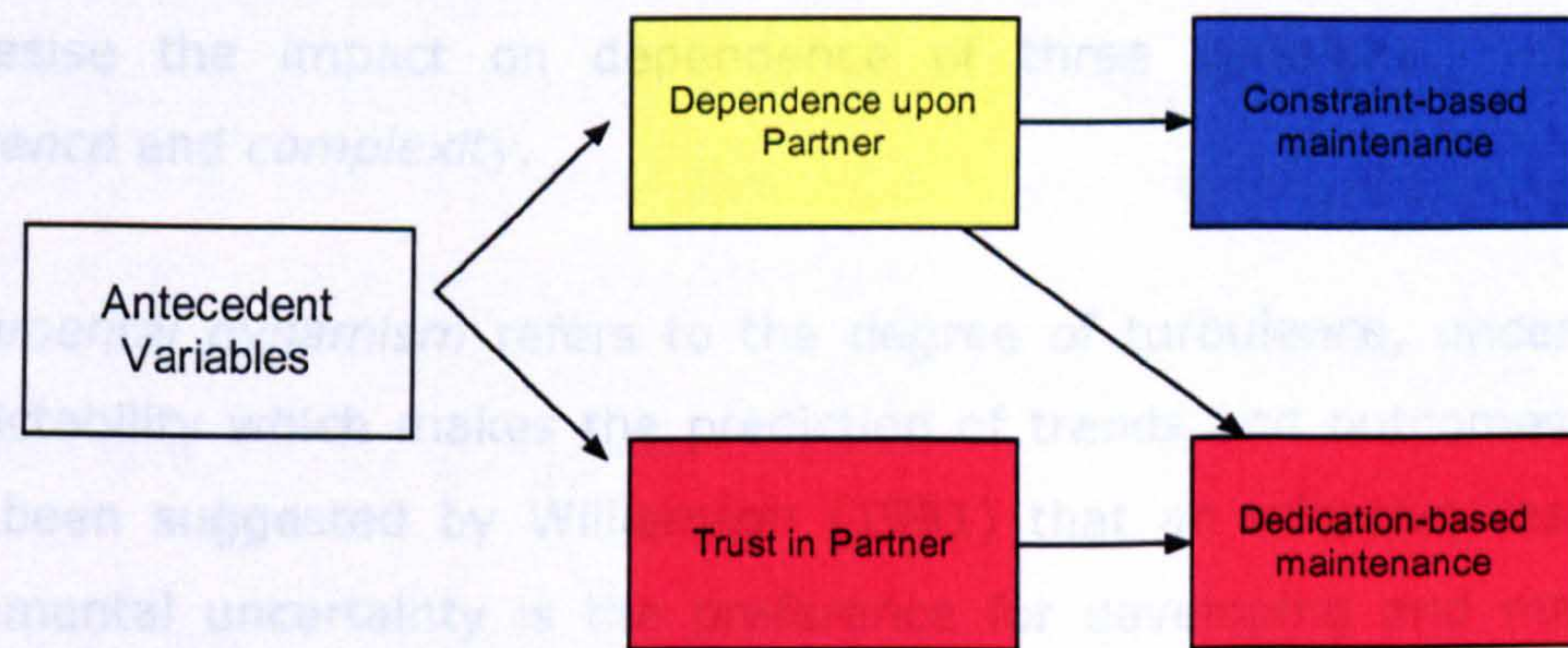
2.4.3 Antecedents that influence both Motivations for Relationship Maintenance

The model developed by Morgan and Hunt (1994) includes termination costs and relationship benefits as precursors for relationship commitment when other authors, particularly those in the economics literature, consider these to lead to dependence. No doubt Morgan & Hunt's interpretation arises from their focus on successful relationships, ie those where there was a desire to continue the relationship. Consequently they ignored the negative, or

dysfunctional, aspects to such a degree that they did not recognise any form of dependence upon the relationship. So it is important that any future study in this area should look at both motives in tandem: that of constraint-based as well as that of desire-based maintenance. As such the mediating influences of dependence and trust are imperative.

The model of relationship maintenance proposed by Bendapudi & Berry (1997) suggests that variables associated with four antecedents affect the development and existence of both Trust and Dependence: Environment; partner; customer and interaction. They further posit that where dependence on the partner is accompanied by trust in the partner then the relationship will be maintained on the basis of dedication. However, where the antecedent factors lead to dependence alone the resultant relationship will be constraint-based.

Figure 2.8 Simplified Model of Relationship Maintenance

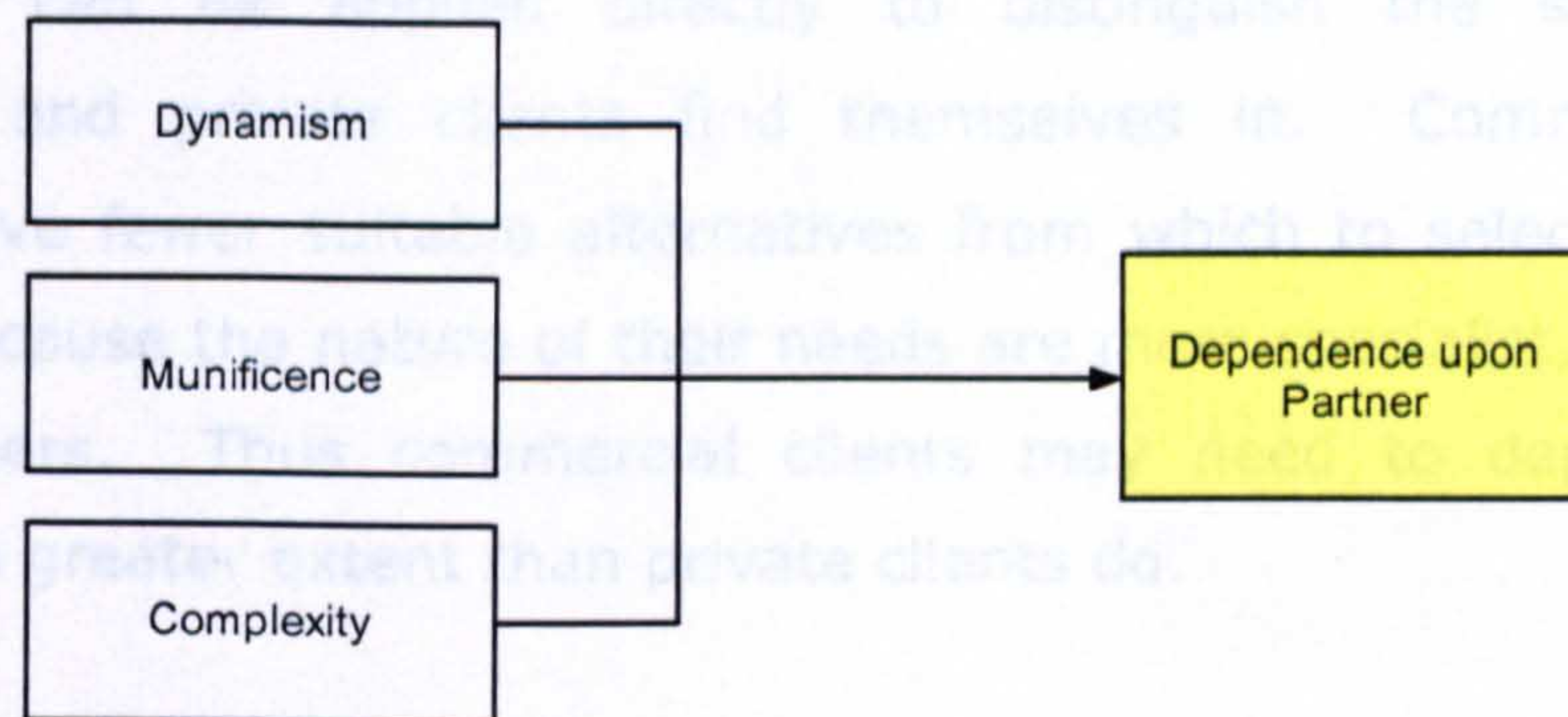


Unlike Morgan & Hunt's (1997) model Bendapudi & Berry's (1997) model remains purely hypothetical at this point in time. It has yet to be empirically tested. As a result they identify possible constructs within each of the four antecedent factors along with a discussion of how and why each construct might influence the development of trust or dependence within the relationship. The following discussion follows this structure while locating each of the constructs within the specific research context of the client-solicitor relationship.

The relevant portion of the model hypothesised by Bendapudi & Berry (1997) will appear within each section to highlight the appropriate variables along with the hypothesised relationship with trust and dependence.

2.4.3.1 Environmental Variables

Figure 2.9 Environmental Variables



Business literature (eg: Iverson & Roy, 1994; Oliver, 1990) and the interpersonal relationship literature (eg: Duck, 1994) has established the role that the environment can play in relationship maintenance. The environment is hypothesised to influence dependence upon a partner and the relationship but is not seen to affect the development of trust. Bendapudi & Berry hypothesise the impact on dependence of three variables: *dynamism*, *munificence* and *complexity*.

Environmental dynamism refers to the degree of turbulence, uncertainty or unpredictability which makes the prediction of trends and outcomes difficult. It has been suggested by Williamson (1981) that an adaptive response to environmental uncertainty is the preference for developing and maintaining long term relationships. Bendapudi & Berry (1997) suggest that, where the external business environment is uncertain, customers will increase their dependence upon relationship partners.

The commercial context is likely to be significantly more dynamic than that which faces the average private client. However, the more personal areas of private client work could be interpreted as having greater environmental dynamism than others. There are more uncertainties, for instance, surrounding matrimonial matters than there are with domestic conveyancing.

Munificence is the capacity of the environment to support sustained growth and is measured in terms of the extent of the ability of the environment to provide the business organisation with the resources necessary to ensure its continued success and survival. As such, the availability of appropriate

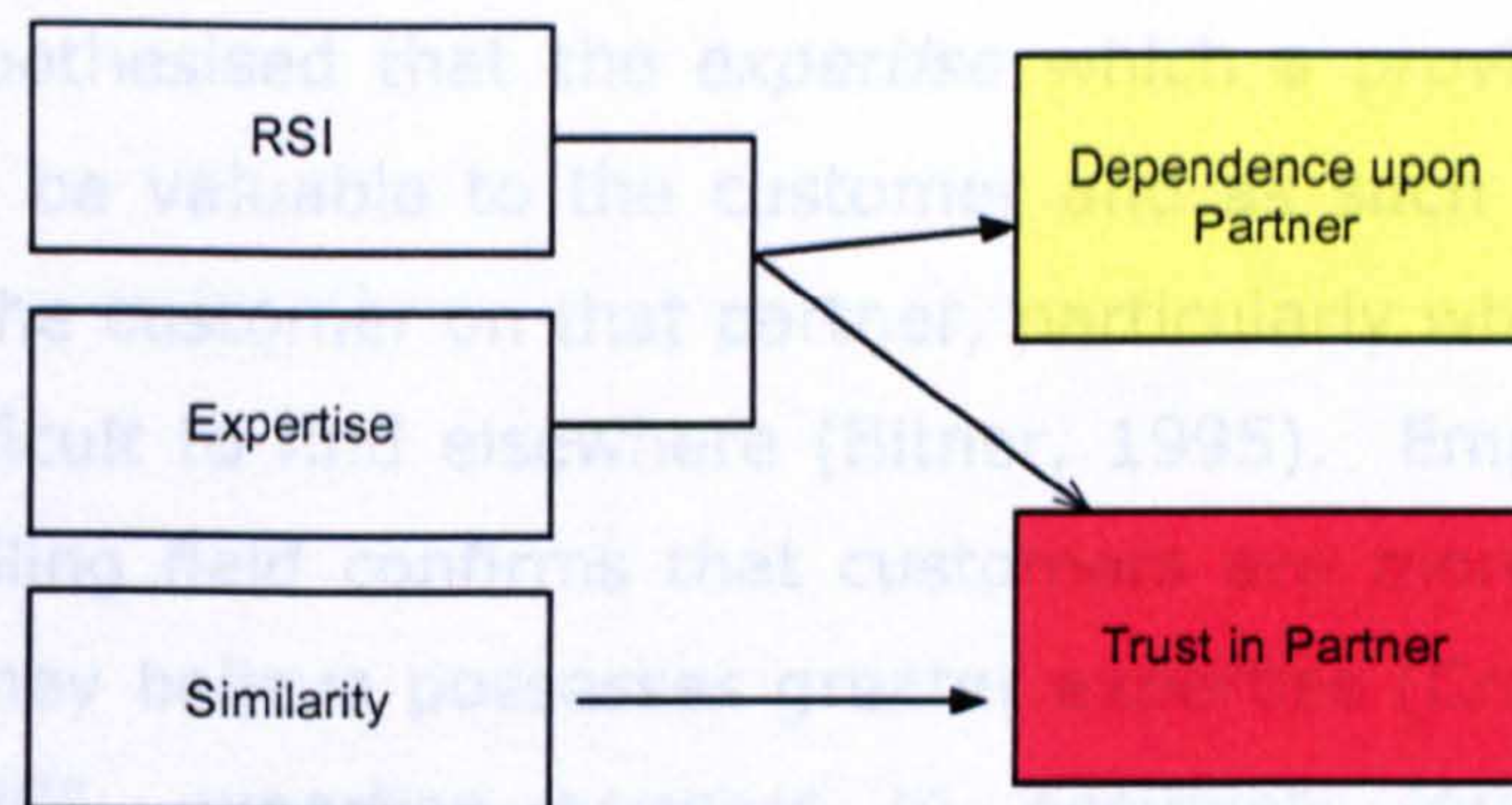
relationship partners is a key resource available to customers (Cook, 1977). So dependence upon a partner will increase where there are few suitable alternatives and decrease when there are many. In terms of the legal context this theory can be applied directly to distinguish the situations that commercial and private clients find themselves in. Commercial clients generally have fewer suitable alternatives from which to select than private clients do because the nature of their needs are more specialist, and there are fewer suppliers. Thus commercial clients may need to depend on their partners to a greater extent than private clients do.

Environmental complexity refers to the variability and range of activities in which an organisation engages (Dess & Beard, 1984). Commercial clients generally face greater complexity than private clients and therefore may have an inherently greater desire to simplify matters through the maintenance of long term relationships with partners that can satisfy multiple needs. Once again the objective may be to reduce transactional costs (Williamson, 1981). However, commercial clients use lawyers as part of their daily work whereas private clients need to address legal issues in addition to their work, as part of their private life. So it is possible that private clients perceive the need to use lawyers, in any event, as adding complexity to their life. The most stressful personal events are divorce, death and moving home – all life events that are associated with the use of lawyers.

So, although the environmental variables suggest that commercial clients are more likely to be motivated to maintain relationships with lawyers as a result of dependence than private clients, it could be that each of the above factors can be specifically interpreted for private clients. Such interpretations might reduce the apparent gap in dependence, resulting from environmental influences, between the two types of client.

2.4.3.2 Partner Variables

Figure 2.10 Partner Variables



Bendapudi & Berry (1997) hypothesise that partner variables directly affect both dependence upon the partner and trust in the partner. They consider *relationship specific investments* (or investment costs) by the provider; *similarity* of the parties within the partnership and the *expertise* of the provider. Relationship Specific Investments by, and Expertise of, the service provider are hypothesised to directly affect both dependence and trust while a similarity between the partners is posited to build trust.

Relationship Specific Investments (RSI) are customised investments made by a party to a specific relationship which are not easily transferred to other relationships (Williamson, 1981) and may include investments in people, equipment and processes. The very act of making RSIs leaves the investing party open to exploitative or opportunistic behaviour by the non-investing party. As such the act of investing sends a strong message of commitment so such investments should increase the customer's trust in the partner (Ganesan, 1994). Client dependence on the relationship once a legal service provider has made such investments is debatable. Transaction cost analysis suggests that once one partner (in this case the provider) is more dependent the customer, or client, will be relatively less dependent (Ganesan, 1994). However this is a narrow, and purely economic, perspective that does not take into account any interdependencies that are created along with the personal and business rewards/benefits that result (French & Raven, 1959; Gwinner *et al*, 1998). So effective RSI's by a legal service provider will also increase client dependency because the rewards and benefits clients gain from that relationship act as a barrier to exit (Berry & Parasuraman, 1991; Ganesan, 1994). Within the legal context law firms are most likely to make RSI's for the benefit of commercial clients than they are for private clients.

So it should follow that commercial clients are more likely to trust their legal service providers while depending upon them, than private clients.

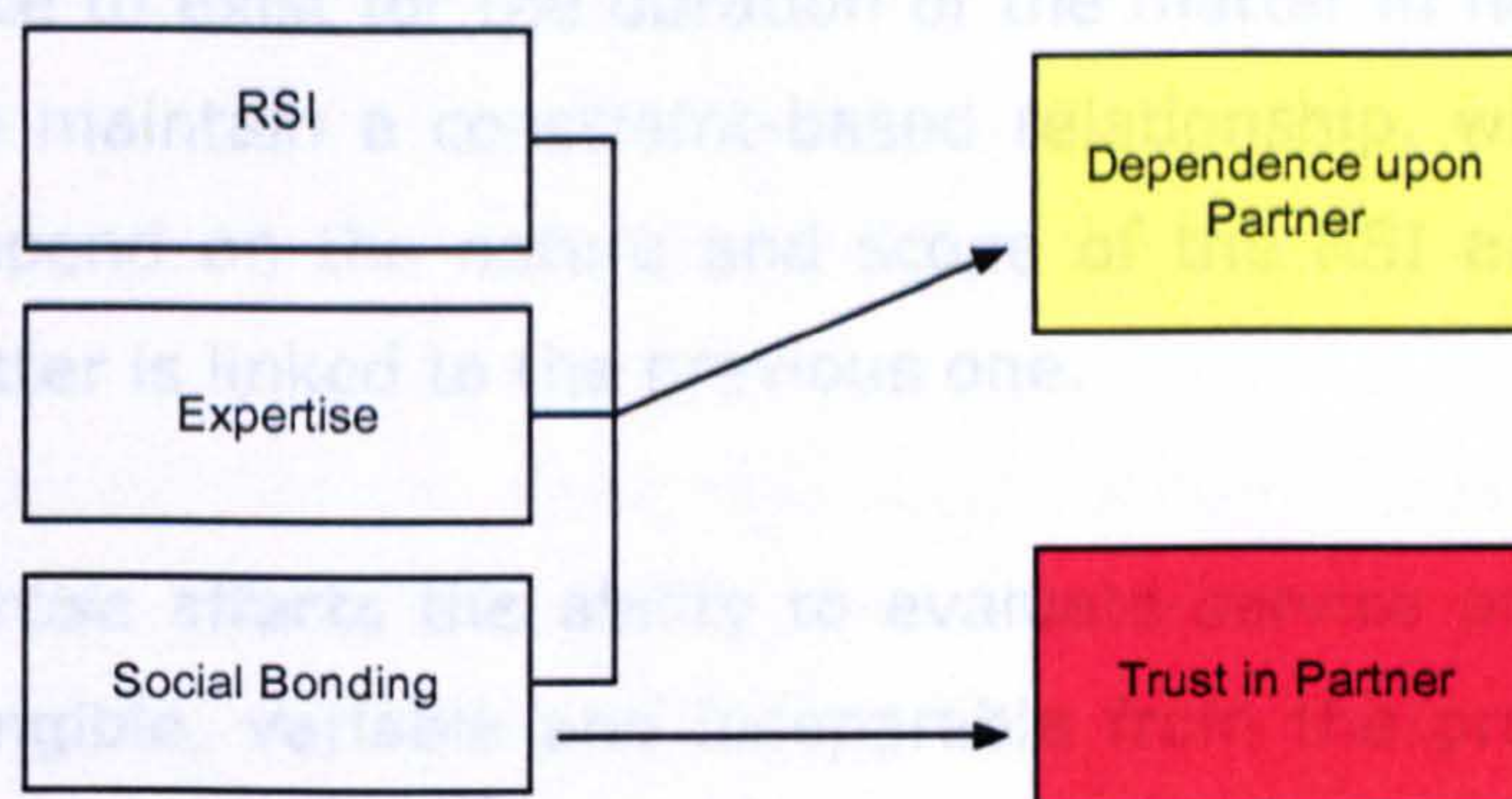
It has been hypothesised that the *expertise* which a provider brings to the relationship can be valuable to the customer and as such may increase the dependence of the customer on that partner, particularly where that expertise is unique or difficult to find elsewhere (Bitner, 1995). Empirical research in the personal selling field confirms that customers are more likely to trust a partner whom they believe possesses greater expertise (Crosby *et al*, 1990). So, as with RSI, expertise appears to positively influence trust and dependence. Assuming that commercial clients are more likely to need specialist, or expert, advice than private clients, theory suggests that commercial clients are more likely to trust the legal service provider they depend upon than private clients.

Similarity of the provider to the customer signals goal-compatibility and is therefore expected to generate greater trust in the relationship partner (Morgan and Hunt, 1994). A large body of literature exists that explores similarity of partners in the interpersonal relationship field which has established that individuals are more attracted to, prefer, and have greater trust in others who are similar. Similarity has also been found to improve selling effectiveness (Crosby *et al*, 1990). On the assumption that commercial clients, who are often legally qualified, are more likely to perceive lawyers to be similar to themselves than private clients are, theory suggests that this would lead to commercial clients being more likely to trust their lawyers than private clients are.

So the partner variables suggest that commercial clients are more likely to trust their legal service providers and therefore are likely to maintain relationships based upon dedication while private clients who maintain relationships with lawyers are more likely to be motivated to do so as a result of perceived constraints.

2.4.3.3 Customer Variables

Figure 2.11 Customer Variables



Bendapudi & Berry (1997) reviewed the effect of *RSI's*, *expertise* and *social bonding* on the receptivity of customers to maintain relationships. They anticipate that *RSI's*, and a low level of expertise, will increase the client's dependency on the legal service provider, while not building trust in that partner. In contrast, social bonding is posited to build dependence and trust. This is consistent with the finding that social and inter-personal bonds are customer benefits associated with long term relationships (Gremier & Brown, 1996; Gwinner *et al*, 1998). Clients become dependent upon the benefits of social contact while perceiving a social contact to reduce the likelihood of the partner behaving in an opportunistic manner.

In the legal services context clients make considerable *RSI's* in terms of the time and effort involved in searching and selecting an appropriate provider; establishing the basis for the working relationship and briefing the chosen provider. This process may involve psychological and social costs in addition to the pure economic. So switching providers requires clients, particularly private clients to make what could be a considerable personal loss on top of which they must repeat the *RSI* process for another partner. Although the private client is required to invest in this disclosure, it would be unusual for a solicitor not to charge for the time they spend in this fact-finding phase of the relationship. So the cost of repeating the information sharing stage with another provider may also act as a powerful constraint for private clients. In contrast, although commercial clients are prepared to invest in the fact-finding phase required for the effective formation of the relationship with law firms, it is worth noting that the cost is not a personal one, either financially or emotionally. In general terms, the personal risk to a commercial client is

considerably less than that of a private client. However the dependence of commercial clients on their legal service providers might be extensive and cover many areas of their business whereas private clients may only perceive their dependence to exist for the duration of the matter in hand. So a private client's need to maintain a constraint-based relationship, when new matters arise, might depend on the nature and scope of the RSI and how closely a subsequent matter is linked to the previous one.

Customer *expertise* affects the ability to evaluate service provision, which is essentially intangible, variable and inseparable from the provider (Zeithaml, 1981). Customers with lower levels of expertise, and particularly novices, are more likely to remain with a given service provider than experienced or expert customers in order to reduce their greater perceived risk (Locander and Hermann, 1979). The degree of risk associated with service provision, and the difficulty of evaluation both pre and post purchase or involvement suggests that a lack of expertise will increase the customer's dependence on the service provider. (Bendapudi & Berry, 1997). Within the legal service context private clients are likely to have less legal expertise and awareness than commercial clients, partly as a result of their comparatively infrequent need for legal advice or representation and partly because many commercial clients are actually legally trained – "in-house" lawyers. So theory suggests that the lower expertise of private clients will result in greater dependence on the legal service provider than commercial clients exhibit.

Social bonding may occur through direct interaction between the customer/client and the service provider or may occur indirectly via reference groups. Direct interaction may be *intra-role* or *extra-role*. Intra-role relates to interactions related to the respective business roles, such as business-related gifts given to buyers by sales representatives (Crosby *et al*, 1990). In the legal service context this could relate to the provision of "conveyancing packs", to private clients, which include change of address cards and reminder lists etc. It could also relate to the commercial client's desire for a "tailored provision". Extra-role interactions, or *networking*, relate to social bonding that occurs outside the business relationship. This would cover interactions at the golf club, for instance, along with sharing an after-work drink. It has been suggested that extra-role interactions may prove more influential on the maintenance of a relationship than intra-role interactions (Bendapudi & Berry, 1997), and it would be useful to test this hypothesis within the legal services

context which is well known for its reliance on sophisticated networking activities.

The influence of reference groups is well established in the consumer behaviour literature and has more recently been proposed as a key influence on the maintenance of consumer relationships (Sheth and Parvatiyar, 1995).

So the unique set of ties and links that *social bonding* creates may increase the perceived *dependence* on the service provider by the client while also increasing the client's *trust* that the provider will not act opportunistically (Bendapudi & Berry, 1997). Therefore the presence of social bonding should lead to dedication-based relationship maintenance.

This proposition is consistent with the findings of Gwinner *et al*, (1998) who found that consumers believe they receive benefits specifically linked to the longevity of the relationship. Their term, "Relational Benefits" relate to those benefits that are distinct from, and enjoyed over and above, those connected with the general service provision. Although their research was conducted among consumers of services that did not include business-to-business or professional service provision, their key findings are consistent enough with empirical findings within the professional service context to be relevant. For instance, they found that the most important benefit was that of *increased confidence* in the service provider. Their finding is consistent with the finding, reported by Yorke (1990), that client confidence in their legal service provider increased with the duration of the relationship. The three relational benefits are:

A. Confidence: *"The sense of reduced anxiety, faith in the trustworthiness of the provider, reduced perceptions of anxiety and risk, and knowing what to expect...."* (p. 110)

B. Social: Benefits *"associated with personal recognition by employees, customer familiarity with employees, and the development of friendship."* (p. 110) They likened this group of benefits to the "interpersonal bonds" posited by Gremler and Brown (1996).

C. Special Treatment: including both economic and customisation benefits such as: price breaks or discounts; non-monetary time saving

benefits, such as quicker service; time saved in searching for alternative providers; additional services or preferential treatment that is not generally available; special consideration, extra attention or personal recognition; "*history development*" (p. 105) which reduces customer hassle because there is no need to explain or discuss historical details each time.

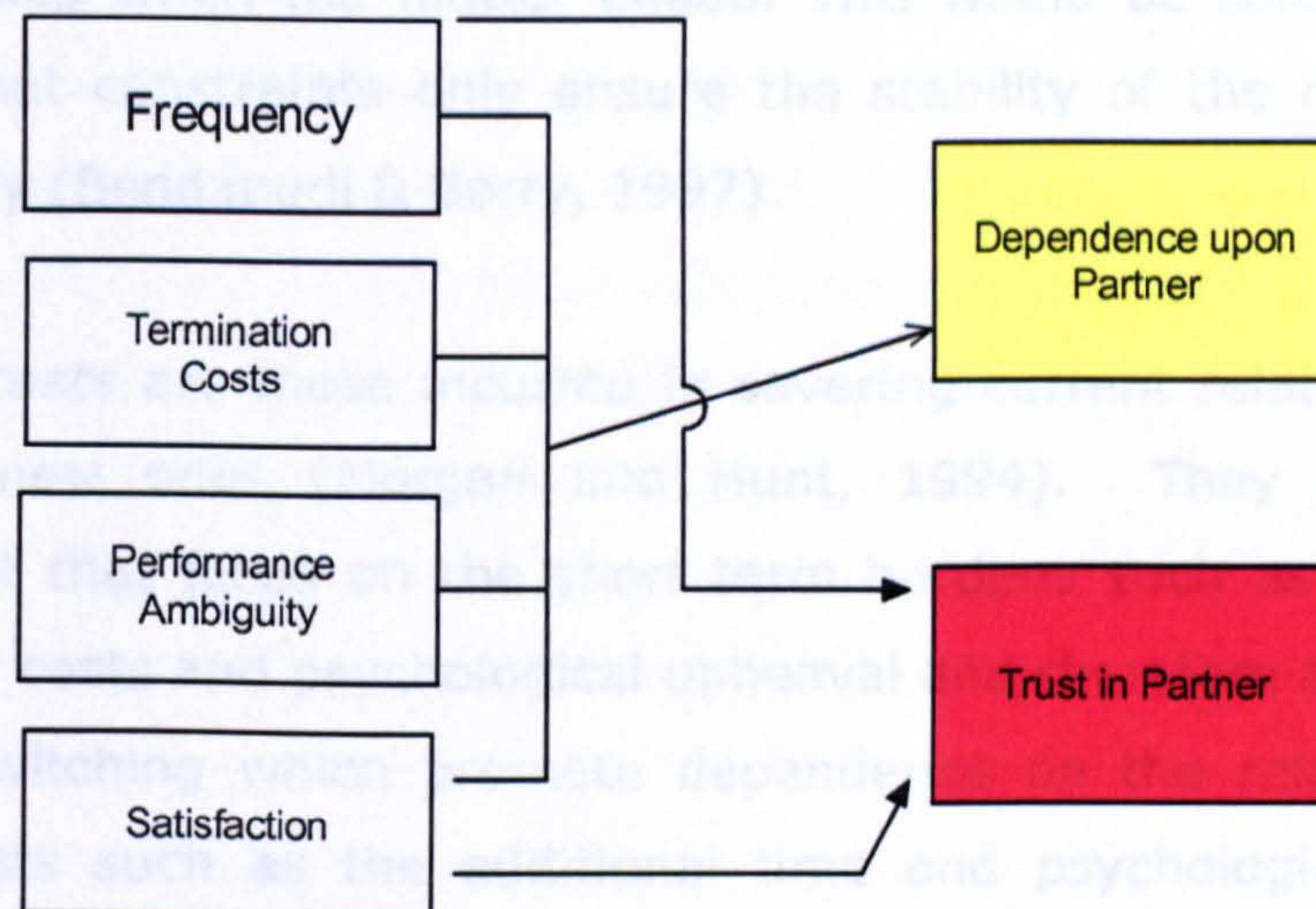
While all three of the relational benefits appear to build dependence upon the partner, only confidence and social benefits would build trust. The receipt of benefits, and their importance to the relationship was found to be most relevant to services categorised as high-contact, customised and seen to be least important to those in the moderate-contact, standardised category. This distinction is relevant to the legal service provision in that many legal services are high-contact and/or customised although clearly other legal services require less expertise (eg: domestic conveyancing) and may be perceived by clients to be more "standardised".

The Gwinner *et al* (1998) study demonstrated a strong positive relationship between the three relational benefits and: loyalty; spreading positive word-of-mouth; intention to remain in the relationship; customer satisfaction, so provides empirical evidence that many of the positive outcomes generally associated with successful relationship marketing (Reichheld & Sasser 1990; Reichheld 1996; Zeithaml *et al* 1996) do actually occur. Indeed Gwinner *et al* suggest that the relational benefits may play a key role in delivering "*important behavioural outcomes*" (p. 109). So it could be hypothesised that customers who perceive the existence of relational benefits are more likely to maintain the relationship as a result of dedication. As such the customer-related antecedents hypothesised by Bendapudi & Berry (1997) might usefully be extended to cover all three "relational benefits" rather than limiting its scope to that of benefits received from social bonds.

Thus, from the literature review above it is suggested that customers with a low level of technical expertise who are required to make relationship specific investments in a relationship devoid of social bonding will depend upon the partner, but will not necessarily trust the partner. Such relationships will be maintained as a result of perceived constraints and may only last as long as the constraints exist. Furthermore clients who perceive "relational benefits" from a relationship will be motivated to maintain that relationship as a result of dedication.

2.4.3.4 Interaction Variables

Figure 2.12 Interaction Variables



Frequency of interaction; *termination costs*; *performance ambiguity* and *satisfaction* are said to influence the customer's receptivity to relationship maintenance (Bendapudi & Berry, 1997). While all of the factors are posited to build dependence upon the partner, only frequency of contact and satisfaction build trust in the partner.

Transaction cost analysis suggests that greater *frequency* of contact would require greater transaction costs if each contact was to be treated separately. Consequently customers requiring frequent contact will generally prefer to maintain a relationship with a single provider (Ridley and Avery, 1979). So frequency of contact may increase the dependency on the service provider. Frequency may also increase the trust within the relationship in two ways. First, because the client will have more opportunities to evaluate the service provision and secondly because the client will have greater opportunity to develop social bonds with the provider. Commercial clients generally use legal services more frequently than private clients do and therefore, theory suggests, may have a greater dependency upon and trust their legal service providers more than private clients do. Thus commercial clients are more likely to be motivated to maintain their relationships as a result of dedication than private clients.

It is important to remember that these costs are not purely economic and the It may be worth noting that, due to the frequency of use, commercial clients are more likely to be *active* at any given point in time whereas private clients

are more likely to be *dormant* and therefore *potential or prospective* clients of an alternative provider. As such it is expected that private clients motivated to maintain the relationship as a result of constraints would cease to maintain that relationship when the matter ended. This would be consistent with the suggestion that constraints only ensure the stability of the relationship and not the quality (Bendapudi & Berry, 1997).

Termination costs are those incurred in severing current relationships and/or establishing new ones (Morgan and Hunt, 1994). They are a form of switching cost that focus on the short term burdens such as inconvenience, out-of-pocket costs and psychological upheaval and therefore act as perceived barriers to switching which promote dependence on the relationship. Non monetary costs such as the additional time and psychological effort often required to become familiar with a new service provider should also be considered (Dick & Basu, 1994). It has been suggested that the cost of switching service providers is higher than the cost of brand switching (Gremler and Brown, 1996). Empirical support for a positive relationship between high switching costs and customer loyalty in relation to medical services was reported by Andreasen (1984; 1985). Furthermore it has been suggested that the cost of switching providers where the service is difficult to evaluate, such as legal services, is high (Brown and Swartz, 1989).

The customer loyalty literature, which identifies six different types of switching costs that play a role in customer loyalty, provides empirical support for the suggestion that switching or termination costs lead to dependence upon the relationship and result in relationship maintenance: "habit/inertia; setup costs; search costs; learning costs; contractual costs and continuity costs" (Gremler and Brown, 1996, p. 176). Furthermore Dick and Basu (1994) report the findings of two previous studies (Arkes and Blumer, 1985 and Dick, 1991) which found that the payment of "sunk costs", such as subscriptions or joining fees, increased the likelihood of repeat patronage. Following a review of extant literature relating to switching costs, de Ruyter *et al* (1998) concluded that there appears to be a positive link between the level of switching costs and customer loyalty in service industries.

It is important to remember that these costs are not purely economic and the emotional cost to a private client of terminating a relationship where they have bared their soul, or the fear of having to establish a new relationship,

may be sufficient to maintain the current relationship whether or not it is satisfactory. Such costs may be particularly acute for private clients because their relationships are more likely to be active on a matter by matter basis and any switching during a matter will inevitably cause tremendous upheaval. However, switching at the end of one matter and prior to the commencement of another will incur considerably less cost. As such, termination costs may have less of an impact on private clients, who may be *dormant* and therefore no longer dependent on the previous provider, than on commercial clients who are more likely to be *active* at any point in time.

Transaction cost analysis suggests that *performance ambiguity*, the difficulty of evaluating the outcomes, is a key determinant of non-market-based, long-term relationship maintenance (Williamson, 1975). Services generally have been found to be higher in performance ambiguity than goods due to their intangibility (Shostack, 1977), credence properties (Darby and Karni, 1973) and their heterogeneity (Zeithaml, 1981). Legal services are clearly higher in performance ambiguity than garden maintenance or dry cleaning, although some areas of legal practice, such as conveyancing, wills and probate are considered to be more of a commodity purchase than others. So it is anticipated that private clients are more likely to maintain relationships with legal service providers where performance ambiguity is higher (eg: matrimonial and inheritance planning) than those areas considered to be commodity purchases. Due to the greater complexity, munificence and dynamism inherent in the commercial environment it is anticipated that commercial clients perceive there to be a high level of performance ambiguity and will therefore prefer to maintain long-term relationships with providers they trust.

Following Cardozo's (1965) "Experimental Study of Customer Effort, Expectations and Satisfaction" a considerable body of literature now exists relating to *customer satisfaction*. The focus of this literature is essentially two-fold. First there is great emphasis on the role of service quality as an antecedent of customer satisfaction (see for example: Oliver 1981; Churchill and Suprenant, 1982; Parasuraman Zeithaml & Berry 1985, 1988; Cronin & Taylor 1992). Secondly, academics have identified satisfaction as an antecedent to customer loyalty. Since this thesis is concerned with customer motivations for relationship maintenance any discussion of customer satisfaction literature will be in the context of being an antecedent to

customer loyalty. It is important to note that this view of satisfaction related to the relationship, rather than the transaction, is a recent perspective and in contrast to the views posited by Oliver (1981) and Parasuraman, Zeithaml & Berry (1988) that customer satisfaction is transaction-specific in nature.

Empirical studies that examine the relationship between customer *satisfaction* as an antecedent to loyalty offer mixed results. Several suggest that satisfaction is a leading factor, if not the leading factor (Oliver and Linda, 1981; Anderson and Fornell, 1994) while others suggest that satisfaction alone is insufficient to create loyalty (Cronin and Taylor, 1992; Fornell, 1992; Oliva, Oliver, and Macmillan, 1992), or that satisfaction/dissatisfaction levels do not correlate with retention likelihood (Colgate and Stewart, 1998). Such studies support Reichheld's (1993) argument that increasing customer satisfaction does not necessarily lead to increased customer loyalty and is consistent with the Jones and Sasser (1995) contention that although loyalty increases with increased satisfaction that the link is not a simple one. Gremler and Brown (1996) found two elements that led to satisfaction. In addition to a general satisfaction influence they identified a level of satisfaction linked to being a loyal customer and led to the receipt of some kind of special treatment. This is clearly the fore-runner of the work reported by Gwinner, Gremler and Bitner (1998) as "Relational Benefits" and discussed above.

In terms of the relationship maintenance theory *satisfaction* is generally linked with commitment (see previous discussions eg: Rusbult & Buunk, 1993; Zeithaml, 1981; and Gremler & Brown, 1996) and is therefore posited to increase with the level of trust the customer has in the service provider. Such satisfaction should also lead to greater perceived dependence upon the provider, adding to the psychological costs of switching, because the risk is greater that alternative providers will not prove as satisfactory (Bendapudi & Berry, 1997).

Interaction variables suggest that the greater frequency of contact, the cost of terminating the relationship while matters are on-going, and the performance ambiguity created by the environmental variables are more likely to build trust in the service provider among commercial clients than private clients. So it would follow that commercial clients are more likely to maintain relationships with legal service providers as a result of dedication than

perceived constraints. However, this analysis would also indicate that private clients who use legal services frequently or who use services with greater performance ambiguity (such as matrimonial) are also more likely to maintain that relationship as a result of dedication than other private clients. In contrast, private clients who use "commodity-based" legal services on an infrequent "matter-by-matter" basis are least likely to build trust in the legal service provider and are consequently most likely to see the matter in hand through with the service provider, as a result of perceived constraints, even when they are not satisfied.

2.4.4 Summary

The *environmental variables of dynamism, munificence and complexity* all act to increase the dependence that a client has on a legal service provider. Theory suggests that commercial clients are more likely to be motivated to maintain relationships with lawyers as a result of dependence than private clients. However these variables arise from business-to-business literature and not from business-to-consumer studies. Therefore, once these variables are interpreted within the private client context the gap between the two types of clients may diminish or disappear. This is clearly an area for future context-specific research.

The *relationship specific investments* made by lawyers, along with their *expertise* are posited to build dependence and trust while *similarity* between the parties is said to build only trust. Theory suggests that commercial clients are more likely to trust their legal service providers and are therefore more likely to maintain relationships based upon dedication than private clients.

The suggestions arising from the *customer variables of RSI's, expertise and social bonding* are less clear within the legal service context. While all three variables are posited to build dependence upon the legal service provider, only the presence of social bonds builds trust. So it can be hypothesised that relationships where social bonds exist are maintained as a result of dedication rather than constraints. Theory suggests that private clients are likely to be more dependent upon a service provider as a result of their lack of legal expertise than commercial clients. Although commercial and private clients both make RSI's which increase the dependence upon the legal service

provider the impact of their respective RSI's may be different. Although private client RSI's may involve psychological and social costs, that are not present in commercial client RSI's, they may be specific to the matter-in-hand. As such the private client may no longer be dependent upon the relationship once the matter-in-hand has ended. If, however, a subsequent matter was inextricably linked (in the client's mind) to the previous matter then the previous dependence may be re-established as a result of the previous RSI. So while RSI's *per se* might create dependence within a commercial client relationship, the dependence of a private client may be linked to the nature and scope of the RSI and the relevance to the specific matter-in-hand. This is clearly a matter for future context-specific research.

The *interaction variables of frequency, termination costs, performance ambiguity and satisfaction* are all posited to build dependence upon the legal service provider while only *frequency and satisfaction* build trust in the partner. Frequency may well be the key variable here as it leads to greater opportunities to evaluate the service provider as well as build social bonds. If so, then theory would suggest that commercial clients are more likely to maintain their relationships as a result of dedication than private clients.

Bendapudi & Berry (1997) suggest that constraints affect the stability of the relationship while dedication to the relationship will allow it to grow and develop. The clear inference is that the outcomes of each type of relationship maintenance are different. They further suggest that relationships maintained as a result of constraints will exist only as long as the constraints are perceived to exist. This may be a crucial difference between private and commercial client relationships. Private clients tend to need legal advice on a "matter-by-matter" basis whereas the legal needs of commercial clients may be many, diverse, and of an on-going nature. As such, private client relationships may be characterised by identifiable commencement and conclusion points that are not so easily defined within the commercial client relationship. So it may be easier for private clients to end their relationships with legal service providers than commercial clients.

Private clients may well become prospective or potential clients for other legal service providers the moment a given matter ends, whereas commercial clients are more likely to remain active clients. With the emphasis on customer retention in today's marketing environment it may be important for

lawyers to consider relationships with private clients to be dormant rather than ended.

The literature suggests that a retained customer is a loyal customer but given that customers are driven to maintain relationships either because they want to or because they believe they have to, surely not all customers are equally loyal to an organisation. Gremler and Brown (1996) posit service loyalty to be a "*matter of degree, ranging from the completely loyal customer to one who will never consider using a provider in the future*" (p.173). Bendapudi & Berry (1997) hypothesise that customer behaviours within the relationship will differ depending upon the motivation (dedication or constraints) to maintain that relationship. So the next section will review the literature related to behavioural outcomes of relationship maintenance.

2.5 OUTCOMES OF RELATIONSHIP MAINTENANCE

Once again it is important to note that extant literature is concerned with either successful relationships that result in loyalty (eg: Gremler & Brown, 1996; Zeithaml *et al*, 1996; Gwinner *et al*, 1998) or relationships that break down and result in exit (Stewart, 1998) or switching (Keaveney, 1995). The focus of literature that reviews different behaviours within a relationship tends to be that of dissatisfaction responses (eg: Hirshman, 1970 & 1974; Rusbult *et al*, 1982; Rusbult & Zembrodt, 1983; Rusbult *et al*, 1986). This study is concerned with more general outcomes of relationship maintenance and is therefore not going to review the large body of extant literature connected with customer dissatisfaction, exit or switching behaviours. The literature on customer loyalty is more closely connected with that of relationship maintenance so the focus of this section will be on how customer loyalty has been defined and measured to date.

2.5.1 Defining Service "loyalty"

Considerably more empirical work has focused on brand loyalty to products than on "service loyalty" (Javalgi & Moberg 1997). Given the obvious importance of customer loyalty to business it is surprising that relatively little is known, or agreed about service loyalty. Academic researchers still struggle

to define exactly what a loyal customer is, and how one can be identified. As Gremler and Brown (1996) point out, "*although customer loyalty is considered the 'back-bone of business,' it has remained a mystery*" (p. 171).

Researchers agree that loyalty is a complex construct and, consequently, has been examined from a variety of angles. Areas researched to date are behavioural loyalty, which concentrates on purchase behaviour, cognitive loyalty which explores behavioural intention and affective loyalty which considers attitudes towards the provider.

Consumer research during the 1960's and 1970's defined customer loyalty in behavioural terms (Bass, 1974; Tranberg & Hansen, 1986) and measured behaviours using customer panel data. So behavioural loyalty has been determined based upon measuring the proportion of purchase (Cunningham, 1966); the sequence of purchase (Kahn *et al*, 1986) or the probability of purchase (Massey *et al*, 1970). However this behavioural approach has been criticised because it does not provide any understanding of the reason for, or influence on, the behaviour and therefore lacks a conceptual underpinning. In terms of this study it is worth noting that behavioural research was focused on brand loyalty among manufactured products and not services.

Critics of the behavioural approach, such as Day 1969, prefer to measure customer preferences and dispositions towards products and brands. Jones and Sasser (1995) discuss customer loyalty as a "*feeling of attachment to or affection for a company's people, products, or services*" (p. 94); Day (1969) posits brand loyalty to occur when repeat purchases are prompted by a strong favourable internal disposition towards the brand; and de Ruyter *et al* (1998) suggest that customers may develop "*preference loyalty*" when they have a favourable attitude towards a service provider.

Gremler and Brown (1996) suggest that the service loyalty construct consists of three separate dimensions, adding cognitive loyalty to the behavioural and attitudinal dimensions. They posit that cognitive loyalty is present in extremely loyal customers and is operationalised in terms of the provider being the first choice, or the only provider that the customer considers for that service. An extremely loyal customer would not "*actively seek out or consider other firms from which to purchase*" (p. 173). So cognitive loyalty represents the behavioural intention. It is debatable whether or not cognitive

loyalty is a separate dimension to that of attitudinal loyalty. It could be that attitudinal loyalty can be operationalised as cognitive loyalty in that customers with a very positive attitude towards an organisation would express such loyalty in behavioural terms and exhibit a strong preference for remaining behaviourally loyal to that preferred provider.

Whatever definitions are used, loyalty is viewed as an outcome (attitudinal or behavioural) of commitment to a service provider. This thesis has already suggested that commitment, arising from the presence of trust in a relationship, leads to a dedication-based motivation to maintain a relationship. Given that a characteristic of service provision is the inseparability of the service provider from the service provided, it could be that commitment to a service provider is more similar to that of personal relationships than to brand commitment to products. As such it can be hypothesised that commitment to a service provider, or service-loyalty, comprises a long-term view, or attitude towards a relationship, that affects behaviour within that relationship (Rusbult & Buunk, 1993).

The loyalty literature has, to date, ignored behavioural or attitudinal outcomes arising from the constraint-based motivation to maintain relationships. Presumably such behaviours would be associated with dis-loyalty and examination of such is more likely to appear within the switching or exit areas of relationship marketing literature. The other areas of literature that might provide insight are those linked to dissatisfaction and customer complaining behaviour. This thesis is concerned with how outcomes are affected by both motivations to maintain relationships, constraints as well as desire. So it is important to determine a range of outcomes. The discussion below draws from a range of sources in order to identify behavioural outcomes associated with both loyalty, or dedication-based relationship maintenance and dis-loyalty or constraint-based relationship maintenance.

2.5.2 Degrees of loyalty?

Gremler and Brown (1996), who developed a model of service loyalty after conducting over forty in-depth interviews, posit service loyalty to be "*a matter of degree, ranging from the completely loyal customer to one who will never consider using a provider in the future*" (p.173). They describe an extremely

loyal customer as one who: uses the service provider regularly (behavioural loyalty); thinks highly of the service provider and really likes doing business with it (attitudinal loyalty); never considers using another provider for that particular service (cognitive loyalty). They contrast this portrait with that of the "non-loyal" customer who: will not use that provider again; feels negatively towards that service provider; welcomes suggestions about and is willing to try *any* alternative provider.

An integrated two-dimensional framework, combining both attitudes and behaviour was developed by Dick and Basu (1994). Their approach suggests that customer loyalty is "*the strength of the relationship between an individual's relative attitude and repeat patronage*" (p. 99). They conceptualise customer loyalty as "*the relationship between the relative attitude toward an entity (brand/service/store/vendor) and patronage behavior*" (p. 100).

Although Gremler and Brown (1996) suggest that a continuum exists between being extremely loyal and being very non-loyal, they have not gone any further in identifying points along the way. Nor do they provide any real understanding for why a given customer may be at a particular point along the suggested continuum. In contrast to this Dick and Basu (1994) identify different degrees of loyalty and review management implications associated with their categorisation. It is therefore worth reviewing the Dick and Basu approach and its relevance to the professional service context.

Dick & Basu propose the existence of four client loyalty states that result from the strength of the relationship between an individual's relative attitude towards a service provider and loyalty behaviour as evidenced by repeat patronage. Dick & Basu determine relative attitude by combining the strength, or extremity, of an individual's attitude towards a supplier and the degree of difference among suppliers perceived by that individual.

Figure 2.13 Relative Attitude

		<i>Attitudinal Differentiation</i>	
		No	Yes
<i>Attitudinal Strength</i>	Strong	Low Relative Attitude	Highest Relative Attitude
	Weak	Lowest Relative Attitude	High Relative Attitude

Dick & Basu (1994) p.101

Dick & Basu posit that the relative attitude results in differences in repeat patronage behaviour, which in turn leads to one of four specified loyalty states, as below:

Figure 2.14 Loyalty States

		<i>Repeat Patronage</i>	
		High	Low
<i>Relative Attitude</i>	High	Loyalty	Latent Loyalty
	Low	Spurious Loyalty	No Loyalty

Dick & Basu (1994) p.101

Latent loyalty occurs when customers have a strong preference for, or positive relative attitude towards, a service provider but do not “*exhibit high repeat patronage due to some situational or environmental variable*” (Javalgi & Moberg 1997, p. 167). So latent loyalty would occur where a customer was particularly happy with a service provider, such as a restaurant, but sought other providers out of a desire for variety. Given this scenario there is unlikely to be a great deal of latent loyalty among clients of professional service providers, particularly law firms.

In contrast to this, *spurious*, or “*partial*” (Ennew and Binks, 1996) loyalty occurs when customers frequently avail themselves of the service provision but actually perceive little differentiation among service providers. Such customers may easily move to another service provider if, for example using an alternative provider became more convenient, because their behavioural loyalty does not reflect a particular preference for that provider.

Customers who have no preference for the provider, perhaps because they perceive little differentiation and also re-patronise infrequently have no loyalty to the organisation. They suggest that behavioural loyalty alone could reflect a "routine-bound" approach and such customers may not be attitudinally loyal because they are dissatisfied with the service provider and willing to change their routine if a more convenient provider was available.

So loyalty, the ultimate goal, brings an organisation customers who think highly of them, have a preference for dealing with them and repeat purchase, or use their services frequently. In short wholly loyal customers exhibit both attitudinal and behavioural loyalty. Perhaps customers in this box, who exhibit both behavioural and affective/attitudinal loyalty are those that Gremler and Brown (1996) categorise as "cognitively" loyal. This is consistent with the findings of Mittal & Lassar (1998) and Jones and Sasser (1995) that very satisfied customers demonstrate a more direct link between their attitude and behaviour than those who are merely satisfied.

However, the usefulness of this model is somewhat limited in two important respects. First, there are limitations for the model in the context of legal service provision, and secondly the model only deals with outcomes from dedication-based maintenance and not constraint-based relationship maintenance.

First, as Dick & Basu (1994) point out, repeat patronage can be influenced by situational variables and the legal service context appears to be a good example of this. So, private clients are generally less likely to have a need for repeat patronage within a given time period than commercial clients. As such commercial and private clients are likely to occupy different quadrants within the Dick & Basu framework as a direct result of the frequency of occurrence of their respective legal needs. So commercial clients are likely to be either *loyal* or *spuriously loyal* while private clients are likely to be either *not-loyal* or *latently loyal*. This is not a realistic reflection of the legal service context.

Secondly, although a possible interpretation of spurious loyalty is that it models constraint-based relationship maintenance because the relative attitude is low in spite of the repeat purchase behaviour, the model (based upon the commitment/loyalty literature) suggests that the only client behaviour indicating loyalty, or a desire to continue the relationship, is that of

repeat patronage. By inference this suggests that the only benefit that a commercial organisation receives from client loyalty is the revenue associated with repeat patronage. However, clients of service organisations may well engage in other behaviours that also benefit a service provider (as opposed to a product manufacturer). So the Dick & Basu model offers only limited insight into the professional services context.

In fact the services marketing and relationship marketing literatures have already identified sufficient other important outcomes of service loyalty for any further study to consider merely measuring repeat purchase behaviour to be adequate.

Within the services marketing literature Zeithaml, Berry and Parasuraman (1996) suggest that loyalty can be operationalised as customers: recommending the company to others who seek advice; encouraging friends and relatives to do business with the organisation; saying positive things about the company; considering the organisation as the first choice provider; and continuing to do business with the organisation in the next few years.

Interestingly 3 out of the 5 outcomes posited by Zeithaml *et al* relate to the impact that the loyal customer has on others. This clearly suggests that loyal behaviour has an impact beyond that of the classic dyad of service provider and client/customer. The two behavioural outcomes that relate to the relationship itself relate to repeat patronage, but only to behavioural intentions, not actual or observable behaviours.

Within the relationship marketing literature Morgan & Hunt (1994) considered the effect that trust and relationship commitment (dedication-based motives to maintain a relationship) had on five "qualitative outcomes", none of which were repeat purchase or repeat patronage: Acquiescence; Propensity to leave; Cooperation; Functional conflict and Uncertainty. Bendapudi & Berry (1997) identify repeat patronage as only one of six behavioural outcomes of relationship maintenance the rest being: Interest in alternative providers; Acquiescence; Co-operation; Relationship enhancement; Identity with the service provider and Advocacy for the service provider.

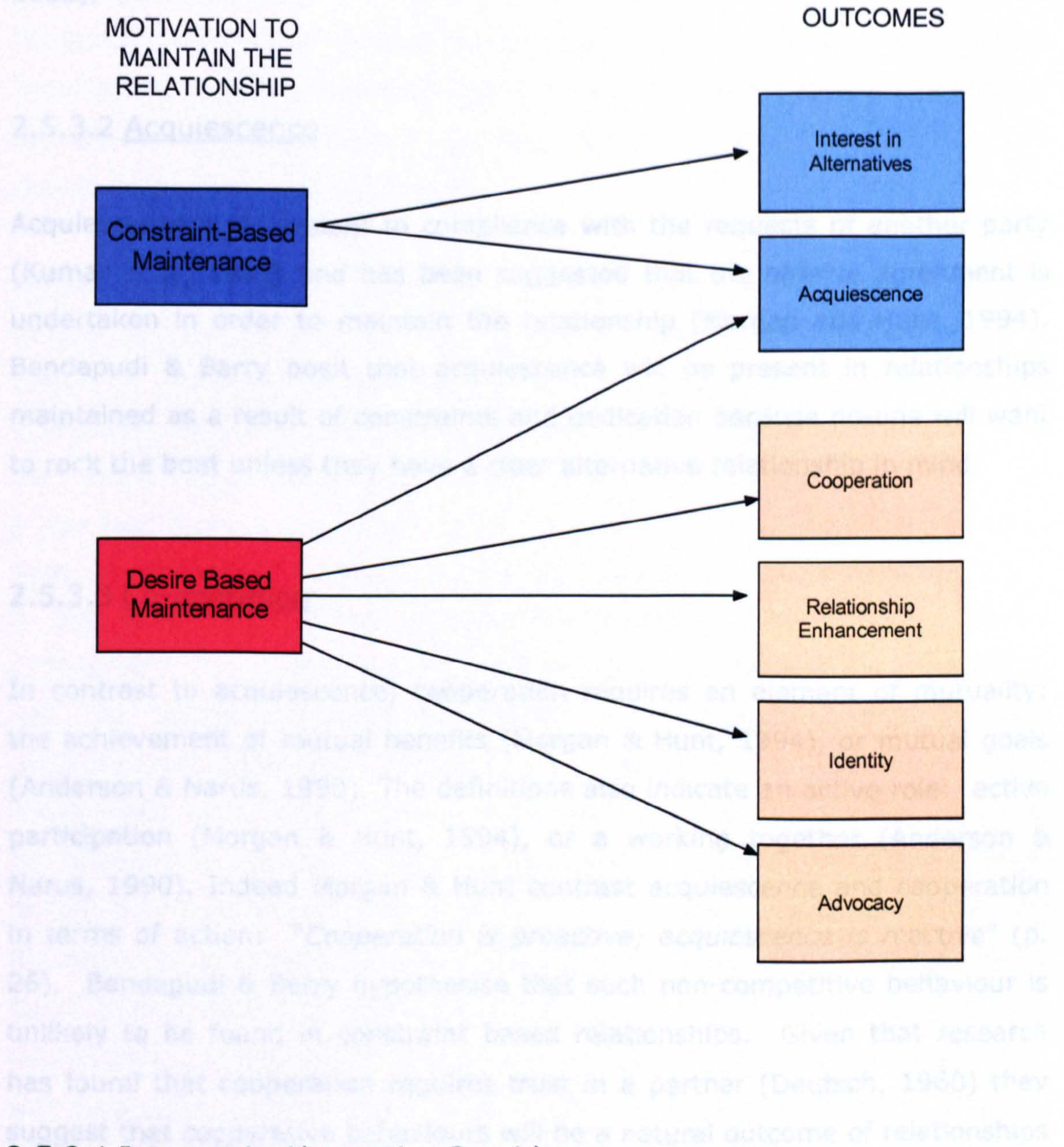
Once again it is important to note that while both Zeithaml *et al* (1996) and Morgan & Hunt (1994) were only concerned with dedication-based

relationships Bendapudi & Berry (1997) posited that behavioural outcomes depend upon the client's motivation to maintain the relationship. They suggest that constraint-based motivation will lead to passive behavioural outcomes while dedication-based relationship maintenance will lead to active behavioural outcomes. In a similar vein Ennew & Binks (1999) suggest that co-operative co-production behaviours depend upon clients having a positive perception of the relational atmosphere. Both sets of authors make it clear that positive perceptions of the relationship lead to a significantly wider range of behavioural outcomes than just repeat patronage. So it is important for any further empirical studies to determine whether clients do exhibit the range of client behaviours within relationships proposed by Bendapudi & Berry (1997), Morgan & Hunt (1994) and Ennew & Binks (1999), rather than limiting any study to repeat patronage.

2.5.3 Outcomes Dependent upon the Motivation to Maintain the Relationship

Bendapudi & Berry (1997) hypothesise the following outcomes dependent upon the motivation to maintain the relationship:

Figure 2.15 Outcomes Dependent upon the Motivation to Maintain the Relationship



2.5.3.1 Interest in Alternative Providers

Bendapudi & Berry posit that customers who maintain relationships as a result of constraints will terminate the relationship when the constraints no longer exist. Resource dependency theory supports their view. Parties dependent upon one supplier of a scarce resource have been found to reduce their dependence by developing substitute sources (Pfeffer and Salancik, 1978). Furthermore, a lack of suitable substitutes, or alternative providers, acts as a significant constraint to maintain relationships (Stanley and Markman, 1992). In contrast, those maintaining relationships as a result of dedication are less likely to be interested in other providers. Bendapudi & Berry suggest that while such customers "will not be blind to alternatives; ... they are less likely to search for them" (p. 29). Such customers will also be less interested in the marketing efforts of competitors and this is another good reason for

developing dedication-based relationship maintenance (Cross and Smith, 1995).

2.5.3.2 Acquiescence

Acquiescence is equivalent to compliance with the requests of another party (Kumar *et al*, 1992) and has been suggested that the passive agreement is undertaken in order to maintain the relationship (Morgan and Hunt, 1994). Bendapudi & Berry posit that acquiescence will be present in relationships maintained as a result of constraints and dedication because no-one will want to rock the boat unless they have a clear alternative relationship in mind.

2.5.3.3 Co-operation

In contrast to acquiescence, cooperation requires an element of mutuality: the achievement of mutual benefits (Morgan & Hunt, 1994), or mutual goals (Anderson & Narus, 1990). The definitions also indicate an active role: active participation (Morgan & Hunt, 1994), or a working together (Anderson & Narus, 1990). Indeed Morgan & Hunt contrast acquiescence and cooperation in terms of action: "*Cooperation is proactive; acquiescence is reactive*" (p. 26). Bendapudi & Berry hypothesise that such non-competitive behaviour is unlikely to be found in constraint based relationships. Given that research has found that cooperation requires trust in a partner (Deutsch, 1960) they suggest that cooperative behaviours will be a natural outcome of relationships maintained through dedication.

Ennew & Binks (1999) studied the impact that *cooperative behavior* (Bettencourt, 1996; Marion, 1996), or *consumership* (Anderson *et al*, 1994), had on customers' perceptions of the quality of, and their satisfaction with the relationship and how this ultimately influences retention. The hypothesis for the study, which was set in the small business banking context, was that active participation by both parties would result in raised client perceptions of service quality, enhanced client satisfaction and a greater likelihood of client retention. The rationale being that the way in which customers participate in service provision may affect the service provider's performance of the service. Customers that do not provide timely, accurate and complete information may receive a delayed or even an inappropriate service performance. Conversely

customers who provide appropriate information when needed and adopt appropriate roles may receive a service that is more appropriate to their needs because they have taken the trouble to familiarise the service provider with their specific requirements. Furthermore, the more customers familiarise themselves with the service provided the less likely they are to have unrealistic performance expectations.

Ennew & Binks (1999) posited three broad dimensions to comprise their general concept of participation: information sharing between supplier and customer; responsible behaviour (being a "good client") and personal interaction with individual service providers. Their empirical study found that the sharing of information was less important and that personal interaction (in a way that reduces the degree of fear in a relationship) was more important than expected. The definition of personal interaction is similar to that of trust in that it reduces the fear of opportunistic behaviour by the other party. Furthermore they noted that the institutional atmosphere of the relationship had the biggest influence on customer participation levels; customer perceptions of quality and satisfaction and customer retention levels. All of these levels were reduced where customers perceived their maintenance of the relationship was due to negative constraints. Although there is a conflict, in that Ennew & Binks (1999) suggest that cooperative behaviours influence the attitudes customers have towards the relationship whereas Bendapudi & Berry (1997) posit that cooperative behaviours are the result of particular motivations to maintain the relationship, the key finding is entirely consistent with Bendapudi & Berry's (1997) hypothesis that constraint-based relationship maintenance will result in less positive behavioural outcomes than dedication-based relationship maintenance. Indeed further support for the Bendapudi & Berry hypothesis is provided by Morgan & Hunt (1994) who found that trust, leading to commitment (dedication) is critical for cooperation.

2.5.3.4 Relationship Enhancement

This refers to the client broadening and deepening the relational bonds that exist with the service provider (Cross & Smith, 1995); or investing to enhance the relationship "*beyond the status quo*" (Bendapudi & Berry, 1997, p.29). The interpersonal relationships literature demonstrates that individuals who are dedicated to a relationship are willing to make additional investments to create additional ties whereas those who feel constrained to remain within the

relationship are most reluctant to do so (Duck, 1994). So Bendapudi & Berry (1997) hypothesise a similar outcome for business relationships and posit that clients who undertake activities or investments to enhance a relationship will do so only if dedicated to maintain the relationship.

2.5.3.5 Identity

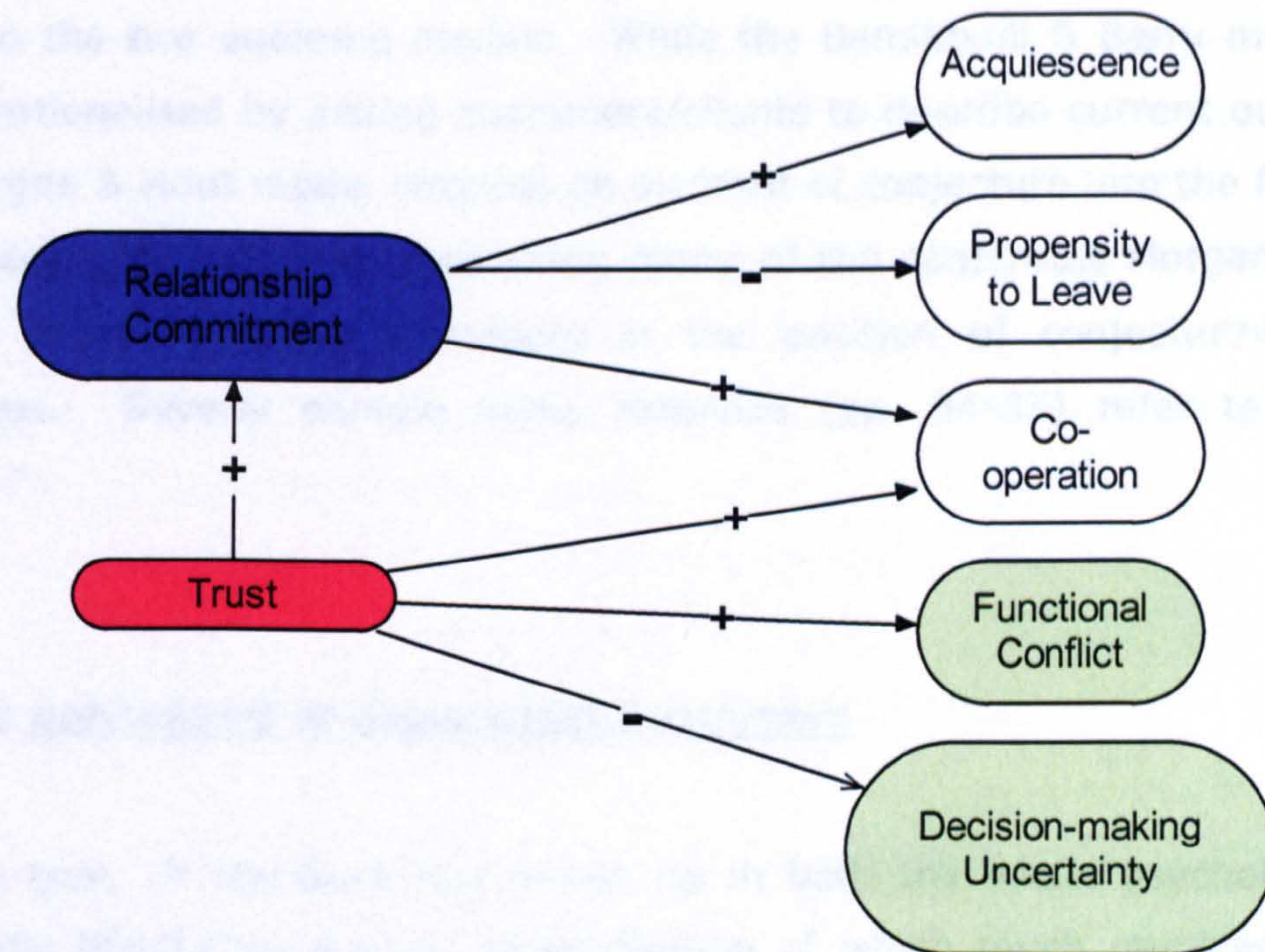
Identity with a service provider is said to occur when a customer thinks of the relationship partnership as a team (Stanley and Markman, 1992) and refers to the partner in "*proprietary terms*" (Bendapudi & Berry, 1997). In the legal service context this would be a reference to "my solicitor", "my legal team", or "our law firm". It is suggested that such identification requires trust and therefore a dedication to maintain the relationship. The inference is that a client maintaining a relationship on the basis of constraints would refer to "the solicitor dealing with the matter..." etc.

2.5.3.6 Advocacy

The inclusion of advocacy as an outcome is entirely consistent with the Payne *et al* (1995) model of the "relationship ladder" which suggested that the ultimate goal of an organisation is to encourage customers to act as advocates for the organisation. Service organisations are particularly vulnerable to negative word-of-mouth (Ritchins, 1983) and consequently are especially likely to benefit from client advocacy because personal sources of information are more critical within service provision than for products (Murray, 1991). Clearly such an outcome would only be anticipated from customers involved in dedication-based relationship maintenance.

In addition to the six outcomes of relationship maintenance hypothesised by Bendapudi & Berry (1997), Morgan and Hunt (1994) empirically studied that of "functional conflict" and "decision-making uncertainty":

Figure 2.16 Additional Outcomes from Morgan & Hunt (1994)



2.5.3.7 Functional Conflict

Recognising that there will always be an element of conflict and disagreement within relationships (Dwyer *et al*, 1987), Morgan & Hunt defined "functional conflict" as occurring when "*disputes are resolved amicably*" (p.26). They propose that trust is an imperative for functional conflict and therefore, by implication within the Bendapudi & Berry model, would only occur in dedication-based relationships.

2.5.3.8 Decision-making uncertainty

Drawing on Achrol and Stern (1988), Morgan and Hunt (1994) define uncertainty in decision making as "*the extent to which a partner (1) has enough information to make key decisions, (2) can predict the consequences of those decisions, and (3) has confidence in those decisions.*" (p. 26). They suggest that the presence of trust reduces the uncertainty in decision-making. As such the Bendapudi & Berry model would anticipate uncertainty in decision-making resulting from constraint-based relationships and certainty in decision-making resulting from dedication-based relationships.

It is also worth noting that Morgan & Hunt (1994) include "propensity to leave" rather than "interest in alternatives" within their model. This, along

with the final two factors discussed above illustrates an important difference between the two outcome models. While the Bendapudi & Berry model can be operationalised by asking customers/clients to describe current outcomes, the Morgan & Hunt model requires an element of conjecture into the future by customers. Indeed when measuring many of the constructs Morgan & Hunt (1994) chose to place customers in the position of conjecturing future outcomes. Several sample items recorded (pp. 34-35) refer to "*in the future...*".

2.5.3.9 Behaviours of Dissatisfied Customers

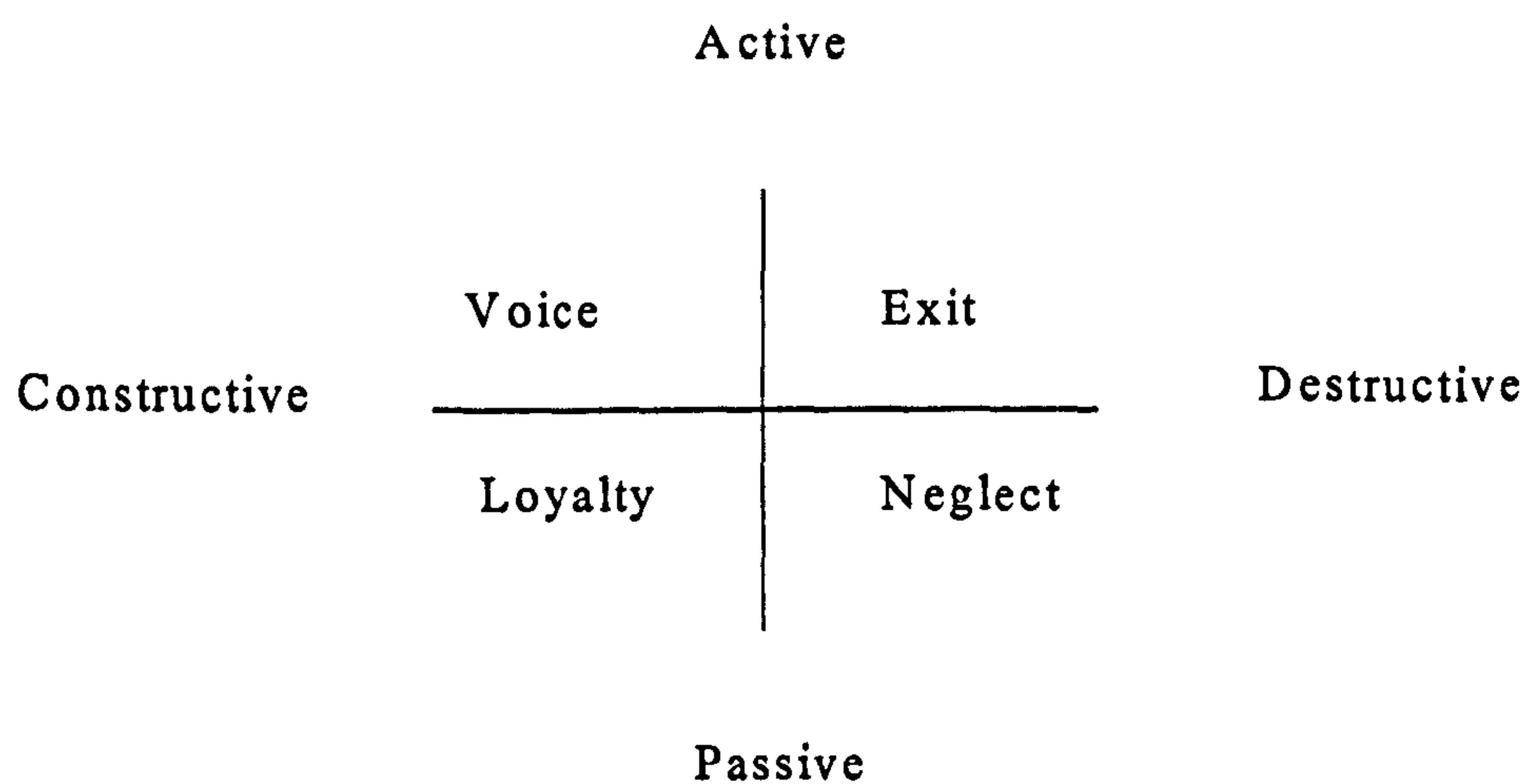
A large body of literature has grown up in both the social psychology and marketing disciplines around dissatisfaction of which much revolves around the "Exit, Voice and Loyalty" framework proposed by Hirshman (1970). While exit from a relationship is clearly not relevant to this study which seeks to explain client behaviours within the client-solicitor relationship, voice and loyalty are helpful concepts to review.

Loyalty behaviours resulting from dissatisfaction are defined by Rusbult *et al* (1986) as "*remaining passively loyal to the relationship, waiting for conditions to improve ... wishing and hoping that things will change, giving things some time....*" (p. 46). This implies that loyalty behaviours can be both active and passive. This raises two issues for this study. First what is meant by loyalty and secondly whether it is possible to measure passive loyalty behaviours as well as active behaviours.

The definition of loyalty arising from dissatisfaction above suggests that the maintenance of the relationship is an appropriate interpretation of loyalty for this study. Presumably desire-based motives will result in active loyalty behaviours while constraint-based motives will result in passive loyalty behaviours. Morgan & Hunt's (1994) finding that acquiescence (compliance) is present in successful relationships and Bendapudi & Berry's (1997) hypothesis that acquiescent behaviour may be found in relationships maintained as a result of both desire and constraints provides support for the ability to measure both passive and active behaviours within relationships.

Rusbult and Zembrodt (1983) identified a fourth response to dissatisfaction, that of neglect. Neglect within romantic relationships is defined by Rusbult et al (1986), as “*passively allowing the relationship to atrophy, etc., ignoring the partner or spending less time together, criticising the partner for things unrelated to the real problem, refusing to discuss problems, and treating the partner badly*” (pp. 46-47). Within the business context, Ping (1993) and Reichheld (1996) acknowledge a range of customer behaviours associated with “*reduced relationship contact*” (p. 321). Reichheld (1996) identified a scale of severity for customer defections ranging from total defection (exit) to those who only move some of their purchases, or even those who spend more but this increase represents a “*smaller share of wallet*” (p. 60).

Figure 2.17 Responses to Dissatisfaction



[Source: Rusbult et al (1986)]

The important distinction to draw is that both exit and voice are active responses while neglect and loyalty (relationship maintenance) are passive responses. The diagram above demonstrates that behaviours associated with neglect have a destructive impact on relationships and are not as neutral as the title might suggest. This point was emphasised by Colgate and Stewart (1998) in their empirical study into the appropriateness of a relationship approach for retail banking in New Zealand. They identified a customer response of “*inertia*” (p. 463) towards dissatisfaction. They stress that although the customer may not exit from the relationship they may well start “*allocating their resources to other banks, or start spreading negative word of*

mouth when they receive bad service" (p. 463) both of which will quickly have a negative impact on the service organisation.

Finally the concept of voice provides this study with an active customer response to dissatisfaction that can be measured. Hirschman (1970) suggests that *voice* takes place when "the firm's customers or the organisation's members express their dissatisfaction directly to management or to some other authority to which management is subordinate or through general protest addressed to anyone who cares to listen...." (p. 4). He further defines voice as "any attempt at all to change, rather than to escape from, an objectionable state of affairs...." (p. 30). In one sense this behaviour may be represented by Morgan & Hunt's *functional conflict*, particularly when such behaviour takes place within a successful, or effective relationship where clients are motivated to maintain the relationship by desire. So, how would such behaviour become evident within an unsuccessful relationship where clients maintain the relationship as a result of constraints?

Day and Landon (1976) found that a significant proportion (47%) of those dissatisfied with a service provision tell others about their dissatisfaction, urging them to boycott the products or service providers in question. Keaveney (1995) found that 75% of customers that had switched service providers had told at least one other person, and usually it was more than one person. Apparently dissatisfied customers tell their friends and family about their experience in order to "warn" them (Day and Bodur, 1978 p. 263).

Such customer behaviour is generally referred to as spreading negative word of mouth within the marketing literature. By defining negative word-of-mouth as "telling others about the unsatisfactory product or retailer" Richins (1983) distinguishes word-of-mouth from "voice" which she considers to encompass "making a complaint to the seller or to a third party" (p. 68). This is further evidence to support the basic approach of this study in terms of its focus on both functional and dysfunctional relationships. This study will expect to find Morgan & Hunt's (1994) functional conflict (voice) within functional relationships and Richins' (1983) negative word-of-mouth present within dysfunctional relationships.

Research has shown (Murray, 1991) that customers (and potential customers) of service organisations rely even more heavily on personal sources of

information than they do for product purchases. This research, along with the high proportion of dissatisfied customers that chose to engage in negative word-of-mouth behaviours led Day and Landon (1977) to suggest that “*knowledge of the private actions of consumers may be more significant to marketers than the visible actions of those who seek redress or complain about their experiences*” (Day and Landon, 1977 p. 430).

2.5.4 Summary

When the outcomes discussed above are compared with the Dick and Basu (1994) loyalty model, it is clear that repeat patronage is too narrow a focus for any study examining outcomes of relationship maintenance, particularly a study considering both functional and dysfunctional relationships. Certainly within the legal services context, repeat patronage is not the only way in which a law firm can benefit from clients who are motivated by dedication to maintain their relationships. Indeed Bendapudi & Berry (1997) consider repeat patronage as one way in which a client can *enhance* (broaden and/or deepen) the relationship. In terms of the legal service context, “Good clients” who engage in co-operative co-production behaviours (Bendapudi & Berry, 1997; Ennew & Binks, 1999) may reduce a lawyer’s service provision costs. Referring friends, colleagues and family contacts to “their lawyer” will result in additional revenue for the firm. Conversely, “bad clients” may drain the law firm of considerable resources required to maintain a constraint-based relationship when there is no opportunity for the relationship to grow and develop. Bad clients may also exert enormous negative influences on future business opportunities through the spreading of negative word-of-mouth.

2.6 SUMMARY

The research aim for this study is to determine if it is possible for solicitors to manage their relationships with their clients in order to increase client retention rates over an extended period of time. Three specific research objectives will guide this study:

1. to understand, compare and contrast, the motives of private and commercial clients to maintain relationships with solicitors;

2. to determine whether specific motives for maintaining relationships with solicitors directly influence client behaviours within those relationships; and
3. to construct a model to explain client behaviours within the client-solicitor relationship.

To that end, this chapter has discussed extant literature in order to identify theories and models that can usefully contribute towards an explanation of client behaviours within the client-solicitor relationship. The chapter commenced with a discussion of different motives for maintaining relationships and highlighted the Bendapudi & Berry (1997) theoretical proposition that functional and dysfunctional relationships are likely to result from different motivations for maintaining the relationship. Two specific motives for relationship maintenance were identified: desire-based, the “want to” motive and constraint-based, the “have to” motive. Given the hypothetical nature of the Bendapudi & Berry propositions there is a need for an empirical study to examine whether relationships are maintained with professional service providers as a result of these two different motives. An empirical study based upon Bendapudi & Berry’s (1997) hypothesised propositions should provide the basis for understanding, comparing and contrasting, the motives of private and commercial clients to maintain relationships with solicitors which is the first research objective for this study.

The discussion moved on to identify factors posited to mediate the motives for relationship maintenance. This discussion explained that potential conflicts between models indicating different mediating factors were not in fact conflicts and that differences between the two key models, one arising from Morgan & Hunt’s (1994) empirical study the other hypothesised by Bendapudi & Berry (1997) were developed to address different research questions. Hence Morgan & Hunt (1994) concentrate on Commitment and Trust as requirements for successful relationships, while Bendapudi & Berry (1997) focus upon Trust and Dependency as mediating constructs influencing both successful/functional and unsuccessful or dysfunctional relationships. The discussion clarified the contributions of both models to this study which seeks to develop a model to explain client behaviours within the client-solicitor relationship by drawing together and disentangling various definitions and perspectives on desire-based and constraint-based relationship maintenance. Trust was identified as the key differentiator between functional and

dysfunctional relationships. Trust in a partner clearly plays a central role in dedication-based relationship maintenance whereas dependence upon the partner appears to be a central feature when relationships are maintained as a result of constraints. Bendapudi & Berry (1997) and Morgan & Hunt (1994) both suggest that the presence of trust characterises the successful, effective and therefore functional relationship whereas a lack of trust characterises the unsuccessful, ineffective, or dysfunctional relationship. There is a gap in the literature in relation to the presence and influence of dependency, trust and commitment within professional service relationships and whether a causal relationship exists between trust and commitment within the professional service context.

Antecedent influences on motives to maintain relationships were identified through a review of relevant contributions from a number of disciplines including: interpersonal relationships; services marketing; relationship marketing; economics and channel management. Antecedent factors leading to trust and dependency were identified and related to the legal service context. These factors comprised environmental variables; partner variables; customer variables and interaction variables. However, to date neither the presence, nor influence, of these variables has been determined within the professional service context.

Finally, various outcomes of relationship maintenance were discussed. The discussion concluded that the model proposed by Dick & Basu (1994) is too restrictive given its focus on only one behavioural outcome, that of repeat purchase or re-patronage of a service provider. Clients are likely to exhibit a much larger range of behaviours, depending upon their motive for maintaining the relationship, which may have both positive and negative impacts upon a service provider. Given that this study is concerned with both functional and dysfunctional relationships there will be an emphasis given to measuring as many different behaviours as possible to determine whether there is indeed a relationship between different motives to maintain relationships with professional service providers and specific client behaviours within those relationships, which is the second research objective for this study.

The next chapter will discuss the research philosophy underpinning this study and the need for a multi-staged approach. That chapter will also provide

details of the first research stage, that of the qualitative study which will inform the development of the measurement instrument. The qualitative study will comprise one-to-one in-depth interviews with both commercial and private clients to explore the relevance and applicability of the constructs discussed in this chapter to the client-solicitor relationship. The findings from that qualitative study are reported in the fourth chapter of this thesis which concludes with a conceptual framework which will guide the development of the measurement instrument to be discussed in chapter five. The development of the conceptual framework draws upon insights provided within this chapter which are modified following the qualitative research.

CHAPTER 3: METHODOLOGY

3.1 INTRODUCTION

The aim of this study is to address the research questions suggested by the relationship marketing literature within the context of the professional service provision. The previous chapter, which reviewed extant literature surrounding customer motivations for maintaining relationships with service providers and their ensuing loyalty behaviours, highlighted empirical knowledge gaps that would be legitimate areas for future research to investigate. This chapter seeks to evaluate alternative research methodologies that could be utilised to investigate the propositions previously outlined, and then justifies the methodological choice made with reference to the need for practicality of execution.

The achievement of the research objectives for this study required two research studies. An exploratory qualitative phase, which involved depth interviews with commercial (6 interviews) and private clients (11 interviews), was followed by the analysis of quantitative data collected from 287 private clients. This method triangulation is consistent with the location of this study within the post-positivist methodology and discussed in depth within section 3.3.1. below. The findings from the qualitative study are presented within chapter four while the analysis of the quantitative results is presented in chapter six. The qualitative study was considered important enough to warrant a chapter since the findings did more than just inform the development of the measurement instrument. The discussion of the findings also determined which of the posited constructs were worth pursuing into the quantitative phase; and which of the two client groups would provide a more useful population for the study. The more traditional structure for a thesis has been circumvented on this occasion to enable the reader to gain a better insight into the decision making process that resulted in the questionnaire eventually used.

The next section outlines the philosophical debate which surrounds the choice of research paradigms and the role for research method triangulation, which is the approach taken by this study. Then the aims and primary research objectives are restated for this study. Finally the chapter provides an outline

of the qualitative research stage, providing justification for the inductive research method adopted to explore the research questions raised by the literature and necessary to develop the model. The findings from the qualitative research stage are presented in chapter four before the thesis returns to methodological issues surrounding the development of the questionnaire and the subsequent data collection in chapter five.

3.2 THE PHILOSOPHY OF MANAGEMENT RESEARCH

When developing a research methodology it is important to consider the philosophy of research, particularly the belief in the objective or subjective existence of data (ontology), and how we come to know of, and understand, that data (epistemology). The two main paradigms are positivism and phenomenology.

3.2.1 The Positivist Approach

The positivistic approach, also referred to as functionalist (Burrell & Morgan, 1979) or logical empiricism (Deshpande 1983) is founded on the belief that "the social world exists externally, and that its properties should be measured through objective methods, rather than being inferred subjectively through sensation, reflection or intuition" (Easterby-Smith *et al*, p. 22).

Positivists claim an external reality existing independently of our knowledge of it. This ontological realist position is reflected in an epistemic belief in the correspondence theory of truth: "*that the truthfulness of an account or theory is determinable by direct comparison with the indisputable facts of a neutrally accessible reality. If they fail to correspond then the theory, or account, must be rejected*" (Johnson & Duberley, 2000, p.73). They further claim that researchers act as mirrors, and their results reflect the world as it actually is.

In addition, positivistic researchers claim an epistemic privilege through the subject-object dualism. They believe that because the world exists independently of our knowledge of it any research to determine fundamental laws must be value-free and that such observers, like the world they observe, are objective. So they claim to be able to objectively observe the research

object/phenomena without becoming involved or exerting any influences. In addition to being neutral observers, positivists also believe in the existence of a "theory-neutral" observational language that enables researchers to report what actually exists free of any interpretative biases.

The positivistic methodology is said to be nomothetic because it is located in the natural sciences and attempts to replicate the protocols and procedures derived from the natural sciences. This approach seeks to represent, measure, predict and explain causes of social phenomena without reference to subjective interpretations to understand why the phenomena occurs in the first place. There is a commitment to "discover" and determine the fundamental laws governing social phenomena. This reductionist perspective leads to an emphasis on the generalisability of the research rather than the contextual nature of knowledge. Hence many positivistic studies are cross-sectional, particularly within the business and management discipline.

This positivist approach is usually associated with a management agenda committed to continual improvement and has been referred to as a "progressivist" approach by the postmodernists, Brown and Patterson (2000). Within the marketing literature such an approach is present where research is conducted to enable marketers develop more effective marketing strategies that take account of customer needs. The vast majority of marketing research follows this dominant management agenda and can therefore be placed within the positivistic research paradigm. Indeed it was this heavy bias towards positivistic studies using quantitative methods that led to Deshpande's call for greater use of qualitative research methods within the marketing field (1983). He felt that marketing research had suffered from an over-reliance on quantitative research, the consequence of which was that marketing had "*...grown more rapidly in the area of hypothesis testing than in the development of new rich explanatory theories,*" (p. 108).

So given that the aim of positivistic research is to produce results that correspond to an independent and external reality, there is a need to adopt a well controlled research process that measures the phenomena to an acceptably scientific standard. This approach therefore demands a high level of reliability - the ability to replicate the results in order to be effective. So the positivistic approach requires representative sample bases and is heavily dependent upon quantitative data and statistical analysis in order to

generalise findings to social and human behaviour. Thus the positivistic paradigm usually involves the use of quantitative research methods.

It is important to note that in its original, or pure form, positivism uses an inductive research methodology that commences with an observation, the measurement of which results in theory generation. Positivists are therefore simultaneously committed to both induction and empiricism. So the logical, or empirical, positivist would not accept the possibility of researching a phenomena that can not be observed, such as a quark. This is a problem for positivists and an inability to maintain these dual commitments has led to the development of the "post-positivist" movement, which is discussed below (3.2.3).

3.2.2 The Phenomenological Approach

In contrast to positivism the phenomenological, or interpretive (Hirschman, 1986), approach is concerned with understanding behaviour from the perspective of those involved. Easterby-Smith *et al* (1991) summarise this approach as one which accepts that "*human action arises from the sense that people make of different situations, rather than as a direct response from external stimuli*" (p. 24).

Phenomenologists, sometimes referred to as social constructionists, reject the realist ontology of positivism and believe that "*reality is socially constructed rather than objectively determined*" (Easterby-Smith *et al*, p.24). Hence the nominalist ontology that reality is simply a product of our minds or a projection of consciousness and therefore a cognition without independent status (Burrell and Morgan, 1979). This ontological position is reflected in an epistemic belief in the consensus theory of truth: "*that any judgement as to the truthfulness of an account or theory is the outcome of, and is nothing more than, socially established agreement, or convention, between those who share a particular paradigm or frame of reference. 'Truth', therefore, is a term attached to a set of beliefs that have managed to prevail in a particular social context.*" (Johnson & Duberley, 2000, p. 73). So, in contrast to positivistic research, interpretative research provides a lens rather than a mirror.

Consistent with their commitment to a subjective ontology, Interpretivism rejects the positivistic claim of epistemic privilege. Since the "out there" does not exist independently of knowers, the researcher can not be a neutral observer and there is no such thing as a "theory-neutral" observational language. The researcher does not seek to stand back and objectively observe phenomena, but to understand the meaning ascribed to it, or the sense made of it, by the culture/group being researched. It is therefore critically important that the researcher is able to use and understand the language used by the "knowers" being researched. Hence the use and interpretation of language plays an important role in Interpretivist or phenomenological methodologies but is almost non-existent in positivistic methodologies.

The interpretivist or phenomenological methodology is said to be ideographic because it seeks to reveal internal logics that underpin human action through the use of research methods that enable the researcher to gain access to the researched culture. The phenomenological approach seeks an in-depth understanding of why behaviours occur. It is more concerned with understanding and explaining different behavioural processes and individual experiences than with the measurement of how often behavioural outcomes occur.

So given that the aim of interpretivist research is to provide an account from the participant's perspective, validity is the more important assessment tool for this approach - "Has the researcher gained full access to the knowledge and meanings of informants" (Easterby-Smith *et al*, 1991, p.41). This emphasis on the contextual nature, rather than the generalisability, of the knowledge is also in direct contrast with that of positivism as is the concern to gather "thick descriptions" or "rich data" rather than to reduce the data to the fundamental laws that concern the positivistic researcher. Consequently qualitative research methods tend to be more widely used when researching within this paradigm. Interpretivist/phenomenological researchers often use multiple research methods and, in contrast to positivistic researchers are generally concerned with in-depth studies of small samples, often over time. Such methods include ethnography; case studies; depth interviews and focus groups among others. However it is important to note that research methods are not always dictated by the ontological and epistemological perspective of

the researcher. Qualitative methods are not the exclusive domain of interpretivism or phenomenology.

Easterby-Smith (1991) summarise the two dominant research paradigms in the following chart:

Figure 3.1 Key Features of the Positivist and Phenomenological Paradigms

Key Features of Positivist and Phenomenological Paradigms

	Positivist Paradigm	Phenomenological Paradigm
Basic Beliefs	The world is external and objective Observer is independent Science is value-free	The world is socially constructed and subjective Observer is part of what is observed Science is driven by human interests
Researcher Should:	focus on facts; look for causality and fundamental laws; reduce phenomena to simplest elements; formulate hypotheses and then test them	focus on meanings; try to understand what is happening
Preferred methods include:	operationalising concepts so that they can be measured; taking large samples	using multiple methods to establish different views of phenomena; small samples investigated in depth or over time

(Easterby-Smith et al, 1991, p.27)

3.2.3 The Emergence of “Post-Positivism”

While it is easy to confuse the methodological paradigms with their most probable research methods, and many writers do just that, it is too early in the debate to move onto research methods just yet. This section will review the problems associated with the positivists simultaneous commitment to induction and empiricism that led to the “post-positivism” movement.

The leading figure here is Karl Popper who published *The Logic of Scientific Discovery* in 1959 which proposed the hypothetico-deductive method of inquiry. To re-cap, (logical) positivists believed that only observable phenomena could be researched, or subjected to scientific enquiry. This is the inductive – verifiable approach. An observation is made which is then generalised into a theory which can be tested. Eg: The observation of a

white swan leads to the generalisability that ALL swans are white. Every white swan seen proves the theory. The emphasis in this inductive approach is on proving the original theory through further observations. The view that scientific enquiry could start with theory; develop a study to test that theory was not possible. This deductive approach would lead to the creation of a theory that all swans are white; the generation of a hypothesis that the next swan I see will be white. If the next swan that is seen is black the original theory is refuted and a new theory developed that reflects the reality as revealed at that time. "Truth" does not change but our knowledge of it does. The emphasis of this "post-positivist" approach is on "falsifying", rather than verifying, accounts or theories since the identification of only one instance where the theory does not hold true is sufficient to disprove a theory. This epistemic emphasis on refuting current theory rather than proving current theory is more likely to lead to the generation of theories, or accounts, that are better representations of truth.

The "crisis" within positivism in the early 1960's emerged out of a need to accept that much research into the physical science was beginning to "establish" the existence of entities that could not be observed. Scientists "know" phenomena such as quarks exist because of the causal relationships, or associations, with other phenomena. However the phenomena itself can not be observed. So the ontological position of "post-positivism" became a critical one - accepting that theoretical entities can also exist. This differentiates the position from positivism which adopts the naïve realism approach of believing only in phenomena that we have empirical knowledge of.

The epistemological position of how knowledge of the true world is gained also had to adapt to accept the fact that the generation of knowledge is a product of the knowledge that exists at the time - that our ability to ask questions that generate new knowledge changes. So although a totally objective epistemological perspective remains the ideal there is an acceptance of an interpretivist rather than a rationalist perspective here too - that researchers are a product of their social environment.

In terms of methodology there is also a move towards a critical multiplism, or triangulation of research methods; the use of more emic (personal)

viewpoints in order to increase understanding of the researched population and this implies a greater involvement by the researcher.

So, it appears that the key factor differentiating post-positivism from interpretivist methodologies remains the ontological commitment to an external and objective reality that we can gain better knowledge of as time, and research, increases our ability to ask the right questions and develop our knowledge of what exists. This can be summarised as a belief in an independent, or objective, reality even though we can not always observe it or observe it correctly.

3.3 RESEARCH METHODS

As seen above, both of the dominant methodological paradigms (positivism and phenomenology) have a tendency to be associated with particular research methods: positivism with quantitative methods and phenomenology with qualitative methods. However, the opening up of the positivistic paradigm to subjective epistemological commitments along with the acceptance of the hypothetico-deductive research method means that the dividing lines are no longer so deeply entrenched. So, all researchers need to consider the appropriateness of both research methods when designing a study.

Qualitative research has been criticised, by positivists, for its low reliability and *"the lack of work contributing toward a cumulative body of knowledge"* (Deshpande 1983 p. 107) while quantitative researchers have been criticised for not appreciating the *"shades of meaning behind their statistical formulations"* (Deshpande 1983 p. 107). But these criticisms detract from the fact that both methods have something to offer marketing researchers. In fact when the strengths and weaknesses of both methods are compared they are remarkably complementary. The strengths of one are related to the weaknesses of the other.

It has been said that *"... quantitative methods have been developed most directly for the task of verifying or confirming theories and ... qualitative methods were purposefully developed for the task of discovering or generating theories."* (Reichart & Cook 1979 p.17) Furthermore it is

Important to note that the over-use of one research methodology will, by implication, lead researchers in only one general direction. Deshpande (1983) felt that marketing research had suffered from an over-reliance on quantitative research, the consequence of which was that marketing had "... *grown much more rapidly in the area of hypothesis testing than in the development of new rich explanatory theories.*" (p. 108)

Quantitative methods can provide a better overview and measurement of behaviour patterns and outcomes; they are usually faster and more economical; and their reliance on larger samples can be a more effective aid for policy decision making than qualitative methodologies. However such methods can be artificial and inflexible, and because they lack the ability to explain the behaviour being measured, their role in theory development is limited. In addition, because quantitative methods concentrate on what is, or has been, the method offers only limited help when looking towards the future (Easterby-Smith *et al*, 1991).

In contrast, qualitative methods are more likely to contribute to the evolution of new theory through the understanding of behavioural process and individual experiences. On the downside qualitative data collection, while being more natural, usually necessitates more time and resources and it is less easy to control the speed and progress than quantitative data collection. Analysing and interpreting qualitative data is less well defined than for quantitative data, which in itself may lead to the lower credibility rating among policy-makers, who tend to adopt the positivistic management agenda, than quantitative methods (Easterby-Smith *et al*, 1991).

There can be little doubt that there is a place for both research methods within the marketing management field, with each method making valuable, but different, contributions to the advancement of knowledge within the positivistic paradigm.

"Our discussion of the distinction between paradigms leads us to believe that qualitative methodologies are more suited for theory construction or generation and quantitative methodologies for theory verification or testing. So while attempting to build a new theory or make an innovative theory construction contribution, a marketing scientist would be well

advised to carefully study and then put into practice qualitative methods. Once the theory has been developed or grounded, the application of quantitative methods would be more appropriate." (Deshpande, 1983 p. 107).

3.3.1 "Triangulation" of Research Methods within a post-positivist study

It is very possible that, because both quantitative and qualitative research methods offer a different contribution to knowledge development, arising from their different epistemic commitments, they could and should be used together within a post-positivistic study. Deshpande (1983) calls for the greater use of *"... triangulation of procedures [which] would then lead to using an appropriate mix of both quantitative and qualitative methods such that the weaknesses of one set of methodologies is compensated for by the strengths of the other and vice versa."* (p. 107).

Deshpande (1983) suggests that *"... even theory testing can gain from a triangulation of both quantitative and qualitative methodologies."* (p. 108). The use of qualitative research prior to a quantitative measurement stage will ensure the *"...development of a series of propositions that are rich with marketing meaning – propositions generated in some manner other than in a hypothetico-deductive linear fashion"*. (p.106). This view is based upon Sieber's (1973) assertion that qualitative fieldwork can contribute to quantitative research by assisting the design of surveys, the data collection and the data analysis processes. An in-depth understanding of the behaviour being measured will ensure that appropriate questions are asked in the first place. Using the terminology appropriate to the survey population respondents, making sure the respondents can respond effectively via a survey etc, can all be checked out through qualitative work first. Finally qualitative fieldwork prior to the survey design can help to interpret the statistical data in a way that brings it to life, giving practitioners specific action points. This stance is consistent with Hassard's (1993) reflection that his research *"would have benefited from starting in the interpretive paradigm rather than the functionalist."* (p. 109).

So the benefit of including an inductive, qualitative phase is to increase a researcher's understanding of the "knowers" in order to improve the validity

of the resultant quantitative measuring instrument. Clearly such a process merges an objective ontology with a subjective epistemology so there must be a need for a better understanding of the “knowers” within a particular research context to justify the need for an interpretivist qualitative phase within a study. This does appear to be appropriate for marketing studies where improved customer understanding might lead to changes in the way organisations deal with their customers, and particularly relevant within customer contexts that are currently under-researched.

While business and management studies using the positivistic paradigm clearly seek to measure or test extant theory, it is recognised that a greater understanding of the specific research context, from the participant’s perspective, might improve the validity of the quantitative research. While this merging of ontological and epistemological commitments is not possible for the logical, or empirical, positivist it is not in conflict with the post-positivist paradigm. Such an approach would appear to be appropriate when a research study seeks to contribute to knowledge by plugging gaps in extant theory. This is precisely the situation facing this research study.

3.4 THIS STUDY

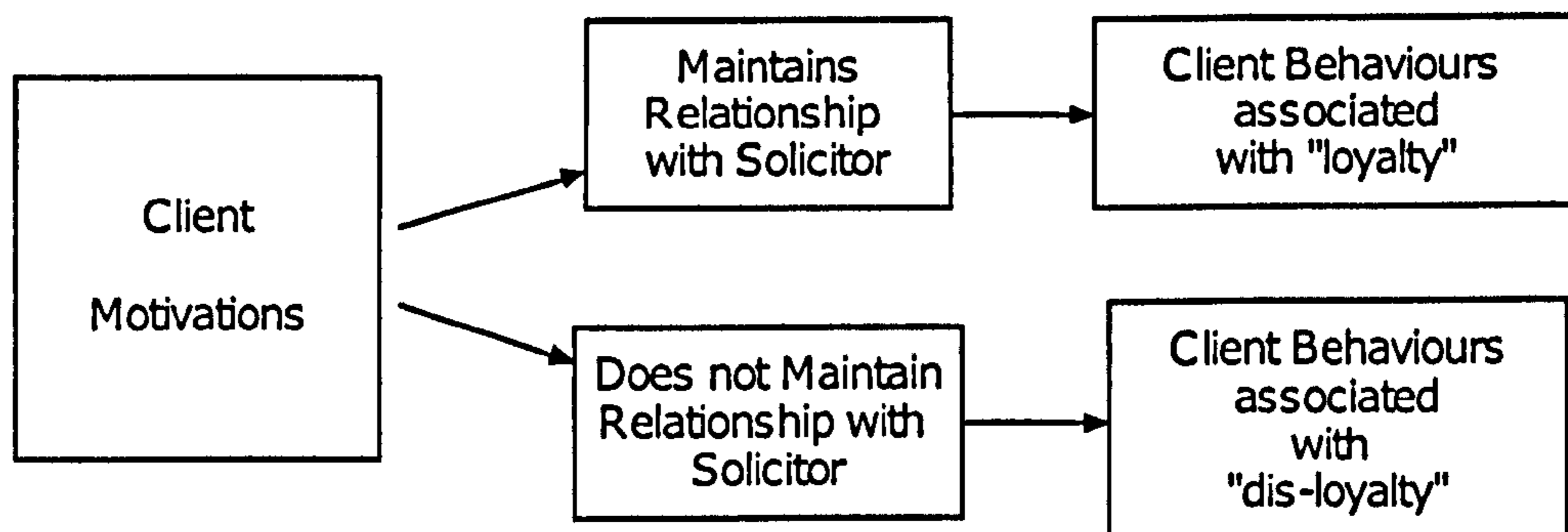
This exploratory study represents the first step towards the development of a model to explain private client behaviours within the client-solicitor relationship. This study aims to model the behaviour of clients of UK law firms in order to enhance understanding of relational influences on behaviour outcomes. The study is intended to have practical relevance to assist law firms to develop long-term profitable relationships and defection management strategies.

The study is predicated upon the proposition that clients behave differently within the client-solicitor relationship depending upon their motivation to maintain the relationship. The proposition is that some client behaviours arise from a desire to maintain a relationship with a solicitor or law firm while other client behaviours arise from a lack of motivation to maintain such a relationship. It is further posited that behaviours arising from a desire to maintain a relationship are associated with “loyalty” while behaviours arising

from a lack of motivation to maintain such a relationship are associated with "dis-loyalty".

These assumptions can be modelled accordingly:

Figure 3.2 Model of Research Assumptions



These propositions summarise the findings from the literature review which can be found in chapter 2. Although this study seeks a customer perspective it is important to note that much extant theory and empirical research reflects an organisational perspective, and is methodologically consistent with the positivistic research paradigm which dominates the marketing discipline.

3.4.1 The Philosophical Approach for this Study

This study is clearly located within the post-positivistic methodological paradigm. There is a clear management aim, or agenda, for the study: to identify ways in which lawyers can improve their relationships with clients in order to increase client retention rates over an extended period of time. Extant literature suggests that increasing client retention rates will cause, or generate, greater profitability for the firm. This aim is rooted in the positivistic commitment to improvement and the desire to discover the fundamental laws governing social phenomena. The ontological approach is a firm commitment to an external and independent reality that can be measured in an objective manner.

However the nature of the study is one that seeks to plug gaps in extant knowledge. The review of extant literature in chapter 2 makes it clear that the study seeks depth of understanding of a specific research context, which is

professional service delivery, and does not seek to generalise results across other marketing contexts. In order to do this there is a need to understand the research context from the participant (private client), or “knower”, perspective. This is an acceptance of the Interpretivist epistemological position. There is a need to understand the relevance, interpretation and shared meanings given to the variables to be measured among private clients. This will be best achieved using qualitative research methods. Therefore this study plans to benefit from Deshpande’s method triangulation approach, using both qualitative and quantitative research methods.

Consequently the first stage of the research, that which essentially seeks to understand the motivations of private and commercial clients to maintain relationships with legal service providers, will utilise qualitative methods consistent with the need to explore the relevance of extant theory within the group of “knowers” to be researched; identify gaps in extant theory; and to design an effective measuring instrument. This knowledge will be used to construct and develop marketing theory.

Quantitative research methods will be employed to develop proposed measurement scales for the emergent constructs; identify differences between groups of respondents and to determine if any predictive relationships emerge from the data analysis. This is consistent with the positivistic belief in an externally existing reality that can be measured to determine a model that corresponds to a true representation of that reality.

3.4.2 Aims of the Study

Taking the Bendapudi & Berry (1997) model as a starting point this study seeks to further develop academic understanding of client motivation to maintain relationships with legal service providers and the impact different motivations might have on client behaviours within that relationship. This study also aims to determine what, if any, differences exist between commercial and private clients. While it is accepted that a relationship, by necessity, consists of at least two parties this study is only concerned with the client perspective and not the organisational perspective although the findings

are intended to assist lawyers seeking to improve client retention rates and increase the number of loyal clients.

This study aims to contribute to knowledge through the development of measurement scales for emergent constructs and in the identification of predictive relationships between the emergent constructs.

3.4.3 Primary Research Objectives

The research objectives are:

1. to understand, compare and contrast, the motives of private and commercial clients to maintain relationships with legal service providers;
2. to determine whether specific motives for maintaining relationships with solicitors directly influences client behaviours within those relationships; and
3. to construct a model to explain client behaviours within the client-solicitor relationship.

Given that the nature of this exploratory study is to develop as well as test extant theory, the research will be multi-staged, consistent with the discussion around triangulation of research methods above. The intention is to benefit from the contributions that both qualitative and quantitative research methodologies offer researchers seeking to develop knowledge.

The overall aim of stage I will be exploratory and inductive in nature in order to understand the motivations of private and commercial clients to maintain relationships with legal service providers. The outcome of this stage of the research should be a contribution to the development of academic theory through the construction of a conceptual model of client behaviours within the solicitor-client relationship. From this several propositions will be deduced.

Stage II of the research will comprise the testing of the propositions developed as a result of stage I research. Stage II research will therefore be

deductive in nature and involve the design and distribution of a measuring instrument in the form of a questionnaire the data from which will be analysed using the SPSS package.

Following the analysis of the data collected for this exploratory study an agenda will be developed for future research studies that will enable the development of a model to explain client behaviours within the client-solicitor relationship.

The rest of this chapter will discuss the design and implementation of the exploratory stage of this research study. The findings arising from this stage can be found in the next chapter. Details of the questionnaire development and data collection stage can be found in chapter five.

3.5 THE EXPLORATORY RESEARCH

3.5.1 Qualitative Research Design

Given that this thesis is firmly set in the positivistic research paradigm the purpose of the exploratory research stage is to determine the relevance of extant theory of relationship maintenance to the specific research context. This stage is particularly apt for this study because the only existing model of customer motivations to maintain relationships within service industries, and how such motivation influences behavioural outcomes is a theoretical one (Bendapudi & Berry, 1997). Their propositions, and resulting model, have yet to be empirically tested. So, an appropriate measurement instrument does not yet exist and needs to be developed. The discussion above regarding triangulation of research methods suggests that this is a situation where the design, administration and analysis of a quantitative measurement instrument would benefit from an inductive research input. In addition, the legal service market place is one that is currently under-researched.

Qualitative methods have been defined as "*an array of interpretive techniques which seek to describe, decode, translate and otherwise come to terms with the meaning, not the frequency, of certain more or less naturally occurring phenomena in the social world*" (Van Maanen, 1983, p. 9). The exploratory

nature of the first stage of research suggests that a qualitative approach would be more appropriate than a quantitative approach.

Qualitative methods include interviewing respondents individually; gathering several respondents together for a focus group; participant observation and diary keeping by respondents. Diary keeping and participant observation are more typical of longitudinal research which is not a suitable methodology for this study given the practicalities of the time constraints upon doctoral studies and the potentially infrequent usage of solicitors by private clients. Given the potentially confidential nature of the client/law firm relationship focus groups may restrict the information that respondents reveal. Burgess (1982) suggests that interviews offer researchers the opportunity to "*probe deeply to uncover new clues, open up new dimensions of a problem and to secure vivid, accurate inclusive accounts that are based on personal experience*" (p. 107). So individual in-depth interviews appears to be the most appropriate research method given the exploratory nature of the first stage of research which seeks to gain an in-depth understanding of client behaviours within the client-solicitor relationship.

3.5.2 Sample Structures

Current literature suggests that customers receive "relational benefits" from long standing relationships that are linked to longevity and are experienced over and above benefits gained from the individual transactions that they have with organisations (Gwinner et al, 1998). There are also strong suggestions that customers remain in relationships because they have to - they have too much invested and that the costs of switching to another provider are prohibitive (de Ruyter et al, 1998; Gremler & Brown, 1996; Dick & Basu, 1994). So it would appear to be important to ensure that these issues are explored with long-standing clients and therefore longevity of the relationships must be a respondent recruitment issue. At the outset of the study it was not clear whether the size and scale of a commercial organisation would emerge as an important factor. Certainly there was anecdotal knowledge that usage of legal services differ between multi-national and SME organisations. SME's are more likely to have more limited usage of legal services with a greater concentration on employment law than multi-

nationals. It was also thought to be important to isolate commercial and private client experiences as far as possible, given that the literature suggests there are clear differences between business-to-business and business-to-consumer contexts. It was therefore intended to conduct in-depth interviews with 15 - 20 respondents matching the following profile:

2/3 commercial clients of multi-national organisations

3/5 commercial clients of mid-sized Ltd Companies with autonomous buying units

10/15 private clients who have no link to the commercial side of a law firm.

Gaining access to appropriate respondents is an issue that often forces a researcher to balance the ideal with the practicality of the task. This was true with this study. It would have been ideal to have access to a large number of purchasers of commercial legal services within organisations without the need to recruit via law firms. However, the practicality is that it could take many months to identify and make contact with such individuals, and then they may not meet the need to be a loyal client of several years standing. So, several law firms were approached in order to reach the desired number of clients within a reasonable time period. This may have led to some clients lacking confidence in the true impartiality of the researcher.

A total of six commercial clients participated in this study. Three of whom were "in-house" (legally qualified) commercial clients from multi-national "blue-chip" companies. The remaining three commercial clients were from Small-Medium sized companies (SME's) with autonomous buying authority, none of which were legally qualified. An issue that arose as a result of relying totally on law firm contacts to provide an introduction to their clients was that all six clients were male. It is possible that other issues might have emerged if female commercial clients had been interviewed so the exclusion of one gender is a limitation of the study. However, following the qualitative research, this study focused upon private client relationships so this potential limitation had no impact upon the final results.

Again, practicality meant that a convenience sample of private clients were recruited from the researcher's place of work. All employees at the Bristol Business School were emailed with a request to participate in research interviews (see appendix One). This email resulted in 15 self-selected

volunteers who then completed a brief questionnaire in order to identify those with the greatest usage of solicitors in the last 10 years as well as those who had remained loyal or switched among providers. A total of 11 respondents emerged: seven female and four male who were aged between 40 and 60 years old.

3.5.3 Type of Research Interview

This study supports Mishler's (1986) view of research interviewing as "*a form of discourse between speakers [that is] grounded in and depend[s] on culturally shared and often tacit assumptions about how to express and understand beliefs, experiences, feelings, and intentions*" (p. 7). Research interviews are therefore linguistic, rather than behavioural, events which depend on the shared understanding and interpretation of both researcher and the respondent. The research interviews were designed and conducted in a manner that encouraged this linguistic discourse and not in a way that sought a response (answer) to a specified stimulus (question).

So discussion guides were developed in order to lead and organise the discourse between the interviewer and respondent while they were "*talking together, not 'behaving' as stimulus-senders and response-emitters*" (Mishler, 1986, p. 22). Therefore questions asked by the interviewer were of an open nature and designed more to empower and enable respondents to tell their story than to elicit a specific response. Mishler (1986) would like researchers to encourage the natural inclination of respondents to elaborate on their responses, rather than trying to get respondents to keep to the point, because "*meanings are contextually grounded*" (p.117). He suggests that it is natural for respondents to want to explain the context of their response, to help the interviewer understand and appreciate the respondents' perspective.

"That stories appear so often supports the view of some theorists that narratives are one of the natural cognitive and linguistic forms through which individuals attempt to order, organise, and express meaning" (Mishler, 1986, p. 106).

Additional questions were used to probe where clarification or contextual understanding of the narrative was required and these therefore varied from one interview to another depending on the respondent's story. This in-built lack of standardisation of the interviews was necessary to ensure the validity of the data because researchers need to gain a thorough understanding of the knowledge and meanings in order to "serve as advocates of [respondents'] interests" (Mishler, p. 132). This implies an active role for the researcher in generating the narrative and a collaborative relationship between the researcher and respondents:

"...the interviewer's presence and form of involvement - how she or he listens, attends, encourages, interrupts, digresses, initiates topics, and terminates responses - is integral to a respondent's account. It is in this specific sense that a 'story' is a joint production" (Mishler, 1986, p.82).

Given that the need was to learn about the relationships with solicitors Rubin & Rubin (1995) suggest that the *topical* interview would be the most appropriate type of research interview because they "...seek out explanations of events and descriptions of processes. The researcher is generally looking for detailed factual information" (p. 29) and is "...concerned with what happened, when and why." (p. 28) Topical interviews often "... trace a process or how a particular decision was made" (pp. 29 - 30). Topical interviews are contrasted with *cultural* interviews which "... focus on the norms, values, understandings, and taken-for-granted rules of behaviour of a group or society". (Rubin & Rubin, 1995, p. 28) "Cultural interviews probe for the special and shared meanings that members of a group develop, the kinds of activities that group members typically do, and the reasons why they do them." (p. 28)

Rubin & Rubin (1995) draw an interesting visual contrast between the cultural researcher, who they liken to a photographer who reproduces (reports) exactly what was found, and the topical researcher who is more like a painter due to the necessity to interpret information from several perspectives which may differ and conflict. However Rubin & Rubin also accept that the two perspectives of cultural and topical interviewing are not mutually exclusive. It is often essential to understand the cultural aspects, such as shared values

and meanings among a particular group of interviewees, in order to interpret the factual aspects of the events.

Rubin & Rubin (1995) insist that qualitative interviewing design is "*flexible, iterative, and continuous, rather than prepared in advance and locked in stone.*" (p. 43). This view suggests that the researcher commences the research process with very few ideas or assumptions and actively seeks views, ideas, themes from the initial interviews. The idea behind this approach is that the interviewer needs to discover what the important points are from the respondents perspective rather than imposing upon the respondents ideas and meanings which may not be relevant to the situation or the context. This would indicate that the initial interviews are rather more open ended in terms of structure and content than the later ones will become. It would also suggest an approach rather similar to that of the "pilot testing" of a quantitative survey.

This iterative approach does suggest that some initial information gathering from prospective respondents might be very useful. To this end "qualifying information" was gathered from prospective respondents in order to determine which overall theme (loyalty or switching) the research interview should focus on, as well as helping to ensure that the respondents selected for interview represent as many different views and perspectives as possible. Three interview guides were developed to guide the discourse. Two were used with commercial clients, one was designed to explore issues surrounding "loyalty", while the other focused on the switching process. A third guide was developed for private clients when it became clear from the qualifying information gathering stage that loyalty and switching behaviour were difficult to ascertain.

Interview guides were drawn up prior to commencing any of the interviews. These were based on the researcher's understanding of issues that might be relevant to the relationship between professional service provider and client as a result of the extensive literature review which can be found in the previous chapter. So it was not the plan to commence interviewing with an entirely blank sheet, nor was it the intention to try to anticipate too much and conduct interviews within the structured "stimulus-response paradigm" (Mishler, 1986, p.14). Furthermore, following Mishler's approach, it was never the intention to develop the research interviews in terms of using initial

Interviews to design a more prescribed structure and content in the later ones as suggested by Rubin & Rubin (1995). The purpose of the qualitative research was to explore and understand the relevance of extant theory within the legal service context in order to develop the measuring instrument. This inductive stage was included to improve the validity of the quantitative survey planned for the second stage of the study.

3.5.4 Qualitative Data Analysis

The qualitative findings were examined using both within-case analysis and cross-case analysis methods. Each interview was transcribed in full. Each transcription was analysed to extract statements relating to each of the variables posited to influence customer decisions to maintain relationships with service providers (Bendapudi & Berry, 1997; Morgan & Hunt, 1994) as indicated by the model included within the summary of chapter 2. Then all related comments were clustered together within a given theme – in this case the posited variables. Comments that did not relate to any of the posited motivation variables were also noted, clustered and categorised.

The more rigid, quantitative, methods for analysing qualitative findings proposed by Miles and Huberman (1984) were not considered appropriate for this study because all emerging themes/variables were considered to be of equal importance. The purpose of the qualitative research was to gain a better understanding of factors influencing client motives to maintain relationships with solicitors, not to evaluate their importance or role. That task was left for the quantitative data analysis stage. The conceptual model proposed by Bendapudi & Berry (1997) was an established starting point. So the analysis of the qualitative findings centred round the acceptance, or rejection of, the relevance of a proposed variable to the research context, along with the acknowledgement of additional influencing factors that might be context-specific.

3.5.5 Validity, Reliability and Generalisability of the Qualitative Research

Katz (1983) observes that the assessment of validity of a narrative interpretation raises four issues: *representativeness*, or generalisability (the 'external-validity' of Cronbach 1980); *reactivity* or the effects of the interviewer on the data; *reliability* or the criteria for data selection for analysis and interpretation; and *replicability* or the likelihood that a repeat of the study would yield the same results. However his view, and that of Mishler (1986), is that attention to these issues arises from the over-reliance on the positivistic research paradigm.

Levy (1981) observed that we often "speak of 'validity' rather than 'discovering the meaning of'"(p.269) and Cronbach's (1980) ninety-fifth and final thesis for researchers is that, "*Scientific quality is not the principal standard; an evaluation should aim to be comprehensible, correct, and complete, and credible to partisans on all sides*" (p.11). So Mishler (1986) concludes that "*it has become clear that the critical issue is not the determination of one singular and absolute 'truth' but the assessment of the relative plausibility of an interpretation when compared with other specific and potentially plausible alternative interpretations*" (p.112).

It is worth noting that much of the debate around the validity, reliability and generalisability of qualitative interviews relates to ontological and epistemological commitments. This study, based as it is within the post-positivist paradigm, accepts the subjective epistemic requirement for deep understanding of knowers' interpretations. However the purpose of that knowledge is to gain a better insight into the researched context in order to measure the "right", or most appropriate, constructs so that any emergent model might represent what exists more accurately. This commitment clearly adheres to an objective ontology. This study employs a qualitative research stage within a two-stage research programme with the aim of using the qualitative findings to inform the eventual measurement instrument. Consequently there is no need to generalise or replicate the qualitative findings. As a result this study follows Easterby-Smith *et al* (1991) guidelines that validity, expressed as the likelihood that the researcher gained full access to the knowledge and meanings of informants, is the key issue for the qualitative data collection.

Typical validity issues associated with one-to-one interviewers are those of interpretation stemming from interviewer bias (inter-rater reliability) which results in selectivity in listening to and recording of the events discussed by respondents. Differences may be particularly apparent where research programmes involve several interviewers and analysts, such as in the Keaveney study (1995). In this study all respondents were interviewed by one researcher which eliminates any variation in the interpretation of interviews by multiple researchers. However the consequence is that independent confirmation that two people would draw the same conclusions from the research has not been established. However, given that the qualitative research is exploratory in nature, and that this study needed to satisfy the requirements for a doctorate it was thought inappropriate to involve another researcher.

Respondents were encouraged to talk about their experiences and to tell their own story as completely as possible (Mishler, 1986). Clarification was sought there and then rather than leaving the interpretation of written reports to a team of analysts after the event, as Keaveney did. In order to ensure that the researcher understood and accurately interpreted the information given during interviews she summarised key points to reflect back to respondents during the interviews. In addition, respondents were all provided with transcript summaries for validation purposes, to avoid errors of fact and judgement.

It has been suggested that longitudinal studies would be an appropriate methodology to explore issues related to service loyalty and relationship maintenance in the context of a customer-supplier relationship (Stewart, 1998). Such a study would be quasi ethnographic in nature, and would obviously generate rich data. However such a methodology is not possible for this doctoral study. In order to execute such a longitudinal study a significant number of clients, and their organisations in the case of commercial clients, would have to be recruited on the basis that they were prepared to commit to a long-term study requiring a significant amount of input from them and their organisations, either in terms of diary entries or continual in-depth interviews by the researcher.

A longitudinal study by Bolton & Drew (1991) highlighted some of the problems associated with such a methodology which would make it inappropriate for this study. The Bolton & Drew study was designed to monitor residential customer attitudes before, during and after changes were made to their telephony service. Although the study involved surveying the same person three times over a significant period (over 13 months) the researched activity was guaranteed - 100% of the respondents would experience changes to their telephone service. It would be impossible to set up a similar study among law firm clients with a guarantee that 100% of them, or even any of them, would have a need for legal services within a specified time period. The practicalities of this research require it to be completed within a reasonable time frame that may not be sufficient to gather enough usage incidents to analyse robustly. Indeed Bolton & Drew suggest that their findings "*should generalise to other continuously provided services (eg., cable television, utilities, banking, transportation services)*" (p. 7). Clearly legal service provision can be distinguished from such generalisability on the basis that the service provision is not continuous.

The Bolton & Drew study comprised individuals within 216 households in the first wave that became 140 (65%) for the second wave and resulted in a shrinkage down to 120 (56%) of the same individuals completing the third survey. In terms of commercial clients the sheer number of individuals that may be involved in the decision making process; the re-approval of the research through the inevitable personnel changes; and the drop-out rate, over a prolonged period would make such longitudinal research impractical.

Finally, and perhaps most importantly, the provision of legal services involves a significant degree of confidentiality which would make the recruitment and on-going commitment of enough commercial clients or private clients difficult.

3.6 SUMMARY

This chapter has outlined and provided a justification for the philosophy underpinning this research study. It was this underlying philosophy that led to the use of qualitative research to inform the development of a measurement instrument. The research method chosen for the qualitative

stage is depth interviews with clients of law firms in order to gain a better understanding of the client-solicitor relationship. The next chapter presents and discusses the findings arising from the qualitative research study and concludes with three propositions that will underpin the quantitative data collection stage which is outlined in chapter five.

CHAPTER 4: QUALITATIVE FINDINGS

4.1 INTRODUCTION

The aim of this exploratory study is to develop a model to explain client behaviours within the client-solicitor relationship. The three research objectives are:

1. to understand, compare and contrast, the motivations of private and commercial clients to maintain relationships with legal service providers.
2. to determine whether motives for maintaining relationships with solicitors directly influences client behaviours within those relationships;
3. to construct a model to explain client behaviours within the client-solicitor relationship.

The qualitative stage addressed the first of these research objectives and, as a result of the findings discussed below, the decision was taken to limit the quantitative study to private clients. The qualitative findings discussed below suggest that commercial clients are a more homogenous group than private clients and have a greater tendency towards desire-based relationship maintenance. Private clients have therefore emerged as a more interesting group to study when seeking to develop a model to explain different client behaviours. This decision is helpful in terms of targeting a sample population of respondents because reaching commercial clients would have been harder than targeting private clients and, as discussed in chapter six (Findings), reaching the desired number of private clients was more demanding than anticipated.

The qualitative findings arise from the analysis of in-depth interviews conducted with 11 private clients and 6 commercial clients of whom 3 were multi-national Blue-Chip organisations and 3 were regionally-based SME's

The sample of private clients was self-selected respondents to an email, that sought participants for the study, sent to all employees (academic; administrative; technical and management) of the Bristol Business School, at The University of the West of England. Respondents were required to have personal experience of using solicitors for several (2 or more) different types of personal legal services, such as conveyancing; probate; matrimonial matters, within the previous ten years. Consequently, the respondents, seven female and four male, were aged between 40 and 60 years.

The participation of commercial clients was achieved through two law firms and personal contacts. A large law firm, considered to be one of the top three legal service providers in Bristol, provided access to the three multi-national/blue-chip clients while a smaller, Swindon-based, firm provided access to an SME client. The two remaining SME clients were sought via personal contacts. All of the participating commercial clients were male and the three multi-national blue-chip clients were all "in-house" lawyers (legally qualified) who had all worked in private practice at one time. None of the SME clients were legally qualified.

All interviews were conducted and recorded by the researcher, who also did the majority of the transcribing, and the accuracy of interpretation was validated by the provision of transcription copies to each respondent for their comments.

Each of the interview transcripts was analysed to identify statements relating to each of the variables identified in the model hypothesised by Bendapudi & Berry (1997) along with additional variables suggested by the empirical work of Morgan & Hunt (1994). Statements that did not fit neatly into a previously identified sub-variable were also captured and classified according to the main variables of environment; service provider; client; interaction; or behavioural outcome variables.

The purpose of the following analysis, and discussion, of the qualitative findings is to determine the extent to which each of the posited constructs discussed within the literature review chapter are relevant to the client-solicitor relationship. The resultant propositions will be subjected to exploratory empirical research in order to develop a model to explain client behaviours within the private client-solicitor relationship.

Given the highly structured nature of the conceptual framework underpinning this post positivistic study, the findings are discussed variable by variable prior to the identification of conceptual gaps. The chapter concludes with the identification of propositions that appear relevant for exploratory empirical research into to the private client-solicitor relationship.

4.2 RELEVANCE OF ENVIRONMENTAL VARIABLES

Bendapudi & Berry (1997) suggested that customer motivation to maintain relationships is influenced by three environmental variables: Dynamism; Munificence and Complexity. They further hypothesised that these environmental variables positively affect dependence upon the relationship partner but do not affect trust in the partner. They proposed that:

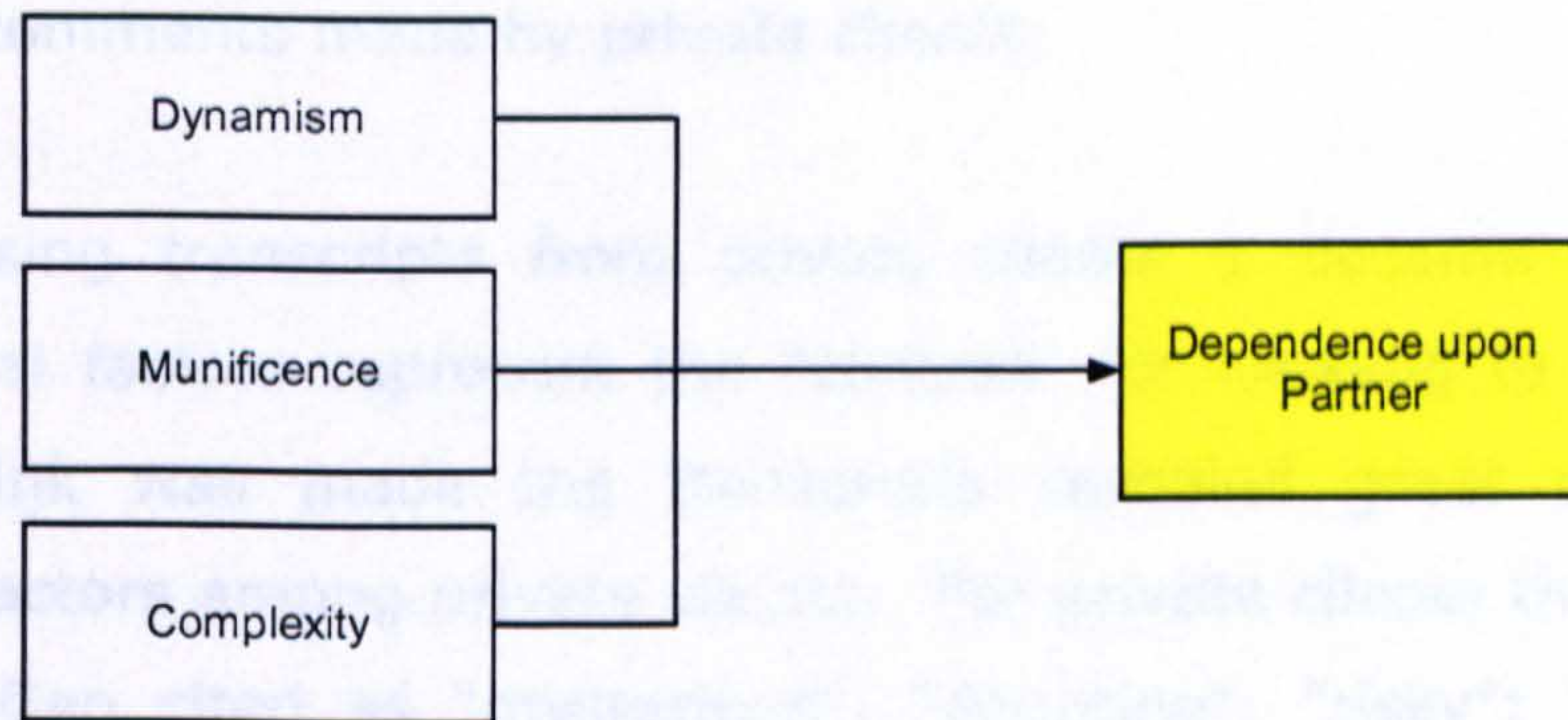
P: The greater the dynamism of the environment, the greater the customer's dependence on the partner.

P: The greater the munificence of the environment in terms of available relational partners, the lower the customer's dependence on the partner.

P: The greater the complexity of the environment, the greater the customer's dependence on the partner. (p. 22)

The discussion of the conceptual framework in chapter 2 concluded that such propositions suggest that commercial clients will be more likely to be more dependent upon their legal service providers than private clients and therefore more likely to maintain their relationships as a result of these constraints. However, it was also suggested that each of the environmental factors might have specific interpretations that are more relevant to private clients that might reduce the apparent gap in dependence between the two client groups. This is indeed what the qualitative findings suggest.

Figure 4.1 Environmental Variables



4.2.1 Dynamism

This factor relates to the degree of turbulence, uncertainty or unpredictability that makes the prediction of trends (or outcomes) difficult.

Commercial clients tend to describe their business environments as “dynamic” and suggest that a key driver for maintaining relationships with legal advisers is the need to react quickly in order to maximise opportunities. Even SME organisations suggest that this is a crucial factor:

“... there’s not an ongoing continuing need to be continually referring to legal advisors but there are issues that arise and you do need to know that you’ve got somebody available fairly immediately”;

“If we are faced with opportunities, we need to react to them very quickly”

It appears to be taken as read that commercial organisations live in turbulent, uncertain times and therefore theory suggests that commercial clients should be dependent upon their legal service providers. But perhaps these are not the crucial factors here. Commercial clients talk in terms of the necessity of legal service provision because the impact of legal issues can have extensive, multi-faceted and potentially devastating impact on the business. So, the business environment itself may not be as relevant to dependency upon a legal service provider as the impact of the legal service provision on the well-

being of that client's business. This impact upon the well-being of the client is reflected in comments made by private clients.

When analysing transcripts from private clients it became apparent that environmental factors represent the "context" for needing to use solicitors. Once this link was made the transcripts revealed great consistency of influencing factors among private clients. For private clients the legal service context is often cited as "mysterious"; "daunting"; "risky"; "open-ended"; where the "outcomes are uncertain" and clients "lack control". Clients talk about the "gravity"; "importance"; and "impact" of legal outcomes on their lives and often mention the lack of choice/necessity/ requirement to use legal services. Furthermore, they allude to their lack of knowledge, confidence and ease/comfort within the legal service environment.

"...having to deal with people in a different way – and one in which we always feel slightly uneasy about – you never know we might end up in court sometime... They have this magic that's in the books around the wall which they take down and wave a magic wand over a particular event and they can say 'right, we can sort that out for you'"

male 50's

Consequently, the private client context appears to be one that should foster dependence upon a legal service provider in a similar way to that of the commercial client. So using the private client interpretations discussed above, the findings support the Bendapudi & Berry's (1997) proposition that *the greater the dynamism of the environment, the greater the customer's dependence on the partner*. This study interprets dynamism as *"impact on client well-being"* and proposes that

P: *client dependency upon a solicitor will increase with the perceived impact the legal outcomes will have on client well-being.*

This study also suggests that outcome uncertainty is also relevant to the legal services context to the extent that it is worthy of an additional proposition:

P: *that the greater the outcome certainty the lower the client dependency upon the solicitor.*

4.2.2 Munificence

Bendapudi & Berry (1997) suggest that munificence should be measured in terms of the environment's ability to provide the customer or the business organisation with the resources necessary to ensure its continued success and survival. They further suggest that the availability of suitable partners is positively linked to dependency upon the partner. Applying this to the legal services context, the implication is that commercial clients, who have fewer law firms from which to select, will be more dependent upon legal service providers than private clients.

However, it should be noted that the definitions used by Bendapudi & Berry (1997), and their discussion of munificence are firmly rooted in the business-to-business literature and may, once again, require some interpretation for business to consumer marketplaces. So, while addressing this knowledge gap, this study found an interesting, and possibly critical, difference between private and commercial clients within the legal service marketplace. It would appear that absolute availability of alternative partners alone is not enough to influence dependency. Personal knowledge, and from where that awareness is derived, of the suitability of alternative providers are also key.

Typical comments from a multi-national blue-chip commercial client suggest that not only is there a surfeit of suitable alternative providers available, but that they have a well-developed knowledge of such:

"So for me the quality is quite good and quite deep too – I mean there's a lot of them about – a lot of corporate lawyers around, particularly in London, but these days also in places like Birmingham, Manchester and Leeds. So it's quite a little industry. London has a lot of lawyers but also the other business centres."

"I have a good knowledge of, say, the top 100 law firms, I would know their names and I would know some of the people in most of the law firms, although not all of them. So you have a pretty good basis for choice."

"You know we make it our business to get to know the firms and who the heavy hitters are – and you just build up that fund of knowledge"

Two of the three SME's also indicated a good knowledge of a sufficient number of providers. However, one SME client, who has an infrequent need for legal services, while revealing a less extensive knowledge of providers, did not suggest the number of available providers was insufficient:

"It's sadly true, but I would go to Yellow Pages as well. I would certainly go to Burroughs, I would certainly go to Cartwrights and the other two would probably be local solicitors"

Private clients raise four interesting issues surrounding both availability and knowledge of legal service providers. These can be summarised as:

- a. It is easy to find solicitors for "every-day" needs.

This is well illustrated by the following statements:

"I tend, I will always find someone that I thought was appropriate...when it comes down to it I just go for convenience every time"

female 40's

"Yes it was convenience really. In terms of search there was none.... There just happened to be one in the high street and we just walked in...it just happened to be on the doorstep."

male 50's

So the majority of private clients with, what they consider to be, "run of the mill" or ordinary legal needs there is no problem finding an appropriate legal service provider. Theory suggests that this situation does not breed dependence upon a specific provider and the qualitative findings support this proposition.

b. Limited sources of knowledge of legal service providers.

Unlike commercial clients, private clients do not claim to have a good knowledge of legal service providers. Consequently, when they have a need to use lawyers they are likely to either:

Ask another provider:

"If something happened that needed to be dealt with locally I would probably use the firm that I bought the house through – if they were able to help me out with the particular area of law. And if they weren't I would actually ask them to recommend someone"

female 40's

or:

Ask a personal contact:

"I'd probably ask around other people – people that had had the same experiences as I needed advice on"

female 50's

Certainly private clients do not appear to have the depth, or breadth, of knowledge of appropriate legal service providers that commercial clients do.

c. Perceived lack of differentiation among providers.

"No, I don't think it's going to be any better anywhere else ... not from the stories I've heard from others about their experiences of various solicitors."

Female 40's

"But I guess my perceptions were that it would have taken as long if I had gone to another solicitor, and it would have cost as much if I had gone to another solicitor, so I'm not differentiating – there's not enough branding, so it's more of a commodity"

Male 50's

"I suppose the processes I've been involved with, to them must be just standard processes – falling off a log – not an exceptional case so really there's not going to be that much differentiation between them."

Female 40's

This perceived lack of differentiation appears to encourage private clients towards the view that appropriate legal service providers are easily available and that, since they all offer the same service, there is no reason other than convenience to select, or remain with, a provider. This view is not universally held among private clients and tends to be linked (as in the final quote) to a perception that non-exceptional, or non-specialist, cases are merely standard processes or commodities within legal provision. Such a perception is certainly a strong reason for the lack of dependence upon a given provider. In effect, the perceived lack of differentiation of providers among private clients may influence their lack of dependency in a similar way to that of well-developed knowledge of alternative providers among commercial clients.

- d. Cost restricts availability of legal services to some clients.

"My general view as an individual is that legal services are not readily and freely available to people. They are available to individuals at the bottom end of the social spectrum, the Legal Aid system, and they are available to corporates who can afford to engage lawyers in high profile and high leverage situations. But, as an individual, they are not readily available to members of the middle class who have to be wary of legal services because of the sheer expense involved. You really only go to a lawyer in situations in which you feel you absolutely must have their professional advice."

Male 50's

Although this is a good point raised by a private client, the overwhelming view appears to be that, once a private client has decided to use a legal service provider, they find that suitable providers are readily available. So the issue here may be that the cost of legal service provision encourages private clients to be sparing in their use of such services, rather than the actual availability of provision. Certainly a sparing and infrequent use of legal services is unlikely to encourage dependence upon a given service provider. Frequency of use is covered within interaction variables below.

So, although the qualitative findings offer support for Bendapudi & Berry's (1997) proposition that *The greater the munificence of the environment in terms of available relational partners, the lower the customer's dependence on the partner* the findings also suggest the adaptation of the single proposition into three:

P: That client dependency upon a solicitor will decrease as client knowledge of alternative solicitors increases;

P: That client dependency upon a solicitor will increase with the perception of differentiation among solicitors;

P: That client dependency upon a solicitor will decrease as the number of solicitors available increases.

4.2.3 Complexity

Although Bendapudi & Berry (1997) discuss complexity in terms of a complex environment, the qualitative findings suggest that it is the homogeneity or heterogeneity of a customer's needs that are more important. A context of complex, or specialist needs, rather than a complex environment, appears to influence dependency.

Once again commercial clients take the complexity, or specialist nature, of their needs almost as a given:

"The people that we've got on the team reflect the needs of the business and that's ... because our business changes. The business that our panel firms were doing for us even 5 years ago was quite different in nature to what we are asking them to do for us now and that may call for a different set of personnel."

"...most of our dealings with legal firms have been project or deal driven. I guess you would have to separate that from the normal run of the mill legal services, simply because an awful lot has to happen in such a short space of time, it really demands something

different from what you normally need day to day from a legal firm."

Most private clients talk in terms of their legal needs being relatively simple, standard processes and some even refer to "commodity purchases". They are also aware that there may be occasions when they might need more "specialist" legal advice, so they do differentiate between types of legal complexity. There appears to be a general acceptance that just about any lawyer or law firm will provide "commodity" legal services in a similar, or standardised way, so there is little need to depend upon those providers. However, private clients also allude to areas of legal services that might require more specialist providers, and include among these: personal injury; criminal; matrimonial and complicated probate matters:

"House sales are relatively straight forward and so are wills but if I had a complicated personal injury or something along those lines then I might look around...." Female 40's

"Yes, they're just a high street solicitors and I would look for a specialist if I wanted something else - defend me for murder or something." Male 50's

"There's been no opportunity for them to do anything out of the straight and narrow" Male 50's

So the qualitative findings do support Bendapudi & Berry's proposition that *the greater the complexity of the environment, the greater the customer's dependence on the partner* with the proviso that complexity of the environment becomes complexity of customer need. This results in a slightly adapted proposition that:

P: *The greater the specialist nature of customer need, the greater the customer's dependence upon the service provider*

4.2.4 Summary of Environmental Variables

The discussion of the qualitative findings has resulted in the development of several propositions that could be empirically tested in the second stage of primary research planned for this study.

P: *Client dependency upon a solicitor will increase with the perceived impact the legal outcomes will have on client well-being;*

P: *Client dependency upon a solicitor will decrease as the outcome certainty increases;*

P: *Client dependency upon a solicitor will decrease as client knowledge of alternative solicitors increases;*

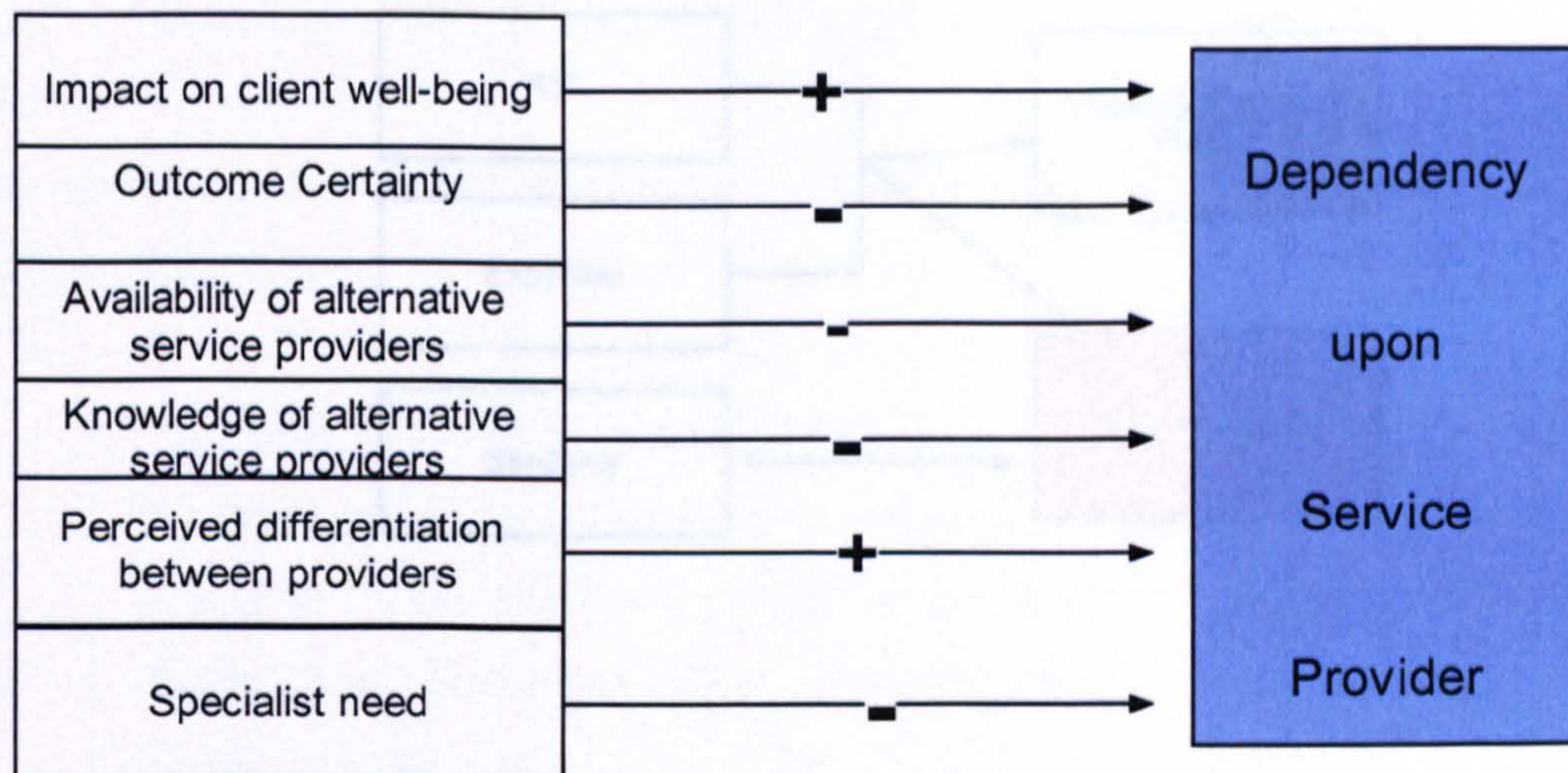
P: *Client dependency upon a solicitor will increase with the perception of differentiation among solicitors;*

P: *Client dependency upon a solicitor will decrease as the number of solicitors available increases.*

P: *The greater the specialist nature of customer need, the greater the customer's dependence upon the service provider*

Consequently the resultant adapted model for Environment Variables is presented below. Where the influences are proposed to increase dependency this has been indicated with a + and where the influences are proposed to decrease dependency this has been indicated with a - sign. So a client need for a specialist service, as opposed to a "commodity" service, will increase dependency upon that service provider. A well-developed knowledge of alternative service providers will decrease the dependency upon the current service provider.

Figure 4.2 An Adapted Model of Environmental Variables



4.3.1 Relationship-Specific Investments (RSI's)

Relationship Specific Investments (RSI's) are investments that are made in a relationship.

4.3 RELEVANCE OF SERVICE PROVIDER VARIABLES

relationships (Murnighan, 1990) and they have been found to be people.

Bendapudi & Berry (1997) proposed that customer motivation to maintain relationships is influenced by three partner variables: *Relationship Specific Investments* by the provider; *Similarity* of the parties within the relationship and the *Expertise* of the provider. They further suggest that RSI's and Expertise directly affect both dependence and trust, while similarity of the parties builds trust but does not affect dependence. Consequently they proposed that:

P: *The greater the partner's relationship-specific investments, the greater the customer's dependence on and trust in the partner;*

and we ever end above

P: *The greater the partner's expertise, the greater the customer's dependence on and trust in the partner;*

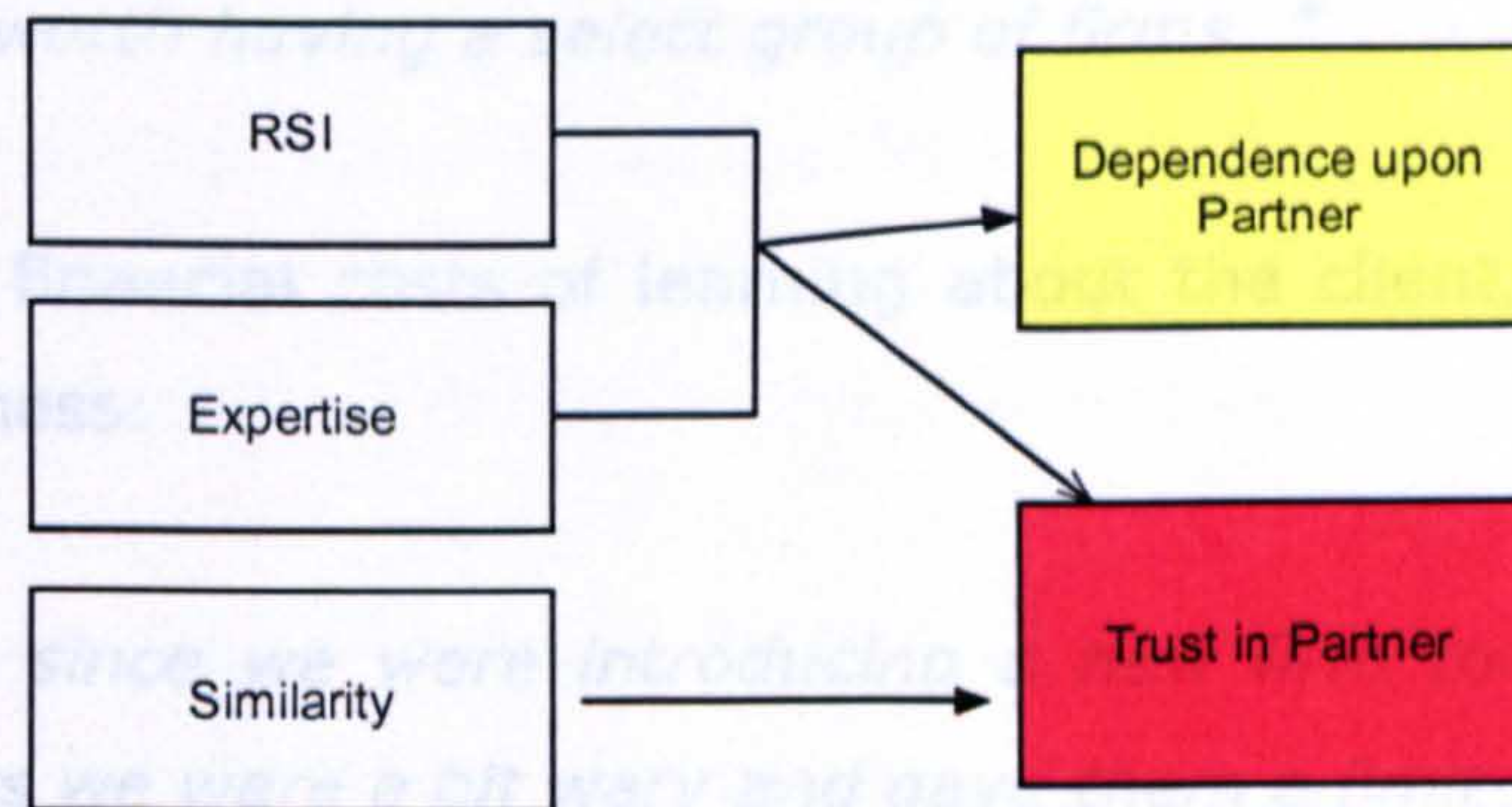
2. Being P's answer

P: *The greater the partner's similarity to the customer, the greater the customer's trust in the partner. (p. 24)*

and we ever end above

The discussion of the conceptual framework in chapter 2 concluded that such proposals suggest that commercial clients are more likely to trust their legal service providers and therefore are likely to maintain relationships based upon dedication while private clients who maintain relationships with lawyers are more likely to be motivated to do so as a result of perceived constraints.

Figure 4.3 Service Provider Variables



4.3.1 Relationship-Specific-Investments (RSI's)

Relationship Specific Investments (RSI's) are customised investments made by a party to a specific relationship that are not easily transferred to other relationships (Williamson, 1981) and may include investments in people, equipment and processes. Parties making such investments are vulnerable and dependent upon the relationship continuing. So, theory suggests, RSI's by service providers will lead to their clients trusting them more because they have more to lose if the relationship ends. However, such actions may also increase the dependence of the party receiving the service if they are unlikely to receive the benefits from the RSI's made by the service provider elsewhere.

It was clear from the interviews that law firms do make considerable RSI's for commercial clients, and that such RSI's are on-going and are over and above the technical competence (legal information and advice) provided. RSI's include:

Investing in processes:

- a. Being Pro-active and finding ways to "add value" and support:

"I mean their obligation, for the reward of being one of our panel firms, which is a highly prestigious position in our market, ... is to invest a huge amount of time and energy into developing the relationship. Not just doing the deals and then going home but actually finding other ways of adding value for us, finding other ways of supporting our executives on the

ground. So it's a big responsibility on their part to prove to me that it is worth having a select group of firms..."

b. Bearing the financial costs of learning about the client, and the way the client does business:

"Initially, since we were introducing a new firm to our internal customers we were a bit wary and gave them a limited number of deals to make sure they had plenty of time to get it right and they made sure they just charged the going rate rather than earning time...."

"All bills get scrutinised, at the end of the day ... are they trying to charge us for something that they ought to carry themselves because it's learning about the client, not directly related to the business in hand."

c. Investing in people:

"The decision has been taken to give all the pensions business to firm X and they know they've had a chequered history on this matter in the past so they've recruited an additional partner into the pensions department"

"We are seeing these as long term relationships and we very much want the young, good quality people brought to the team to be the senior people and ultimately the relationship partners of tomorrow..."

d. Investing in processes:

"The way they responded [to dissatisfaction and seeking new provider] – they almost re-sold their business and put forward one of the senior partners as out primary point of contact. The mechanism is now to contact one person, he will then internally decide who's the best person to deal with the issue and they will then come back and contact us and that tends to happen fairly immediately now."

In almost direct contrast this topic rarely came up as a spontaneous topic from private clients. However some anecdotes of how they are treated by lawyers are very telling. On the positive front here a private client talks about how the solicitor she and her husband had dealt with for some years prior to her husband's death put his career on the line for her:

"... the will came through [from another firm] with a "with compliments" slip which had a paperclip with it, but if there's any sign that something has been attached to the will document then this gives enormous legal complications because it is assumed that there's some sort of codicil or some attachment that has been there and would form part of the formal will and would have to be tested in court, I understand... if you can't execute a will quickly, it gives you enormous difficulties, ... he said, 'I will just say that I paper clipped it and I'll live with that option'. That made me warm to him because he knew that he was doing something which he shouldn't, but I think he felt he knew [name] well enough to know that there wasn't a secret trust there and there wasn't anything to hide."

Female 50's

Other private clients talked about lawyers "supporting" them through difficult personal circumstances:

"...because that [divorce] was a particularly personal time which they supported me through...."

Female 40's

However, the following quote was more typical:

"I could tell basically he'd got half an hour for me and that was it. You know he wanted to get through as much in that half hour as possible so he started asking me questions about divorce - he'd got totally the wrong information about why I wanted to see him. So that wasted about 10 minutes ... I actually felt that he couldn't be bothered."

Female 40's

One respondent noted when a solicitor had made a small attempt to add something to the purely technical transaction for a conveyance:

"I was calling from here one day, but his daughter had been a student here and almost immediately there was a bit of chat about dress and there seemed to be more of a personal touch to the whole process. The letters he was sending weren't just, 'could you provide this bit of information', there was a sentence or so about hoping things are all right at the university, or whatever."

Male 50's

The perceived general lack of service provider RSI's for private clients might be summed up as follows:

"The impression that I've got is simply that they are happy to deal with the matter in hand and that is the end of the affair really. They don't seem to be pro-active, but on the other hand I suppose it might be difficult for a solicitor to be pro-active."

Male 50's

So it does appear that the commercial client context is more likely to be characterised by service provider RSI's than private clients and, theory suggests, therefore commercial clients are more likely to develop trust in their service providers than private clients. However the qualitative findings suggest that there is no need to alter the Bendapudi & Berry's proposition, other to contextualise it as follows:

P: *The greater the solicitor's relationship-specific-investments, the greater the client's dependence upon and trust in the solicitor.*

4.3.2 Expertise of Service Provider

The discussion of the conceptual framework revealed that the expertise which a service provider brings to the relationship can be valuable to the client and, as such, may increase the dependence on that provider, particularly where that expertise is unique or difficult to find elsewhere (Bitner, 1995), and that customers are more likely to trust a provider whom they believe to possess greater expertise (Crosby *et al*, 1990). The conclusion drawn from this discussion was that commercial clients, who are more likely to need specialist legal advice that may only be available from a limited number of providers are

more likely to depend upon and trust their lawyers than private clients. The qualitative findings appear to support this supposition.

In many respects this aspect is directly linked to the complexity of client need as discussed above (environmental factors – complexity). The majority of private clients interviewed considered their legal needs to be more “commodity” based, believing that most law firms would be able to provide the technical information, advice or representation they required. So they did not appear to be dependent upon service providers as a result of their legal expertise.

Interestingly, commercial clients were similar in terms of technical information, advice or representation that they required. Although there are clearly fewer providers of commercial legal services, no client suggested that their needs were so specialist that they had no choice. Indeed, it is also worth noting here that commercial clients generally had a superior knowledge of suitable alternative providers than private clients that would also mitigate against dependency upon a given provider. However there appear to be two exceptions to the above that relate equally to commercial and private clients, although requiring interpretations for both contexts.

First commercial clients did mention the occasional need for a specialist provider – that of the “magic circle” city law firms, or even a UK branch of a US law firm. They made it clear that any such need would be specific (in all cases it was for a serious litigious matter) and confined to a given matter – they had no intention, or need, to establish an on-going relationship. In addition the specific need for a magic circle provider related to the Kudos of the name, and the impact that had on the other side, rather than their expertise. The situation was slightly different for using UK branches of US law firms. This was said to arise when US law was involved and either the opposition, or the organisation’s head office, was based in the US. In one case it was made clear that the US head office just preferred to deal with a law firm they had heard of, rather than a local Bristol-based firm that the local office were happy with!

“There’s been a tendency for them to want to see [magic circle firm] involved on transactions. I’ve argued, you are paying London rates when you could get work done as well by [Bristol

firm] at Bristol rates. There's no difference in quality of work. But, at the end of the day, my American directors were happier to say to their American colleagues, 'we've used [magic circle firm]', rather than, 'we've used [Bristol firm]'. They always perceived there was the potential for criticism if they used an unknown firm in that regard."

Private clients did recognise that if they did have "specialist" needs, such as criminal or even matrimonial, they would need to find a provider that dealt with these matters. The implied assumption being that they did not consider such providers to be as widely available as those dealing with conveyancing; probate; contracts and wills, which are seen to be "commodity" needs. It is worth noting that the majority of private clients would be unlikely to need on-going criminal or matrimonial advice so may well not be motivated to maintain that relationship as a result of dependency upon such "specialist" providers.

There are however incidents where using such a provider (for matrimonial purposes) led to the desire to maintain that relationship as a result of dependence arising from the amount of information that service provider had gathered about the client. And that leads to the second point raised by clients: it is the knowledge of the organisation; the industry; the individual that results in dependency upon the relationship not the legal expertise that is important here.

"One of the reasons that we use a small group of law firms is that we believe that we can invest in those firms the in-depth knowledge and understanding and experience of our business and our group and the way we do deals which we couldn't get from spreading the business around."

"We design and supply semi-conductors because of intellectual property and related issues around that we spent some considerable time trying to track down firms in the area who had any sort of expertise in that industry..."

A private client noted that:

*"It's easy and quick because they have all the information on me
in the files"* female 40's

It is also worth noting that private clients do not always perceive their need for legal expertise in a positive light. One client made it quite clear that such expertise does not lead to trust:

*"I've still got this thing at the back of my mind – because they
are so specialised and expert that they have the scope to exploit
their client"* female 40's

So perhaps the legal context is one where expertise leading to dependency and trust needs to be re-interpreted. Technical expertise (legal knowledge, ability and track record) are clearly taken as a given. The expertise that ties clients to their lawyers is the contextual knowledge be that industry or individually based. Therefore the Bendapudi & Berry proposition needs to be amended as follows:

P: *The greater the solicitor's knowledge of the client, the greater the client's dependence upon and trust in the solicitor.*

This interpretation of expertise requires relationship-specific-investments by the service provider in order to gain the required level of knowledge of the client. So it may be that this proposition can be subsumed within the proposition relating to RSI's and that it is not a separate proposition at all.

4.3.3 Similarity of Legal Service Provider and Client

Similarity of the service provider to the client is hypothesised to generate trust in the service provider. As such the discussion of the conceptual framework in chapter two concluded that because commercial clients are more likely to perceive similarities between themselves and their legal service providers, they are more likely to trust them than private clients are. The qualitative findings appear to support this view.

Many commercial clients, particularly those in the Blue-Chip multi-national organisations are legally qualified themselves and many have also been engaged in private practice, or plan to move into private practice at some time.

In contrast, the majority of private clients have little, if any, knowledge of the law or contact with lawyers. In addition private clients tend to see solicitors as different, or set apart from, their clients describing them as *"really quite remote"; "untouchable"; "otherworldly"; "shrouded in mystery"; "a very closed profession"; "belonging to some sort of exclusive club"*, none of which is viewed positively. So it is interesting to review comments from both commercial and private clients that differ from these general views. One of the main reasons quoted for seeking to change law firm cited by an SME commercial client was related to the lack of similarity of goals:

"... when we first started we were a very small business, but obviously we had growth plans for the future and I don't think they shared our vision in that respect."

This client remained with the law firm after several discussions where, among other issues, a mutual understanding of the client visions was gained.

It is worth noting that private clients who talked about trusting their solicitor, always referred to them by their first name, and the majority also gave anecdotes about similarities, or connections such as serving on the local Council together, between them and their solicitor:

"I feel more comfortable using first names and talking to someone. Also, my solicitor is a woman which also helps. I think she's more sympathetic – that's my expectation."

Female 40's

So it appears that where similarities can be established there is a greater likelihood of private clients building trust in their service provider. All of this supports the Bendapudi & Berry proposition without need to make amendments:

P: *The greater the solicitor's similarity to the client, the greater the client's trust in the solicitor.*

Bondapudi and Barry (1997) suggested that customer motivation to maintain relationships is influenced by three Customer/client variables: Relationship-Specific Investments, Expertise and Social Bonding. They further hypothesise

4.3.4 Summary of Service Provider Variables

The discussion of the qualitative findings has resulted in the development of several propositions to be empirically tested in the second stage of primary research planned for this study.

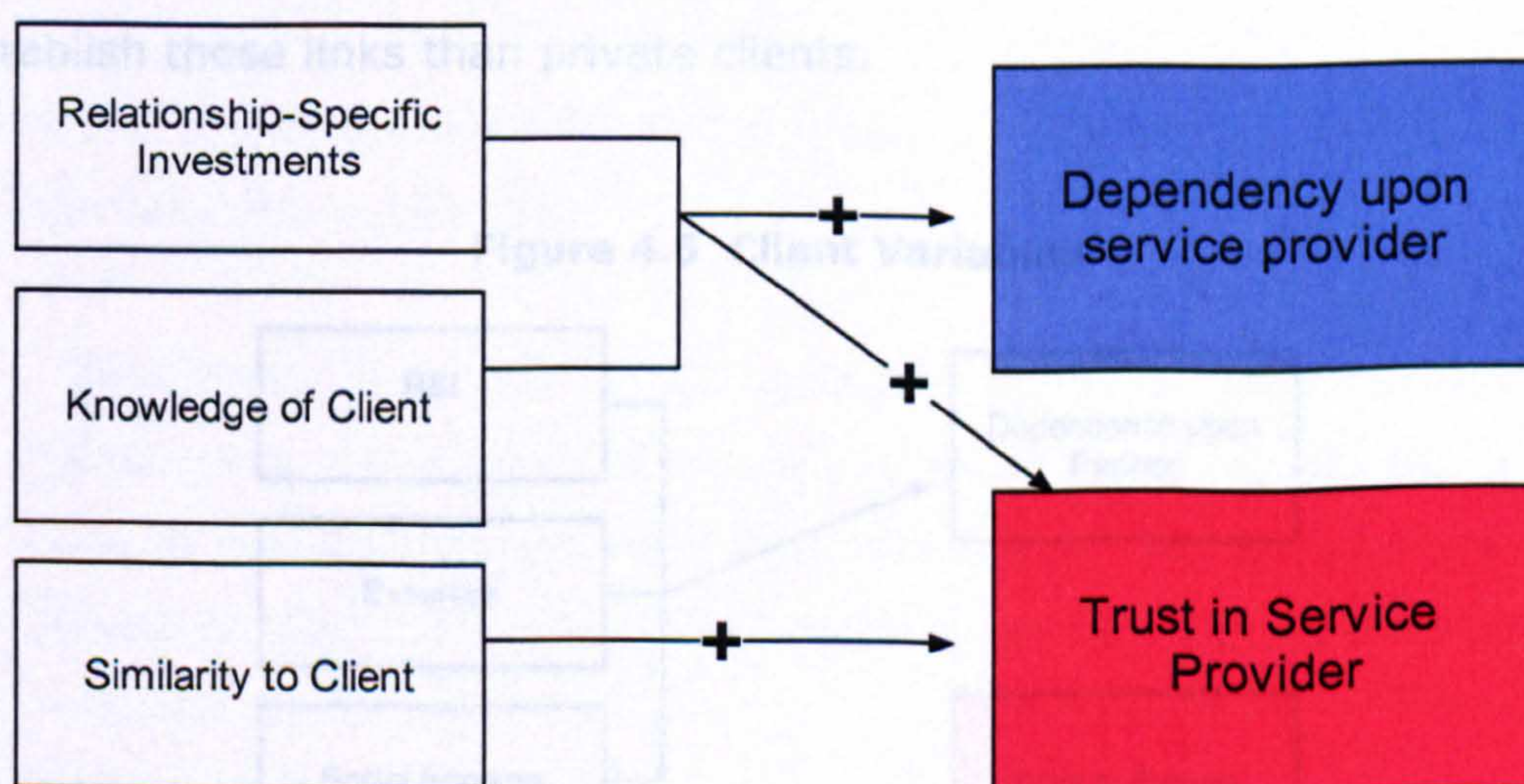
P: *The greater the solicitor's relationship-specific-investments, the greater the client's dependence upon and trust in the solicitor.*

P: *The greater the solicitor's knowledge of the client, the greater the client's dependence upon and trust in the solicitor.*

P: *The greater the solicitor's similarity to the client, the greater the client's trust in the solicitor.*

Consequently the resultant adapted model for Service Provider Variables is presented below. In this model all the influences are positive.

Figure 4.4 Adapted Model of Service Provider Variables



4.4 RELEVANCE OF CLIENT VARIABLES

Bendapudi and Berry (1997) suggested that customer motivation to maintain relationships is influenced by three Customer/client variables: Relationship-Specific Investments; Expertise and Social Bonding. They further hypothesise that while all three variables affect dependence upon the service provider only social bonding leads to trust in the partner. They propose that:

P: *The greater the customer's relationship-specific investments, the greater the dependence on the relationship partner;*

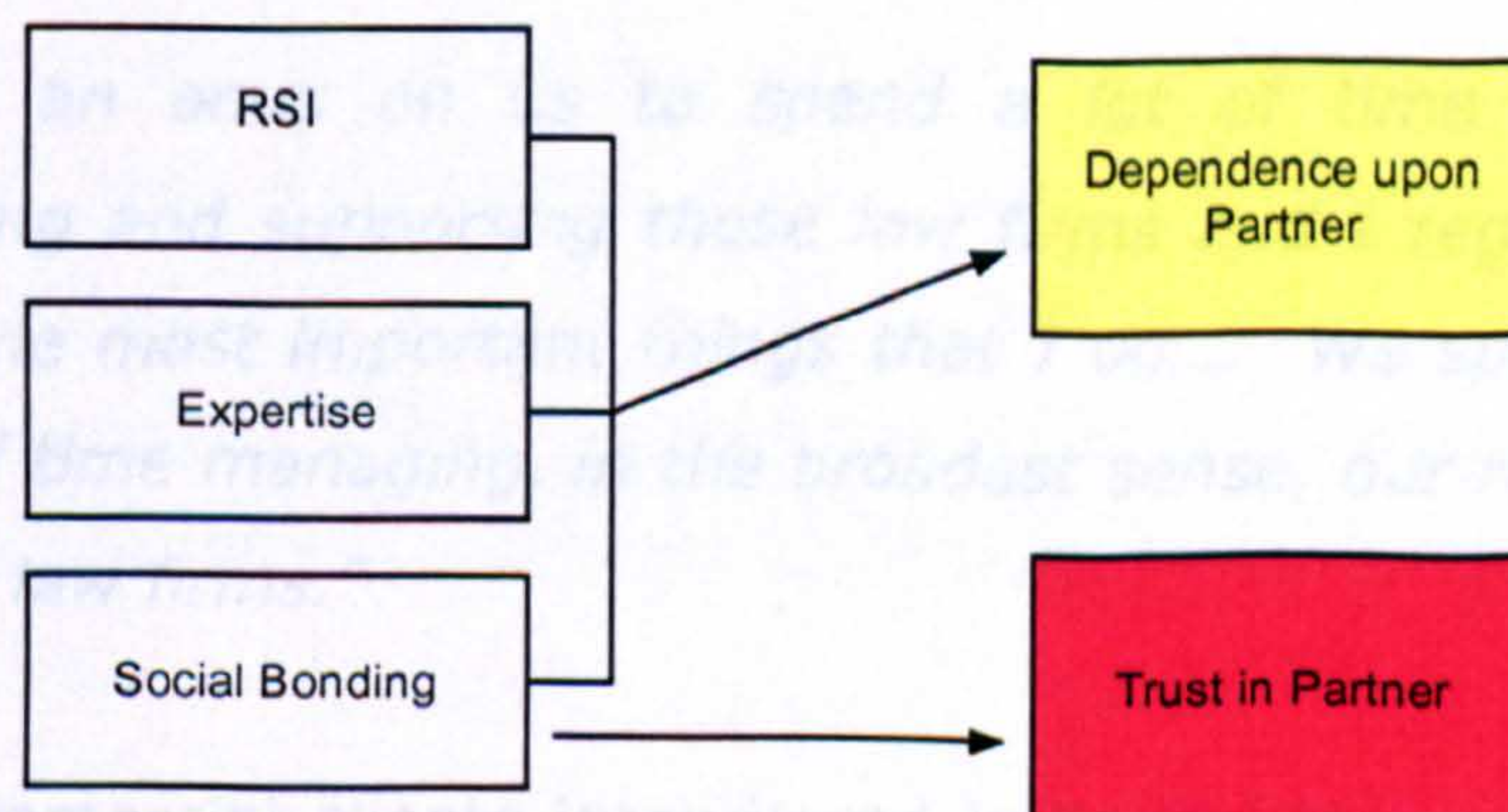
P: *The greater the customer's expertise, the lower the dependence on the relationship partner;*

P: *The greater the customer's social bonds with the partner, the greater the dependence on and trust in the relationship partner.(p. 26)*

The discussion of customer variables in chapter 2 did not draw conclusions relating to differences between commercial and private clients as in the two previous variables. Rather, it appears that clients who remain with a law firm, be they commercial or private, have more in common with each other than clients who do not remain. However, given that extant literature suggests that it is the presence of social bonding that leads to trust it could be hypothesised that commercial clients are more likely to have the opportunity to establish those links than private clients.

Commercial clients discuss their RSIs in terms of managing the relationship, both internally and externally:

Figure 4.5 Client Variables



Most of the commercial clients interviewed in the study mentioned planning and review meetings with their lawyers. This indicates considerable on-going investment of time and energy into the relationship. They also mentioned the investment needed to bring new law firms into the firm:

4.4.1 Relationship Specific Investments

The qualitative findings revealed significant differences between commercial and private client's perspectives. Such differences probably highlight one of the key characteristic differences of private and commercial relationships.

While private clients rarely noted any RSI's made by legal service providers for them, they nearly all noted the amount of personal effort and involvement they make into the relationship. In many respects this is succinctly summed up by the following quote:

"If you go to them for a problem, they would want to know everything about that. So it's a bit like stripping in front of a stranger"
Male 50's

This does not sound like a pleasant experience or one that many clients would relish and reveals a degree of vulnerability that is not reflected within the commercial client experience. More to the point, there appears to be very little mutuality to this experience. Such emotional investments seem to be made totally at the expense of the client in that, in addition to the emotional costs, s/he incurs the cost of the solicitor's time in gaining this information. In contrast, lawyers appear to recognise the need to invest in similar "fact-finding and understanding" missions with their commercial clients (see discussion above re service provider RSI's).

Commercial clients discuss their RSI's in terms of managing the relationship, both internally and externally:

"There's an onus on us to spend a lot of time in actually developing and supporting those law firms and I regard that as one of the most important things that I do... We spend a good chunk of time managing, in the broadest sense, our relationships with our law firms."

Most of the commercial clients interviewed indicated the existence of formal planning and review meetings with their lawyers. This indicates considerable on-going investment of time and energy into the relationships. They also mentioned the investment needed to bring new law firms into the fold.

It should be noted that the degree of reciprocal RSI appears to lead to differences in the power relationships between commercial clients and their lawyers and private clients and their lawyers. The discussion will return to this point later.

In terms of creating dependence upon the service provider it is likely that the very personal nature of private client RSI's generates vulnerability and therefore greater dependence than the objective managerial RSI's exhibited by commercial clients. As such the Bendapudi & Berry proposition might well be amended accordingly:

P: *The more personal the nature of the client's RSI, the greater the dependence upon the solicitor.*

4.4.2 Client Expertise

Once again the qualitative findings revealed differences between private and commercial clients, and once again the differences lead to the conclusion that this variable is linked to a difference in power within the two relationships.

One commercial client noted that in many cases, particularly within the blue-chip multi-national environment the clients were fully trained lawyers themselves, many having personal experience of private practice before moving "in-house". In addition, these "in-house" lawyers had acquired "additional" expertise in terms of commercial, industry-specific, and business knowledge that private practice lawyers do not have. As such there was no hint given that the commercial client was perceived, by their service providers, as lacking in expertise – even if that expertise was not related to specific legal knowledge. The fact that this issue only arose spontaneously in one of the six interviews probably indicates what a non-issue it is for commercial clients.

Furthermore it is clear that lawyers consider the commercial and organisational expertise of their commercial clients to be a legitimate form of expertise.

In contrast, several private clients referred to their lack of legal expertise, and always in ways that indicated vulnerability, and dependence upon solicitors. Two good examples are:

"I didn't really know the system, or perhaps I should've asked more questions at the time..."

Female 50's

"I like to be in control or in charge, I'm not very trusting of professionals, but then again I have a medical and accounting background ... so I can have a debate with my GP and my bank manager but I can't have a debate with my solicitor because I'm not au fait with it"

Female 40's

However this is not the complete picture. One private client gave an anecdote concerning his ability to help his solicitor out with a legal matter arising during a conveyance. The client was a geographer who was able to apply that specialist knowledge to resolve a legal issue where the solicitor was floundering. This scenario is similar to that of the commercial clients who bring a different type of expertise to the relationship.

Several private clients also pointed out that, in time, their experience of being a client makes them better at being a client and this in turn benefits the lawyers because they become more expert in being a client!

"I think you actually become more adept at being a client because you know the way the system works – so it requires less explanation and you know better precisely what's going to happen"

Female 50's

This point is worth noting for further exploration during the second research stage because it links client knowledge and experience to behavioural outcomes within the relationship. Once again the discussion will return to this point later.

So, once again it appears that the general lack of legal, or other recognised (by the service provider), expertise of private clients contrasts with that of

commercial clients. Once again, this variable suggests that private clients will be more dependent upon their legal service providers than commercial clients are.

Given that the legal service context is one where clients seek specific expertise that differs from that which they have the Bendapudi & Berry proposition needs to be amended for this context. The impact that any client expertise has on their dependence upon, or trust in the provider, appears to stem from the recognition and acceptance, by the provider, of that expertise. The expertise need not be legally-based but needs to be recognised, by the provider, as making a valuable contribution to the service they will provide. Moreover such recognition appears to influence trust, not dependence. This results in the following adapted proposition:

P: *The greater the value attributed to the client's contribution, by the solicitor, the greater the trust in the solicitor.*

4.4.3 Social Bonding

Theory suggests that the presence of social bonds builds trust in the service provider that in turn will lead to relationships being maintained through desire. The qualitative findings appear to bear this proposition out and, moreover, the findings revealed the importance of social bonds to both commercial and private clients.

All of the commercial clients interviewed talked about the importance of "getting on with [the lawyers] and that whole softer area". Some indicated that there was "quite a lot of social contact" generally while others gave anecdotes about specific social or business "networking" events or activities. Social contact was justified on the basis that it improved the relationship and was actually an important element in building and maintaining that relationship. These generally held attitudes can be summed up by one quote:

"We want it to be fun. We want a bit of social aspects here and I'd rather deal with someone I know and like than someone who I think is excellent but don't care about Maybe It's a drink in the evening or going to some kind of even or whatever ... it's nothing terribly sophisticated, it's just a question of being able to

get on with the people, a bit of extra-curricular fun or whatever then all well and good. But it's all to improving the relationship."

Strangely enough private clients were more specific in their spontaneous identification of social bonding aspects:

"There's a degree of loyalty there to this individual because he's involved in Bath and charities of various kinds that I identify with and put money into myself, things I want to see happen."

Male 50's

"I've been using the same solicitor for about ten years and she's also a friend of mine...but we are able to keep the friendship and the work on a very nice level....I just trust her judgement – whatever she says or she advises me to do I would accept, without hesitation"

Female 40's

"We always use solicitors with whom we've either had a friendship or developed a friendship or had personal contact with."

Female 50's

"I probably have more respect for him now – I don't find there to be a barrier anymore ... I suppose it has also helped that my wife [a physiotherapist] has treated his children... I mean it's a very special relationship because we got a 'phone call from him on one occasion when his children were young, and the car had broken down and it was freezing cold and he needed somewhere to look after them and it was close to our house so we went out in our car and brought them back to our house and kept them nice and warm. You know it is a very friendly relationship where we help each other. The only difference is that he charges!"

Male 50's

When private clients indicate the existence of social bonds they also indicate the existence of a long-term relationship, or the intention to establish one with the service provider with whom the links exist. Not all of these private clients went on to talk about trust spontaneously but enough did to be able to conclude that the existence of such social bonds is more likely to lead to trust

than where such bonds do not exist. As such the qualitative findings do not suggest the need to alter the Bendapudi & Berry proposition that:

P: *The greater the client's social bonds with the solicitor, the greater the dependence upon and trust in the solicitor.*

4.4.4 Client Interest/Involvement

This variable arose from private client interviews and was not present in those conducted among commercial clients.

Several private clients likened the use of legal service providers to that of a "commodity" purchase. In some cases they even used the word "commodity". When analysing these transcripts more closely it was found that clients with this perception tended to refer to their lack of interest or involvement with the experience. Typical comments were:

"I don't think I'm interested I suppose"

male 50's

"I'm just a lazy customer"

female 40's

It is important to note that this lack of involvement does not relate to the legal process itself because, in one case, the client stressed the way in which she "worked together with" the solicitor. These issues are covered in the next section: interaction variables. So this lack of involvement or interest does indicate that, for some people, legal services are a low involvement service, while others clearly consider it to be a high involvement service.

In every case, private clients indicating that legal services are low involvement claim not to have, or want to have, a relationship with a solicitor. Such a qualitative finding is worth pursuing in the second stage of research to determine if involvement levels do affect behavioural outcomes. As such there is a need to develop a proposition relating to this finding:

P: *The greater the client involvement with the legal service provision, the greater the trust in the solicitor.*

4.4.5 Summary of Client Variables VARIABLES

The discussion of the qualitative findings has resulted in the development of several propositions for the empirical stage of primary research planned for this study:

P: *The more personal the nature of the client's RSI, the greater the dependence upon the solicitor*

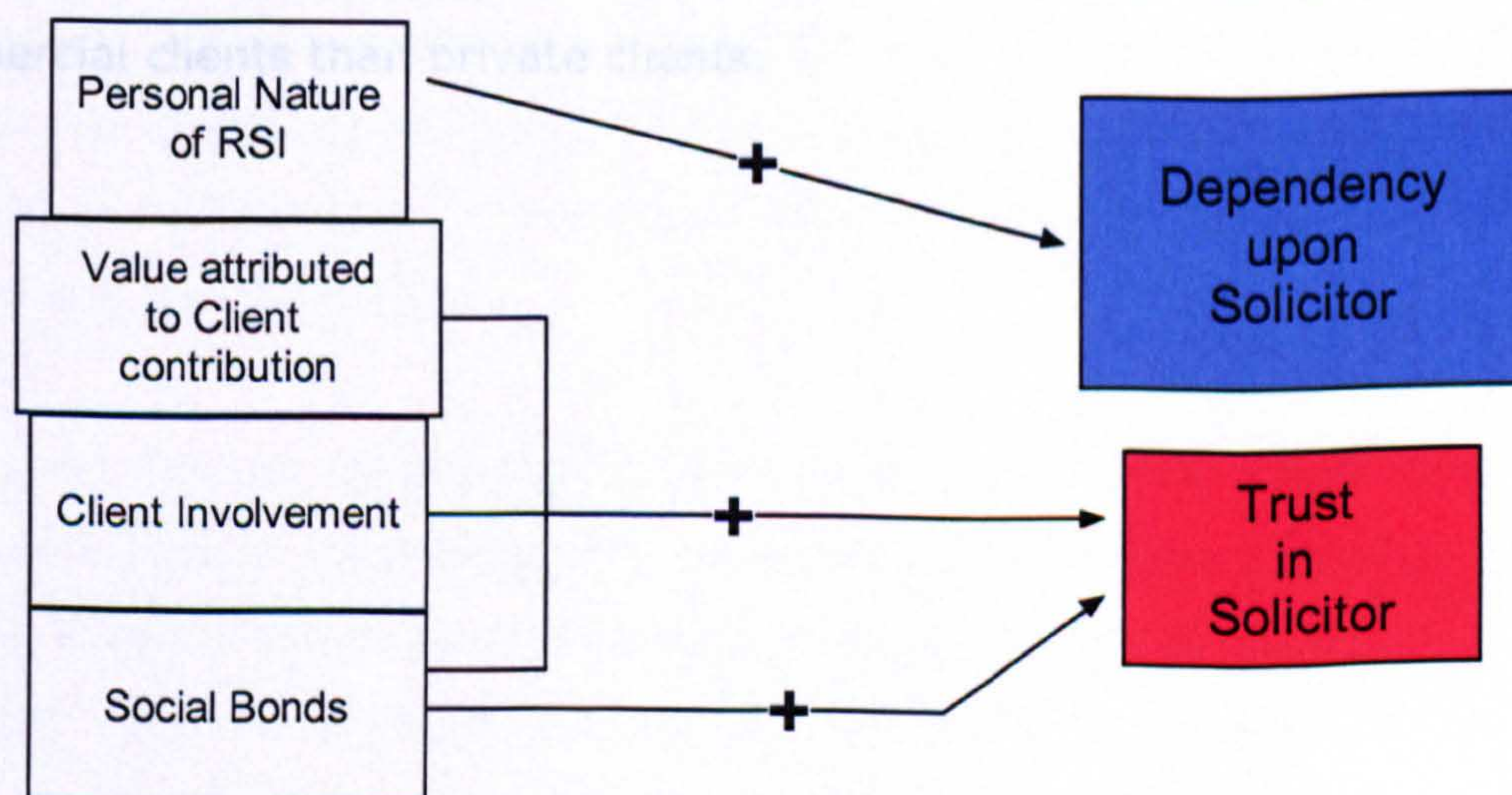
P: *The greater the value attributed to the client's contribution, by the solicitor, the greater the trust in the solicitor.*

P: *The greater the client's social bonds with the solicitor, the greater the dependence upon and trust in the solicitor.*

P: *The greater the client involvement with the legal service provision, the greater the trust in the solicitor.*

Consequently the resultant adapted model for Client Variables is presented below. Influences that are hypothesised to increase dependency upon the service provider, or trust in that service provider are indicated with a + sign and influences that are hypothesised to decrease dependency upon the service provider are indicated with a - sign. So a client who perceives legal service provision as a low involvement purchase will be less dependent upon the chosen legal service provider than the client who considers the provision as a high involvement purchase.

Figure 4.6 An Adapted Model of Client Variables



4.5 RELEVANCE OF INTERACTION VARIABLES

Bendapudi & Berry (1997) suggested that customer motivation to maintain relationships is influenced by four interaction variables: Frequency; termination costs; performance ambiguity and satisfaction. They further hypothesised that while all four variables build dependence upon the partner, only frequency of contact and satisfaction build trust in the partner. They proposed that:

P: *The greater the frequency of contact required by the service, the greater the customer's dependence on the relationship partner. If satisfactory, the greater the frequency of contact, the greater the customer's trust in the relationship partner.*

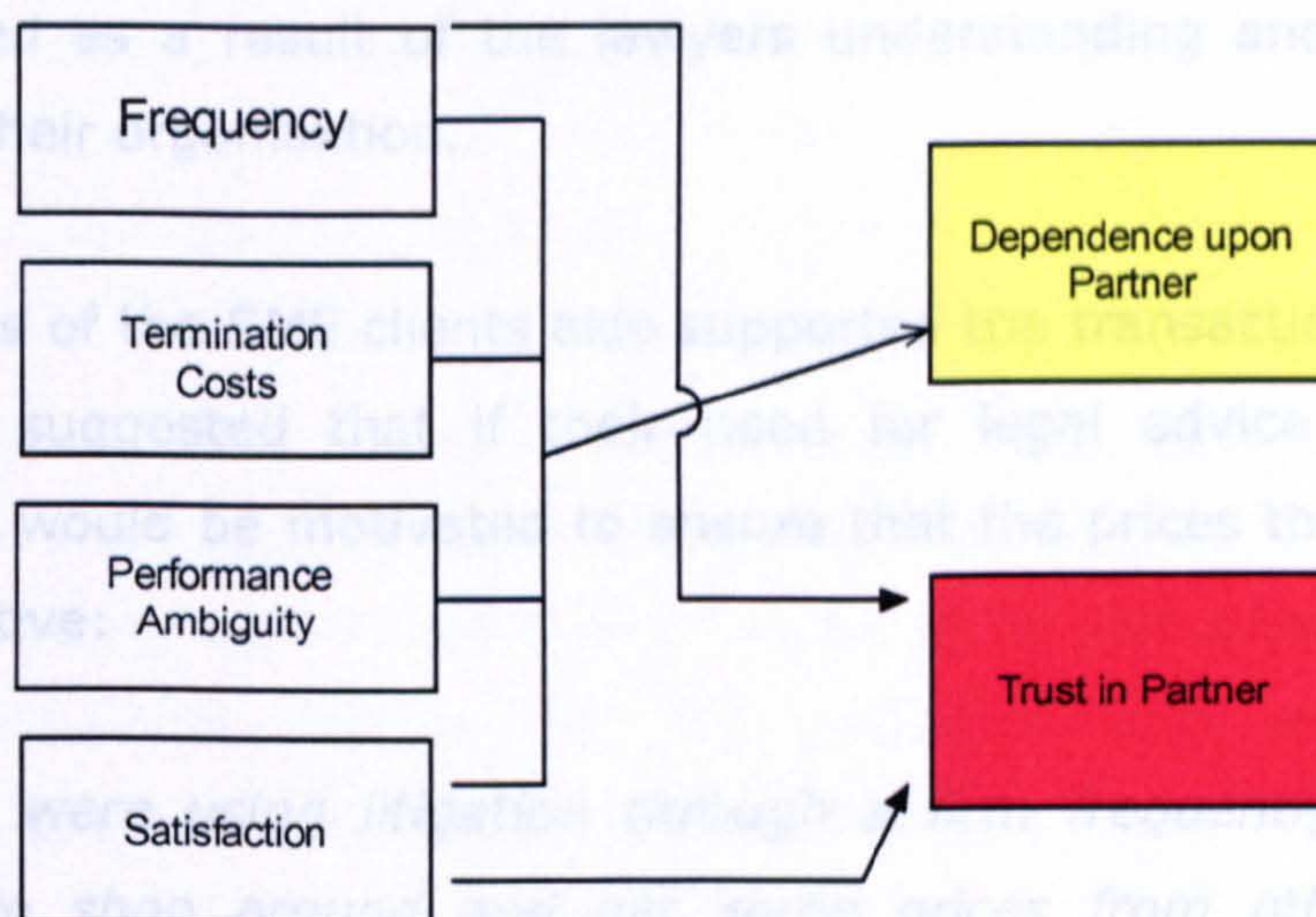
P: *The greater the customer's perceived termination costs, the greater the dependence on the relationship partner.*

P: *The greater the performance ambiguity of the service interaction, the greater the customer's dependence on the relationship partner.*

P: *The greater the customer's satisfaction with past service interactions, the greater the dependence on and trust in the relationship partner. (p. 27-28)*

The discussion of these variables in chapter 2 concluded that the greater the frequency of contact, the cost of terminating the relationship while matters are on-going, and the performance ambiguity created by the environmental variables are more likely to build trust in the service provider among commercial clients than private clients.

Figure 4.7 Interaction Variables



However, the qualitative findings suggest that variables not identified by Bendapudi & Berry (1997) are actually more important for private clients, given that they generally have a less frequent need to use legal services than commercial clients. These factors have been classified as “co-production” factors and perceived benefits from longevity.

So this section will deal with the Bendapudi & Berry (1997) variables first. The other variables drawn out from the analysis of the qualitative findings will then be discussed and conclusions drawn.

4.5.1 Frequency of Contact

Transaction cost analysis theory suggests that customers requiring frequent contact will generally prefer to maintain a relationship with a single provider in order to reduce the costs associated with frequent individual transactions (Ridley and Avery, 1979).

This need for an established relationship was clearly confirmed by the commercial client interviews. The blue-chip multi-national organisations, that all had established relationships with several “panel” firms mentioned their constant need for a large volume of legal work to be sourced externally. While no client stated that this frequency of need drove them to maintain relationships in order to reduce their transaction costs one of the benefits they

all cited for maintaining relationships was cost efficiency gains arising from the time-saved as a result of the lawyers understanding and experience of dealing with their organisation.

The comments of the SME clients also supported the transaction cost analysis in that they suggested that if their need for legal advice became more frequent they would be motivated to ensure that the prices they were paying were competitive:

"If we were using litigation through a firm frequently I would start to shop around and get some prices from other firms, without a shadow of doubt. But in the context of the infrequency, it's not really a point at issue."

It was also interesting that SME's appeared to balance their infrequent need with the ability to react quickly when a need did arise. It was this rather than the frequency of need that appeared to motivate them to establish and maintain relationships with law firms. This point is dealt with under environmental variables above.

In direct contrast, private clients spontaneously reported their need for legal services to be infrequent. For many private clients this meant that there was not, nor was there any need for, a relationship with solicitors:

"I don't see a need for a continuous link in a relationship/partnership/interaction with a solicitor. It's just a series of one-off events";
Male 50's

"...we need these solicitors very rarely, generally, so I'm not sure they're the sort of people that you need to create a friendship with – it's not the sort of business you create a relationship with."
Male 50's

However, some clients still referred to "my" or "our" solicitor – indicating that they did perceive there to be a relationship:

"...we used him fairly broadly as our solicitor, that's what we saw him as being, but we actually had very little need to contact him."

Male 50's

So clearly, for private clients infrequency of need does not necessarily influence their motivation to maintain relationships with lawyers. Some other factors must be acting. These clients intend to remain loyal and intend to return to the service provider but are prevented from doing so by the situational, or environmental/contextual variable of a lack of need.

The findings from the commercial clients also suggest that their frequency of need could be regarded as an environmental variable, rather than an interaction variable. Since all environmental variables are hypothesised to increase a client's dependence upon the service provider this would also be consistent with the fact that greater frequency of need leads to a greater dependence. However, probably more important is the distinction between the more distinct transaction-based need of private clients and the on-going and diverse nature, which characterises the commercial client need. Consequently it is proposed that, for this research, frequency of need is included in the environmental variables and not in interaction variables.

This position gains further support from the fact that Bendapudi & Berry (1997) suggest that the frequency of contact builds trust in the partner only if the customer is satisfied. Yet they consider satisfaction to be another interaction variable. This appears to be a somewhat confused position that is not supported by the qualitative findings. Frequency of need, or contact, does not appear to be directly linked to client satisfaction in the legal service context. Nor does it appear to be directly linked to the motivation of private clients to maintain relationships with their legal service providers.

So, for the legal service context, frequency of need will be added to the adapted model of environmental variables and is proposed to influence dependency and not trust:

P: *The greater the frequency of need the greater the client's dependence upon the solicitor*

4.5.2 Termination Costs

Termination costs are those immediate costs associated with terminating one relationship and perhaps entering a new one. Once again there are significant differences to do with the context of the commercial and private clients.

Private clients tend to use solicitors for specific matters that have a distinct beginning and end. Commercial clients, particularly the larger ones, tend to refer to on-going matters. So, for instance, if a law firm was instructed to deal with debt collection matters it would be difficult to find a point in time when the law firm was not active on this matter. Clearly this adds to a client's dependence upon a legal service provider and cannot lead to trust in that partner. So, the qualitative findings suggest that this variable should, like frequency of need discussed above, be moved into the environmental variable stable.

A further point should be noted here. Clients do not tend to discuss termination costs in terms of financial costs.

When discussing how to deal with problems that occur within the relationship commercial clients talked about managing the process to a successful conclusion. A typical comment was:

"...we try to help them because there's a lot riding on it for us in them getting better. Because the cost of changing law firms is big because you're throwing out a lot of built up experience and having to build it up again. And there's no guarantee that the new firm is any better."

The position with private clients is much easier. When a client has a legal need they have a choice – to return to a previous provider or not. Many of them choose not to, although some do. Some that do return do so for very positive reasons but others suggest that it is easier to do so because they are familiar with the service provider or that the service provider is familiar with them and their situation. One telling comment was remarkably similar to that of the commercial client perspective:

"...once you've been through three house moves, two divorces, and a contract they know an awful lot about you and if you went somewhere else you'd have to start explaining everything again...It's just too much effort to change."

female 40's

It is worth pointing out that these comments by both commercial and private clients tend to imply that they are motivated by perceived benefits in remaining, rather than any perceived costs involved in switching. As such the qualitative findings suggest that this variable is not relevant to the legal service context and is not worth pursuing to the second research stage.

4.5.3 Performance Ambiguity

This refers to the difficulty that clients have in evaluating the outcomes or results of the service performance. Transaction cost analysis theory suggests that where performance ambiguity is high customers prefer to maintain relationships "...because the costs of negotiating, monitoring and enforcing performance will be greater..." (Bendapudi & Berry, 1997, p. 27).

The qualitative findings reveal an interesting scenario in terms of performance ambiguity that is reflected in both commercial and private client contexts. First the whole context of the law is seen to be uncertain and ambiguous to the extent that the service provider may not necessarily influence. There is usually an "other side" to deal with as well as the uncertainties inherent within the structures and processes of the English legal system. Once again much of this has been discussed within environmental variables above.

Secondly, much of the performance ambiguity that might exist appears to be ignored by clients when expressing their view that legal service providers are really very similar; that they do not differentiate their services. This perceived lack of differentiation has also been discussed within the environmental variables above.

So the qualitative findings suggest that while a high level of performance ambiguity exists, both commercial and private clients tend to attribute this to

the general legal service context. Furthermore there is a tendency to perceive that all providers within the acceptable choice set provide similar service performance. Consequently this variable appears to have been adequately provided for within the discussion of, and propositions generated for, environmental variables, specifically:

P: *Client dependency upon a solicitor will decrease as the outcome certainty increases.*

4.5.4 Satisfaction

The final variable that Bendapudi & Berry (1997) included in their interaction variables is that of satisfying past experiences. They suggest that such satisfaction raises trust in the provider- that future experiences will be similar – and also increases dependence because of the fear that another provider will not prove to be so satisfying. Thus, they suggest, satisfied customers will want to maintain that relationship as a result of dedication to it.

Extant literature, as discussed in chapter 2, indicates that satisfaction is not a simple construct. Moreover, the link between satisfaction and loyalty, or commitment, is also complex. While it has been suggested that loyalty itself “is a direct result of customer satisfaction” (Heskett *et al*, 1994, p.165) this relationship has also been found to be “neither linear nor simple” (Jones and Sasser, 1995, p.92). Indeed customers who report being satisfied are known to be disloyal, although totally, or extremely satisfied customers have been found to be substantially more loyal to the service provider than those who are merely satisfied (Jones and Sasser, 1995; Mittal and Lassar, 1998). Conversely research shows that dissatisfied customers often choose to remain loyal to the organisation (Hirschman, 1970; Warland *et al* 1975; Day and Landon, 1997; Stephens and Swinner, 1998). Mittal and Lassar (1998) summarise this situation succinctly when they observe that:

“...satisfaction and loyalty ratings are correlated; however, this relationship is asymmetrical: while dissatisfaction guarantees patronage switching, satisfaction does not guarantee loyalty.” (p. 183)

The qualitative findings would bear this out. It is important to note that respondents were asked to talk about their experiences with solicitors in order to generate spontaneous responses, and for the respondents to set their own agenda so to speak. As a result "satisfaction" was rarely mentioned by either commercial or private clients. Some private clients who indicated that they were generally happy with a given solicitor either had not returned to him/her when a fresh legal need arose. Of course, every client that maintained a relationship, commercial or private, indicated that they were happy with the service provision and many also indicated that they trusted their service provider.

Consequently the whole area of satisfaction appears, from both extant literature, and the qualitative findings, to be far too complex to include as merely one variable in the second stage of research, particularly when all of the knowledge relating to satisfaction suggests that its link with loyalty is not straightforward.

However, both commercial and private clients talked in terms of benefits sought from legal services providers. In addition, many clients saw benefits from maintaining relationships with legal service providers. Indeed commercial clients indicated that the best way of obtaining the benefits they sought from legal service providers was to establish, develop and maintain long-term relationships. So the qualitative findings suggest that the key motivating factor for commercial clients to maintain relationships is their desire to achieve the following benefits for their organisation:

1. *Tailored, and faster, service provision*

One that is in synchrony with their organisation that arises from an understanding of exactly what is needed;

2. *Increased internal efficiency*

The ability to pass work externally without the need to manage it because external counsel will be able to work *independently*;

3. *Act in place of the client*

The assurance that the law firm will represent their interests in the way in which they would do

4. *Time savings that translate into cost savings*

The ability of external counsel to use historical knowledge and experience to save time and therefore reduce their billing time;

5. *Personal and Social Benefits*

The ability to reach a rapport on a personal level to increase the "fun" aspects of working together which in turn increases the effectiveness of the working relationships;

Private clients talk in terms of:

1. *Personal Support - empathy*

Particularly during more personal and difficult matters such as matrimonial and probate.

2. *Value for Money*

3. *Responsiveness to personal needs – the "personal touch"*

Indicating some form of tailoring to personal needs – not a "mechanised" process.

4. *Assurance that the work will be done without the need to continually check up*

5. *Trust that their interests will be well represented*

Analysis of interview transcripts from those private clients who had developed strong relationships with their solicitors revealed comments relating to all of these aspects. In direct contrast, the transcripts of interviews with private clients who had not formed, or had no interest in forming, relationships with solicitors were virtually devoid of comments in any of these areas.

In a sense the benefits sought by commercial and private clients are the same: The personal support sought by private clients is similar to that of the personal and social benefits sought by commercial clients; Value for money is the same as time savings translating into cost savings; The "personal touch" equates to the "tailoring" of service provision; knowing that the work will be done without the need for continual checks is the same as the commercial

client concerns that the law firm can work independently without continual reference back for instructions and "micro-management"; acting in place of the client equates to private clients trusting that their interests will be well represented.

It is clear that the perception of these benefits increases both trust and dependency in private clients:

"He was incredibly supportive and I think then I formed a view of him as being trustworthy." Female 50's

"...were I to be referred to another partner, or to go to another firm, I would feel that the personal touch would be lost and that in a way my affairs might be dealt with 'casually' – I don't mean unprofessionally."

Female 50's

"... just because I was very busy I tended to leave a lot more to him to do that I would normally do. While negotiations were difficult, I would let him get on with those negotiations, trusting entirely that he would represent my interests."

Female 50's

These benefits are over and above the actual technical/legal advice or representation and as such relate to the way in which the service is delivered. Therefore, it is proposed that perceived service delivery benefits are substituted for Bendapudi & Berry's satisfaction variable and leads to the following proposition:

P: *The greater the perceived service delivery benefits, the greater the dependence upon and trust in the solicitor.*

4.5.5 The Influence of the "Co-Production" Variable

Bendapudi & Berry (1997) propositions do not make any reference to "co-production" variables although both co-production and co-consumption (with

other customers) are often cited in service marketing literature as characteristic of services. The qualitative findings revealed that commercial clients and private clients who maintained relationships talked about "*working with*" their legal service providers. This terminology tended to be absent from the transcripts of private clients who did not maintain relationships with lawyers. Such clients either talked in terms of "*handing it over*" to solicitors, or in terms of solicitors "*working for me*".

The recognition that playing an active role in the service provision may influence the motives for relationship maintenance leads to the following proposition:

P: *The greater the active co-production by the client, the greater the dependence upon and trust in the solicitor.*

Unfortunately the qualitative findings do not indicate clear relationships between co-production and dependence or trust so the proposition includes both. This probably makes sense in that working together will build trust in the partner and probably a dependence upon the relationship in case such an effective working relationship can not be built with another service provider.

4.5.6 Summary of Interaction Variables

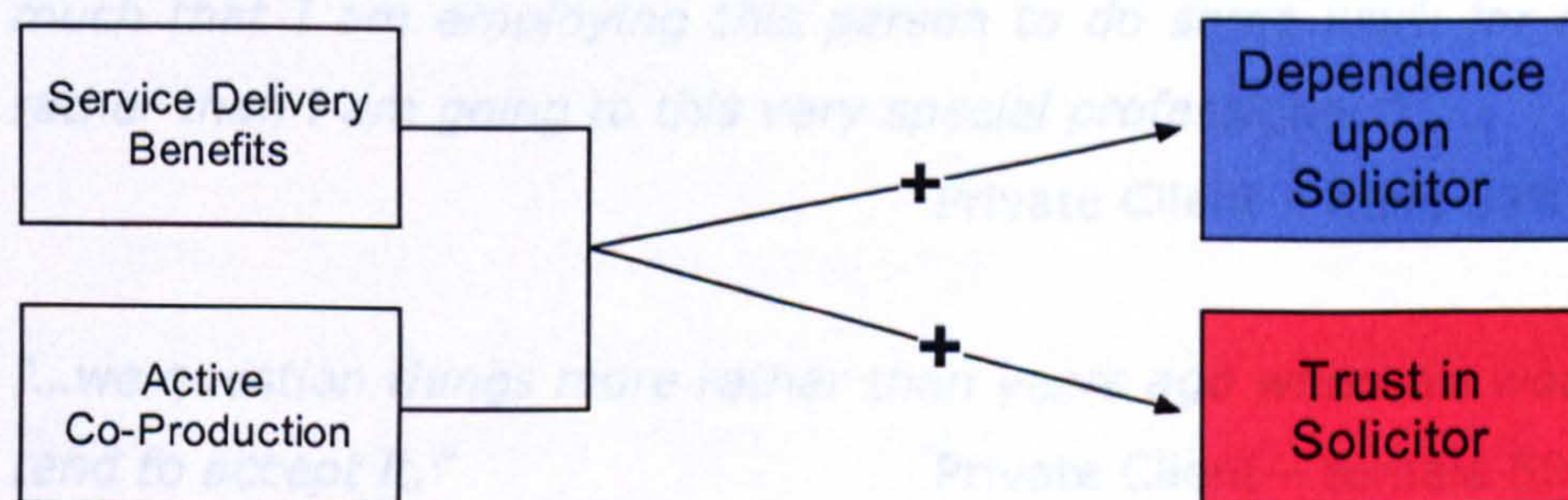
The discussion of the qualitative findings has rejected the relevance of the four Bendapudi & Berry (1997) variables of: frequency of contact; termination costs; performance ambiguity and satisfaction within the interaction variables. Termination costs appear to be an irrelevant motivational construct to the client-solicitor relationship when research suggests that clients maintaining relationships with solicitors are motivated by perceived benefits from remaining rather than perceived costs involved in switching (a positive rather than a negative reason). This provides strong support for Bendapudi & Berry's suggestion that dependency can arise from positive as well as negative influences in contrast to Morgan & Hunt (1994) who view all constraints negatively. Frequency of contact, along with performance ambiguity appear to be contextual and therefore more appropriately located within the environmental variables than within the interaction variables. Qualitative

findings suggest that satisfaction can be appropriately expressed in terms of perceived service delivery benefits which are more specific than a general expression of satisfaction, and may well be more appropriate for measurement. The qualitative research also suggests that active co-production behaviours would be worth measuring. Consequently the following two propositions appear relevant:

P: *The greater the perceived service delivery benefits, the greater the dependence upon and trust in the solicitor*

P: *The greater the active co-production by the client, the greater the dependence upon and trust in the solicitor.*

Figure 4.8 An Adapted Model of Interaction Variables



4.6 Other Factors that appear relevant to the legal service context

The qualitative findings suggest that two other variables affect client dependence upon a partner and trust in a partner within the legal service context: the changing nature of legal service provision and client perceptions of the legal service context.

4.6.1 The changing nature of legal service provision

First the profession has undergone dramatic change in both the commercial and private client contexts in the past few years. Although some clients talk

in terms of specific time periods, such as the last 10 years, others merely refer to how their dealings with solicitors have changed over the course of their lives. But in all cases there is a recognition that the profession has undergone, and is still in, a period of significant transition:

"I think a lot of the older established firms have been through quite a transition over the last few years. They've gone from being almost an institution to realising that they are a service industry. I think there are probably still some of the older partners who are a little bit stuck in the old culture. Fortunately there's enough young blood going through the industry to drag them, kicking and screaming, into the 20th Century."

Commercial Client

"And now the feeling that I'd have about that would be very much that I am employing this person to do some work for me rather than I am going to this very special professional."

Private Client – male 50's

"...we question things more rather than years ago when we would tend to accept it."

Private Client – female 50's

Such comments suggest that the very nature of legal service provision has changed the inherent dependence that clients, both commercial and private, have upon their legal service providers. Behind these comments lies a hint of something akin to a transfer of power between the provider and the client. This leads to the following proposition:

P: *The greater the client perception of the solicitor as a legal service provider, the lower the client dependence upon that solicitor*

This variable clearly belongs with the other contextual/environmental variables, particularly in light of its influence only on dependency.

Inextricably linked to this variable is the general perception of legal service provision and legal service providers of which the qualitative findings provided some fascinating insights.

4.6.2 Perceptions of legal service provision and legal service providers

A key difference between commercial and private clients is their general perceptions of the legal profession. Commercial clients perceive commercial lawyers to be generally hard working professionals who deliver a good service while private clients emphasise the difference between their general views, and prejudices, and their own personal experiences. Good personal experiences still leave private clients with the residual view that at some stage they are going to have the negative experience that they "know" awaits them.

Private clients express considerable concern regarding a solicitor's ability to act opportunistically within the relationship. Since trust has been associated with a reduction in the fear of opportunistic behaviour by the other party (Anderson & Narus, 1990), clients are unlikely to trust solicitors when they believe they act opportunistically.

Private clients readily identify opportunities for solicitors to act opportunistically. As a result private clients believe that solicitors should be "*used with caution*" and only when "*absolutely necessary*" either because clients cannot find the required expertise elsewhere or because they do not have the time to undertake the project themselves (eg: probate) because:

- a. Solicitors can exploit the client need for their involvement – the "monopoly" situation:

"because they are so specialised and expert they have the scope to exploit their client"
Female 40's

"You have to go to see a lawyer, it's not something that you can sort out yourself ... they tend to take advantage of this situation"
Male 50's

- b. Solicitors are expensive and do not appear to deliver good value:

"They charge me too much money for what I receive."

Female 40's

"They are an expensive profession – they tend to charge heavily for what they do, perhaps unjustifiably so in a lot of circumstances." Female 40's

- c. A sense of losing control when solicitors are involved:

"open-endedness is the thing I fear most about any legal situation – no control" Male 50's

- d. Dealing with solicitors inevitably involves inexplicable complexity:

"generally [the legal services I've experienced] have been routine but along the way, they often seem to have been more complicated than somehow I imagine that they should be."

Male 50's

"Almost predictably he said to me, 'you can't just sign this form, it's much more complicated than that.' It then was weeks and weeks and weeks while he drew up, what seemed to me, overly elaborate documents which I couldn't follow. I was always saying, 'why have I got to do this and do that?' Again, therefore, X pounds later, there was this most complicated document lodged in their safe."

Female 50's

- e. Solicitors cause inexplicable time delays:

"I naively expected these things to be done tomorrow but it takes months – wondering why it takes so long for what appears to be involved ... so there's a sort of efficiency question mark, I guess, over their services."

Male 50's

- f. Solicitors provide the service their way and fail to meet individual client need.

"... it seems very rushed – maybe they don't look into what the individual needs are so much as they should – 'we provide this service' so that's what you get."

Female 40's

Additionally, private clients see solicitors as different, or set apart from, their clients describing them as "really quite remote"; "untouchable"; "otherworldly"; "shrouded in mystery"; "a very closed profession"; "belonging to some sort of exclusive club", none of which is viewed positively.

In contrast commercial clients believe that if they form a good relationship with a competent legal service provider their organisation will receive: a speedy and tailored service, provided independently with minimal managerial input from the client which will yield increased internal business efficiency; lower legal costs; and a fun working relationship. In short commercial clients believe that legal service providers play a positive role within a commercial environment.

Clearly these perceptions are going to influence client motivations for maintaining relationships with solicitors and law firms. Private clients appear to be less likely to perceive benefits arising from participating in legal services than commercial clients. Private clients appear to be more suspicious than commercial clients and express fears that the legal services contexts provides many opportunities for solicitors to act opportunistically. So private clients may well be less likely to trust solicitors and that may result in them maintaining relationships only when they perceive constraints and not returning to that service provider when a fresh need arises. This leads to the following proposition:

P: *The greater the perception of non-opportunistic behaviour, the greater the level of trust in the solicitor.*

4.6.3 Summary of General Factors

The propositions developed by Bendapudi & Berry (1997) were said to be appropriate for service industries. That suggests that they were concerned with general characteristics of multiple service industries. Given that this thesis focuses on just one service industry, that of legal service provision by solicitors to their clients, there is an opportunity to contextualise many of the environmental variables. As such, the first of the following propositions truly

belongs within that category while the final proposition relates to Interaction variables.

P: *The greater the client perception of the solicitor as a legal service provider, the lower the client dependence upon that solicitor*

P: *The greater the perception of non-opportunistic behaviour, the greater the level of trust in the solicitor.*

4.7 SUMMARY OF QUALITATIVE FINDINGS

The qualitative findings have been analysed, interpreted and discussed using the framework provided by Bendapudi & Berry (1997) to explain Relationship Maintenance. Each of their proposed variables has been reviewed to determine their relevance and contribution to understanding the legal service context. The result of such analysis and interpretation is the acceptance of some variables; the amendment of others and the rejection of the remainder. Propositions have been developed to guide the second research stage.

The three research objectives are:

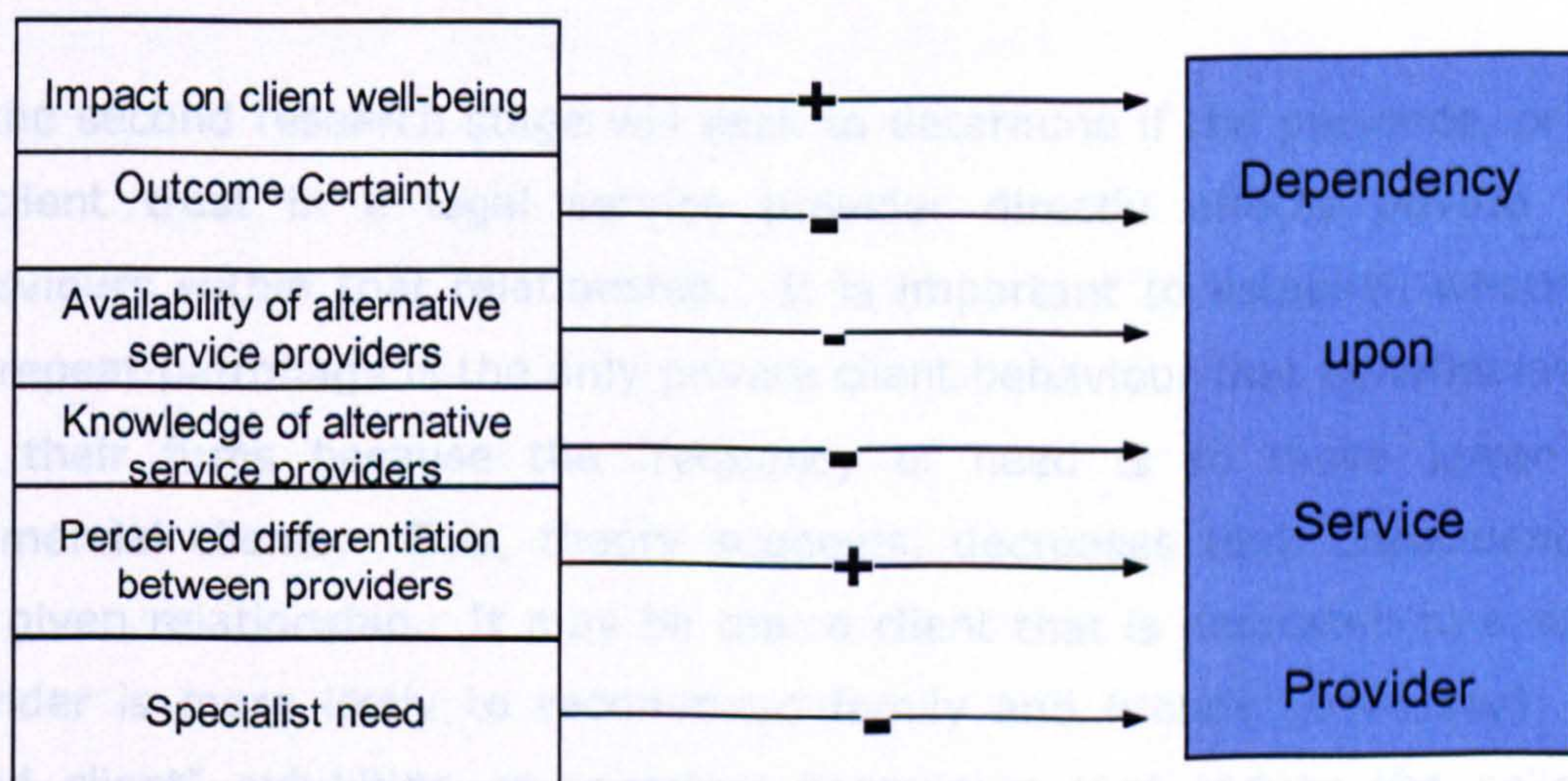
1. to understand, compare and contrast, the motivations of private and commercial clients to maintain relationships with legal service providers.
2. to determine whether motives for maintaining relationships with solicitors directly influences client behaviours within those relationships;
3. to construct a model to explain client behaviours within the client-solicitor relationship.

The qualitative research stage has provided an understanding of the relevance and applicability of posited factors that might influence different motives for maintaining relationships with legal service providers. It has also provided evidence that clients do behave differently within the client-solicitor

relationship. This information has addressed, in part, the first research objective. The second research stage will be concerned with the development of measurement scales for the emergent constructs and the identification of predictive relationships between the emergent constructs. Thus the quantitative stage seeks primarily to address the second and third research objectives.

Bendapudi & Berry (1997) proposed that environmental variables influence dependency upon the partner and do not build trust. The qualitative findings within the legal service context support this proposition. The findings demonstrate that the legal service context is one that fosters client dependency upon service providers. While the strength of particular contextual (environment) variable influences may differ between commercial and private clients, the effect is similar – the environmental variables all influence dependency and do not influence trust.

Figure 4.9 Environmental Variables Influencing Dependency



Given that the context is one of dependency, and that the study is predicated on the assumption that a relationship devoid of trust will be maintained on the basis of perceived constraints, it should not be necessary to measure the variables that generate dependency upon the service provider, or their influence on client behaviours. The second stage of this study can legitimately concentrate on identifying variables that build trust in the partner and the relationship that exists, if any, between the presence of those variables, trust and various client behaviours.

Consequently it is intended only to measure the variables that influence levels of trust in the service provider. Where those variables are present, theory suggests that dedication will motivate client behaviours (Bendapudi & Berry, 1997). Where those variables are not present, theory suggests that perceived constraints will motivate client behaviours. It should then be possible to identify which client behaviours are the result of dedication to the relationship and which are the result of constraints.

In a similar vein, it is intended only to pursue second stage research among private clients. The qualitative findings revealed that commercial clients maintain their relationships because they are dedicated to them. In fact the qualitative findings suggest that commercial client relationships are characterised by the presence of the trust generating variables. Consequently the relationships that are most likely to reveal differences of behaviour as a result of variables influencing the development of dependency and trust are those of the private client and solicitor.

So the second research stage will seek to determine if the presence, or lack, of client trust in a legal service provider directly affects private client behaviours within that relationship. It is important to establish whether or not repeat patronage is the only private client behaviour that benefits lawyers and their firms because the frequency of need is so much lower than commercial clients. This, theory suggests, decreases their dependency on any given relationship. It may be that a client that is dedicated to a service provider is more likely to recommend family and friends (advocacy); be a "good client" exhibiting co-operative behaviours that reduce the solicitor's servicing costs (co-operation) and be keen to resolve any difficulties amicably (Morgan & Hunt's "functional conflict"). Such behaviours would result in tangible profit contributions to the firm in the same way that repeat patronage would.

Additionally, within the relationship marketing field it is unusual to find a situation where clients, or customers, of an organisation consider themselves to have a relationship that is not recognised, nor necessarily sought, by the organisation. This relationship is one not envisaged by Tynan (1997) in her

review of the marriage analogy in relationship marketing. Much of the disquiet surrounding the extension of relationship marketing theory from the business-to-business context into consumer markets involves this issue. Authors argue (eg: Tynan, 1997; O'malley & Tynan, 2000) that although organisations talk in terms of having "relationships" with their customers, consumers are not generally interested in building relationships with their service providers. The private client-solicitor context appears to be a business-to-consumer context where these perceptions are reversed from the norm. Consequently the results of such research should add to academic knowledge and fill an existing gap in extant theory.

4.8 CONCLUSIONS ARISING FROM QUALITATIVE FINDINGS: THE RESULTANT MODEL

The implication arising from the qualitative findings is that relationships with legal service providers are characterised by the existence of contextual variables that create dependency upon that service provider. Thus, in the absence of any variables positively influencing the development of trust in the partner, any maintenance of such relationships must be motivated by a client perception of constraints. Bendapudi & Berry (1997) suggest that such a scenario will lead to a particular set of client behaviours. Following this argument through, variables that influence the development of trust in the legal service partner must be mediating variables. Bendapudi & Berry (1997) suggest that the presence of such mediating variables will result in different client behaviours because the client is dedicated to the relationship.

The emergent model, which can be found at the end of this chapter, reflects the findings of the qualitative study. First it suggests that the environmental, or contextual, variables generate private client dependency upon solicitors. Secondly it proposes that particular interaction variables mediate the effect of dependency because they will generate trust in the solicitor. Thirdly it posits a direct link between trust in the solicitor and a private client commitment to maintain the relationship to reflect the contribution made by Morgan & Hunt (1994). Finally the model proposes that private clients demonstrate different behaviours which depend upon whether or not the interaction variables have

generated trust in and commitment to the solicitor. Each of these aspects to the model will be summarised below.

4.8.1 Environmental Variables

Bendapudi & Berry (1997) suggested that three environmental variables generate dependence upon a service provider: Dynamism; Munificence and Complexity. The qualitative findings suggest that the list is much greater when contextualised within the legal service environment. It would be fair to say that Bendapudi & Berry (1997) posited other variables to impact upon dependence: Partner RSI's; partner expertise; Client RSI's; Client Expertise; Social Bonding; Frequency of need; Termination Costs; Performance Ambiguity and Satisfaction and some of these variables have been redefined as environmental variables because the qualitative findings suggest that they are actually characteristic of the legal context.

Environmental Dynamism relates to the degree of turbulence, uncertainty or unpredictability that makes the prediction of outcomes difficult (Bendapudi & Berry, 1997). The qualitative findings suggest that the issues this raises within the legal environment are connected to the impact upon the *client's well-being* (particularly for private clients) and the fact that the legal environment is characterised by *outcome uncertainty*. As a result of this research it is proposed that future research seeking to measure client dependency upon solicitors should include these two separate variables.

Bendapudi & Berry (1997) suggest that munificence should be measured in terms of the availability of suitable business partners, or service providers. The qualitative findings suggest that, for private clients, the issues here are *availability* and *knowledge of alternative solicitors* along with a perception of *differentiation* between solicitors. Consequently future research seeking to measure client dependency upon solicitors should include these three variables.

Although Bendapudi & Berry (1997) discuss complexity in terms of a complex environment, the qualitative findings suggest that it is the specialist nature of a client's need, or lack of it, that influences dependency upon a solicitor. So

future research seeking to measure client dependency upon solicitors should include a *specialist need* variable.

Three additional variables should also be included relate to *frequency of need*; *client RSI's* and the *Perception of a solicitor as a service provider*. Frequency of need and Client RSI's are discussed further below within the trust-generating variables section.

The inclusion of the perception of a solicitor as a service provider, as opposed to a professional, arose from comments made during the qualitative by private clients talking about how the perception of the legal profession has changed over the years. The inference was that solicitors are less powerful within the client-solicitor relationship these days now that the profession is less shrouded in mystery and as a result of greater questioning of their legitimate authority (French & Raven 1959) and a demand for greater accountability among the professions by society generally. Thus the suggestion was made that where private clients perceive the solicitor to be "merely" another service provider and legal services to be merely another service that they purchase they are less likely to be intimidated and less likely to become dependent upon that solicitor. The reverse must therefore be true, that where the solicitor is perceived as a hallowed professional the private client is more likely to become dependent upon him/her. This is an interesting suggestion but quite outside this area of study so must be left for another study to pursue.

To summarise, the qualitative research suggests that future empirical research seeking to measure client dependency upon solicitors should include items to measure the following environmental variables: Impact on client well-being; Outcome uncertainty; Availability of alternative service providers; Knowledge of alternative service providers; Perceived differentiation between providers; Specialist need; Frequency of need; Perception of Solicitor as a service provider; and Client RSI's.

There is sufficient evidence from the qualitative study to accept that environmental, or contextual, variables do exist and do generate dependency upon the legal service provider that there is no need for this empirical study to include items to measure these variables. The purpose of this quantitative study is to examine the role of trust as a mediating influence upon

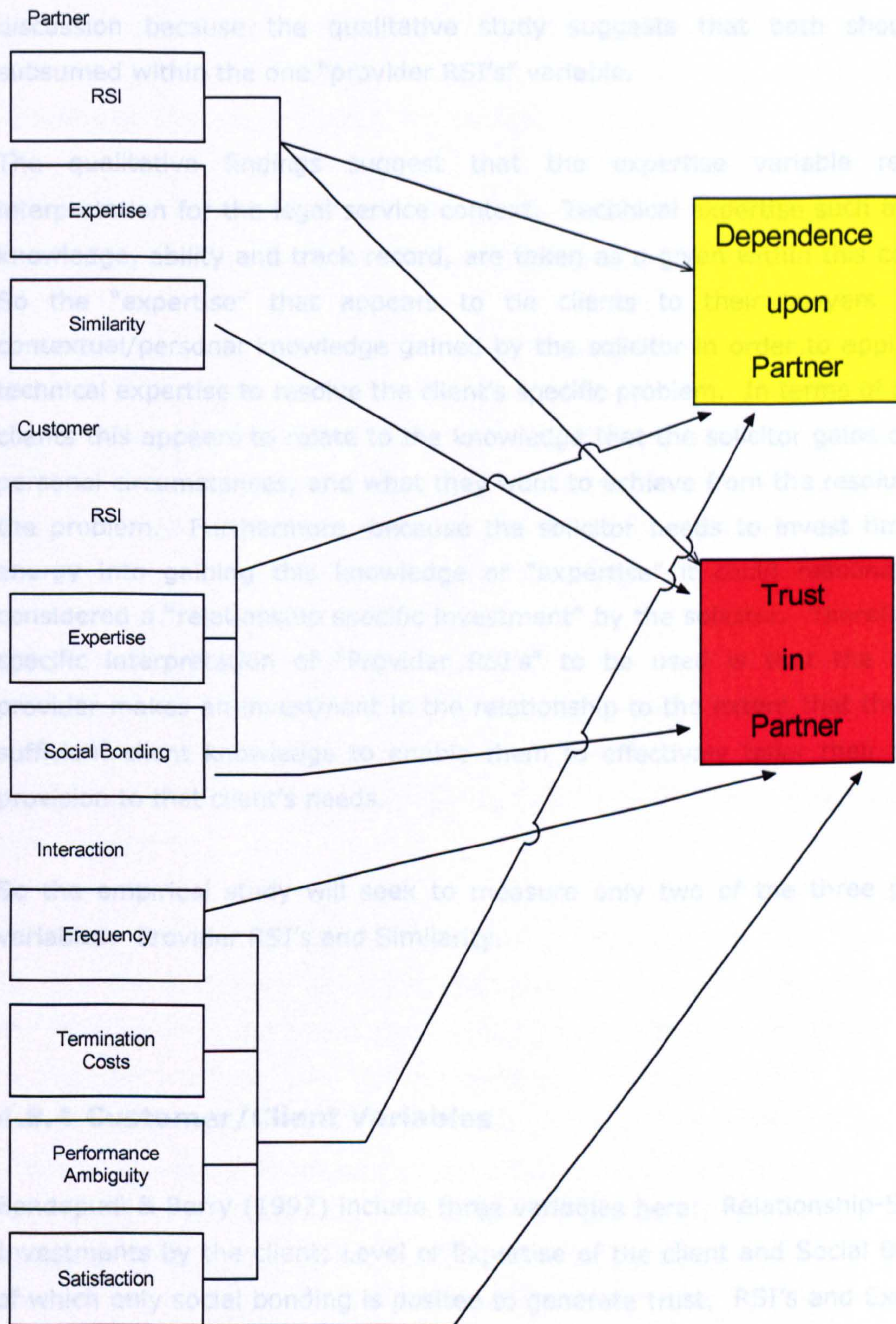
relationships within a context of dependency upon the service provider. Do private clients who trust their solicitor become committed to the relationship and in fact exhibit different behaviours within the relationship than those that do not.

4.8.2 Trust-Generating Variables

The qualitative study suggests that empirical research to explore the development of trust within the client-solicitor relationship should include items to measure variables that differ from those posited by Bendapudi & Berry (1997). This is because the qualitative study sought to determine the relevance of the variables hypothesised by Bendapudi & Berry (1997) when seeking to explain client behaviours within the client-solicitor relationship. The qualitative findings suggest the need to adapt, delete and add variables to those proposed by Bendapudi & Berry (1997).

It is worth reviewing the variables that Bendapudi & Berry (1997) suggested would generate trust before discussing the differences. The model below does not include the environmental variables, since they lead to dependence and not trust. It is also worth repeating that the propositions underlying this empirical study are to be researched among private clients only and that this study will specifically not include commercial clients from this point onwards.

Figure 4.10 Trust Generating Variables



4.8.3 Partner/Provider Variables

Bendapudi & Berry (1997) include three variables here: Relationship Specific Investments; Expertise and Similarity. The qualitative research found that where similarities can be established there is a greater likelihood of private clients trusting their solicitor so the empirical study will include items to

measure this variable. The other two hypothesised variables require greater discussion because the qualitative study suggests that both should be subsumed within the one "provider RSI's" variable.

The qualitative findings suggest that the expertise variable requires interpretation for the legal service context. Technical expertise such as legal knowledge, ability and track record, are taken as a given within this context. So the "expertise" that appears to tie clients to their lawyers is the contextual/personal knowledge gained by the solicitor in order to apply their technical expertise to resolve the client's specific problem. In terms of private clients this appears to relate to the knowledge that the solicitor gains of their personal circumstances, and what they want to achieve from the resolution of the problem. Furthermore, because the solicitor needs to invest time and energy into gaining this knowledge or "expertise" it could reasonably be considered a "relationship specific investment" by the solicitor. Therefore the specific interpretation of "Provider RSI's" to be used is that the service provider makes an investment in the relationship to the extent that they gain sufficient client knowledge to enable them to effectively tailor their service provision to that client's needs.

So the empirical study will seek to measure only two of the three posited variables: Provider RSI's and Similarity.

4.8.4 Customer/Client Variables

Bendapudi & Berry (1997) include three variables here: Relationship-Specific Investments by the client; Level of Expertise of the client and Social Bonding of which only social bonding is posited to generate trust. RSI's and Expertise (specifically the lack of) are posited to generate dependence upon the solicitor. The qualitative study suggests that the empirical study should seek to measure social bonds as a trust-generating variable. The remaining variables, posited to generate dependence, require further discussion along with additional variables that qualitative research suggests will lead to the development of trust.

The qualitative findings demonstrate that the legal service context is one where private clients are forced to make RSI's in terms of personal knowledge that they pass on in order to enable the legal service provider to render an effective service. Consequently the qualitative study proposes to locate client RSI's within the environmental/contextual section as it clearly does increase dependency, rather than trust, just as Bendapudi & Berry suggested. As a result this variable will not be measured during the second research stage.

Secondly the qualitative findings suggest that some private clients make the required personal disclosures in the trust that the service provider will not use this information in an opportunistic manner. This fear of what solicitors might do with the information, or that they might somehow use the information against the client, appears strong enough to warrant the measurement of a perception that the service provider will not engage in opportunistic behaviour as a separate trust-generating variable within the empirical study. The inclusion of such a variable is strengthened by the findings related to general perceptions of legal service providers among private clients who produced extensive lists of behaviour by solicitors that can only be categorised as opportunistic. Private clients appear to have a great fear of being exploited by solicitors.

Private clients tend to be far less familiar with the law than commercial clients. The qualitative findings suggest that what private clients do bring into the relationship is the knowledge of their own personal circumstances which, as discussed above, the solicitor requires in order to apply their legal knowledge to resolve the client's specific problem. The findings suggest that where solicitors acknowledge this contribution as valuable there is a greater likelihood of trust developing. Consequently the empirical study will seek to measure "Value attributed to client contribution" as a variable.

The qualitative findings also suggest that the client perception of the legal service provision being a high or low involvement purchase might influence the generation of trust. As a result this variable will also be measured during the second research stage.

So the propositions arising from the qualitative research study identify the following "client variables" to be measured: Social Bonds; Perception of non-

opportunistic Behaviour; value attributed to the client contribution and client perception of legal services being a high or low involvement purchase.

4.8.5 Interaction Variables

Bendapudi & Berry (1997) include four variables: Frequency; Termination Costs; Performance Ambiguity and Satisfaction although only frequency and satisfaction are posited to generate trust.

The qualitative findings suggest that a private client's frequency of need, or lack of it, does not influence their motives for maintaining relationships with lawyers. This provides support for the consistent position this study takes that merely measuring repeat purchase behaviours, or re-patronage of the service provider, is too limiting. Frequency appears to be a contextual, or environmental variable in the provision of legal services. So the qualitative study findings locate frequency or re-patronage within the environmental variables and as a result this variable will not be measured within the second research stage.

The qualitative research suggests that clients are motivated by perceived benefits in remaining rather than perceived costs in switching. These benefits appear to be linked to the personal "expertise" that the particular solicitor has of the private client which arises from the relationship-specific investments made by the solicitor at earlier stages within the relationship. So it appears that measuring client perceptions of provider RSI's would give a good indication of how much the client would have to "give up" to switch to another provider, As a result termination costs do not appear to be relevant to the researched context, particularly for private clients, so this variable will not be measured empirically.

The qualitative findings suggest that the whole context of the law is seen to be uncertain and ambiguous to the extent that the service provider may not necessarily influence. In addition to this context, private clients in particular suggest that legal service providers are really very similar making it difficult to differentiate between them. As a result performance ambiguity will not be measured. Neither will the relevant variables arising from the contextual

ambiguity, or uncertainty, since they appear to be environmental variables as discussed above.

So to satisfaction, which the qualitative study suggests requires adaptation for the client-solicitor context. The rationale for this arises both from the complexity of defining satisfaction as evident within the literature review and the qualitative findings which identified quite specific benefits that clients believe they receive from maintaining relationships with solicitors. Consequently the empirical study will seek to measure items related to service delivery benefits.

A further variable, not envisaged by Bendapudi & Berry (1997), included as a result of both the literature review and the qualitative study, is that of active co-production. This variable includes the timely provision of appropriate personal information by private clients (Ennew & Binks, 1999), and will provide a measurement of the extent to which private clients claim that they "work with" solicitors rather than hand things over or even consider that solicitors work for them.

So the empirical study will seek to measure items related to: client perceptions of Service Delivery Benefits and Active Co-production as trust-generating variables.

4.8.6 Behavioural Outcomes

Additions have been made to the list of possible client behaviours although this is primarily a function of the literature review rather than the qualitative findings. As a result three, rather than two, behaviours associated with constraint-based relationship maintenance are posited to arise from relationships where the dependency upon the solicitor is not mediated by interaction variables generating trust in the solicitor. Although Bendapudi & Berry (1997) did not include the spreading of negative word-of-mouth, there is sufficient support from extent literature to include such a behavioural outcome in the empirical study.

The empirical study will also seek to measure six, rather than five, behaviours associated with desire-based relationship maintenance which is posited to arise from relationships characterised by the existence of trust in the solicitor. Functional conflict, as defined by Morgan & Hunt (1994) will be included. Once again this addition arises primarily from the literature although the qualitative findings offered sufficient support for their theory that parties committed to a relationship will seek to resolve difficulties amicably, to include it in the empirical study.

4.8.7 Commitment

The construct of commitment has also been included to represent desire-based motivations for relationship maintenance, where dependency is mediated by trust. This is consistent with the declared approach in this study to consider Morgan & Hunt's (1994) relationship commitment without trust the equivalent of Bendapudi & Berry's (1997) constraint-based maintenance and to consider commitment with trust to be the same as desire-based motivations rather than constraint-based motivations. This distinction arises from the fact that both sets of authors require the presence of trust for relationships to be successful, effective or grow and prosper. This approach is discussed in depth in chapter two.

Given that this study is exploratory in nature it seeks to determine whether or not the general relationships suggested within the literature are relevant to the private client-solicitor relationship and does not seek to test the extent to which each of the specific propositions discussed above apply. So the three general propositions that will be explored during the second research stage of this study are:

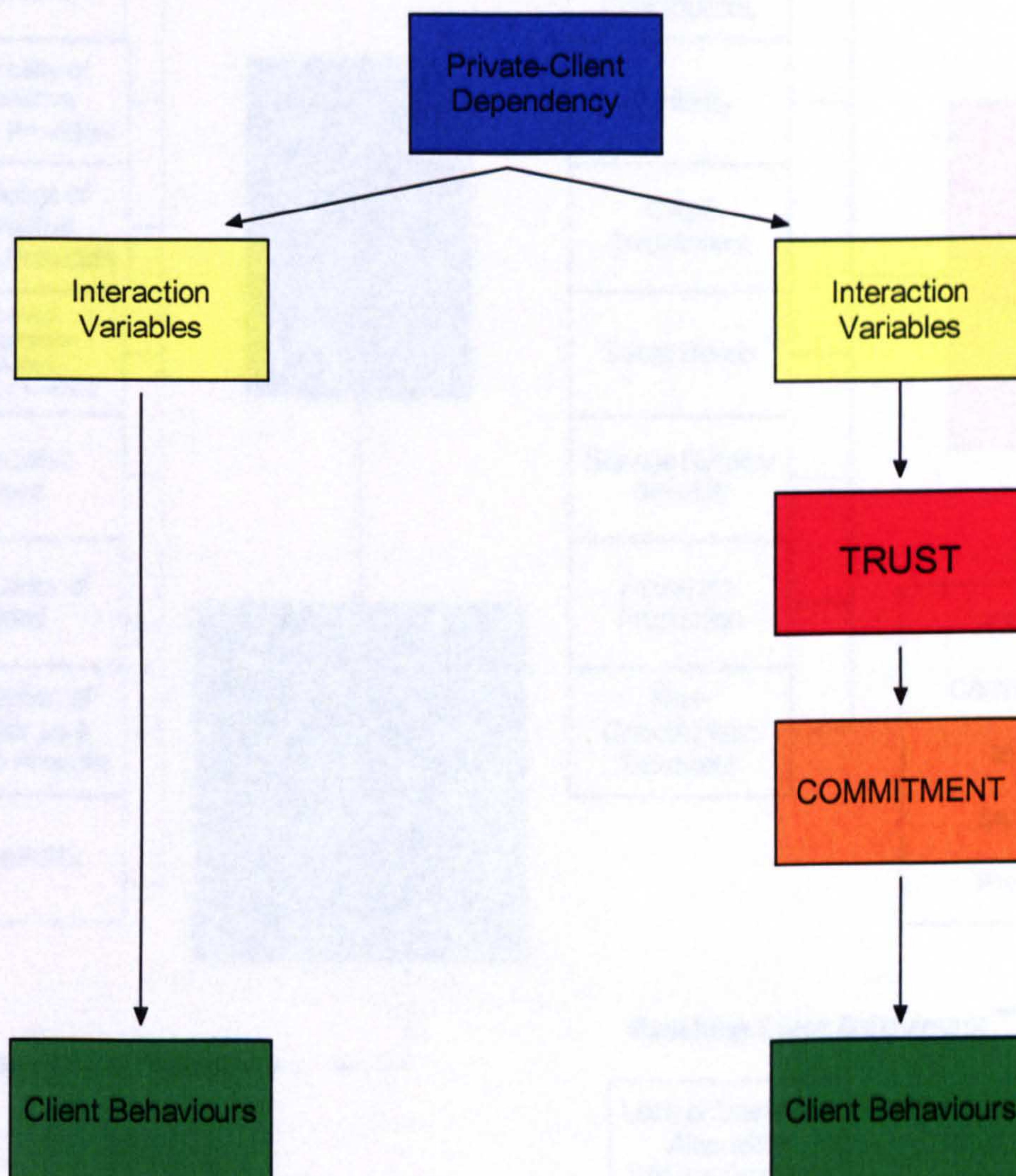
P 1 *That the presence of particular interaction variables will generate trust in the solicitor among private clients*

P 2 *That the presence of trust in the solicitor will result in private-client commitment to that relationship*

P 3 *That private clients who are committed to the relationship with their solicitor will exhibit different behaviours within the relationship from those private clients who are merely dependent upon the solicitor.*

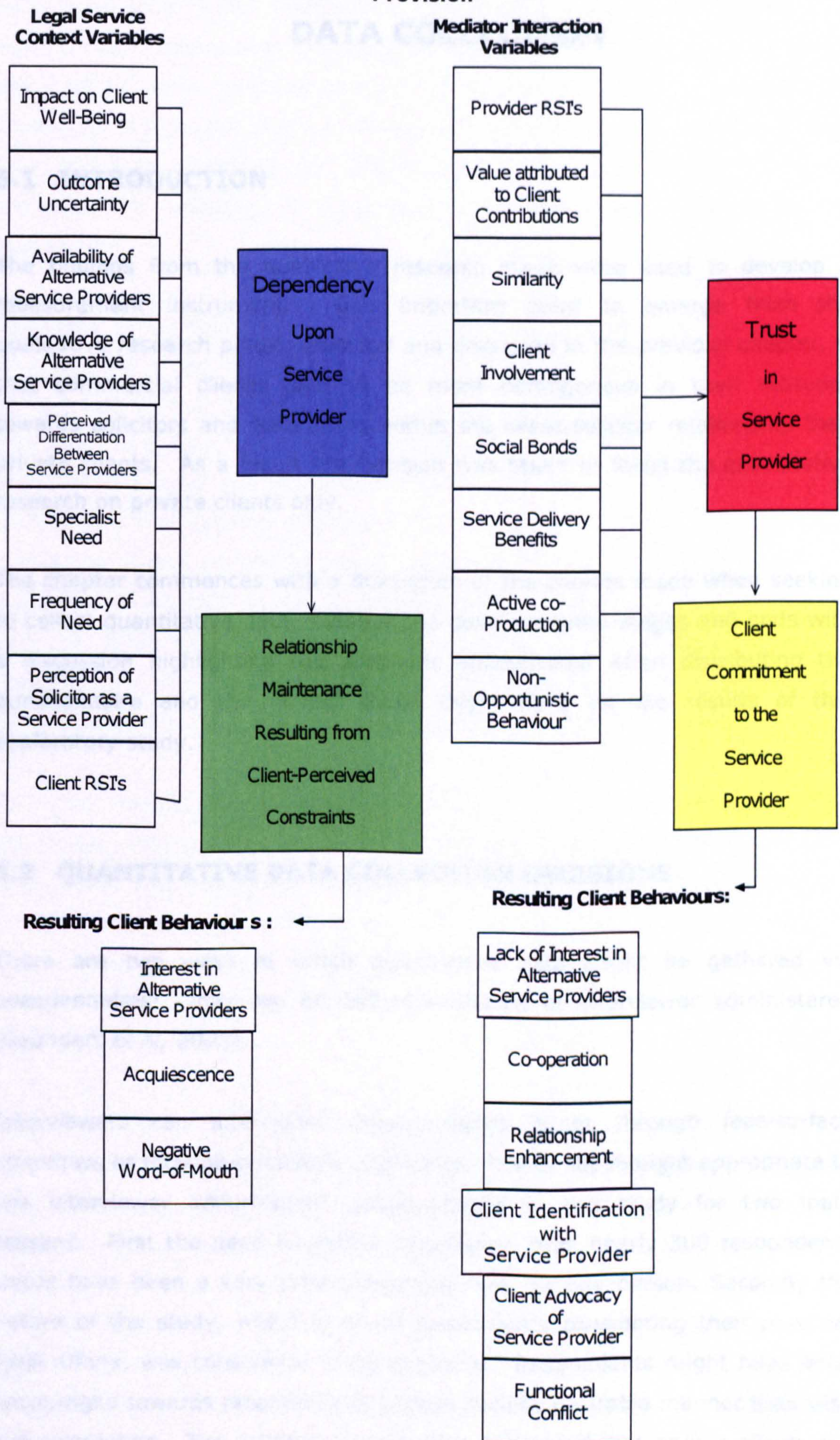
These propositions can be modelled accordingly:

Figure 4.11 Model of Research Propositions



This simplified model suggests that the private client-solicitor relationship is one of dependency, where two distinct sets of client behaviours emerge. Where specific interaction variables generate trust and commitment, one set of client behaviours emerge. Where trust and commitment are absent another set of client behaviours characterise the relationship. The following diagram details the specific variables leading to dependency and trust; the proposed relationship between trust and commitment and the resultant client behaviours proposed as a result of the literature review and the qualitative findings. This model underpinned the development of the measurement instrument which is discussed in the next chapter.

Figure 4.12 Proposed Model of Client Loyalty Behaviour for Legal Service Provision



CHAPTER 5: QUESTIONNAIRE DEVELOPMENT AND DATA COLLECTION

5.1 INTRODUCTION

The findings from the qualitative research stage were used to develop a measurement instrument. One important point to emerge from the qualitative research phase, reported and discussed in the previous chapter, is that commercial clients tend to be more homogenous in their attitudes towards solicitors and behaviours within the client-solicitor relationship than private clients. As a result the decision was taken to focus the quantitative research on private clients only.

The chapter commences with a discussion of the choices made when seeking to collect quantitative data; outlines the developmental stages and ends with a discussion highlighting the problems encountered when distributing the questionnaire and the impact these might have on the results of this exploratory study.

5.2 QUANTITATIVE DATA COLLECTION DECISIONS

There are two ways in which quantitative data might be gathered via questionnaires: they can be self-administered or interviewer administered (Saunders *et al*, 2003).

Interviewers can administer questionnaires either through face-to-face interviews or through telephone interviews. It was not thought appropriate to use interviewer administered questionnaires in this study for two main reasons. First the need to gather information from nearly 300 respondents would have been a very time consuming task for one person. Secondly the nature of the study, which involved respondents considering their personal legal affairs, was considered to be sensitive. Respondents might have been encouraged towards responding in a more socially desirable manner than with self-completion. The qualitative interviews suggested that private clients are

influenced by a generally negative view of the legal profession even if they have good experiences themselves. Most private clients interviewed were keen to demonstrate their knowledge and awareness of the general disrepute the "public" hold solicitors within and this might have influenced their responses to a questionnaire administered by the researcher. So the decision was taken to distribute the questionnaire in such a way that allowed individuals to complete it in privacy, and without the influence of the researcher.

Decisions were also made in relation to the population to be researched, how to reach them and how many should comprise a sample. The population sought was that of private clients who have paid for their use of solicitors. The research sought to exclude private clients using the legal aid scheme. No such "off the shelf" list exists and can not be bought. Indeed there are no reliable statistics relating to the population to be researched. It was thought that using normal sample frames, such as the electoral role, would result in a high level of wastage in that it would generate a high lack of usage of legal services, along with the inclusion of legal aid users. Consequently it was not desirable for this study to adopt a probability-based random sampling technique so this study uses a non-probability sampling technique.

The next decision involved gaining access to a sufficient number of the population sought. The Law Society has lists of private clients who have complained about solicitors but such a list would probably have biased the results of the research. The researcher could have approached a number of law firms to gain access to private clients. However the researcher would have had no control over the clients that the law firm were prepared to grant access to. Law firms might have selected private clients from a particular group, for instance long standing clients, which would also have generated a systematic bias. The researcher considered approaching building societies or banks for access to a list of mortgagors but this might have produced a study of private clients who have bought conveyancing services alone. So the decision was taken to seek respondents among staff and students within a University environment on the educated assumption that such a population might reflect the wider population of legal service users who pay privately for such services. As a result this study used a convenience sample. The consequences of these choices are discussed within section 5.6, at the end of this chapter.

5.3 QUESTIONNAIRE DEVELOPMENT

The development of the initial measurement instrument started with the model posited by Bendapudi & Berry (1997), along with additions from Morgan & Hunt (1994) and the qualitative research findings. These three sources provided the researcher with the relevant constructs for measurement. The second stage was the development of items to measure each of the constructs. Being entirely theoretical Bendapudi & Berry (1997) do not provide any assistance here and neither Bendapudi nor Berry were able to provide the researcher with any assistance. However, Morgan and Hunt (specifically Shelby Hunt) provided the full, unpublished, list of the items they measured in order to develop their commitment-trust scale. The researcher also consulted the *Handbook of Marketing Scales second edition* (Bearden & Netemeyer, 1999) for appropriate existing scales to measure the constructs. Where no scales existed statements from the qualitative research were adapted for use.

The majority of the previously published scales which were adapted for this study, such as those from Morgan and Hunt (1994), use likert measurement scales. Consequently the decision was taken to use likert measurement scales to measure as many constructs as possible. The one construct that differs, and uses a semantic differential scale, is that of involvement. This is because a previously published involvement scale, which uses semantic differentials, was adapted for this study.

The questionnaire development from initial draft to the final questionnaire used to gather the data reported in the next chapter involved several stages. First the initial, or draft, questionnaire was pre-tested among seven work colleagues. This resulted in several changes. The questionnaire was then distributed among a group of respondents who were chosen to reflect the final target group of respondents as much as possible. The results of this pilot distribution were then analysed using SPSS and further alterations were made to the questionnaire prior to the final study. The details of the development and changes are outlined below.

The discussion of the initial questionnaire (section 5.3) will be structured around the model proposed as a result of the literature review and the qualitative research commencing with the variables that might generate trust

moving on to the constructs of dependency, trust and commitment before discussing the behavioural outcomes. The developmental changes will be outlined within sections 5.4 and 5.5.

5.3.1 Trust Generating Variables

The Proposed model of client loyalty behaviours (figure 4.10) suggests eight possible variables that generate private client trust in the solicitor: Provider RSIs; Value attributed to the client contribution; Similarity of solicitor and client; Client Involvement; Social Bonds; Service Delivery Benefits; Active Co-production and Non-opportunistic behaviour by the solicitor.

5.3.1.1 Provider RSI's

The qualitative findings suggest that clients distinguish between "mechanistic" or "off the shelf" service and a more personal provision. The research suggests that some solicitors actually "invest" time to get to know the client and then adapt the service provision to take account of specific circumstances and needs in a similar way to that which commercial clients seem to take for granted. This resulted in the inclusion of the following two statements:

My solicitor does not charge for the time it takes to find out about my circumstances.

My solicitor adapts his/her service provision to take account of my circumstances and specific needs.

5.3.1.2 Value attributed to Client contribution

The qualitative findings suggest that commercial clients are seen to have valuable contextual knowledge to contribute to the relationship but that equal importance is not generally given to the personal nature of private client contexts. In addition, those private clients who reported enjoying good relationships with their solicitors tended to refer to the relationship in terms of "working together" with their solicitor to resolve their problems. This resulted in the inclusion of the following two statements:

5.3.1.5 Social Bonds

Bendapudi & Berry (1997) suggest that “extra-role” social bonds, which include links to families; friendships; involvement in shared beliefs/causes, are important influences. This claim is supported by the qualitative findings reported in the previous chapter. Private clients reporting strong relationships with solicitors generally provided anecdotes to illustrate either the nature of their long-standing friendships or links through charity work or consistently referred to their solicitor as “the family solicitor”. So this construct was measured using four statements adapted from the Gwinner *et al* (1998) scales associated with the “social benefits” derived from long-term business relationships:

I am familiar with the solicitor and/or other employees within the firm.

I have developed a friendship with that solicitor.

We are on first name terms.

I enjoy certain social aspects of the relationship

In addition, five further statements, reflecting qualitative research comments, were added to reflect the private client-solicitor context that may not have been relevant to the Gwinner *et al* (1998) research context:

That solicitor was recommended to me by a friend or business contact.

That solicitor was recommended to me by another member of my family.

That solicitor also acts for a friend or business contact of mine.

That solicitor also acts for another member of my family.

I was friendly with that solicitor before I decided to use them.

The qualitative research also revealed a link between the social bonds and a greater understanding of the private client and his/her circumstances that leads to better advice and representation and or the willingness of the solicitor to do something for that client that s/he would not do for a client where social bonds did not exist. This point is covered below.

5.3.1.6 Service Delivery Benefits

Analysis of the qualitative research transcripts revealed a list of five items that private clients who maintained relationships with solicitors claimed to benefit from: *Personal Support (empathy); Value for Money; Responsiveness*

to personal needs (the personal touch); Assurance that the work will be done without the need to continually check up; and Trust that their interests will be well represented. In many respects these five areas are reflected in the measurement scales provided by Gwinner *et al* (1998) so their measurement items were used as a starting point and adapted where appropriate. However, statements relating to trust were eliminated from this construct, because the trust construct is measured separately, as are the items measuring social bonds (see section 5.3.1.5 above). The two remaining areas were confidence and special treatment.

Five items were included to measure confidence:

- I am confident that my interests will be well represented*
- I am confident that my solicitor will resolve my legal problems.*
- I am confident that any work will be done without the need for me to continually check-up.*
- I know what to expect when I use my solicitor.*
- I get the highest level of service my solicitor can provide.*

Four items were included to measure special treatment:

- I am placed higher on the priority list when my solicitor is busy.*
- I get faster service than some other private clients.*
- I pay less for the same service than some other private clients.*
- The price I pay will include additional work that other private clients wouldn't receive.*

Three further items were included to reflect the specific emphasis given to relational benefits by respondents in the qualitative research study:

- My solicitor provides me with a very personal service.*
- My solicitor provides personal support at difficult times.*
- My solicitor takes great care with my affairs.*

5.3.1.7 Active Co-production

This was an area of qualitative research that appeared to differentiate clients who maintained relationships from those who did not. Interestingly those that maintain relationships tended to discuss their relationship in terms of

working together with the solicitor, and expressed a desire to become involved with the activities and decision-making processes. Those that did not maintain relationships generally wanted to hand things over so that they could forget about it! As a result two statements were included to measure this construct:

I enjoy working with my solicitor.

I hand things over to my solicitor and expect him/her to get on with it with minimal input from me.

5.3.1.8 Opportunistic behaviour statements

Statements were adapted from two previously published scales:

Ennew & Binks (1999) and Morgan & Hunt (1994). Three items were included from Ennew & Binks (1999):

I find my solicitor intimidating.

I am concerned that my solicitor might use negative information against me.

My solicitor is helpful.

Two statements were adapted from Morgan & Hunt (1994):

My solicitor has promised to do things without actually doing them later.

My solicitor was more concerned with achieving his/her own objectives than with mine.

In addition much of the general perceptions of lawyers from qualitative research appeared to relate to opportunistic behaviour and therefore six further statements were included to reflect the views expressed:

I am concerned that my solicitor might exploit my need to use them.

I worry about losing control when I instruct my solicitor.

My solicitor is expensive for what s/he does.

My solicitor seems to make routine things more complicated.

My solicitor takes longer than I expect

My solicitor does not take account of my personal needs.

The inclusion of all 11 items resulted in a long scale to measure opportunistic behaviour. However the decision was taken to include all items at the initial stage on the basis that both the pre-test and the factor analysis at the pilot stage would result in a more parsimonious scale but one that remained appropriate for the researched context.

5.3.1.9 Summary of the Trust Generating Variables

The initial questionnaire comprised a total of 42 statements to measure the trust generating variables comprised as follows:

RSIs	2 statements
Value	2 statements
Similarity	1 statement
Involvement	4 statements
Social Bonds	9 statements
Service Delivery Benefits	12 statements
Active Co-production	2 statements
Opportunistic Behaviour	11 statements

5.3.2 Dependency

The qualitative research, in conjunction with extant literature, indicates that the legal service context is one that fosters private client dependency upon legal service providers. Consequently the decision was taken to measure only the degree of dependency and not the elements that comprise the construct. However a previously published appropriate dependency scale could not be found so the qualitative research findings were used to generate two items to measure the construct:

I only use a solicitor when I absolutely have to.

When I need to use a solicitor I am vulnerable and therefore totally dependent upon him/her to act in my best interests.

5.3.3 Trust

Two separate previously published scales were used for the trust construct: Morgan & Hunt (1994) and Hess (1995) which was found in the *Handbook of Marketing Scales second edition* (Bearden & Netemeyer, 1999). The first scale considered was that of Morgan & Hunt (1994). Shelby Hunt provided the original seven items although their published scale only includes 3 of these items: a, d and g:

- a. *I have found that my solicitor cannot be trusted at times.*
- b. *I have found my solicitor to be perfectly honest and truthful.*
- c. *My solicitor can be trusted completely.*
- d. *My solicitor can be counted on to do what is right.*
- e. *My solicitor is always faithful.*
- f. *My solicitor is someone I have great confidence in.*
- g. *My solicitor has high integrity.*

However, it was decided to include all seven items at the pre-testing stage on the basis that pre-testing and the factor analysis at the pilot stage would result in a more parsimonious scale which is appropriate for the researched context.

In addition ten statements were also adapted from Hess (1995) Brand Trust: Perceived Brand Trust Scale and included again on the basis that pre-testing and subsequent factor analysis at pilot stage would reduce the number of items in the scale:

- a. *My solicitor is interested in more than just making a profit out of their private clients.*
- b. *There are no limits to how far my solicitor will go to resolve my problems.*
- c. *My solicitor is genuinely committed to my satisfaction.*
- d. *My solicitor will do whatever it takes to make me happy.*
- e. *I believe the information that my solicitors gives me is accurate.*
- f. *Most of what my solicitor has told me about his/her service has been true.*
- g. *My solicitor delivers on promises made to me.*
- h. *My solicitor is very reliable.*

- i. If I needed to use a solicitor I have not used before I feel I would know what to expect.*
- j. If I needed to use a solicitor I have used before I feel I would know what to expect.*

Consequently the initial questionnaire comprised seventeen items to measure the trust construct.

5.3.4 Commitment

The commitment scale developed by Morgan & Hunt (1994) was used. Again, Shelby Hunt provided the researcher with the original seven statements which were subsequently reduced to three statements: a, d and g.

- a. The relationship I have with my solicitor is one to which I am committed.***
- b. The relationship I have with my solicitor is very important to me.***
- c. The relationship I have with my solicitor is of very little significance to me.*
- d. The relationship I have with my solicitor is one that I intend to maintain indefinitely.***
- e. The relationship I have with my solicitor is very much like being family.***
- f. The relationship I have with my solicitor is something I really care about.***
- g. The relationship I have with my solicitor is one that deserves my maximum effort to maintain.***

Statements b, c and f appear to be essentially establishing the same information with b and f probably recording the same score and c a contrasting score. Consequently the initial questionnaire included b and f, but not c. In addition, the qualitative research suggests that statement e might be relevant to the private client context so it was kept.

As a result the Initial questionnaire comprised the six items indicated in bold above, on the basis that pre-testing and factor analysis of the pilot results would reduce the number of items to a more parsimonious scale.

5.3.5 Behavioural Outcomes

The Proposed model of client loyalty behaviours (figure 4.10) suggests nine possible client behaviours: three arising from dependency (interest in alternative service providers; acquiescence and negative word-of-mouth) and six arising from trust (lack of interest in alternative service providers; co-operative behaviour; relationship enhancement; identification; advocacy and functional conflict). Measurement items were developed for each of these as follows:

5.3.5.1 Interest in Alternative Providers

Morgan & Hunt (1994) measure the propensity to leave over three time periods. This approach is not appropriate for this study. Bendapudi & Berry (1997) theorise in terms of "*compelling reasons to continue the relationship*" and "*environmental monitoring*" for alternatives. So the following three statements were adapted from qualitative research:

It is important to me that I establish and maintain an on-going relationship with a solicitor.

Solicitors should be chosen on a "horses-for-courses" basis as and when a particular need arises.

It would be unusual for me to use the same solicitor again.

5.3.5.2 Acquiescence

Morgan & Hunt (1997) have a 1 item measurement of acquiescence. Both Morgan & Hunt (1994) and Bendapudi & Berry (1997) link acquiescence with compliance – a passive agreement/role. Consequently the following statement was developed:

I usually comply with requests and suggestions made by solicitors without asking for explanations.

5.3.5.3 Spreading Negative WOM

Since neither Morgan & Hunt (1994) or Bendapudi & Berry (1997) include this construct the following two measurement items were developed on the basis of the qualitative research:

I would tell other people if I had a negative experience with a solicitor.

I have told other people of negative experiences with a solicitor.

5.3.5.4 Co-operative Behaviour

Morgan & Hunt (1994) discuss co-operation in terms of specific supplier/manufacture issues such as co-operative advertising and inventory levels. This approach is not appropriate to this scenario. Bendapudi & Berry (1997) suggests that co-operation requires the active participation to achieve mutual benefits. The Active Co-production of Ennew & Binks (1999) could be appropriate here so the following four statements were developed using Ennew & Binks (1999) combined with qualitative research:

When providing solicitors with personal information I am more concerned with preserving my privacy and dignity than making full, frank and timely disclosures.

I like to be involved in making decisions about my case.

I like to know what is expected of me so that I can participate helpfully.

I believe I get a better service by working in partnership with a solicitor.

5.3.5.5 Relationship Enhancement

Bendapudi & Berry (1997) suggest that relationship enhancement comprised broadening and deepening bonds to extend the relationship beyond the status quo. This would include behaviours such as: buying additional services; providing capital, information, manpower or other resources, or participating in company events – a form of investing in that relationship. Consequently the following two statements were developed based upon qualitative research:

I like to understand what is going on and I am prepared to invest my time and money to gain that understanding.

If I needed to use a solicitor I would be most likely to return to one I had used before, even if a different area of law was involved.

5.3.5.6 Functional Conflict

The items developed by Morgan & Hunt (1994) require the respondent to consider future interactions. They do, however, talk in terms of amicable resolutions of disagreements strengthening relationships. Consequently three items were developed:

Differences of opinion have destroyed relationships that I have had with solicitors.

I expect to have some differences of opinion with my solicitor because they are an inevitable part of a good working relationship.

I have experienced a strengthening of the relationship with a solicitor following the amicable resolution of disagreements.

5.3.5.7 Identification with service provider

Bendapudi & Berry (1997) suggest identification is the extent to which the customer thinks of the relationship partnership as a team and consider the partner in proprietorial terms, using words such as "my advisor". Consequently only one item was developed:

There is a particular solicitor that I consider to be "my solicitor".

5.3.5.8 Client Advocacy of Service provider (+ve WOM)

Bendapudi & Berry (1997) suggest that advocacy behaviour comprises the provision of referrals as well as "defending" a service provider (in this case a solicitor) against detractors. Consequently five statements were developed:

I have referred people that I know to a solicitor that I have used.

I would be happy to refer people that I know to a solicitor that I have used.

If I heard something negative about my solicitor it would affect my opinion of him/her.

If I heard something negative about my solicitor I would defend them.

If I heard something negative about my solicitor I would let them know.

5.3.5.9 Summary of Behavioural Outcomes

A total of twenty-one statements were developed to measure the constructs outlined above:

Interest In Alternative Providers:	3
Acquiescence:	1
Negative Word-of-mouth:	2
Co-operative Behaviour:	4
Relationship Enhancement:	2
Functional Conflict:	3
Identity with Solicitor:	1
Advocacy:	5

5.3.6 General Classification Statements

In addition to items measuring constructs, classification statements were also included relating to: usage of solicitors; gender; marital status; age; educational qualifications; employment and involvement within the provision of legal services.

The following two sections (5.4 and 5.5) outline the changes made between the initial questionnaire and the final questionnaire as a result of pre-testing and pilot research stages.

5.4 PRE-TESTING OF THE INITIAL QUESTIONNAIRE

Seven respondents participated in the pre-testing stage which comprised a one-to-one in-depth and analytical completion of the survey. The instructions for questionnaire completion were:

"The purpose of this phase of my research is to establish the usefulness of the proposed measuring instrument. Consequently I am interested in particular areas:

- 1. Are the statements clear and precise enough to enable you to respond;*
- 2. Would the inclusion of a "no opinion" column help you;*
- 3. Is the 1-7 scale too fine for you to discriminate your responses;*
- 4. Are there some statements that clearly overlap with others (particularly within defined sections) that could usefully be eliminated.*

I would like to sit with you while you work your way through the questionnaire so that I am able to answer, and record, any questions/queries that you might have. I may also ask you further questions depending upon your body language as you work through the questionnaire."

5.4.1 Instructions for Completion

As a result of the pre-testing several alterations were made to the instructions for completion:

- a. The instructions were changed to "circle" rather than "place an X over the number...".
- b. The title, "solicitor's survey", made respondents think the survey was to be completed by solicitors. Consequently this was changed to: "Using Solicitors". Changes were also made to the description of "private client".
- c. The 7 point measurement scale was deemed to be too refined. Most people are infrequent users of solicitors and there was a strong feeling that 1-5 was sufficient to differentiate responses.
- d. Respondents who had not experienced events such as conflicts requested a 0 for "not applicable". "Lack of experience" was different from a "no opinion" and respondents were using the mid-point to indicate no clear opinion.

- e. The numbering was switches to that the higher number indicates strongly agree with 1 representing strongly disagree.

5.4.2 Classification Questions

The pre-testing resulted in the following amendments to the classification questions:

- a. "I am involved in the provision of legal services" was altered to "*I am employed within the provision of legal services*".
- b. The marital status categories were extended to include, "*I am in a partnership*".
- c. The order in which the qualifications were listed was altered.
- d. The qualification questions relating to usage of legal services was changed.

The following sections outline the amendments made to each of the constructs commencing with changes to the trust generating variables; then dependency, trust and commitment; and finally the behavioural outcomes.

5.4.3 Trust Generating Variables

The initial questionnaire contained statements relating to eight constructs: RSIs; Value; Similarity; Involvement; Social Bonds; Service Delivery Benefits (confidence & special treatment); Co-production; and Opportunistic Behaviour.

A problem emerged with the statements measuring relationship specific investments by solicitors (RSIs). Two statements were included:

My solicitor does not charge for the time it takes to find out about my circumstances.

My solicitor adapts his/her service provision to take account of my circumstances and specific needs.

Respondents claimed that they had no way of knowing whether or not these statements accurately described their solicitor. This problem was identified by those with good relationships with solicitors and those without. The

qualitative research revealed several respondents claiming to have experienced impersonal and/or mechanistic service delivery so the decision was taken to measure this construct in the negative, replacing the two statements with a new one, *"That solicitor provides an impersonal and mechanistic service – the legal equivalent to 'one size fits all'"*.

Items measuring social benefits which listed "friend, business contact or member of family" were deemed to be too clumsy and encouraged respondents to clarify which of the list was actually involved. Given that the construct seeks to measure the general nature of the social bond rather than which of the sources is more influential the decision was made to change the wording to *"someone that I know"*.

The Gwinner *et al* (1998) statements were generally perceived to be problematic. The worst area was the special treatment statements. This appears to stem from the fact that legal services are performed in private and are personal to the individual respondent so people are not able to compare their service provision with those of others as easily as say in a banking environment. The statements developed from qualitative research were more favourably received because they were not comparative. As a result the entire bank of items from Gwinner *et al* (1998) measuring the Special Treatment construct on the basis that respondents were unable to say: *"I am placed higher on the priority list when that solicitor is busy"*; *"I get faster service than some other private clients"*; *"I pay less for the same service than some other private clients"*; *"The price I pay will include additional work that other private clients wouldn't receive"*. However the construct of special treatment will remain and will be measured through the statements generated from qualitative research.

The social benefits area also led to some misunderstandings. The use of the word "friendship" was interpreted as working together in a friendly manner – eg chatting about the weather prior to getting down to business. The "Certain social aspects" (statement 63) wording was not understood. One statement was removed with another statement being changed to reflect the respondent's interpretation: *"I have developed a friendly relationship with that solicitor"*.

One item measuring opportunistic behaviour caused problems because respondents did not know what objectives solicitors had. As a result, *"That solicitor was more concerned with achieving his/her own objectives than with achieving mine"* was deleted from the pilot questionnaire.

The decision was also taken to move the item, *"I enjoy working with my solicitor"* into the co-operative behaviours section after the other item measuring co-operative behaviours, *"I hand things over to that solicitor and expect him/her to get on with it with minimal input from me"* created difficulties among the respondents. Consequently the co-production construct was removed from the study as a variable generating trust since it made sense to measure co-production within the co-operative behaviours outcome. The original location of active co-production as a trust generating variable followed Ennew & Binks (1999) assertion that co-operative behaviours influence the attitudes customers have towards the relationship. However Bendapudi & Berry (1997) posit that co-operative behaviours are the result of particular motives to maintain relationships. So the decision taken reflects Bendapudi & Berry's (1997) propositions rather than the findings reported by Ennew & Binks (1999).

5.4.4 Commitment

One respondent pointed out that "the relationship" was only important while the matter was on-going. Since the use of the word "relationship" was an important differentiator between private and commercial clients (commercial clients using it more frequently than private clients) the decision was taken to add another statement to reflect the pre-testing feedback: *"I only recognise a relationship existing while I am actually involved with a specific legal matter"*.

In addition three statements were eliminated on the basis that they were not appropriate to the research context: *"The relationship I have with that solicitor is something I really care about"*; *"The relationship I have with that solicitor is very important to me"*; and *"The relationship I have with that solicitor is very much like being family"*. The idea of a "family" was seen to be particularly inappropriate for this research context.

5.4.5 Trust

The following statements were eliminated from the scale for the stated reasons:

"The Solicitor has high integrity". High Integrity was not clearly understood;

"I have found that solicitor cannot be trusted at times". The phrase "at times" caused problems, along with the use of trust within the statement.

"That solicitor is always faithful". Faithfulness was not seen to be appropriate to this context because it is linked to personal relationships only.

"There are no limits to how far that solicitor will go to resolve my problems". Respondents were not aware of the limits that solicitors can go to resolve problems

"That solicitor will do whatever it takes to make me happy". Happiness did not appear to be relevant to this context.

5.4.6 Behavioural Outcomes

The initial questionnaire sought to measure eight behavioural outcomes: Interest in alternative providers; Acquiescence; Negative word-of-mouth; Co-operative behaviours; Relationship Enhancement; Functional conflict; Identity and Advocacy.

The following statements were eliminated for the stated reasons:

One statement measuring interest in alternative providers was seen to be inappropriate in the context of infrequent use: *"It would be unusual for me to use the same solicitor again"*.

Two of the three items measuring functional conflict were also seen to be inappropriate in that respondents did not report having had any differences of opinion: *"Differences of opinion have destroyed relationships that I have had with solicitors"* and *"The amicable resolution of disagreements has*

strengthened a relationship with a solicitor". The functional conflict construct appeared to cause difficulty among the seven respondents who completed the pre-testing.

5.4.7 Summary of pre-testing amendments

The overall result was that the main body of questions was refined down to 67 from the original 80. Changes to the constructs are summarised in the table below:

CONSTRUCT	INITIAL	POST PRE-TESTING
RSIs by Solicitors	2	1
Value given to client contribution	2	2
Similarity	1	1
Social Bonds	9	5
Confidence Benefits	5	5
Special Treatment Benefits	7	3
Involvement	4	4
Co-production	2	0
Opportunistic Behaviour	11	10
Dependency	2	2
Trust	17	11
Commitment	7	5
Interest in Alternative Providers	3	2
Acquiescence	1	1
Negative Word-of-Mouth	2	2
Co-Operative Behaviours	4	5
Relationship Enhancement	2	2
Functional Conflict	3	1
Identification	1	1
Advocacy	5	5

5.5 PILOT TESTING

A total of 54 respondents completed the pilot questionnaire.

Several amendments were made to the questionnaire to aid the inputting process, such as sequential numbering of statements throughout rather than section by section. Several classification, "about you", questions were eliminated following the realisation that there was no need to collect the data, eg: marital status.

Personal injury and Criminal were added to the list legal services as a result of respondents filling these in within the "other" category. Changes were also made to the way in which the multiple use of solicitors was recorded.

The purpose of the statistical analysis was two-fold – to confirm the reliability of the scales used to measure the individual constructs and to reduce the number of statements. First to confirm that respondents understood the statements used (reliability) the Cronbach Alpha scale was used. Secondly factor analysis was used to determine which statements comprised the constructs and which fell outside and could be deleted. All statements linked to each recognised construct were analysed separately as well as within the whole survey. The constructs which only had one or two statements were not analysed separately.

Constructs were deemed reliable if the Cronbach Alpha score was equal to, or greater than, 0.7. Individual items were maintained as contributing towards a reliable measure of a given construct when the Cronbach Alpha score for the construct would be equal to, or lower than, the construct score if that item was deleted. Individual items were deleted where deleting the item raised the Cronbach Alpha score for the construct. Details of these decisions are given below. Factor analysis sought rotated component matrix (varimax) scores equal to or greater than 0.73 to retain items within a factor/construct. This figure was taken using guidance from Hair *et al* (1998).

As with the previous section (5.4) the results of the pilot study will be reported below within sections dealing with the trust generating variables; the

constructs of dependency, trust and commitment; and finally the behavioural outcomes.

5.5.1 Trust Generating Variables

The initial questionnaire contained statements relating to eight constructs: RSIs; Value; Similarity; Involvement; Social Bonds; Service Delivery Benefits (confidence & special treatment); Co-production; and Opportunistic Behaviour. The pre-testing eliminated co-production. The multi-item constructs will be discussed before identifying the single item constructs.

5.5.1.1 Opportunistic Behaviour

The construct comprised the following ten measurement items:

- S37 That solicitor has promised to do things without actually doing them later*
- S38 I find that solicitor intimidating*
- S39 I am cautious when providing information in case that solicitor uses it against me*
- S40 That solicitor is helpful*
- S41 I am concerned that solicitor might use negative information against me*
- S42 I worry about losing control when I instruct that solicitor*
- S43 That solicitor is expensive for what s/he does*
- S44 That solicitor seems to make routine things more complicated*
- S45 That solicitor takes longer than I expect*
- S46 That solicitor does not take account of my personal needs*

This construct recorded an initial Alpha Score of .7822. Dropping S40 increases Alpha to .8791; removing S38 also increases the score significantly. S 39 and S41 are similar and running 37, 39 and 41-46 results in an increased Alpha score if S41 is dropped in favour of S39.

Factor analysis on the entire bank revealed two components and three statements that did not fit the construct. S37; S39 and S40 all scored well below the .730 threshold and therefore cannot be considered part of this construct. S38; 41 and 42 formed one construct while S43; 44;45 and 46 (all from the qualitative research) formed another.

Given that the FA results appear to conflict with the Alpha test the Alpha test was re-run with the statements included in the two components only. The Alpha score increased to .8501. Dropping S38 would increase the score to .8531 and dropping S41 would increase the score to .8511. Given that dropping S38 and 41 would leave only S42 within the construct it would be better to retain both statements.

Looking at these two separate banks of statements caused concern. S38; 41 and 42 are phrased to appeal to emotional evaluation "I find"; "I am concerned", "I worry". The remaining constructs could be said to appeal to a more rational and objective evaluation by respondents.

Result: Retained statements S38; 41 and 42 as one construct and S43; 44; 45; 46 but reworded the statements to ensure that all appeal to an objective rather than emotional evaluation by respondents.

5.5.1.2 Social Bonds

This construct comprised the following five items:

- S51 I am familiar with that solicitor and/or other employees within the firm*
- S52 I have become friendly with that solicitor as a result of working together*
- S53 That solicitor was recommended to me by someone that I know*
- S54 That solicitor also acts for someone that I know*
- S55 I was friendly with that solicitor before I used them*

The construct recorded an initial Alpha Score of .7908. Removing S53 increased the Alpha to .8057. S53 is similar to S54. Factor Analysis revealed

two components and one item (S55 .699) that did not load onto either component. S51 and S52 are one component which appears more consistent with social bonds than S53 and S54 which could be said to be a reason for selection rather than providing clear social bonds. In a sense S55 could be covered by the "I am familiar with that solicitor" in S51.

Result: Dropped S55; maintained the remaining statements but recognised two constructs rather than one.

5.5.1.3 Confidence Benefits

This construct comprises the following five measurement items:

S56 I am confident that my interests will be well represented by that solicitor

S57 I am confident that solicitor will resolve my legal problems

S58 I am confident that any work will be done without the need for me to continually check up

S59 I know what to expect when I use that solicitor

S60 I get the highest level of service that solicitor provides

The construct recorded an initial Alpha Score of .8942 with all items scoring above .8400. Removing S59 will only raise Alpha to .8983 (from .8942). Factor Analysis revealed one component with all statements scoring above the .730 level.

Result: Retained all statements

5.5.1.4 Special Treatment

This construct comprises the following three statements:

S61 That solicitor provides me with a very personal service

S62 That solicitor provides personal support at difficult times

S63 That solicitor takes great care with my affairs

The construct recorded an Initial Alpha Score of .8473. Removing any statement would reduce the Alpha score (.8422). Once again Factor Analysis revealed one component with all statements scoring above the .730 level.

Result: Retained all statements

5.5.1.5 Involvement

This construct comprised the following four semantic differential scales:

S64 Would not care/would care a great deal which solicitor I used

S65 Solicitors are all alike/all different

S66 Would not be at all important/extremely important to choose the right solicitor or law firm

S67 Not at all concerned/very concerned about making the wrong choice of solicitor

The construct recorded an initial Alpha Score of .7112. Removing S65 would increase Alpha score to .7706. Factor Analysis revealed one component but, confirming the Alpha test, S65 scored only .529 which is below the acceptable level.

Result: Although all statements belong to the Mittal Purchase Involvement Scale S65 was dropped.

5.5.1.6 Relationship Specific Investments by Solicitor

This was a single-item construct at pilot stage:

S47 That solicitor provides an impersonal and mechanistic service – the legal equivalent to "one size fits all"

Given that the qualitative study revealed the importance of this construct in differentiating between commercial and private client perspectives it was decided to develop two additional statements to create a 3 item measure for the final questionnaire:

"That solicitor is prepared to develop flexible working practices"

"That solicitor is prepared to adapt his/her working arrangements to accommodate my individual needs"

5.5.1.7 Value client contribution

No changes were made to the items measuring this construct:

S48 That solicitor acknowledges that the personal information I provide is as valuable as his/her legal expertise

S49 That solicitor and I work together – it's a partnership of equality

5.5.1.8 Similarity

No changes were made to the item measuring this construct:

S50 I would say that solicitor and I are somewhat similar in many ways.

5.5.2 Dependency

This construct was measured using the following two items:

S19 I only use a solicitor when I absolutely have to

S20 When I use a solicitor I am vulnerable and therefore dependent upon him/her to act in my best interests

Given the importance of this construct to the study it was decided to split S20 into two statements to increase the statements in the construct. This will enable the construct to be analysed using the Cronbach Alpha test and Factor Analysis after the final data collection:

"When I use a solicitor I am vulnerable"

"I am dependent upon a solicitor to act in my best interests"

5.5.3 Trust

A total of eleven items were included to measure trust. Seven of these were taken from Hess (1995):

- S21 *If I needed to use a solicitor I have not used before, I feel I would know what to expect*
- S29 *that solicitor is interested in more than just making a profit out of me*
- S30 *I believe the information that solicitor gives me is accurate*
- S31 *That solicitor delivers on promises made to me*
- S32 *That solicitor is very reliable*
- S35 *That solicitor is genuinely committed to my satisfaction*
- S36 *Most of what that solicitor has told me about his/her service has been true*

This bank had an initial Alpha score of .8739. If S21 removed the Alpha increases to .9231.

The remaining four items were taken from the Morgan & Hunt (1994) Scale:

- S27 *I have found that solicitor to be perfectly honest and truthful*
- S28 *That solicitor can be counted on to do what is right*
- S33 *That solicitor can be trusted completely*
- S34 *That solicitor is someone I have great confidence in*

This bank recorded an initial Alpha Score of .9182 . If S27 removed Alpha increases to .9272.

The Alpha score of the total bank (all items combined) is .9220. If S21 removed score increases to .9499. When Alpha re-run with S21 removed score increased to .9499 and the removal of S29 will increase the score to .9570.

Factor Analysis on the trust construct revealed that two separate factors did indeed emerge. However the two components were not divided into the two scales used. The second component comprised only S21. This statement, although included in the Hess Trust Scale is similar to S59 (confidence benefits) so this statement was dropped for the final questionnaire.

Furthermore S29 scored only .638 on the rotated component matrix – below the required confidence level.

Result: Retained both banks of statements as one construct but dropped S21 and S29.

5.5.4 Commitment

This construct was measured using the following five items:

- S22 The relationship I have with that solicitor is one to which I am committed*
- S23 The relationship I have with that solicitor is one that I intend to maintain indefinitely*
- S24 The relationship I have with that solicitor is one that deserves my maximum effort to maintain*
- S25 The relationship I have with that solicitor is of very little significance to me (reversed)*
- S26 I only recognise a relationship existing while I am actually involved with a solicitor on a specific matter (reverse scored)*

The construct recorded an Initial Alpha Score of -.0716; The score increased to .7963 when S25 and S26 were reversed. If S26R is removed the Alpha increases to .8277. S26 was derived from research (pre-testing stage) while the remaining statements are from Morgan & Hunt (1994). When re-running the bank without S26R the Alpha score increased to .8692 when S25R was also dropped. Factor Analysis revealed only one component. However both S25R and S26R scored below the .73 level of acceptability (.469 and .689 respectively).

Result: S25 and S26 were removed.

5.5.5 Behavioural Outcomes

5.5.5.1 Interest in Alternatives

This construct comprised two measurement items:

- S1 It is important to me that I establish and maintain an on-going relationship with a solicitor*
- S2 Solicitors should be chosen on a "horses-for-courses" basis as and when a particular need arises*

Given that this behavioural outcome appears as both a positive and negative behaviour within the proposed model, a further item was added to this construct to ensure it was a three item measure capable of reliability testing of the final data collection:

"When a legal need arises in the future I would prefer to use a solicitor I have previously used than to choose a new one"

The decision was also taken to change the "horses for courses" expression which may not be widely understood:

"It is pointless to establish and maintain relationships with solicitors because legal needs vary and solicitors specialise in particular areas of law"

5.5.5.2 Acquiescence

This construct was measured using only one item:

- S3 I usually comply with requests and suggestions made by solicitors without asking for explanations*

Morgan & Hunt (1994) used one statement, similar to this one, so it was retained although, after consulting the pre-test it was altered to:

"I usually comply with requests and suggestions made by solicitors without questioning them"

5.5.5.3 Word-of-mouth

This construct was measured using two items, both being retained unaltered for the final data collection stage:

S4 I would tell other people if I had a negative experience with a solicitor

S5 I have told other people of negative experiences with a solicitor

5.5.5.4 Co-operative Behaviour

This construct was measured using the following five items:

S6 When providing solicitors with personal information I am always open and honest

S7 I like to be involved in making decisions about my case

S8 I like to know what is expected of me so that I can participate helpfully

S9 I believe I get a better service by working with a solicitor

S10 I enjoy working with solicitors

The construct recorded an initial Alpha Score of only .6114. However if S10 is removed the score rises to .7107 which is acceptable. Clearly the combined concept of enjoyment and solicitors is an oxymoron!

Factor Analysis revealed two components the second component comprising only S10. Factor analysis after the removal of S10 revealed one component.

Result: S10 was removed

5.5.5.5 Relationship Enhancement

This construct was measured using only one measurement item:

S11 If I needed to use a solicitor I would probably return to one I had used before, even if a different area of law was involved

It was decided to add another statement:

"If a solicitor I had used before could not deal with a legal problem I would rather use another solicitor in the same law firm than find a new firm altogether"

5.5.5.6 Functional Conflict

Again, only one item was used during the pilot stage:

S12 I expect to have some differences of opinion with my solicitor because they are an inevitable part of a good working relationship

The functional conflict construct is from Morgan & Hunt (1994) and the thrust of their statements is the strengthening of the relationship so one of the statements dropped at pre-test stage was reinserted for the final survey. This statement was chosen over the other statement, also dropped, on the basis that it appeared to cause less concern among the respondents at the pre-testing stage:

"The amicable resolution of disagreements has strengthened a relationship I have had with a solicitor"

5.5.5.7 Identity

This construct was measured using only one item which was retained for the final data collection stage:

S13 There is a particular solicitor that I refer to as "my solicitor"

5.5.5.8 Advocacy

This construct was measured using five items:

S14 I have referred people to a solicitor that I have used

S15 I would be happy to refer people to a solicitor that I have used

S16 If I heard something negative about my solicitor it would affect my opinion of him/her

S17 If I heard something negative about my solicitor I would defend them

S18 If I heard something negative about my solicitor I would let them know

The construct recorded an initial Alpha Score of only .4724. However if S.16 is removed the score rises to .6697, which is acceptable. Statement 16 appears slightly inconsistent with advocacy since it relates to personal perceptions rather than actions.

Factor Analysis revealed two components, the second component comprising only Q16. Factor analysis after the removal of S16 revealed one component.

However S18 only scored .453 which is well below the accepted level. When re-running the Alpha test having removed S16 and S18 the alpha score rises to .7217.

Result: S16 and S18 were removed.

5.5.6 Summary of pilot stage

The result of all these changes was a 5 page questionnaire requiring respondents to address 75 separate items, of which 61 items measured constructs. Changes to the constructs are summarised in the table below:

CONSTRUCT	INITIAL	POST PRE- TESTING	POST PILOT
RSIs by Solicitors	2	1	3
Value given to client contribution	2	2	2
Similarity	1	1	1
Social Bonds	9	5	4
Confidence Benefits	5	5	5
Special Treatment Benefits	7	3	3
Involvement	4	4	3
Co-production	2	0	0
Opportunistic Behaviour	11	10	7
Dependency	2	2	3
Trust	17	11	9
Commitment	7	5	3
Interest in Alternative Providers	3	2	3
Acquiescence	1	1	1
Negative Word-of-Mouth	2	2	2
Co-Operative Behaviours	4	5	4
Relationship Enhancement	2	2	2
Functional Conflict	3	1	2
Identification	1	1	1
Advocacy	5	5	3

The final section of this chapter discusses the difficulties encountered when distributing the questionnaire and some of the limitations for analysis these problems have generated.

5.6 DISTRIBUTING THE QUESTIONNAIRE

Post pilot-testing the intention was to distribute the final questionnaire among two distinct groups. First to academic and administrative staff at the University of the West of England (UWE) in faculties other than the Business School, who formed part of the pilot population, and to part-time post-graduate students attending programmes of study within the Bristol Business School. The plan was to distribute 4 questionnaires to each of these students on the basis that they would each complete one and distribute 3 among colleagues at their place of work. This group of potential respondents was chosen on the educated assumption that people needing to use solicitors are likely to be relatively better educated; from higher socio-economic groups and older than the general population. This assumption is based upon the main uses of legal services: conveyancing; wills/probate and matrimonial. Thus students studying for post-graduate qualifications appeared to offer a good match.

The reality was that the questionnaire distribution and data gathering process was considerably more difficult than anticipated. An extraordinary number of individuals in their 30's and 40's claim to have had absolutely no contact with solicitors in their lives and there was a distinct reluctance to distribute the questionnaire to work colleagues. Neither of these reactions had been anticipated, although on reflection perhaps they ought to have been. For private clients their use of legal services tends to be either related exclusively to conveyancing or touch on very private aspects of their personal lives, such as matrimonial difficulties. Comments made to the researcher suggest that private clients who may only have used solicitors for conveyancing all too often dismissed themselves from being qualified to complete the questionnaire. Those who have used solicitors for more personal matters may have found the questionnaire too intrusive and actively sought to avoid stimulating what might have been unpleasant memories.

In order to gather the targeted 300 responses support was enlisted from colleagues at other Universities. As a result 30 questionnaires were distributed to MBA students at the Henley Management College; 120 questionnaires were distributed among staff and post-graduate business studies students at Leeds Metropolitan University (LMU); 150 at Gloucestershire University and 295 at Bath University. This was in addition to the 685 questionnaires distributed among part-time post graduate students and staff at UWE.

One major difficulty with enlisting the support of colleagues to distribute questionnaires is that there is no way of knowing whether or not the distribution actually did take place, and this is a critical limitation of this study. There is no way of knowing what the actual response rate was to the questionnaire. A total of 1250 questionnaires were printed and 289 were returned within the time allocated for data collection. This suggests a response rate of at least 23%.

Another difficulty that might arise with enlisting support in the distribution process is the potential for a systemic bias related to the distribution method. However in this case, although several individuals were involved, the process of distributing the questionnaire to respondents and the collection method was the same. That is to say that the questionnaire was distributed to post-graduate students and staff at various higher education (HE) institutions within the UK. The participation of private clients was not solicited in any other way, such as via law firms. If the difficulties with distribution had been realised at the start it would have been possible to build in methods to identify at which institution the respondent had received the questionnaire. However, because this was not anticipated no steps were taken to identify or analyse such sub-groups within this study. Consequently it is also not possible to identify or compare early and late respondents since colleagues in different institutions distributed the questionnaire at different times. The final few questionnaires received may have been early responders to the later distributions at Henley and Gloucestershire or late respondents to earlier distributions via Bath, UWE or LMU.

5.7 SUMMARY

This chapter has provided details of the stages and processes involved in the development and distribution of the measurement instrument. The initial content of the measurement instrument was based upon the literature review, discussed in chapter two, and also the qualitative findings which were discussed in depth in the chapter preceding this one. The chapter concluded with a discussion of the difficulties encountered when distributing the questionnaire and highlighted some limitations these difficulties present for analysing the data. Chapter eight returns to these issues when discussing the limitations of this study.

The following chapter presents the results of the quantitative data collection stage of this exploratory study prior to the discussion of how these findings relate to and build upon extant literature in chapter seven.

CHAPTER 6: RESULTS

6.1 INTRODUCTION

The previous chapter describes the development of the measuring instrument from the qualitative research stage, through the pre-testing and the pilot testing of the questionnaire. That chapter also highlights the difficulties encountered when distributing the questionnaire and the limitations these difficulties present for analysing the data.

This chapter presents findings from the analysis of the data collection stage of this exploratory study. This presentation commences with a discussion of decisions taken to eliminate data from the analysis as a result of examining the data. Following the presentation of descriptive data, such as frequencies, the discussion moves into the key points which provide a contribution to knowledge.

The contribution to knowledge presented here comprises the development of measurement scales for the dependent and independent variables utilising Factor Analysis; Identification of differences between different groups of respondents using independent T-Tests and one-way ANOVA tests; and an analysis of the relationships between the emergent factors using linear regression analysis.

The analysis of the data collected for this exploratory study concludes with the proposition of two models to explain private client behaviours within client-solicitor relationships. One model suggests a link between commitment and two client behaviours whereas the other model seeks to explain the remaining two behaviours in the absence of a commitment to maintain the relationship. These models, and their relationship with extant literature will be explored further in the discussion contained within chapter seven.

6.2 EXAMINING THE DATA

The total number of responses was 289. The first stage in the data examination process began with the case summary reports which identified four input coding errors. These were corrected prior to any further analysis. The data analysis then commenced with an examination of the data as outlined by Hair *et al* (1998).

6.2.1 Graphical Examination of normality of the Data

Frequency tables and histograms were produced and analysed.

Hair *et al* (1998) suggest that statements recording a skewness or kurtosis measurement outside the +/- 1.0 indicate that the responses vary from normality such that all resulting statistical tests are invalid.

The following statements fell into this category:

Statement	5. I would tell other people if I had a negative experience with a Solicitor	7. When providing Solicitors with personal information I am always open and honest	8. I like to be involved in making decisions about my case	9. I like to know what is expected of me so that I can participate helpfully
Skewness	-2.374	-1.664	-1.801	-2.428
Kurtosis	6.542	3.092	4.050	8.906

There are two options for such a scenario. First, outliers can be eliminated, one at a time (furthest outlier each time), until the skewness score comes within the acceptable range. The second option is to eliminate the statement from further analysis if the data suggests that the statement provides a poor explanation of difference.

The statements related to two constructs, negative-word-of-mouth and co-operative behaviour and removal of these statements would result in one-item

scales measuring both of these constructs. This is not ideal at this stage of the analysis.

Negative word of mouth:

Statement 5 I would tell other people if I had a negative experience with a solicitor

Co-operative behaviours:

Statement 7 When providing solicitors with personal information I am always open and honest

Statement 8 I like to be involved in making decisions about my case

Statement 9 I like to know what is expected of me so that I can participate helpfully

The frequency data indicated that 93% of the respondents agreed with statement 5; 88% with statement 7; 90% with statement 8 and 96% with statement 9. As such these statements do not provide a good measure of differences in behaviour among private law firm clients.

However, in themselves these results lead to an interesting finding because they indicate that **the context is one where clients are significantly more likely than not to exhibit these behaviours regardless of their motivation to maintain a relationship.**

Furthermore, given that the purpose of factor analysis is data reduction, and not explanation of differences, all four statements above were included in the factor analysis process for scale development.

The linear regression analysis will be based upon factor scores and not the original measurement items and this is another reason to retain the original items for the preliminary factor analysis.

6.2.2 Missing Data

The case summary reports revealed several patterns of missing data that required action (Hair *et al*, 1998).

First it was obvious that respondents had difficulty responding to a particular statement. Some 30 respondents, 10.4% of the dataset, had not responded to statement 13. Interestingly this statement related to events that respondents might not have experienced which would explain their non-response:

Statement 13 The amicable resolution of disagreements has strengthened a relationship I have had with a solicitor (measuring functional conflict)

However, this statement will be included within factor analysis on the basis that to exclude it would result in a one-item construct for functional conflict. This would limit the ability of the data to determine the underlying structures. Furthermore, the factor analysis in this research study is exploratory and not confirmatory. The intention is to replace the original set of variables (measurement items) with factor scores to analyse the relationships between various elements of the posited model. As such the purpose of the Factor Analysis stage is to "*retain the nature and character of the original variables, but reduce their number to simplify the subsequent multivariate analysis.*" (Hair *et al*, 1998, p.95). In fact, the inclusion of statement 13 was not problematic for the study since the statement did not ultimately load onto any of the emergent factors.

Secondly it emerged that two respondents (80 and 253) contributed to a significant number of the missing data incidents. They had not provided responses to 17 and 12 statements respectively. The results from these two respondents were excluded from the multivariate analysis.

The result of the missing data analysis was to reduce the data set from 289 to 287 cases and to retain statement 13 for factor analysis.

6.3 PRESENTATION OF DESCRIPTIVE DATA: FREQUENCIES

The purpose of analysing descriptive data is to become familiar with the overall picture that the data paints. Although there is no need for this exploratory study to formally test the extent to which the sample is representative of the population of those who have used solicitors it is

nevertheless interesting to explore how the sample might compare. Having said that there is no readily available data which describes the population of those who have used solicitors against which this data can be compared. Thus the commentary provided attempts to compare and contrast the sample with that which might be expected from the total population of those who have used solicitors.

6.3.1 Respondent Data

MALE FEMALE SPLIT

	Frequency	Valid Percent
Valid male	165	57.5
female	122	42.5
Total	287	100.0

More men than women returned the questionnaire: 57.5% men compared with 42.5% women. This may be because more men received the questionnaire directly as a result of the distribution methods used or because women receiving the questionnaire passed it to their male partners to complete. Certainly there is anecdotal evidence to support the later with several female students telling the researcher that they would pass it onto their husbands who they considered to have had more direct experience of dealing with solicitors than they had.

AGE

	Frequency	Valid Percent
Valid 21 - 25	5	1.7
26 - 29	28	9.8
30 - 34	51	17.8
35 - 39	52	18.2
40 - 49	79	27.6
50 - 59	57	19.9
60 plus	14	4.9
Total	286	100.0
Total	287	

The largest single group of respondents (27.6%) were aged between 40 and 49 years and very few respondents (4.9%) were under 26 or over 60 years.

Given that legal services are not used particularly frequently by private clients, older people are more likely to have had experience of dealing with solicitors than younger people. Older people are also more likely to have had multiple experiences and also to have used several services than younger people. So the data indicates that a limitation with this study is that the 60 plus population is probably under represented. Of course this is no surprise given that the questionnaire was distributed to staff and students of Universities within the UK.

QUALIFICATIONS - Highest Gained

	Frequency	Valid Percent
No Qualifications	26	9.1
HNC/HND	10	3.5
Undergraduate Degree	43	15.0
Certificate/Diploma	68	23.8
Post Graduate Degree	79	27.6
Higher Research Degree	18	6.3
Professional Qualifications	42	14.7
Total	286	100.0
Total	287	

The respondent population proved to be more educationally qualified than the general population and this was to be expected from the distribution method. Those reporting higher research degrees are likely to be members of the university faculties that participated and the over representation of graduates and diplomats is to be expected from the number of post-graduate students among whom the questionnaire was distributed. Again, these results are to be expected given the sample population.

6.3.2 Usage of Legal Services

As anticipated the most frequently used legal service is conveyancing with only 5% of respondents not having used this service. Indeed over two thirds of the respondents have used the service more than once. Equally as expected, the next frequent usage of legal services was for making a will although nearly half of the respondents have not used this service and are,

presumably, without a will. Following that family and related matrimonial services are the next most frequently used, with the majority of usage being for one occasion only.

	Convey- ancing	Wills	Family	Probate	Contract Advice
Never Used	5.2%	48.6%	69.6%	77.4%	80.4%
Used Once	24.7%	31.1%	18.2%	14.3%	8.4%
Used More than Once - Same Solicitor	30.3%	13.3%	6.3%	4.2%	8.7%
Used More than Once - changed Solicitor	39.7%	7.0%	5.9%	4.2%	2.4%

Figures quoted are valid percentages

	Employment	Civil Litigation	Personal Injury	Criminal
Never Used	85.0%	89.2%	91.6%	97.2%
Used Once	9.4%	7.0%	6.3%	1.4%
Used More than Once - Same Solicitor	3.5%	1.4%	1.0%	1.4%
Used More than Once - Changed Solicitor	2.1%	2.4%	1.0%	

Figures quoted are valid percentages

Probate services have been used by less than one third of the respondents which probably indicates that many people opt to carry out these duties themselves rather than use lawyers. This was certainly the impression given in qualitative research interviews where interviewees stressed the importance of doing the probate tasks as a final gesture towards a loved one; or that it was more "seemly" than using lawyers; that it was not a complex process but time consuming and they owed that to their loved one.

Civil Litigation; employment and contract advice were similarly under-used legal services. However 25 respondents reported seeking contractual advice from the same solicitor on more than one occasion. This would suggest a healthy relationship between the client and solicitor and, from this data set, an unusual use of solicitors. Having said that, many solicitors would like to see their business grow on the basis of non-contentious advice on contracts, agreements etc.

The two least used legal services are criminal advice/representation and personal injury. Personal Injury work is characterised by the involvement of insurance companies who generally select the law firm to be used. It is therefore helpful to this study that the actual usage among respondents is low given that the respondents were unlikely to be free to select the lawyer who acted for them.

Criminal work was included in the questionnaire upon advice from a solicitor who suggested that the growth in traffic courts, and police activities in motoring offences, would increase the number of private clients seeking legal representation. While this may be so, the incidents reported here remain low although it is worth noting that half of the respondents who have used lawyers for criminal work have done so more than once – and returned to the original solicitor. Of course this may well be an area where socially desirable responses have been recorded in that respondents may well be reluctant to confess to criminal activity. Equally, given that the criminal activity anticipated here was that related to motoring offences it could be that respondents do not consider such activities to be criminal. It may not occur to respondents that speeding tickets and parking fines come within the criminal law.

**HAVE YOU ALSO USED SOLICITORS
FOR COMMERCIAL WORK?**

	Frequency	Valid Percent
Yes	115	40.1
No	172	59.9
Total	287	100.0

This question was included to compare responses between those who have used solicitors in a commercial capacity from those that have not on the basis

that the qualitative research stage indicated that commercial clients tended towards more positive opinions and relationships with commercial lawyers than private clients.

in mean scores are interesting here. Private clients are clearly indicating a preference to return to a solicitor previously used (3.76) although they appear less convinced when this behaviour is placed within the context of a "relationship"

6.3.3 Statement Responses

b. Acquiescence:

The majority of the items were measured using a 5 point likert scale where 1 represented "strongly disagree" and 5 represented "strongly agree". Commentary below focuses on the direction of responses and the strength of the movement towards agreement or disagreement with the statements. Where respondents are less inclined towards agreement or disagreement and remain firmly entrenched in the mid-ground of 3 that is also highlighted.

6.3.3.1 Items Measuring Behavioural Outcomes

Eight behaviours were measured: Interest in alternative providers; Acquiescence; Negative Word-of-mouth; Co-operative Behaviours; Relationship Enhancement; Functional Conflict; Identification and Advocacy.

The majority of respondents (45%) indicate suggest that they play a more active role in choosing a solicitor and do not merely acquiesce to whatever the solicitor suggests.

a. **Interest in alternative providers:**

This construct was measured using the following three statements:

	It is important to me that I establish and maintain an on-going relationship with a solicitor	When I need to use a solicitor I prefer to use a solicitor I have previously used rather than choosing a new one	It is pointless to establish and maintain relationships with solicitors because legal needs vary and solicitors specialise in particular areas of law
1	16.1	5.2	7.3
2	24.5	9.8	30.3
3	29.4	17.8	29.6
4	18.5	40.4	24.7
5	11.5	26.8	8.0
Mean Score	2.89	3.76	3.05

Frequency figures presented are valid percentages

The picture that emerges is one where private clients appear more keen than not to establish and maintain relationships with solicitors. Additionally the

majority (over two thirds) of the respondents have a strong preference for returning to a solicitor they have previously used rather than choosing a new one. The differences in mean scores are interesting here. Private clients are clearly indicating a preference to return to a solicitor previously used (3.76) although they appear less convinced when this behaviour is placed within the context of a "relationship".

b. Acquiescence:

This construct was measured using a single statement:

	I usually comply with requests and suggestions made by solicitors without questioning them
1	16.0
2	29.3
3	25.1
4	24.4
5	5.2
Mean Score	2.72

Frequency figures are valid percentages

The majority of respondents (45%) indicate suggest that they play a more active role within their relationships with solicitors and do not merely acquiesce to whatever the solicitor suggests.

c. Word-of-Mouth:

This construct was measured using two statements:

	I would tell other people if I had a negative experience with a solicitor	I have told other people of negative experiences with a solicitor
1	1.4	29.3
2	2.1	7.2
3	3.1	13.4
4	23.3	17.4
5	70.0	32.6
Missing		11
Mean Score	4.59	3.17

Frequency figures are valid percentages

It is clear from responses that private clients would be only too willing to tell others if they had a bad experience with a solicitor and half of the respondents have actually done so. The second statement recorded a high number of missing cases and, since the statement is appropriately read as requiring a yes/no response, those not recording a response may well be indicating that they have not told others of a negative experience. In any event, the fact that half of all respondents have engaged in negative-word-of-mouth behaviours should provide some concern for solicitors.

d. Co-operative Behaviours:

This construct was measured by four statements:

	When providing solicitors with personal information I am always open and honest	I like to be involved in making decisions about my case	I like to know what is expected of me so that I can participate helpfully	I believe I get a better service by working with a solicitor
1	1.0	1.4	1.4	1.4
2	2.1	1.0	.3	3.9
3	8.4	7.3	2.4	16.7
4	30.1	30.3	30.0	34.4
5	58.4	59.9	65.9	43.6
Mean Score	4.43	4.46	4.59	4.15

Frequency figures are valid percentages

The picture that emerges is of a situational context where it is “natural” for private clients to behave co-operatively with solicitors. The great majority (78%) of respondents believe they get a better service by working with a solicitor therefore they like to know what is expected of them so that their participation will be helpful. Private clients are more likely than not to be open and honest and want to be involved in the decision-making process.

e. Relationship Enhancement:

This construct was measured with the following two statements:

	If I needed to use a solicitor I would probably return to one I had used before, even if a different area of law was involved	If a solicitor I had used before could not deal with a legal problem I would rather use another solicitor in the same firm than find a new firm altogether.
1	6.3	6.6
2	17.1	17.8
3	26.1	23.7
4	29.3	35.2
5	21.3	16.7
Mean Score	3.42	3.38

Frequency figures are valid percentages

Consistent with the fact that private clients are more likely than not to want to establish and maintain relationships with solicitors more than half also indicate that they would prefer to return to a previously used solicitor or law firm in preference to searching for alternatives.

f. Functional Conflict:

This construct was measured with the following two statements:

	The amicable resolution of disagreements has strengthened a relationship I have had with a solicitor	I expect to have some differences of opinion with my solicitor because they are an inevitable part of a good working relationship
1	15.2	2.5
2	10.5	16.3
3	53.7	36.4
4	14.8	39.6
5	5.8	5.3
Missing	30	
Mean Score	2.86	3.29

Frequency figures are valid percentages

This construct appears to have caused great difficulty among respondents. The first statement recorded an exceptionally high number (30) of missing

cases which probably indicates that the respondents had not experienced the situation. Of those that responded more than half plumped for the mid-point which may also indicate that they have no experience of the situation. Responses to the second statement also gravitated towards the mid-point although the most frequent response does indicate some agreement with the statement.

g. Identification with a solicitor:

This construct was measured by a single item:

	There is a particular solicitor that I refer to as "my solicitor"
1	35.4
2	17.9
3	11.2
4	15.8
5	19.6
Mean Score	2.66

Frequency figures are valid percentages

More than half (53%) of respondents do not identify with a particular solicitor, with only one third (35.4%) identifying with a particular solicitor. This data is inconsistent with the responses for the interest in alternatives and the relationship enhancement items in that those responses suggested that private client are more likely than not to prefer to return to previously used solicitors. If there is no actual identification with the solicitor then private clients may be exhibiting a preference for consistency, or some element of certainty, rather than actual loyalty towards a given solicitor.

h. Advocacy: *Using Dependency*

This construct was measured using the following three statements:

	I have referred people to a solicitor that I have used	I would be happy to refer people to a solicitor that I have used	If I heard something negative about my solicitor I would defend them
1	26.7	5.9	13.9
2	14.0	4.9	22.6
3	10.5	17.1	45.3
4	24.6	38.3	13.9
5	24.2	33.8	4.2
Mean Score	3.06	3.89	2.72

Frequency figures are valid percentages

Respondents are more likely to have referred others to their solicitor than not and the great majority (72%) would be happy to refer others to a solicitor they have used. However, respondents are less likely to defend their solicitor than to defend him or her if they heard something negative about them.

data supports the findings from the qualitative stage in that the context of using a solicitor appears to be one of dependency.

i. Summary of the Behavioural Outcomes

5.3.3.3 Items Measuring Trust
The key message emerging is a consistency between a lack of interest in alternative providers that is supported by relationship enhancement behaviour, a desire to establish and maintain relationships and the consequent identification with a particular solicitor. Additionally the relational context appears to be one where private clients perceive benefits from co-operative behaviour. Respondents also suggest that this is not a context where they are likely to acquiesce. They are also unlikely to stand up for their solicitor but are happy to refer others to him or her. The functional conflict construct appears to have caused difficulties for respondents. The fact that half of the respondents have told others about their negative experiences and over 90% would tell others if they had such an experience is clearly an aspect of the relationship that solicitors should be concerned about.

6.3.3.2 Items Measuring Dependency

This construct was measured using the following three statements:

	I only use a solicitor when I absolutely have to	When I use a solicitor I am vulnerable	I depend upon a solicitor to act in my best interests
1	2.4	24.2	3.1
2	3.1	21.8	2.4
3	9.8	26.3	7.7
4	30.7	17.2	30.1
5	54.0	10.5	56.6
Mean Score	4.31	2.68	4.35

Frequency figures are valid percentages

Although it is clear from the responses that private clients will only use solicitors when they absolutely have to (85%) and that they depend upon solicitors to act in their best interests (87%) they do not consider themselves to be vulnerable! There is an interesting conflict here. However, this data supports the findings from the qualitative stage in that the context of using a solicitor appears to be one of dependency.

6.3.3.3 Items Measuring Trust

This construct was measured using the following nine statements:

- S25 I have found that solicitor to be perfectly honest and truthful
- S26 That solicitor can be counted on to do what is right
- S27 I believe the information that solicitor gives me is accurate
- S28 That solicitor delivers on promises made to me
- S29 That solicitor is very reliable
- S30 That solicitor can be trusted completely
- S31 That solicitor is someone I have great confidence in
- S32 That solicitor is genuinely committed to my satisfaction
- S33 Most of what that solicitor has told me about his/her service has been true

	25	26	27	28	29	30	31	32	33
1	4.9	6.6	2.8	5.6	6.3	6.3	5.9	6.3	2.8
2	5.6	8.0	8.7	10.5	10.1	9.4	10.8	11.1	6.7
3	25.1	28.6	16.7	23.3	23.7	31.5	33.1	34.8	23.2
4	32.4	38.0	46.7	38.7	37.3	31.1	32.8	34.1	41.1
5	32.1	18.8	25.1	22.0	22.6	21.7	17.4	13.6	25.3
Mean Score	3.81	3.54	3.83	3.61	3.60	3.52	3.45	3.38	3.79

Frequency figures are valid percentages

It will be heartening to solicitors to learn that private clients are more likely to trust them than to not trust them, although it appears that a high proportion of respondents indicate that they do not consider their solicitors to be trustworthy. The mean scores are, however, rather low (all below 4) considering that solicitors are engaged in professional practice and are therefore expected to act in a trustworthy and honest manner.

6.3.3.4 Items Measuring Commitment

This construct was measured using the following three statements:

	The relationship I have with that solicitor is one to which I am committed	The relationship I have with that solicitor is one that I intend to maintain indefinitely	The relationship I have with that solicitor is one that deserves my maximum effort to maintain
1	19.9	32.8	34.5
2	17.5	20.6	25.4
3	29.4	22.6	24.0
4	22.0	17.1	10.1
5	11.2	7.0	5.9
Mean Score	2.87	2.45	2.28

Frequency figures are valid percentages

This data paints a consistent picture that the majority of private clients are not committed to relationships they have with solicitors. This data presents an interesting conflict with the preferences expressed above for returning to a previously used solicitor rather choosing a new one and the general lack of interest in alternative solicitors.

There also appears to be a conflict with the literature, and the conceptual framework, emerging here. The items measuring trust indicate that private clients are more likely to trust their solicitor than not trust him or her. The literature suggests that trust leads to commitment towards the relationship but that does not appear to be happening here.

6.3.3.5 Items Measuring Interaction Variables

A total of eight interaction variables were measured: Opportunistic Behaviour; Relationship-specific-investments (RSIs); Value given to client contribution; Similarity of client with solicitor; Social Benefits; Confidence Benefits; Special Treatment Benefits and Involvement.

a. Opportunistic Behaviour:

The opportunistic behaviour construct should reveal the opposite position to the trust construct in that if a client perceives that their solicitor is behaving in an opportunistic manner s/he is unlikely to trust them. So, having seen respondents scoring 4's and 5's for trust it is anticipated that they will score 1's and 2's for the following items. That is indeed the case for all but two items.

This construct was measured using the following seven items:

- S34 That solicitor is intimidating
- S35 That solicitor might use negative information against me
- S36 I lose control when I instruct that solicitor
- S37 That solicitor is expensive for what s/he does
- S38 That solicitor seems to make routine things more complicated
- S39 That solicitor takes longer than I expect
- S40 That solicitor does not take account of my personal needs

Frequency figures are valid percentages

Although respondents suggest that their solicitors are flexible, that flexibility does not appear to extend to adapting working arrangements to accommodate the individual needs of private clients or to the provision of a tailored service.

	S34	S35	S36	S37	S38	S39	S40
1	48.1	50.0	52.3	8.7	16.4	14.3	20.6
2	28.9	26.4	20.2	15.7	30.0	20.9	31.4
3	12.5	19.7	13.9	30.0	18.1	20.6	33.8
4	6.3	2.1	9.1	24.7	23.7	24.0	10.8
5	4.2	1.8	4.5	20.9	11.8	20.2	3.5
Mean Scores	1.90	1.79	1.93	3.33	2.85	3.15	2.45

Frequency figures are valid percentages

It appears that, even though solicitors are generally trusted by their private clients, clients are more likely to believe that solicitors create delay (44%) and are expensive for what they actually do (46%) than not.

b. Relationship Specific Investments by Solicitor for Private Client:

This construct was measured using the following three items:

	That Solicitor is Flexible	That Solicitor is prepared to adapt his/her working arrangements to accommodate my individual needs	That solicitor provides an impersonal and mechanistic service – the legal equivalent to “one size fits all”
1	4.5	10.5	22.0
2	12.6	31.8	31.4
3	40.6	32.5	24.4
4	32.9	18.9	17.1
5	9.4	6.3	5.2
Mean Score	3.30	2.79	3.48

Frequency figures are valid percentages

Although respondents suggest that their solicitors are flexible that flexibility does not appear to extend to adapting working arrangements to accommodate the individual needs of private clients or to the provision of a tailored service.

c. Value placed upon client's contribution:

This construct was measured by the following four items:

This construct was measured using the following two items:

	That solicitor acknowledges that the personal information I provide is as valuable as his/her legal expertise	That solicitor and I work together – it's a partnership of equality
1	7.4	8.7
2	14.7	29.3
3	49.5	32.1
4	22.8	23.3
5	5.6	6.6
Mean Score	3.04	2.89

Frequency figures are valid percentages

The data suggests that less than one third of private clients consider their contribution to be valued by the solicitor (29%) or feel that the relationship is a partnership of equality (30%). In fact 38% of private clients feel that the relationship is definitely not a partnership of equality.

d. Similarity of client with solicitor:

This construct was measured by the following item:

	That solicitor and I are somewhat similar in many ways
1	20.6
2	30.4
3	32.2
4	13.6
5	3.1
Mean Score	2.50

Frequency figures are valid percentages

It is striking how few clients (17%) consider themselves to be similar to their solicitors.

e. Social Benefits:

This construct was measured by the following four items:

	I am familiar with that solicitor and/or other employees within the firm	I have become friendly with that solicitor as a result of working together	That solicitor was recommended to me by someone that I know	That solicitor also acts for someone that I know
1	28.9	41.1	28.7	34.1
2	24.4	24.4	12.9	12.5
3	22.3	18.5	7.3	9.4
4	18.8	12.2	22.7	18.8
5	5.6	3.8	28.3	25.1
Mean Score	2.48	2.16	3.11	2.89

Frequency figures are valid percentages

Once again conflicts are emerging in the data. Although over half of the respondents suggest that their solicitor was recommended to them by someone they know the majority of respondents also suggest that their solicitor does not also act for someone that they know. A possible explanation for this might be that private clients rely heavily on word-of-mouth when seeking out solicitors and that solicitors build a "hearsay" reputation within a locality such that individuals are prepared to recommend solicitors based on what they have heard about that solicitor rather than direct personal experience.

In addition the respondents suggest that they are not familiar with the solicitor or other employees at the firm, nor have they become friendly through working together. This suggests that although private clients wish to build relationships with solicitors and actually identify with a particular solicitor, they still perceive the relationship to be business rather than socially based.

f. Confidence Benefits:

This construct was measured using the following five items:

	I am confident that my interests will be well represented by that solicitor	I am confident that solicitor will resolve my legal problems	I am confident that any work will be done without the need for me to continually check-up	I know what to expect when I use that solicitor	I get the highest level of service that solicitor provides
1	2.8	3.5	11.8	1.7	5.2
2	8.7	7.3	17.1	10.1	13.6
3	26.8	25.8	21.3	26.1	40.8
4	43.9	45.6	35.2	41.5	27.2
5	17.8	17.8	14.6	20.6	13.2
Mean Score	3.66	3.67	3.24	3.69	3.29

Frequency figures are valid percentages

The data suggests that private clients are more likely to have confidence in their solicitor than not with over half of the respondents recording agreement with all statements except the last one. The majority of respondents opted for the mid-point here which could indicate that they have no idea whether or not they get the highest level of service that solicitor provides. Certainly this comment was made during the pre-testing of the questionnaire.

g. Special Treatment Benefits:

This construct was measured using the following three items:

	That solicitor provides me with a very personal service	That solicitor provides personal support at difficult times	That solicitor takes great care with my affairs
1	9.1	22.0	7.0
2	23.3	25.9	16.0
3	30.3	31.6	36.9
4	26.5	13.5	28.9
5	10.8	7.1	11.1
Mean Score	3.07	2.60	3.22

Frequency figures are valid percentages

The responses here are very interesting. Around a third of respondents opt for the mid-point on all items. Where respondents indicate agreement or disagreement they tend towards agreeing that their solicitor takes great care with their affairs (41%), and provides a personal service (37%) but nearly half disagree with the suggestion that their solicitor provides personal support at difficult times (48%). Only one in five respondents (21%) claim to have received personal support from a solicitor.

h. Involvement:

Unlike the constructs above involvement was measured using a seven point semantic differentiation scale where point one was closest to the negatively worded statements below and point 7 was closest to the positively worded statements below.

When selecting from the many different solicitors and law firms available would you say that:

"I would not care at all/ I would care a great deal which one I used" – referred to as CARE

How important would it be to you to choose the right solicitor or law firm? Not at all important/ extremely important – referred to as IMPORTANCE

When selecting a solicitor or law firm, how concerned would you be about making the wrong choice? Not at all concerned/ very much concerned – referred to as CONCERN

	CARE	IMPORTANCE	CONCERN
1	.7	.3	0
2	3.5	.7	.7
3	4.5	1.4	3.8
4	9.1	5.6	6.3
5	26.1	17.8	16.0
6	29.3	38.7	37.3
7	26.8	35.5	35.9
Mean Score	5.49	5.96	6.03

Frequency figures are valid percentages

As anticipated, responses to all statements suggest that legal services are a high involvement purchase for the majority of private clients.

6.4 THE DEVELOPMENT OF MEASUREMENT SCALES

The development of measurement scales are necessary when “*we want to measure phenomena that we believe to exist because of our theoretical understanding of the world, but which we cannot assess directly*” (DeVellis, 1991, p.9). Scales comprise a number of items which are selected on the basis of their ability to provide a reliable and valid measurement of the phenomena. A scale is reliable when the number of items intercorrelate with each other sufficiently enough to indicate that they all measure the same construct and that it provides a consistent measurement over time (Carmines and Zeller, 1979). Measurement scales are valid when they measure what they are designed to measure (DeVillis, 1991).

Bendapudi & Berry’s (1997) model remains at the posited stage of development and much of this research study revolved around operationalising the model. A key stage of this process is the generation and selection of items to form scales to measure the posited constructs. This research study followed the guidance steps provided by Churchill (1979) here.

1. The domain of the construct was specified following a literature search and analysing the findings of the qualitative research phase;
2. Sample items were generated from existing published scales and statements from respondents interviewed during the qualitative research stage and were subjected to a pre-testing of the proposed measuring instrument among colleagues from the Marketing School;
3. Data was collected through the piloting of the questionnaire;
4. Measures were purified as a result of Factor analysis and Coefficient Alpha testing of the data generated from the pilot;
5. The main data collection was completed and the findings below report the analysis which assesses the reliability and validity.

The model suggests both dependent variables, relating to the behavioural outcomes of relationship maintenance, and independent variables that

constitute the antecedents leading to either a desire to maintain the relationship or being constrained to remain within the relationship. The methodology chapter provides the details of how the statements purporting to measure the posited constructs were developed so the discussion below concentrates only on the findings.

6.4.1 Behavioural Outcomes of Relationship Maintenance – the dependent variables

The first 18 statements on the questionnaire were designed to measure behavioural outcomes:

Construct: Interest in Alternative Providers:

- | | |
|-------------|---|
| Statement 1 | It is important to me that I establish and maintain an on-going relationship with a solicitor. |
| Statement 2 | When I need to use a solicitor I prefer to use a solicitor I have previously used rather than choosing a new one. |
| Statement 3 | It is pointless to establish and maintain relationships with solicitors because legal needs vary and solicitors specialise in particular areas of law. (reverse scored) |

Construct: Acquiescence:

- | | |
|-------------|---|
| Statement 4 | I usually comply with requests and suggestions made by solicitors without questioning them. |
|-------------|---|

Construct: Negative-word-of-mouth

- | | |
|-------------|--|
| Statement 5 | I would tell other people if I had a negative experience with a solicitor. |
| Statement 6 | I have told other people of negative experiences with a solicitor. |

Construct: Co-operative behaviours:

- | | |
|--------------|--|
| Statement 7 | When providing solicitors with personal information I am always open and honest. |
| Statement 8 | I like to be involved in making decisions about my case. |
| Statement 9 | I like to know what is expected of me so that I can participate helpfully. |
| Statement 10 | I believe I get a better service by working with a solicitor. |

<u>Construct:</u>	<u>Relationship Enhancement:</u>
Statement 11	If I needed to use a solicitor I would probably return to one I had used before, even if a different area of law was involved.
Statement 12	If a solicitor I had used before could not deal with a legal problem I would rather use another solicitor in the same firm than find a new firm altogether.

<u>Construct:</u>	<u>Functional Conflict:</u>
Statement 13	The amicable resolution of disagreements has strengthened a relationship I have had with a solicitor.
Statement 14	I expect to have some differences of opinion with my solicitor because they are an inevitable part of a good working relationship.

<u>Construct:</u>	<u>Identification with solicitor:</u>
Statement 15	There is a particular solicitor that I refer to as "my solicitor".

<u>Construct:</u>	<u>Advocacy:</u>
Statement 16	I have referred people to a solicitor that I have used.
Statement 17	I would be happy to refer people to a solicitor that I have used.
Statement 18	If I heard something negative about my solicitor I would defend them.

Churchill (1979) suggests that the first test to be performed should be the "calculation of coefficient alpha, the elimination of items, and the subsequent calculation of alpha until a satisfactory coefficient is achieved" (p. 69). So the three multi-item scales used to measure the purported constructs were subjected to the Cronbach Alpha test prior to Factor Analysis taking place which resulted in the removal of statement 18 from the analysis. The single and two-item scales could not be subject to the reliability test.

Prior to the extraction of factors, the Bartlett Test of Sphericity and the KMO of sampling adequacy, at .78, confirmed that there was sufficient correlation amongst the variables to warrant the application of factor analysis.

Furthermore the anti-image correlation matrix confirmed that the data was suitable for factor analysis with all statements recording .428 or above.

It is worth noting that, given the number of single-item scales used, and the lack of response to statement 13 the data was subjected to factor analysis using slightly different data sets and the eventual outcome was the same. That is to say that the factor analysis was run twice. On the first occasion statements 18 (dropped as a result of alpha score), 4 and 15 (single-item scales) were removed. On the second occasion statements 18, 4, 15 were removed along with 13 (due to missing data) and 14 which became a single-item scale when statement 13 was removed. The eventual outcome was identical and suggests that the construct "functional conflict" is either not necessary to identify the underlying structure of behavioural outcomes within the private client/lawyer relationship, or that few respondents have experienced disagreements with solicitors.

The total data set was split into two data groups for the factor analysis process, using the SPSS data analysis package. Factor analysis was performed on the two halves of the dataset as well as being confirmed with the full dataset. The Varimax rotation method was ultimately used although it should be noted that a number of different extraction and rotation methods (eg Promax) were explored which indicated that the final choice of method had no significant effect on the final results.

The resultant solution emerged:

Statements	F1 Preference Behaviours	F2 Co- operative Behaviours	F3 Referral Behaviours	F4 -ve word of mouth
When I need to use a solicitor I prefer to use a solicitor I have previously used rather than choosing a new one.	.739			
It is important to me that I establish and maintain an on-going relationship with a solicitor	.739			
It is pointless to establish and maintain relationships with solicitors because legal needs vary and solicitors specialise in particular areas of law (reverse scored)	.710			
If I needed to use a solicitor I would probably return to one I had used before, even if a different area of law was involved.	.706			
If a solicitor I had used before could not deal with a legal problem I would rather use another solicitor in the same firm than find a new firm altogether.	.582			
I like to know what is expected of me so that I can participate helpfully		.883		
I like to be involved in making decisions about my case		.820		
I believe I get a better service by working with a solicitor		.621		
When providing solicitors with personal information I am always open and honest		.601		
I would be happy to refer people to a solicitor that I have used.			.830	
I have referred people to a solicitor that I have used			.818	
I have told other people of negative experiences with a solicitor				.845
Alpha	.77	.70	.68	*
Eigenvalue	2.6	2.3	1.6	1.1
% Variance Explained	21.4	18.9	13.6	9.6

This solution is persuasive given that each of the four factors record an eigen value in excess of 1.0 and the four factors together explain 63% of the variance, which is above the 60% explanation level accepted for the social sciences.

However, this solution raises the issue of how many statements should comprise a construct. Ideally all constructs should comprise a minimum of three statements (Hair *et al*, 1998), and this ideal is only met by two of the 4 factors within this solution. One construct comprises two statements and the remaining factor is a one-item construct. It is not possible to obtain an Alpha score to measure the reliability of a one-statement construct. So is a one-statement measure for a construct valid? In this case the item purported to measure the negative word-of-mouth construct. The only other item measuring that construct has been removed which in itself is strong support for the emergent solution, providing face validity.

6.4.1.1 Factor 1: Preference Behaviour

Items under this factor were designed to measure two different posited constructs: interest in alternative providers (statements 1-3) and relationship enhancement (statements 11 and 12). Respondents scoring highly on this factor are keen to maintain relationships with a particular solicitor or firm and express a preference for using another solicitor in the same law firm, rather than choosing another firm, if a solicitor previously used was not available. Respondents also indicate that they are not particularly interested in alternative service providers.

The data suggests that these two posited constructs are so interdependent upon each other that they are in fact one construct and not two. Furthermore, where statement 15 (purporting to measure identification with service provider) was included in factor analysis iterations it consistently loaded onto the same factor as statements 1-3 and 11/12 indicating that these behaviour outcomes (lack of interest in alternative providers and a willingness to enhance the relationship) are present where respondents identify with the service provider. It is therefore reasonable to suggest that factor 1 represents preference behaviour.

6.4.1.2 Factor 2: Co-operative Behaviour

All four items within this factor were generated from the qualitative research stage and were designed to measure co-operative behaviour so it is reasonable to name this factor co-operative behaviour.

6.4.1.3 Factor 3: Referral Behaviour

Respondents scoring highly on this factor display a willingness to refer other people to their solicitor. The literature associates this behaviour with advocacy for a service provider. However Cross and Smith (1995) have suggested that advocacy behaviour goes beyond that of merely promoting the service to others, and extends into defending the service/service providers against its detractors. Given that the specific statement relating to defending a service provider was removed as a result of a low Alpha score, it would be more appropriate to name this factor referral behaviour, rather than advocacy.

6.4.1.4 Factor 4: Negative Word-of-Mouth

Respondents scoring highly on this factor have told other people of negative experiences with a solicitor and therefore it is reasonable to name this factor negative word-of-mouth.

6.4.1.5 Summary

The data suggests that there are 4 factors that explain 63% of the differences in private client behavioural outcomes within relationships with lawyers. Factor analysis resulting in solutions accounting for in excess of 60% are considered acceptable within the social sciences (Hair *et al*, 1998).

In addition to explaining behavioural outcomes within private client-solicitor relationships the scales developed to measure these four factors are proposed as measurement instruments that could be used within a more general professional services context. As such this finding might contribute to knowledge within the Marketing Field because recognised measuring scales do not yet exist for these constructs.

The limitation with this confirmation of the position Bendapudi & Berry (1997) posited is the limited number of items included in each of the measuring scales. Traditionally researchers suggest that measuring scales should be multi-item, preferably with three or more items. The rationale for this being that,

"individual items usually have considerable uniqueness or specificity in that each item tends to have only a low correlation with the attribute being measured and tends to relate to other attributes as well. Second, single items tend to categorize people into a relatively small number of groups... Third, individual items typically have considerable measurement error; they produce unreliable responses in the sense that the same scale position is unlikely to be checked in successive administrations of an instrument." (Churchill, 1979, p.66).

However, in this study the single item does not correlate with other attributes as the factor analysis clearly shows and this study seeks to divide respondents into two essential groups, not many. This study can therefore be distinguished from the general situation to which Churchill (1979) refers.

Equally of interest in this situation is John Rossiter's (2002) critique of scale development in marketing. Rossiter (2002) takes issue with Churchill's (1979) approach and suggests that single-item scales can be appropriate for measuring "concrete constructs" (p. 321). He suggests that in many cases marketers use multi-item scales instead of pre-testing measuring instruments for meaning and understanding among the respondent group. In this study the questionnaire was both pre-tested and piloted and at each stage measuring items were removed in the interest of parsimony. Negative word-of-mouth appears to be a "concrete construct", particularly the way in which the statement measuring it was worded. "I have told other people of negative experiences with a solicitor". So the negative word-of-mouth construct may be an example of Rossiter's (2002) pragmatic approach in action.

6.4.2 Antecedents for Client Trust – the Independent Variables

The next part of the dataset to be analysed was the statements measuring the antecedents posited to lead to client trust in the service provider. The following constructs and statements measuring them are involved:

Construct: Fear of Opportunistic Behaviour:

- Statement 34: That Solicitor is intimidating.
- Statement 35: That Solicitor might use negative information against me.
- Statement 36: I lose control when I instruct that Solicitor.
- Statement 37: That Solicitor is expensive for what s/he does.
- Statement 38: That Solicitor seems to make routine things more complicated.
- Statement 39: That Solicitor takes longer than I expect.
- Statement 40: That Solicitor does not take account of my personal needs.

Construct: Relationship Specific Investments by Solicitor:

- Statement 41: That Solicitor is flexible.
- Statement 42: That Solicitor is prepared to adapt his/her working arrangements to accommodate my individual needs.
- Statement 43: That Solicitor provides an impersonal and mechanistic service – the legal equivalent to “one size fits all”.
(Reverse scored)

Construct: Value given to Client Contribution:

- Statement 44: That Solicitor acknowledges that the personal information I provide is as valuable as his/her legal expertise.
- Statement 45: That Solicitor and I work together – it’s a partnership of equality.

Construct: Similarity with Service Provider:

- Statement 46: That Solicitor and I are somewhat similar in many ways.

Construct: Social Benefits:

- Statement 47: I am familiar with that Solicitor and/or other employees within the firm.
- Statement 48: I have become friendly with that Solicitor as a result of working together.
- Statement 49: That Solicitor was recommended to me by someone that I know.
- Statement 50: That Solicitor also acts for someone that I know.

Construct: Confidence Benefits:

- Statement 51: I am confident that my interests will be well represented by that Solicitor.
- Statement 52: I am confident that Solicitor will resolve my legal problems.
- Statement 53: I am confident that any work will be done without the need for me to continually check-up.
- Statement 54: I know what to expect when I use that Solicitor.
- Statement 55: I get the highest level of service that Solicitor provides.

Construct: Special Treatment Benefits:

- Statement 56: That Solicitor provides me with a very personal service.
- Statement 57: That Solicitor provides personal support at difficult times.
- Statement 58: That Solicitor takes great care with my affairs.

Construct: Involvement:

This was measured using a 7 point Semantic differential scale as follows:

When selecting from the many different solicitors and law firms available to you would you say that: I would not care at all which one I used/I would care a great deal which one I used – CARE

How important would it be to you to choose the right solicitor or law firm?
Not at all important/Extremely Important – IMPORTANCE

When selecting a solicitor or law firm, how concerned would you be about making the wrong choice? Not at all concerned/Very much concerned - CONCERN

Once again the dataset was split using the random generating provision within SPSS. The first test performed was the Cronbach's alpha to determine

acceptable alpha scores for all constructs with three or four measuring items. All constructs recorded acceptable alpha scores although it is interesting to note that the 7 items purportedly measuring the opportunistic behaviour construct appeared to be split into two, which mirrors the outcome from the pilot study. It could be that statements 34-37 are measuring something slightly different to those of 38-40. This will be confirmed with the factor analysis later.

Once again the KMO score of .907, and the Bartlett's test of Sphericity suggest that the data is appropriate for factor analysis.

A 5 factor solution emerged which explains 68% of the variance. Each of the five emergent factors record good alpha scores, making this a persuasive solution:

FACTOR	ALPHA
F1	.80
F2	.82
F3	.79
F4	.71
F5	.80

TOTAL DATA SET ANTECEDENT FACTORS

	FACTORS				
	1	2	3	4	5
I am familiar with that Solicitor and/or other employees within the firm	.790				
I have become friendly with that Solicitor as a result of working together	.776				
That Solicitor and I are somewhat similar in many ways	.736				
That solicitor and I work together - it's a partnership of equality	.657				
That Solicitor acknowledges that the personal information I provide is as valuable as his/her legal expertise	.622				
That Solicitor seems to make routine things more complicated		.858			
That Solicitor is expensive for what s/he does		.817			
That Solicitor takes longer than I expect		.790			
Not at all/Extremely IMPORTANT			.906		
I would not CARE/ I would CARE			.806		
Not at all/Very much CONCERNED			.788		
That Solicitor might use negative information against me				.837	
I lose control when I instruct that Solicitor				.737	
That Solicitor is intimidating				.734	
That Solicitor was recommended to me by someone that I know					.900
That Solicitor also acts for someone that I know					.891

Extraction Method: Principal Component Analysis.
 Rotation Method: Varimax with Kaiser Normalization.

a. Rotation converged in 5 iterations.

Total Variance Explained

Component	Rotation Sums of Squared Loadings		
	Total	% of Variance	Cumulative %
1	2.800	17.502	17.502
2	2.262	14.136	31.638
3	2.190	13.686	45.324
4	1.995	12.471	57.795
5	1.684	10.524	68.320

Extraction Method: Principal Component Analysis.

6.4.2.1 Factor 1: Relational Atmosphere

Respondents scoring highly on this factor are familiar with the solicitor or other employees and are also friendly with that solicitor as a result of working together. They also consider themselves to be similar to the solicitor and view their relationship as an equal partnership with "expertise" roles for both client and solicitor. Unlike other factors the items being measured here may flow as a result of the other items. For instance, friendship may flow from familiarity and the similarities between the client and solicitor which may increase the ability to work together and the ability to respect each other's contribution to the partnership. As such this factor is measuring items that impact upon the general "atmosphere" of the relationship.

6.4.2.2 Factor 2: Opportunistic Behaviour

These three items were intended to measure opportunistic behaviour and arose from the qualitative research stage. Complications and time delays can result in larger legal bills and, presumably, opportunistic behaviour in this context is the ability of the solicitor to increase his/her bill. It is worth noting that these three items measure poor performance by a solicitor (complications; delays and expense). When compared with the items within factor 4 these might be said to be passive performance behaviours.

6.4.2.3 Factor 3: Involvement

The three items here were all included to measure involvement so it is appropriate to name the factor involvement.

6.4.2.4 Factor 4: Fear of Solicitor

These three items were intended to measure opportunistic behaviour as were the three items recorded in factor 2. However they are clearly measuring a different construct and this result is consistent with the pilot findings. Consequently it appears appropriate to name this factor fear. Building upon the point raised in 6.4.2.2, these three items appear to measure more active

behaviours by the solicitor while performing his/her job than those measured by factor 2.

6.4.2.5 Factor 5: Inner Circle Recommendation Benefits

During the qualitative research phase it became clear the extent to which individuals place importance on personal recommendations from those they trust and respect. Several respondents also talked about the need to establish credibility in the eyes of the solicitor and making it clear that "so and so" has recommended them was seen as an effective way to do this. Respondents were also hoping to get the same, presumably, high quality standards that the person recommending the solicitor gets.

6.4.2.6 Summary

It is worth noting that none of the three "relational benefits" suggested by Gwinner *et al* (1998) have emerged from this study. The 8 items measuring confidence and special treatment benefits have failed to emerge within the 5 factor solution. The four items measuring social benefits have polarised onto two different factors (1 and 5) and therefore can not be said to be valid constructs within this context. The other construct that has not emerged is one posited by Bendapudi & Berry (1997) related to relationship specific investments by the service provider.

6.4.3 Trust

Trust has been defined as confidence in an exchange partner's reliability and integrity (Morgan and Hunt, 1994) and 9 items were used to measure reliability and integrity using scales from Morgan & Hunt (1997) as well as Hess (1995).

Factor analysis indicated that all 9 items measuring trust loaded onto one factor. The alpha score of .96 indicates a high degree of reliability, although it may also indicate that several items are measuring the same thing, particularly since all individual items also record .96.

No.	STATEMENT	ALPHA if Item deleted
25	I have found that solicitor to be perfectly honest and truthful	.96
26	That solicitor can be counted on to do what is right	.96
27	I believe the information that solicitor gives me is accurate	.96
28	That solicitor delivers on promises made to me	.96
29	That solicitor is very reliable	.96
30	That solicitor can be trusted completely	.96
31	That solicitor is someone I have great confidence in	.96
32	That solicitor is genuinely committed to my satisfaction	.96
33	Most of what that solicitor has told me about his/her service has been true	.96
	TOTAL ALPHA SCORE FOR TRUST CONSTRUCT	.96

Alpha scores were also obtained for the individual scales proposed by both Morgan & Hunt and Hess. In both cases the alpha scores were less than for the 9 item scale: Morgan & Hunt (statements 25, 26 and 31) being .90 and Hess (statements 27, 28, 29, 30, 32 and 33) at .94.

It can therefore be concluded that the 9 item scale used is a more reliable measure of the trust construct than either of the individual scales proposed by Morgan & Hunt or Hess.

The trust construct was reviewed again as a result of the initial linear regression analysis reported below. The most significant single item measure within the trust construct leading to commitment was statement 31 – “That solicitor is someone I have great confidence in”. This, combined with the fact that the items purporting to measure the confidence benefit suggested by Gwinner *et al* (1998) did not emerge as a factor, led the researcher to test whether or not the items were actually measuring the trust construct.

So factor analysis was re-run combining the 9 item measures above with the following statements:

51. I am confident that my interests will be well represented by that solicitor;
52. I am confident that solicitor will resolve my legal problems;

- 53. I am confident that any work will be done without the need for me to continually check-up;
- 54. I know what to expect when I use that solicitor;
- 55. I get the highest level of service that solicitor provides.

This analysis produced 1 factor, presumably trust, with an overall alpha score of .96 and with each of the individual items recording alpha scores in excess of .70. This suggests that "confidence benefits" is not a separate construct and is certainly not an antecedent of trust. Confidence benefits and trust, as measured in this study, appear to be one and the same construct. However, the issue of parsimony is raised by the resultant 14 item measurement scale, particularly since the high alpha scores indicate that the items are redundant. Which of the 14 items should be kept and which dropped? This matter is pursued following linear regression discussed below. It is important to note that in that analysis the Morgan & Hunt and Hess items are combined into a trust factor while the 5 confidence items are combined into a confidence factor. The extent to which these two separate factors explain commitment is compared to determine which factor, and therefore which items, provides a more parsimonious scale for measuring trust within this service context.

6.4.4 Commitment

Factor analysis indicated that the three items within the scale derived from Morgan and Hunt loaded onto one factor. The Alpha score of .87 indicates a high degree of reliability particularly since the elimination of any item would reduce the score to .81 or .83. It can be concluded that the 3 item scale used reliably measures the commitment construct:

No.	STATEMENT	ALPHA if Item deleted
22	The relationship I have with that solicitor is one to which I am committed.	.82
23	The relationship I have with that solicitor is one that I intend to maintain indefinitely.	.81
24	The relationship I have with that solicitor is one that deserves my maximum effort to maintain.	.83
	TOTAL ALPHA SCORE FOR COMMITMENT CONSTRUCT	.87

Given that commitment to a provider might be considered similar to that of preference for using a given provider a further factor analysis was undertaken of the statements comprising both the commitment and preference factors.

No.	Statement	Commitment Factor	Preference Factor
24	The relationship I have with that solicitor is one that deserves my maximum effort to maintain	.887	
22	The relationship I have with that solicitor is one to which I am committed	.854	
23	The relationship I have with that solicitor is one that I intend to maintain indefinitely	.816	.369
1	It is important to me that I establish and maintain an on-going relationship with a solicitor	.535	.514
2	When I need to use a solicitor I prefer to use a solicitor I have previously used rather than choosing a new one		.773
11	If I needed to use a solicitor I would probably return to one I had used before, even if a different area of law was involved		.759
12	If a solicitor I had used before could not deal with a legal problem I would rather use another solicitor in the same firm than find a new firm altogether		.707
3	It is pointless to establish and maintain relationships with solicitors because legal needs vary and solicitors specialise in particular areas of law (reverse scored)		.586

The results indicate that with the exception of variable 1, which loads almost equally onto both factors, the remaining variables display a high degree of discriminant validity. These results suggest that preference behaviours is indeed a separate factor from that of commitment and provides further confidence for the results of the subsequent linear regression, discussed within section 6.6 below.

6.4.5 Dependency

Factor analysis indicated that the three items within the scale derived from qualitative research loaded onto one factor. Unfortunately, unlike the previously noted scales the alpha score is unacceptably low at only .33 although this would be raised to .42 with the removal of statement 20. However this would leave a two-item measurement scale that would still have a low alpha score.

No.	STATEMENT	ALPHA If item deleted
19	I only use a solicitor when I absolutely have to	.09
20	When I use a solicitor I am vulnerable	.42
21	I depend upon a solicitor to act in my best interests	.27
	TOTAL ALPHA SCORE FOR DEPENDENCY CONSTRUCT	.33

Consequently the decision was taken to exclude the dependency construct from further analysis since it has not proved reliable within this study. This construct was measured using items developed for this particular study, and was not adapted from a previously published scale. So, a finding arising from this study is that the development of a reliable scale to measure dependency, within a professional service context, remains outstanding.

6.4.6 Summary

The dataset was analysed in order to develop and confirm scales to measure constructs that have been posited to be relevant to the maintenance of relationships by private clients with solicitors. The data was subjected to Factor Analysis and the alpha scores of the resultant factors determined. The results have confirmed the following:

- a. That 5 factors have emerged that might influence motivations of private clients to maintain relationships with solicitors;
- b. That 4 factors have emerged that might explain differences in the behaviour of private clients interacting with solicitors;
- c. That although the items purporting to measure dependency form one factor, the alpha score is unacceptably low;
- d. That the 3 item scale suggested by Morgan and Hunt (1997) reliably measures the commitment construct;
- e. The trust construct can be reliably measured using a 9 item scale which combines items suggested by both Hess and Morgan & Hunt;
- f. That the construct of "confidence benefits", measured using an adapted scale suggested by Gwinner *et al* (1998), is not an independent construct, nor is it an antecedent of trust. Respondents can not distinguish the suggested measuring items from that of trust and since the 9 item scale already discussed will suffice for measuring

trust the measuring items suggested by Gwinner *et al* (1998) add nothing to the construct.

- g. A decision remains outstanding regarding which group of items to use to measure the trust construct given the need for parsimony in scale development. This decision will be pursued through linear regression and discussed below.

6.5 DIFFERENCES BETWEEN DIFFERENT GROUPS OF RESPONDENTS

Factor analysis explores the strength of relationships between variables and summarises the underlying patterns of correlation by seeking groups of closely related items. Such a technique is useful to identify underlying structures and is particularly useful for scale development.

Having used factor analysis to develop the proposed scales above the next stage of the analysis was to determine if the data suggests any significant differences between groups of respondents. The first groups to be examined were men versus women. Secondly differences between respondents indicating an experience of working with commercial lawyers and those without such experience were explored. The impact of age and educational level upon responses was also analysed. Finally, the impact of the particular legal services that respondents had experienced was reviewed.

The purpose of exploring differences between groups is to test hypotheses (Pallant, 2001). This raises the issue of error. Type 1 error (rejecting the null hypothesis when it is in fact true) occurs when suggesting there is a difference between groups when there really is not. Type 1 error is minimised by seeking an appropriate alpha level such as 0.05 (95% confidence level) or 0.1 (90% confidence level). This study applies the 95% confidence level because that is the norm for research studies within the business and management field. Type 2 error (failure to reject the null hypothesis when it is in fact false) occurs when suggesting that groups do not differ when in fact they do.

The power of statistical tests vary depending upon whether they are parametric or non-parametric (parametric tests are more powerful); sample size; effect size (strength of the difference between groups or the influence of the independent variable); and the alpha level set (0.05).

Power is said not to be an issue where large samples, being those in excess of 100, are used. Since this study is based upon a total sample of 287 the power of the statistical tests should not be an issue. That means that there will be no need to reduce the alpha from 0.05 or the 95% confidence level. However, this may impact upon the tests if some of the emergent sub-groups comprise less than 100 respondents.

The strength of association, or the effect size, statistics indicate the "relative magnitude of the differences between means" (Pallant, 2001, p. 175). The most widely used test is eta squared which is used in this study. Eta squared represents the proportion of variance of the dependent variable (eg trust or commitment) that is explained by the independent variable (eg male or female). Eta squared values range from 0 to 1 where .01 represents a small effect; .06 a moderate effect; and .14 a large effect (Pallant, 2001).

The independent variable groups that were compared were: Gender; Age; Educational Qualifications and use of specific legal services. The results for each group follows.

6.5.1 Gender Differences

Given that respondents can belong to only one of two groups the appropriate statistical test was the Independent samples T-Test. Independent T-Tests were conducted to compare the male/female scores for the following with each statistically significant result reported below the following chart using the format suggested by Pallant (2001) p. 181. In each case Levene's test for homogeneity of variances was consulted prior to analysing the resultant data.

Independent Variable	t-test score	P (sig) score	Eta squared result
Trust	(282) 1.58	0.12	0.01
Commitment	(284) 0.58	0.56	0.001
Preference behaviour	(265) 0.56	0.57	0.001
Co-operative behaviour	(265) 0.17	0.86	0.0001
Referral behaviour	(265) 0.28	0.78	0.0003
Negative w-o-m	(265) -0.24	0.81	0.0002
Relational Atmosphere	(279) 2.97	0.00**	0.03
Opportunistic Behaviour	(279) 0.66	0.51	0.002
Involvement	(279) -1.16	0.25	0.005
Fear of Service Provider	(279) -0.01	0.99	0.000
"Inner Circle" Recommendation	(279) -1.7	0.09	0.01

** The mean difference is significant at the .01 level

* The mean difference is significant at the .05 level

The p value indicates the number of times the difference in the mean results would be obtained by chance within every 100 sample taken from the same population. Where that value is greater than 0.05, indicating 5 in every 100 (ie the 95% confidence level) the null hypothesis is accepted, that there is no significant difference in the means of the two groups.

The results above indicate that the **null hypothesis is accepted** for: Trust; Commitment; Preference Behaviour; Cooperative Behaviour; Referral Behaviour; negative Word-of-Mouth; Opportunistic Behaviour; Involvement; Fear of Service Provider and "Inner Circle" Recommendation Benefits.

However the **null hypothesis is rejected for Perception of Relational Atmosphere** because there is a significant difference in scores for males ($M = .15$, $SD = .96$), and females ($M = -.21$, $SD = 1.0$). Although the magnitude of the differences in the means was small (eta squared = .03) it is the largest difference recorded which supports the rejection of the null hypothesis. The results indicate that 3% of the difference between the perception of the relational atmosphere is explained by the gender of the respondent. Male clients are more likely to have a positive perception of the relational atmosphere than female clients.

Summary of Gender Differences

The data suggests that gender explains very little of the differences in responses. The only impact appears to be on perception of the relational atmosphere and then it only explains 3% of the differences. Men are more likely to perceive a positive relational atmosphere than women.

6.5.2 Age Differences

Given that there are seven age categories the appropriate test is the one-way ANOVA with post-hoc tests (Tukey HSD test). In each case Levene's test for homogeneity of variances (seeking a score in excess of 0.05) was consulted prior to analysing the resultant data. The purpose of a one-way ANOVA analysis is to test the null hypothesis that all the means of the compared groups are equal. The one-way ANOVA compares the "variance (variability in scores) between the different groups (believed to be due to the independent variable), with the variability *within* each of the groups (believed to be due to chance)." Pallant, 2001, p. 186. The larger the F ratio the larger the variability between the groups. A significant F test (0.05 or below in this study) demands the rejection of the null hypothesis – that the population means are equal. Where this occurs the post-hoc tests identify which of the groups differ.

The results for each of the one-way ANOVA tests are presented but the mean scores are only presented where the F test is significant, leading to a rejection of the null hypothesis.

The seven age categories compared are as follows:

21-25 years	5 respondents
26-29 years	28 respondents
30-34 years	49 respondents
35-39 years	52 respondents
40-49 years	78 respondents
50-59 years	57 respondents
60+ years	14 respondents

One Way Anova - AGE	F Score	Sig (p Score)	Null Hypothesis Accepted/Rejected
TRUST	.75	.61	ACCEPTED
COMMITMENT	2.59	.02*	ACCEPTED
PREFERENCE BEHAVIOURS	1.35	.24	ACCEPTED
CO-OPERATIVE BEHAVIOURS	1.79	.10	ACCEPTED
REFERRAL BEHAVIOURS	1.20	.31	ACCEPTED
NEGATIVE WORD-OF-MOUTH	.52	.79	ACCEPTED
RELATIONAL ATMOSPHERE	.64	.70	ACCEPTED
OPPORTUNISTIC BEHAVIOUR	.63	.71	ACCEPTED
INVOLVEMENT	2.99	.01	REJECTED (eta squared = 0.06)
FEAR OF SERVICE PROVIDER	.80	.57	ACCEPTED
"INNER CIRCLE" RECOMMENDATION BENEFITS	2.13	.05	REJECTED (eta squared = 0.04)

* Although the p score indicates a statistically significant result, post-hoc comparisons using the Tukey HSD test indicated that mean scores did not differ for any one group at the 0.05 significance level.

The acceptance of the null hypothesis indicates that any difference between respondents can not be explained by age and this is clearly the case for the vast majority of the factors. However, in two cases the null hypothesis has been rejected because there is a statistically significant difference in mean scores at the 95% confidence level. This is the case for involvement and "inner circle" recommendation benefits.

The **null hypothesis is rejected for involvement** because there is a statistically significant difference in mean scores at the 95% confidence level. Furthermore the eta squared score of 0.06 suggests a medium effect size indicating that 6% of difference in involvement scores can be explained by age.

The Post-hoc comparisons, using the Tukey HSD test, indicate that the mean score for the 30-34 year group was significantly different from the 40-49 year group indicating that the older respondent group is more likely to be involved with their legal needs than the younger group of respondents.

Mean Scores Highlighting Significant Variance Between Groups

REGR factor score Involvement

	N	Mean	Std. Deviation	95% Confidence Interval for Mean	
				Lower Bound	Upper Bound
21 - 25 years	5	-.51	1.46	-2.32	1.30
26 - 29 years	28	-.29	1.18	-.74	.17
30 - 34 years	50	-.32	.93	-.58	-.06
35 - 39 years	50	-.08	1.10	-.39	.23
40 - 49 years	77	.21	.93	.00	.42
50 - 59 years	56	.19	.84	-.03	.42
60 years +	14	.43	.72	.01	.84
Total	280	.01	.99	-.11	.12

The **null hypothesis is rejected for "inner circle" recommendation benefits** because there is a statistically significant difference in mean scores at the 95% confidence level. However the eta squared score of 0.04 suggests only a small effect size, indicating that only 4% of the difference in perception of "inner circle" recommendation benefits can be explained by age.

Mean Scores highlighting significant variance between groups

REGR factor score "inner Circle" recommendation benefits

	N	Mean	Std. Deviation	95% Confidence Interval for Mean	
				Lower Bound	Upper Bound
21 - 25 years	5	.13	1.01	-1.13	1.39
26 - 27 years	28	.56	.95	.19	.93
30-34 years	50	.10	1.04	-.19	.40
35 - 39 years	50	-.07	1.02	-.36	.22
40 - 49 years	77	-.12	1.01	-.35	.11
50 - 59 years	56	-.17	.92	-.42	.07
60 years +	14	.05	.88	-.46	.56
Total	280	.00	1.00	-.12	.12

The Post-hoc comparisons, using the Tukey HSD test, indicate that the mean score for the 26-29 year group – the younger respondents was significantly different from the 40-49 year group and the 50–59 year group. Both groups of older respondents are less likely to use a solicitor either recommended or used by someone they know than younger respondents. The findings suggest that younger private clients seek "inner circle" recommendation benefits. This would make sense particularly if they are seeking these recommendations

from among their older, more experienced, friends, family and work colleagues. This would be consistent with the qualitative research which indicated that private clients are keen to let solicitors know who it was that recommended them in the hope that it will add to their credibility (as a worthy client perhaps) and so that they might receive the same quality of service.

Summary of Age differences

The data suggests that age has very little impact upon the factors measured. Age appears to explain 4% of differences in perception of "inner circle" recommendation benefits and 6% of involvement.

40-59 year olds are less likely to use a solicitor either recommended or used by someone they know than 26-29 year olds.

The 40-49 year olds are more likely than 30-34 year olds to be involved with their legal needs than the younger group of respondents.

6.5.3 Educational Qualifications

Given that there are seven qualification categories the appropriate test is the one-way Anova with post-hoc tests (Tukey HSD test). In each case Levene's test for homogeneity of variances (seeking a score in excess of 0.05) was consulted prior to analysing the resultant data. As above (for age), the results for each of the one-way ANOVA tests are presented but the mean scores are only presented where the F test is significant, leading to a rejection of the null hypothesis.

The seven qualification categories compared are as follows: None; HND/HNC; Undergraduate Degree; Certificate/Diploma; Post Graduate Degree (eg: MA; MBA); Higher Research Degree (eg: PhD); Professional Qualifications (eg: Accounting).

One Way Anova - EDUCATIONAL QUALIFICATIONS	F Score	Sig (p Score)	Null Hypothesis Accepted/Rejected
TRUST	.75	.61	ACCEPTED
COMMITMENT	.89	.50	ACCEPTED
PREFERENCE BEHAVIOURS	.94	.47	ACCEPTED
CO-OPERATIVE BEHAVIOURS	1.23	.29	ACCEPTED
REFERRAL BEHAVIOURS	1.75	.11	ACCEPTED
NEGATIVE WORD-OF-MOUTH	.76	.60	ACCEPTED
RELATIONAL ATMOSPHERE	1.87	.09	ACCEPTED
OPPORTUNISTIC BEHAVIOUR	.57	.76	ACCEPTED
INVOLVEMENT	1.89	.08	ACCEPTED
FEAR OF SERVICE PROVIDER	.62	.71	ACCEPTED
"INNER CIRCLE"	.93	.48	ACCEPTED
RECOMMENDATION BENEFITS			

Summary

The null hypothesis has been accepted in every case indicating that educational qualifications do not explain differences in responses on any of the factors measured. These results are perhaps not surprising given the skewed nature of the respondents group towards higher education. However these results persisted when a further T-Test was performed to compare the respondents on the basis of two groups alone: those without higher education (recording none or HND/HNC) with those recording undergraduate/post graduate degrees; certificates/diplomas; higher research degrees and professional qualifications. The only factor where a significant difference appeared was that of dependence, where the results indicate that those without higher education are more likely to report a dependency upon their solicitor than those who are educated to degree level or above. However, given that this study has not found the dependency factor to be reliable this result is of interest only and cannot be said to be a true finding.

6.5.4 Use of Specific Legal Services

A total of nine different specific legal services were recorded which pre-testing and piloting indicated would cover the vast majority of private client use of solicitors: Probate; Conveyancing; Matrimonial/Family Issues; Wills and/or Covenants; Civil Litigation; Employment Issues; Non-contentious Contractual Advice; Personal Injury; Criminal.

Due to the low numbers of respondents having used criminal (8) and personal injury (24) services these have not been analysed. Likewise, conveyancing has not been analysed because all but 15 of the respondents have used the service. Although the data actually recorded single and multiple usage and whether the same solicitor was used or not, all that is analysed here is any usage compared with non-usage of the specific service. Given that there are only two groups within the comparison the Independent-sample T-test has been used.

6.5.4.1 Probate

The two groups being compared here are of different sizes with 222 non-users compared with only 65 users. Eta Squared results are only given where the difference in mean scores is significant.

Independent Variable	t-test score	P (sig) score	Eta squared result
Trust	(282) 0.85	0.39	
Commitment	(284) -0.99	0.33	
Preference behaviour	(265) -0.25	0.80	
Co-operative behaviour	(265) -1.74	0.08	
Referral behaviour	(265) 0.61	0.54	
Negative w-o-m	(265) -0.82	0.41	
Relational Atmosphere	(279) 0.54	0.59	
Opportunistic Behaviour	(279) -2.03	0.04*	0.01
Involvement	(279) -3.05	0.00**	0.03
Fear of Service Provider	(279) -0.04	0.97	
"Inner Circle" Recommendation	(279) 1.22	0.22	

** The mean difference is significant at the .01 level

* The mean difference is significant at the .05 level

The results above indicate that the null hypothesis is accepted for: Trust; Commitment; Preference behaviour; Co-operative Behaviour; Referral Behaviour; Negative word-of-mouth; Relational Atmosphere; Fear of Service Provider and "Inner Circle" recommendation benefits.

The **null hypothesis is rejected** for **Perception of opportunistic behaviour** because there is a significant difference in mean scores between those who used probate services ($\underline{M} = .22, \underline{SD} = .98$) and those who had not ($\underline{M} = -.07, \underline{SD} = 1.00$). However the magnitude of the differences in the means was very small (eta squared = .01) which means that only 1% of the differences in perception of opportunistic behaviour can be explained by the usage of probate services. Private clients who have used probate services are more likely to perceive opportunistic behaviour than those who have not.

The **null hypothesis is also rejected** for **involvement** because there is a significant difference in mean scores between those having used probate services ($\underline{M} = .33, \underline{SD} = .77$) and those who had not ($\underline{M} = -.10, \underline{SD} = 1.04$). However the magnitude of the differences in the means was small (eta squared = .03) which means that only 3% of the differences in perception of involvement can be explained by the usage of probate services. Private clients who have used probate services are more likely to report involvement with their legal needs than those who have not.

6.5.4.2 Matrimonial/Family

The two groups being compared here are of different sizes with 87 users of the service and 199 non-users. Eta Squared results are only reported where the difference in mean scores is significant.

Independent Variable	t-test score	P (sig) score	Eta squared result
Trust	(281) 0.22	0.83	
Commitment	(283) -0.89	0.38	
Preference behaviour	(264) -1.10	0.27	
Co-operative behaviour	(264) -1.72	0.09	
Referral behaviour	(264) -1.80	0.07	
Negative w-o-m	(264) -0.27	0.79	

Independent Variable	t-test score	P (sig) score	Eta squared result
Relational Atmosphere	(278) -0.79	0.43	
Opportunistic Behaviour	(278) -0.97	0.33	
Involvement	(278) -0.83	0.41	
Fear of Service Provider	(278) 0.53	0.60	
"Inner Circle" Recommendation	(278) -0.13	0.90	

** The mean difference is significant at the .01 level

* The mean difference is significant at the .05 level

The results above indicate that **the null hypothesis is accepted** for: Trust; Commitment; Preference behaviour; Co-operative Behaviour; Referral Behaviour; negative word-of-mouth; Relational Atmosphere; Perception of Opportunistic Behaviour; Involvement; Fear of Service Provider and "Inner Circle" Recommendation Benefits.

6.5.4.3 Wills/Covenants

The two groups being compared here are evenly balanced with 139 never having used this service compared with 147 who have. Eta Squared results are only reported where the difference in mean scores is significant.

Independent Variable	t-test score	P (sig) score	Eta squared result
Trust	(281) -2.58	0.01**	0.02
Commitment	(283) -2.80	0.01**	0.03
Preference behaviour	(264) -3.915	0.00**	0.06
Co-operative behaviour	(264) -2.02	0.04*	0.02
Referral behaviour	(264) -1.41	0.16	
Negative w-o-m	(264) -1.97	0.05*	0.01
Relational Atmosphere	(278) -2.52	0.01**	0.02
Opportunistic Behaviour	(278) -1.35	0.18	
Involvement	(278) -2.19	0.03*	0.02
Fear of Service Provider	(278) 1.81	0.07	
"Inner Circle" Recommendation	(278) -1.70	0.09	

** The mean difference is significant at the .01 level

* The mean difference is significant at the .05 level

The results above indicate that **the null hypothesis is accepted** for: Referral Behaviour; Opportunistic Behaviour; Fear of Service Provider and "Inner Circle" Recommendation Benefits.

The **null hypothesis is rejected** for **trust** because there is a significant difference in mean scores between those having used solicitors to draw up wills or covenants ($M = .15$, $SD = .94$) and those who had not ($M = -.15$, $SD = 1.03$). However the magnitude of the differences in the means was small (eta squared = .02) which means that only 2% of the differences in trust can be explained by having used solicitors to draw up wills or covenants. Private clients who have used solicitors to draw up wills or covenants are more likely to trust their solicitor than those who have not.

The **null hypothesis is also rejected** for **commitment** because there is a significant difference in mean scores between those having used solicitors to draw up wills or covenants ($M = .16$, $SD = 1.04$) and those who had not ($M = -.16$, $SD = .93$). However the magnitude of the differences in the means was small (eta squared = .03) which means that only 3% of the differences in commitment can be explained by having used solicitors to draw up wills or covenants. Private clients who have used solicitors to draw up wills or covenants are more likely to be committed to the relationship they have with their solicitor than those who have not.

The **null hypothesis is also rejected** for **Preference Behaviour** because there is a significant difference in mean scores between those having used solicitors to draw up wills or covenants ($M = .23$, $SD = .95$) and those who had not ($M = -.24$, $SD = 1.00$) $t = (264) -3.92$; $p = .00$. Interestingly the magnitude of the differences in the means was moderate (eta squared = .06) which means that 6% of the differences in identification can be explained by having used solicitors to draw up wills or covenants. Private clients who have used solicitors to draw up wills or covenants are more likely to exhibit preference behaviours towards their solicitor than those who have not.

The **null hypothesis is also rejected** for **co-operative behaviours** because there is a significant difference in mean scores between those having used solicitors to draw up wills or covenants ($M = .12$, $SD = .87$) and those who had not ($M = -.12$, $SD = 1.11$) $t = (264) -2.02$; $p = .04$. However the magnitude of the differences in the means was very small (eta squared = .02)

which means that only 2% of the differences in co-operative behaviours can be explained by having used solicitors to draw up wills or covenants. Private clients who have used solicitors to draw up wills or covenants are more likely to demonstrate co-operative behaviours when dealing with their solicitor than those who have not.

The **null hypothesis is also rejected** for **negative word-of-mouth** because there is a significant difference in mean scores between those having used solicitors to draw up wills or covenants ($M = .11$, $SD = .99$) and those who had not ($M = -.13$, $SD = 1.00$) $t = (264) -1.97$; $p = .05$. However the magnitude of the differences in the means was very small (eta squared = .01) which means that only 1% of the differences in negative word-of-mouth can be explained by having used solicitors to draw up wills or covenants. Private clients who have used solicitors to draw up wills or covenants are more likely to spread negative word-of-mouth than those who have not.

The **null hypothesis is also rejected** for **relational atmosphere** because there is a significant difference in mean scores between those having used solicitors to draw up wills or covenants ($M = .15$, $SD = 1.06$) and those who had not ($M = -.15$, $SD = .91$) $t = (278) -2.51$ $p = .01$. However the magnitude of the differences in the means was very small (eta squared = .02) which means that only 2% of the differences in relational atmosphere can be explained by having used solicitors to draw up wills or covenants. Private clients who have used solicitors to draw up wills or covenants are more likely to perceive a positive relational atmosphere than those who have not.

The **null hypothesis is also rejected** for **involvement** because there is a significant difference in mean scores between those having used solicitors to draw up wills or covenants ($M = .13$, $SD = .97$) and those who had not ($M = -.14$, $SD = 1.02$) $t = (278) -2.19$; $p = .03$. However the magnitude of the differences in the means was very small (eta squared = .02) which means that only 2% of the differences in involvement can be explained by having used solicitors to draw up wills or covenants. Private clients who have used solicitors to draw up wills or covenants are more likely to report involvement with their legal needs than those who have not.

6.5.4.4 Civil Litigation

It should be noted that the group sizes are very different within this analysis. 255 have never used this service compared with 31 who have. Eta Squared results are only reported where the difference in mean scores is significant.

Independent Variable	t-test score	P (sig) score	Eta squared result
Trust	(281) -1.35	0.18	
Commitment	(283) -1.08	0.28	
Preference behaviour	(264) 1.58	0.12	
Co-operative behaviour	(264) -0.34	0.74	
Referral behaviour	(264) -2.12	0.04*	0.02
Negative w-o-m	(264) -0.38	0.71	
Relational Atmosphere	(278) -2.20	0.03*	0.02
Opportunistic Behaviour	(278) -0.12	0.90	
Involvement	(278) -1.84	0.07	
Fear of Service Provider	(278) -0.03	0.98	
"Inner Circle" Recommendation	(278) 1.37	0.17	

* The mean difference is significant at the .05 level

The results above indicate that **the null hypothesis is accepted** for: Trust; Commitment; Preference Behaviour; Co-operative Behaviour; negative word-of-mouth; Perception of Opportunistic Behaviour; Involvement; Fear of service provider and "Inner Circle Recommendation Benefits.

The **null hypothesis is rejected** for **referral behaviour** because there is a significant difference in mean scores between those who have experienced civil litigation ($M = .38, SD = .81$) and those who have not ($M = -.04, SD = 1.01$) $t = (264) -2.12; p = .04$. However the magnitude of the differences in the means was very small (eta squared = .02) which means that only 2% of the differences in referral behaviour can be explained by involvement in civil litigation. Private clients who have experienced civil litigation are more likely to refer people to their solicitor than those who have not.

The **null hypothesis is also rejected** for **relational atmosphere** because there is a significant difference in mean scores between those who have

experienced civil litigation ($M = .37, SD = .97$) and those who have not ($M = -.04, SD = 1.00$) $t = (278) -2.20; p = .03$. However the magnitude of the differences in the means was very small (eta squared = .02) which means that only 2% of the differences in relational atmosphere can be explained by involvement in civil litigation. Private clients who have experienced civil litigation are more likely to perceive a positive relational atmosphere than those who have not.

6.5.4.5 Employment

Once again the group sizes are very different within this analysis: 224 have never used this service compared with 42 who have used solicitors specialising in employment law. Eta Squared results are only reported where the difference in mean scores is significant.

Independent Variable	t-test score	P (sig) score	Eta squared result
Trust	(281) -0.32	0.75	
Commitment	(283) -1.26	0.21	
Preference behaviour	(264) -0.26	0.80	
Co-operative behaviour	(264) -2.514	0.01**	0.02
Referral behaviour	(264) -3.09	0.00**	0.03
Negative w-o-m	(264) -1.91	0.06	
Relational Atmosphere	(278) -0.21	0.84	
Opportunistic Behaviour	(278) -0.02	0.98	
Involvement	(278) -2.56	0.01**	0.02
Fear of Service Provider	(278) 1.72	0.09	
"Inner Circle" Recommendation	(278) 1.78	0.08	

** The mean difference is significant at the .01 level

* The mean difference is significant at the .05 level

The results above indicate that **the null hypothesis is accepted** for: Trust; Commitment; Preference Behaviour; Relational Atmosphere; Perception of Opportunistic Behaviour; Fear of Service Provider and "Inner Circle" Recommendation Benefits.

The **null hypothesis is rejected for Co-operative behaviour** because there is a significant difference in mean scores between those who have used employment lawyers ($\underline{M} = .36$, $\underline{SD} = .74$) and those who have not ($\underline{M} = -.06$, $\underline{SD} = 1.03$). However the magnitude of the differences in the means was very small (eta squared = .02) which means that only 2% of the differences in co-operative behaviour can be explained by experience of employment law. Private clients who have used employment lawyers are more likely to demonstrate co-operative behaviours when dealing with their solicitor than those who have not.

The **null hypothesis is also rejected for Referral behaviour** because there is a significant difference in mean scores between those who have used employment lawyers ($\underline{M} = .43$, $\underline{SD} = .83$) and those who have not ($\underline{M} = -.08$, $\underline{SD} = 1.01$). However the magnitude of the differences in the means was small (eta squared = .03) which means that only 3% of the differences in referral behaviour can be explained by experience of employment law. Private clients who have used employment lawyers are more likely to refer others to their solicitor than those who have not.

The **null hypothesis is also rejected for Involvement** because there is a significant difference in mean scores between those who have used employment lawyers ($\underline{M} = .36$, $\underline{SD} = .85$) and those who have not ($\underline{M} = -.06$, $\underline{SD} = 1.01$). However the magnitude of the differences in the means was very small (eta squared = .02) which means that only 2% of the differences in involvement can be explained by experience of employment law. Private clients who have used employment lawyers are more likely to report involvement with their legal needs than those who have not.

6.5.4.6 Contractual Advice

The two groups being compared comprise 230 who have never used this service and 56 who have. Eta Squared results are only reported where the difference in mean scores is significant.

Independent Variable	t-test score	P (sig) score	Eta squared result
Trust	(281) -2.84	0.01**	0.03
Commitment	(283) -1.85	0.07	
Preference behaviour	(264) -2.36	0.19*	0.02
Co-operative behaviour	(264) -1.27	0.21	
Referral behaviour	(264) -1.99	0.05*	0.02
Negative w-o-m	(264) -0.03	0.98	
Relational Atmosphere	(278) -3.83	0.00**	0.05
Opportunistic Behaviour	(278) -1.04	0.30	
Involvement	(278) -1.96	0.05*	0.01
Fear of Service Provider	(278) 1.24	0.22	
"Inner Circle" Recommendation	(278) -0.80	0.43	

** The mean difference is significant at the .01 level

* The mean difference is significant at the .05 level

The results above indicate that **the null hypothesis is accepted** for: Commitment; Co-operative Behaviour; Negative word-of-mouth; Perception of Opportunistic Behaviour; Fear of Service Provider and "Inner Circle" Recommendation Benefits.

The **null hypothesis is rejected** for **Trust** because there is a significant difference in mean scores between those who have sought **Non-Contentious Contractual Advice** ($M = .34$, $SD = .84$) and those who have not ($M = -.08$, $SD = 1.01$). However the magnitude of the differences in the means was small (eta squared = .03) which means that only 3% of the differences in trust can be explained by experience of contract law. Private clients who have sought contractual advice are more likely to trust their solicitors than those who have not.

The **null hypothesis is also rejected** for **Preference behaviour** because there is a significant difference in mean scores between those who have sought **Non-Contentious Contractual Advice** ($M = .28$, $SD = .99$) and those who have not ($M = -.07$, $SD = .99$). However the magnitude of the differences in the means was very small (eta squared = .02) which means

that only 2% of the differences in preference behaviour can be explained by experience of contract law. Private clients who have sought contractual advice are more likely to exhibit preference behaviours towards their solicitors than those who have not.

The **null hypothesis is also rejected** for **Referral Behaviour** because there is a significant difference in mean scores between those who have sought **Non-Contentious Contractual Advice** ($M = .23$, $SD = .93$) and those who have not ($M = -.06$, $SD = 1.01$). However the magnitude of the differences in the means was very small (eta squared = .02) which means that only 2% of the differences in referral behaviour can be explained by experience of contract law. Private clients who have sought contractual advice are more likely to refer others to their solicitors than those who have not.

The **null hypothesis is also rejected** for **Relational Atmosphere** because there is a significant difference in mean scores between those who have sought **Non-Contentious Contractual Advice** ($M = .45$, $SD = 1.04$) and those who have not ($M = -.11$, $SD = .96$). In this case the magnitude of the differences in the means was moderate (eta squared = .05) which means that 5% of the differences in relational atmosphere can be explained by experience of contract law. Private clients who have sought contractual advice are more likely to perceive a positive relational atmosphere than those who have not.

The **null hypothesis is also rejected** for **Involvement** because there is a significant difference in mean scores between those who have sought **Non-Contentious Contractual Advice** ($M = .23$, $SD = .93$) and those who have not ($M = -.06$, $SD = 1.01$). However the magnitude of the differences in the means was very small (eta squared = .01) which means that only 1% of the differences in involvement can be explained by experience of contract law. Private clients who have sought contractual advice are more likely to report involvement with their legal needs than those who have not.

6.5.4.7 Use of services OTHER than conveyancing compared with ONLY conveyancing usage

Since the specific service used seems to have a greater impact on differences in respondents than any other category of group recorded the sample was analysed comparing those respondents who had used services OTHER than conveyancing and those that had ONLY used conveyancing. The conveyancing service was selected here because 96% of respondents had experience of conveyancing.

Once again the independent-samples t-test was used and Eta Squared results are only reported where the difference in mean scores is significant.

Independent Variable	t-test score	P (sig) score	Eta squared result
Trust	(282) -1.20	0.23	
Commitment	(284) -2.02	0.04*	0.01
Preference behaviour	(265) -0.72	0.47	
Co-operative behaviour	(265) -1.68	0.09	
Referral behaviour	(265) -1.98	0.05*	0.01
Negative w-o-m	(265) -1.98	0.05*	0.01
Relational Atmosphere	(279) -1.65	0.10	
Opportunistic Behaviour	(279) -1.84	0.07	
Involvement	(279) -2.61	0.01**	0.02
Fear of Service Provider	(279) 0.57	0.57	
"Inner Circle" Recommendation	(279) 0.95	0.34	

** The mean difference is significant at the .01 level

* The mean difference is significant at the .05 level

The results above indicate that **the null hypothesis is accepted** for: Trust; Preference Behaviour; Co-operative Behaviour; Relational Atmosphere; Opportunistic Behaviour; Fear of Service Provider and "Inner Circle" Recommendation Benefits.

The **null hypothesis is rejected** for **Commitment** because there is a significant difference in mean scores between those who have used legal

services other than conveyancing ($M = .04$, $SD = 1.00$) and those who have not ($M = -.32$, $SD = .96$). However the magnitude of the differences in the means was very small (eta squared = .01) which means that only 1% of the differences in commitment can be explained by experience of legal services other than conveyancing. Private clients who have used legal services other than conveyancing are more likely to be committed to the relationship with their solicitor than those who have not.

The **null hypothesis is also rejected** for **Referral Behaviour** because there is a significant difference in mean scores between those who have used legal services other than conveyancing ($M = .05$, $SD = .99$) and those who have not ($M = -.32$, $SD = 1.02$). However the magnitude of the differences in the means was very small (eta squared = .01) which means that only 1% of the differences in referral behaviour can be explained by experience of legal services other than conveyancing. Private clients who have used legal services other than conveyancing are more likely to refer others to their solicitor than those who have not.

The **null hypothesis is also rejected** for **Negative word-of-mouth** because there is a significant difference in mean scores between those who have used legal services other than conveyancing ($M = .05$, $SD = 1.00$) and those who have not ($M = -.32$, $SD = .98$). However the magnitude of the differences in the means was very small (eta squared = .01) which means that only 1% of the differences in negative word-of-mouth can be explained by experience of legal services other than conveyancing. Private clients who have used legal services other than conveyancing are more likely to be spread negative word-of-mouth than those who have not.

The **null hypothesis is also rejected** for **Involvement** because there is a significant difference in mean scores between those who have used legal services other than conveyancing ($M = .06$, $SD = .98$) and those who have not ($M = -.42$, $SD = 1.09$). However the magnitude of the differences in the means was very small (eta squared = .02) which means that only 2% of the differences in involvement can be explained by experience of legal services other than conveyancing. Private clients who have used legal services other than conveyancing are more likely to report involvement with their legal needs than those who have not.

6.5.4.8 Differences between those who have used lawyers within a commercial context and those who have not

This relationship was explored as a result of the qualitative research stage that suggested that commercial clients tended to have a more positive attitude towards lawyers than private clients had. The comparisons were conducted for each of the scores listed within the gender section above. Eta Squared results are only given where the difference in mean scores is significant.

Commercial Law as a Commercial Client

Independent Variable	t-test score	P (sig) score	Eta squared result
Trust	(282) 0.91	0.37	
Commitment	(284) 1.12	0.27	
Preference behaviour	(265) 0.23	0.82	
Co-operative behaviour	(265) 1.84	0.07	
Referral behaviour	(265) 0.20	0.84	
Negative w-o-m	(265) 2.724	0.01**	0.03
Relational Atmosphere	(279) 1.593	0.11	
Opportunistic Behaviour	(279) -0.14	0.89	
Involvement	(279) 2.25	0.02*	0.02
Fear of Service Provider	(279) -0.12	0.91	
"Inner Circle" Recommendation	(279) 1.86	0.07	

** The mean difference is significant at the .01 level

* The mean difference is significant at the .05 level

The results above indicate that the **null hypothesis is accepted** for: trust; commitment to the relationship; Preference behaviours towards the service provider; co-operative behaviour; referral behaviour; perception of relational atmosphere; perception of opportunistic behaviour; fear of service provider and "inner circle" recommendation benefits.

The **null hypothesis is rejected for Negative Word-of-Mouth** because there is a significant difference in scores for those with commercial client experience ($M = .20$, $SD = .92$) and those without ($M = -.14$, $SD = 1.03$). However the magnitude of the differences in the means is small (eta squared

= .03) and indicates that only 3% of the difference between negative word-of-mouth behaviour is explained by either the presence or lack of commercial client experience. Private clients who have also been commercial clients are more likely to have spread negative word-of-mouth than those who have not. Unfortunately a limitation of this study is that it is not possible to say whether that negative word-of-mouth and, presumably negative experience, related to the private or commercial client experience.

The **null hypothesis is rejected for Involvement** because there is a significant difference in scores for those with commercial client experience ($M = .16$, $SD = .82$) and those without ($M = -.11$, $SD = 1.09$). The magnitude of the differences in the means is small (eta squared = .02) which means that only 2% of the differences in involvement can be explained by either the presence or lack of commercial client experience. Private clients who have also been commercial clients are more likely to report involvement with their legal needs.

The additional usage context appears to have little impact upon the factors measured. The exceptions are negative word of mouth and involvement where private clients with commercial client experience are more likely to be involved in their purchases and have spread negative word-of-mouth than private clients without commercial client experience. In both cases the effect of the difference is very small.

6.5.4.9 Summary of Differences between groups based upon Legal Service Used

Legal Service ----->	Family	Probate	Civil litigation	Employ- ment	Contract Advice	Wills/ Covenants	Services other than Conveya ncing
FACTORS							
TRUST					3%	2%	
COMMITMENT						3%	1%
PREFERENCE BEHAVIOUR					2%	6%	
CO-OPERATIVE BEHAVIOUR				2%		2%	
REFERRAL BEHAVIOUR			2%	3%	2%		1%
NEGATIVE WOM						1%	1%
RELATIONAL ATMOSPHERE			2%		5%	2%	
OPPORTUNISTIC BEHAVIOUR		1%					
INVOLVEMENT		3%		2%	1%	2%	2%
FEAR OF SERVICE PROVIDER							
"INNER CIRCLE" REC BENEFITS							

Private clients who have used **probate services** are more likely to perceive *opportunistic behaviour* and are more likely to report *involvement* with their legal needs than private clients who have not used probate services.

Private clients who have used solicitors to draw up **wills or covenants** are more likely to *trust* their solicitor; be *committed* to the relationship they have with their solicitor; exhibit a *preference* towards their solicitor; demonstrate *co-operative behaviours* when dealing with their solicitor; perceive a *positive relational atmosphere*; and to be *involved* in their legal purchases. However, they are also more likely to spread *negative word-of-mouth* than private clients who have not used solicitors to draw up wills or covenants.

Private clients who have experienced **civil litigation** are more likely to perceive a *positive relational atmosphere* and to *refer* others to their solicitor than private clients who have not experienced civil litigation.

Private clients who have used **employment** lawyers are more likely to demonstrate *co-operative behaviours* when dealing with their solicitor and to report *involvement* with their legal needs. They are also more likely to *refer* others to their solicitor than private clients who have not used employment lawyers.

Private clients who have sought **contractual advice** are more likely to *trust* their solicitors; exhibit a *preference* towards their solicitors; to perceive a *positive relational atmosphere* and report *involvement* with their legal needs. They are also more likely to *refer* others to their solicitor than private clients who have not sought contractual advice.

Private clients who have used **legal services other than conveyancing** are more likely to be *committed* to the relationship with their solicitor; to report *involvement* with their legal needs and to *refer others* to their solicitor. However they are also more likely to spread negative word-of-mouth than private clients who have only used conveyancing.

Private clients who have also been **commercial** clients are more likely to report *involvement* with their legal needs and spread *negative word-of-mouth* than private clients without commercial client experience.

6.5.5 Summary of differences between groups

Gender appears to impact only upon the perception of the relational atmosphere explaining 3% of differences in responses with men more likely than women to perceive a positive relational atmosphere

Age also has very little impact upon the factors measured. Age appears to explain 4% of differences in perception of "inner circle" recommendation benefits (40-59 year olds are less likely to use a solicitor either recommended or used by someone they know than 26-29 year olds) and 6% of involvement

(the 40-49 year olds being more likely than 30-34 year olds to be involved with their legal needs).

Educational Qualifications do not appear to explain differences in responses on any of the factors measured.

Use of specific legal services appears to have the greatest impact in explaining differences between respondents with wills/covenants and contractual advice explaining more differences than other service usage. However, differences between fear of service providers or "inner circle" recommendation benefits are not explained by any specific service usage.

The next section of the chapter reports the results of linear regression analysis and discusses the relationships between the emergent factors.

6.6 ANALYSING THE RELATIONSHIPS BETWEEN THE EMERGENT FACTORS

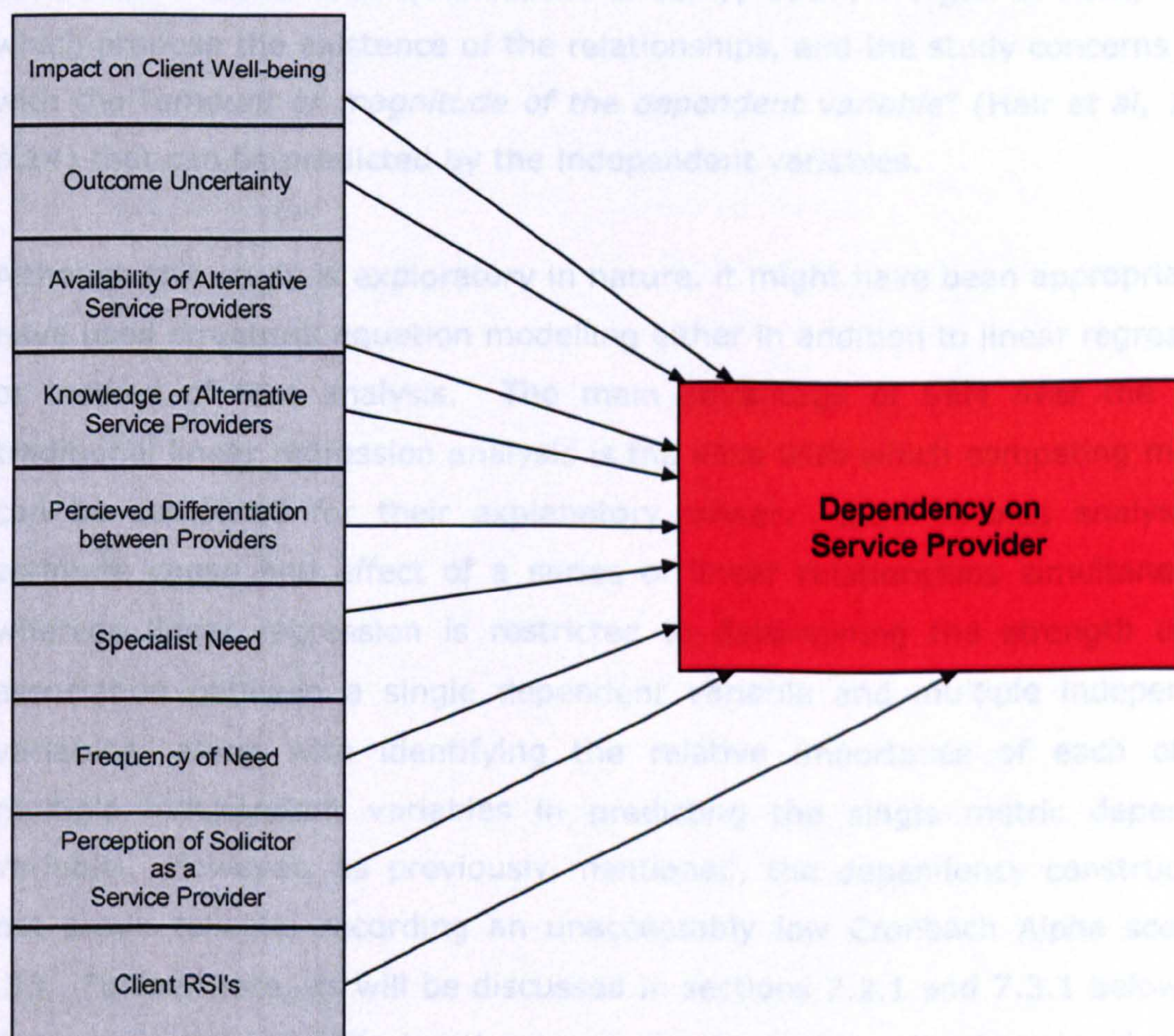
Bendapudi & Berry (1997) posit relationships between interaction variables/factors and the development of trust in the service provider. They further suggest that customers will behave differently depending upon whether they trust the service provider or not. They propose that customers will maintain relationships with service providers they trust because they want to. In contrast they suggest that non-trusting customers will maintain the relationship only while constraints preventing them from terminating the relationship exist. Furthermore, Morgan and Hunt (1994) suggest that the existence of trust leads to a commitment to maintain a relationship with a service provider. Morgan and Hunt (1994) also suggest that particular behavioural outcomes are associated with commitment to a relationship.

The main theoretical difference between these two models is that Morgan and Hunt (1994) confine themselves to relationships where commitment exists while Bendapudi & Berry (1997) also consider variables and behavioural outcomes which characterise relationships that lack commitment. They suggest customers within such relationships are dependent upon the service

provider and therefore continue to maintain the relationship but will do so only while the dependency created by perceived constraints exists.

While this study set out to explore both sides of relationship maintenance the findings relating to the dependency factor are contained within the discussion of the qualitative research stage which concluded that the presence of the nine variables outlined in the posited model below, the private client-solicitor relationship is a high dependency context.

Figure 6.1 Context of Dependency within Legal Services



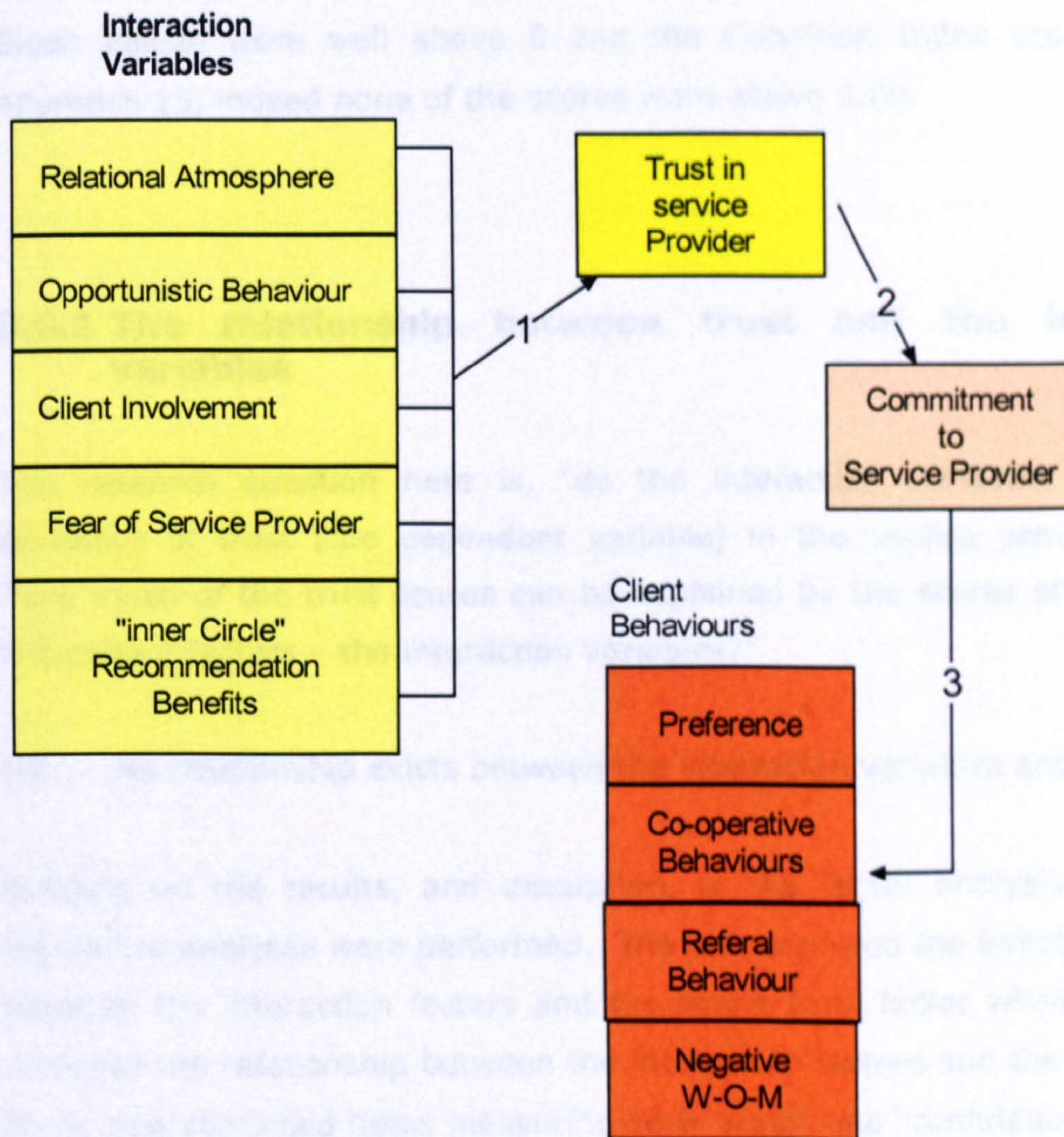
It was hoped that variables constituting a dependency factor would emerge from the questionnaire but the results were disappointing. First, following qualitative research, the decision was taken to accept that the context was one of dependency and so no data was collected in relation to the proposed antecedents of that dependency. Secondly the three item scale used to measure dependency resulted in a poor reliability alpha score of 0.3, which is

well below the acceptable level of 0.7. So, for the sake of completeness, the relationship between dependency and the behavioural outcomes was explored even though it would be inadvisable to draw firm conclusions from this study. Consequently the findings presented below follow the Bendapudi & Berry (1997) propositions that: interaction variables/factors lead either to trust or dependency; that trust leads to commitment and commitment leads to a number of specific client behaviours; that where dependency exists the resultant client behaviours will differ from those where commitment exists.

The data was subjected to regression analysis in order to test these propositions. Regression analysis is appropriate for this task because theoretical models exist (Bendapudi & Berry, 1997; Morgan & Hunt, 1994) which propose the existence of the relationships, and the study concerns itself with the "*amount or magnitude of the dependent variable*" (Hair *et al*, 1998, p.14) that can be predicted by the independent variables.

Although this study is exploratory in nature, it might have been appropriate to have used structural equation modelling either in addition to linear regression, or instead of that analysis. The main advantage of SEM over the more traditional linear regression analysis is the ease with which competing models can be compared for their explanatory power. SEM enables analysts to estimate cause and effect of a series of linear relationships simultaneously whereas linear regression is restricted to determining the strength of the association between a single dependent variable and multiple independent variables; along with identifying the relative importance of each of the multiple independent variables in predicting the single metric dependent variable. However, as previously mentioned, the dependency construct did not prove reliable, recording an unacceptably low Cronbach Alpha score of .33. Furthermore, as will be discussed in sections 7.2.1 and 7.3.1 below, the linear regression results led the researcher to question the way in which the trust and commitment constructs have been developed and measured within the marketing discipline. Consequently, once the regression analyses were undertaken, it was thought to be inappropriate to subject this data to structural equation modelling.

Figure 6.2 Proposed Model of Private Client Loyalty Behaviour
 Legal Service Context is one of Dependency



Consequently the three specific relationships outlined above were examined:

- 1. The relationship between trust and the interaction variables**
- 2. The relationship between trust and commitment**
- 3. The relationship between commitment and client behaviour**

In all cases the purpose of the analysis is to test the degree of linear relationship between independent and dependent variables. Specifically the research question involves determining if the independent variables predict the dependent variables and if so the magnitude of the dependent variable that can be predicted by the independent variables. The null hypothesis being that no relationship exists.

In all of the regression analyses reported below the Pearson Correlation test results indicated that none of the correlations between any of the independent variables was too high, with all recording scores below .7. Further checks were made for multi collinearity prior to analysing the results of these tests. Eigen values were well above 0 and the Condition Index scores did not approach 15, indeed none of the scores were above 1.00.

6.6.1 The relationship between trust and the interaction variables

The research question here is, “do the interaction variables predict the existence of trust (the dependent variable) in the service provider?” and “how much of the trust scores can be explained by the scores of each of the antecedent factors – the interaction variables?”

H0: No relationship exists between the interaction variables and Trust.

Building on the results, and discussion, of the factor analysis, two linear regression analyses were performed. The first analysed the direct relationship between the interaction factors and the single trust factor while the second analysed the relationship between the interaction factors and the wider single factor that combined items measuring both “trust” and “confidence”.

The results of the linear regression analysis of the 5 factors are:

	R Square	F Score	Sig for F
Interaction Factors and “trust”	.59	78.33	.00
Interaction Factors and combined trust factor	.63	93.38	.00

The results of both tests are statistically significant so the **null hypothesis is rejected**. There is a linear relationship between the interaction variables and trust. The five factors explain 59% of trust and 63% of the single factor which combines items measuring trust and confidence. This analysis would

support the use of a measuring scale for trust that combines items traditionally associated with trust and also those associated with confidence. This raises the issue of parsimony in scale development and suggests that further research is required to develop a scale to measure trust. The next chapter includes a detailed discussion around the development of a scale to measure trust.

Figure 6.3 Relationship Between Interaction Factors and Trust

The results for the individual interaction factors are as follows. In all cases the tolerance scores were 1.00 which is well above .10 indicating that multicollinearity was not a problem.

Interaction Variables:	Trust Factor		Combined Trust Factor	
	Standardised Beta Score	Sig For t	Standardised Beta Score	Sig For t
Relational Atmosphere	.50	.00	.52	.00
Opportunistic Behaviour	-.33	.00	-.33	.00
Involvement	.19	.00	.18	.00
Fear of Service Provider	-.44	.00	-.45	.00
"Inner circle" Recommendation Benefits	.09	.03	.11	.00

Although all of the factors make a significant unique contribution to explaining trust the Beta scores indicate that the relational atmosphere provides the strongest unique contribution to explaining trust while the "inner circle" recommendation benefits makes the least strong. The direction of the contribution is of importance here. So trust requires a positive score for relational atmosphere and involvement along with a negative score for perception of opportunistic behaviour and fear.

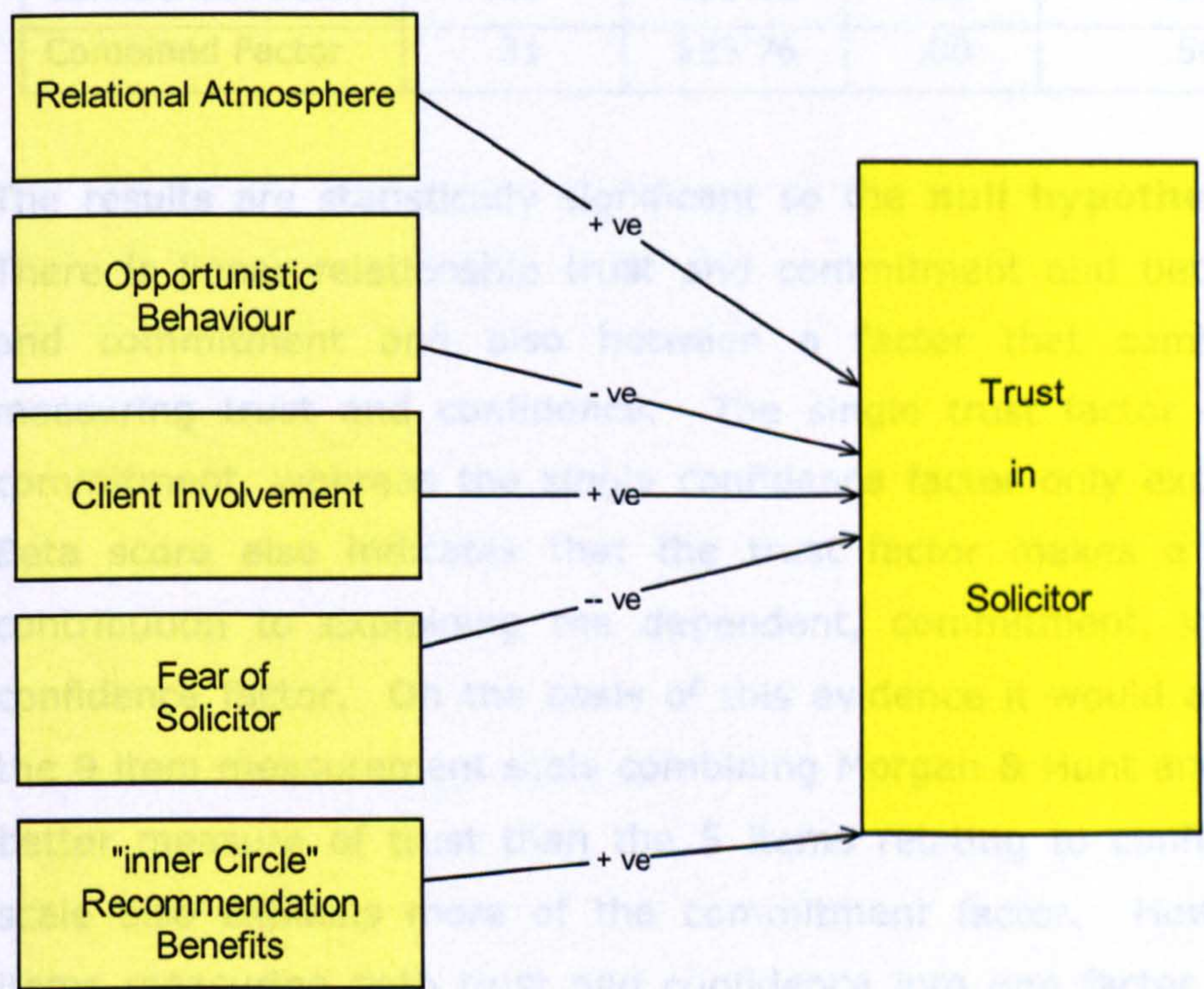
Summary

The null hypothesis is rejected. There is a direct relationship between the independent variables (the five interaction factors) and the dependent variable of trust. The five interaction factors explain 59% of the variance in trust variable and 63% of the trust factor that includes items measuring confidence. All five factors make a statistically significant contribution

although relational atmosphere and fear of service provider make the largest unique contribution with "inner circle" benefits making the smallest unique contribution. The use of a measuring scale for trust that includes items measuring confidence will be discussed in the following chapter.

	R Square	F Score	Sig. for F	Standardized Beta	Beta
Trust Factor	.30	111.65	.00	.55	.33
Confidence Factor	.28	101.53	.00	.57	.30
Commitment Factor	.31	125.76	.00	.56	.30

Figure 6.3 Relationship Between Interaction Factors and Trust



6.6.2 The relationship between trust and commitment

Summary

The research question here is, "does trust predict relationship commitment (the dependent variable)?" and "how much of the commitment scores can be explained by the trust scores?"

H0: No relationship exists between trust and commitment.

The results of the linear regression analysis for the trust factor was compared with that of the confidence factor (see discussion within factor analysis). The purpose of the comparison is to determine which of the two scales to use to measure trust, given that parsimony is a goal in scale development. As with

the previous regression analysis, the tolerance scores were all 1.00 indicating that there is not a problem with multicollinearity.

	R Square	F Score	Sig For F	Standardised Beta	Sig for t
Trust Factor	.30	121.66	.00	.55	.00
Confidence Factor	.26	101.53	.00	.51	.00
Combined Factor	.31	125.76	.00	.56	.00

The results are statistically significant so the **null hypothesis is rejected**. There is linear relationship trust and commitment and between confidence and commitment and also between a factor that combines the items measuring trust and confidence. The single trust factor explains 30% of commitment, whereas the single confidence factor only explains 26%. The Beta score also indicates that the trust factor makes a stronger unique contribution to explaining the dependent, commitment, variable than the confidence factor. On the basis of this evidence it would again appear that the 9 item measurement scale combining Morgan & Hunt and Hess Items is a better measure of trust than the 5 items relating to confidence since that scale also explains more of the commitment factor. However, combining items measuring both trust and confidence into one factor explains 31% of commitment which is a larger amount than either of the two separate factors. This again raises the issue of the future development of a more effective scale to measure trust, taking into account the need for parsimony, both of which are discussed in the relevant sections above and in the next chapter.

Summary

The null hypothesis is rejected. The Independent variable (trust) makes a statistically significant contribution to the dependent variable (commitment). The Beta score indicates a strong unique contribution to explaining 30% of the variance in the emergent commitment. This indicates that while client trust in the solicitor may contribute to relationship commitment other, unknown, factors are also important. A single factor combining items measuring both "trust" and "confidence" also makes a statistically significant contribution to the dependent variable explaining 31% of commitment. Clearly this is an interesting finding which will be discussed at length in the next chapter.

6.6.3 The relationship between commitment and the behavioural outcomes

The research question here is, "does commitment predict the behavioural outcomes (the dependent variables)?" and "how much of the scores for each of the behavioural outcomes can be explained by the commitment scores?"

H0: No relationship exists between commitment and behavioural outcomes.

The results of the linear regression analysis of the commitment factor and each of the four behavioural outcomes are as follows. As previously, the tolerance scores for all reported regressions is 1.00.

	R Square	F Scores	Sig For F	Standardised Beta Score	Sig For t
Preference Behaviour	.27	97.60	.00	.52	.00
Co-operative Behaviour	.00	.21	.65	-.03	.65
Referral Behaviour	.11	31.76	.00	.33	.00
Negative Word-of-Mouth	.00	.15	.70	-.02	.70

6.6.3.5 Summary

6.6.3.1 Preference behaviours towards a Solicitor

The **null hypothesis is rejected** because there is a significant linear relationship between commitment and the dependent variable. The Beta score indicates that commitment makes a strong unique contribution to explaining Preference behaviours. Commitment explains 27% of client preference behaviours.

6.6.3.4 The relationship between Dependency and the Client Behaviours

6.6.3.2 Co-operative Behaviour

The **null hypothesis is accepted** because there is no significant linear relationship between commitment and the dependent variable. It is

interesting that there is no relationship here at all given that the literature suggests that an increase in commitment would lead to an increase in co-operative behaviours rather than acquiescent behaviours.

6.6.3.3 Referral Behaviour

The **null hypothesis is rejected** because there is a significant linear relationship between commitment and the dependent variable. The Beta score indicates that commitment makes a strong unique contribution to explaining referral behaviour. Commitment explains 11% of referral behaviours.

6.6.3.4 Negative Word-of-Mouth

The **null hypothesis is accepted** because there is no significant linear relationship between commitment and the dependent variable. Once again it is interesting that there is no relationship at all here, not even a negative one. It might have been expected that a reduction in commitment might be related to an increase in negative word-of-mouth behaviours. It may be that negative word-of-mouth is a specific response to dissatisfaction rather than a decline in commitment.

6.6.3.5 Summary

Commitment makes a statistically significant contribution towards explaining Preference behaviours and referral behaviour with commitment explaining 27% of preference behaviours and 11% of referral behaviour. However no relationship appears to exist between commitment and co-operative behaviours or negative word-of-mouth behaviours.

6.6.4 The relationship between Dependency and the Client Behaviours

Although the dependency factor recorded a low alpha score (.3), and therefore can not be said to be reliable, for completeness sake in this exploratory study the direct relationships between dependency and the client

behaviours were analysed. The justification for this being that Bendapudi & Berry (1997) proposed that relationships maintained in the absence of trust are maintained as a result of dependency and that dependency would lead to different behavioural outcomes.

H0: No relationship exists between dependency and behavioural outcomes.

The results are as follows. As with the previous regressions the tolerance score for all reported analyses was 1.00 indicating that there is not a problem with multi collinearity.

	R Square	F Score	Sig For F	Standardised Beta Score	Sig For t
Preference Behaviours	.03	9.16	.00	-.18	.00
Co-operative Behaviour	.05	12.89	.00	.22	.00
Referral Behaviour	.00	.13	.72	.02	.72
Negative Word-of-Mouth	.01	2.42	.12	-.10	.12

The null hypothesis could be rejected for both preference behaviours and co-operative behaviours because it appears that direct relationships might exist. The results indicate that the relationship between dependency and preference behaviours is negative and suggests that dependency might lead to a lack of preference. Although this result appears consistent with theory it can not be said to be a finding from this study because the dependency factor is unreliable.

Figure 4.4 Model to Explain Client Behaviours in the Presence of Trust

The results also indicate that dependency explains 22% of co-operative behaviours. This is of interest because the previous regression analysis, between the reliable commitment construct and co-operative behaviours, revealed that no direct relationship exists between commitment and co-operative behaviours. This may provide further support that the private client-solicitor context is one of co-operation, rather than acquiescence. However, it would be inappropriate to make too much of this result given the status of the dependency factor.

6.6.5 Summary of the posited direct relationships

Bendapudi & Berry (1997) posited that direct relationships exist between interaction variables and trust; trust and commitment; commitment and specific client behaviours and dependency and specific client behaviours. All of these relationships were tested, although the results for the relationships involving dependency can not be said to be reliable.

A direct relationship exists between the interaction variables and trust. The posited interaction variables explain 59% of trust, and 63% of the combined trust (with confidence) construct. So, this study supports the relationship posited by Bendapudi & Berry (1997).

A direct relationship also exists between trust and commitment, with trust explaining 30% of commitment. Once again this study supports the relationship posited by Bendapudi & Berry (1997).

A direct relationship exists between commitment and two of the measured client behaviours: Preference and referral behaviours. However, no direct relationship exists between commitment and either co-operative behaviours or negative word-of-mouth.

A direct relationship might also exist between dependency and Preference behaviours (in the negative) and between dependency and co-operative behaviours.

These relationships can be modelled as follows:

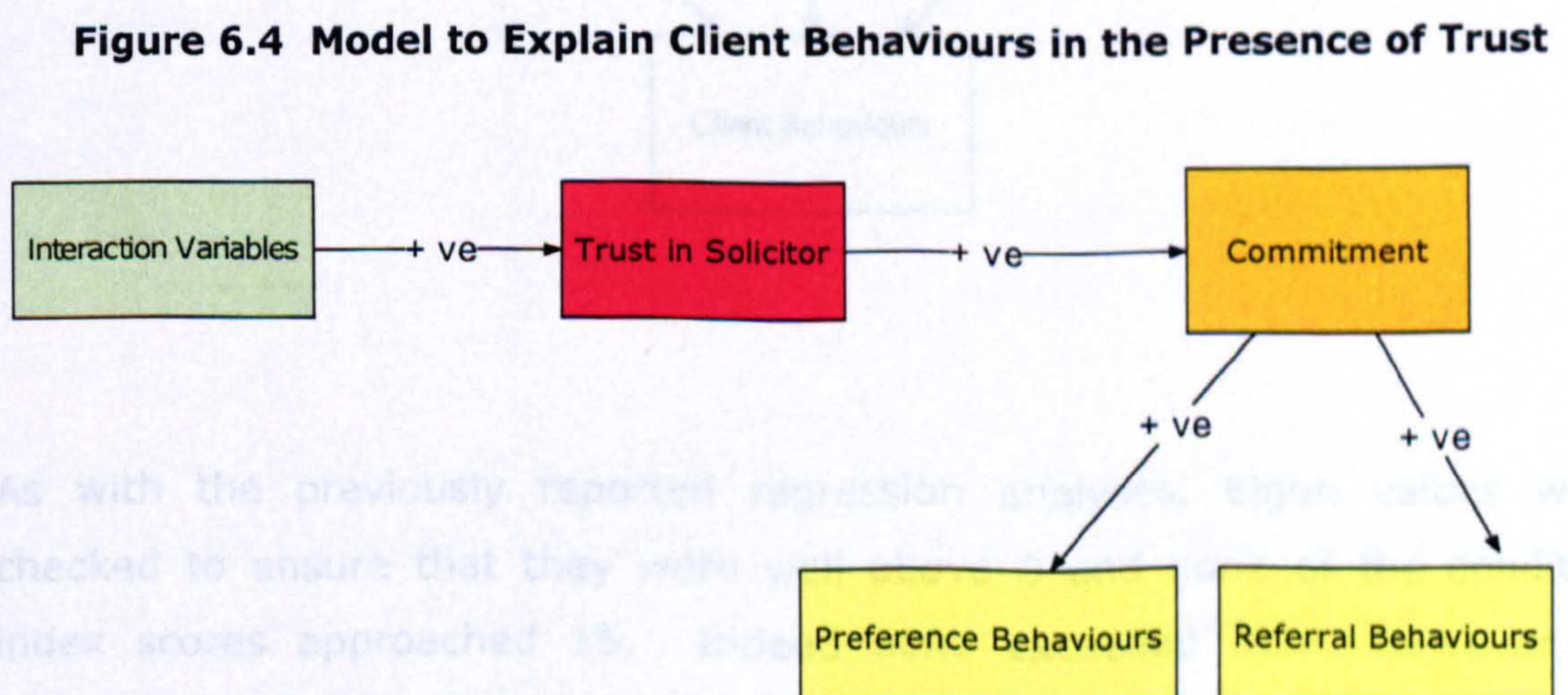
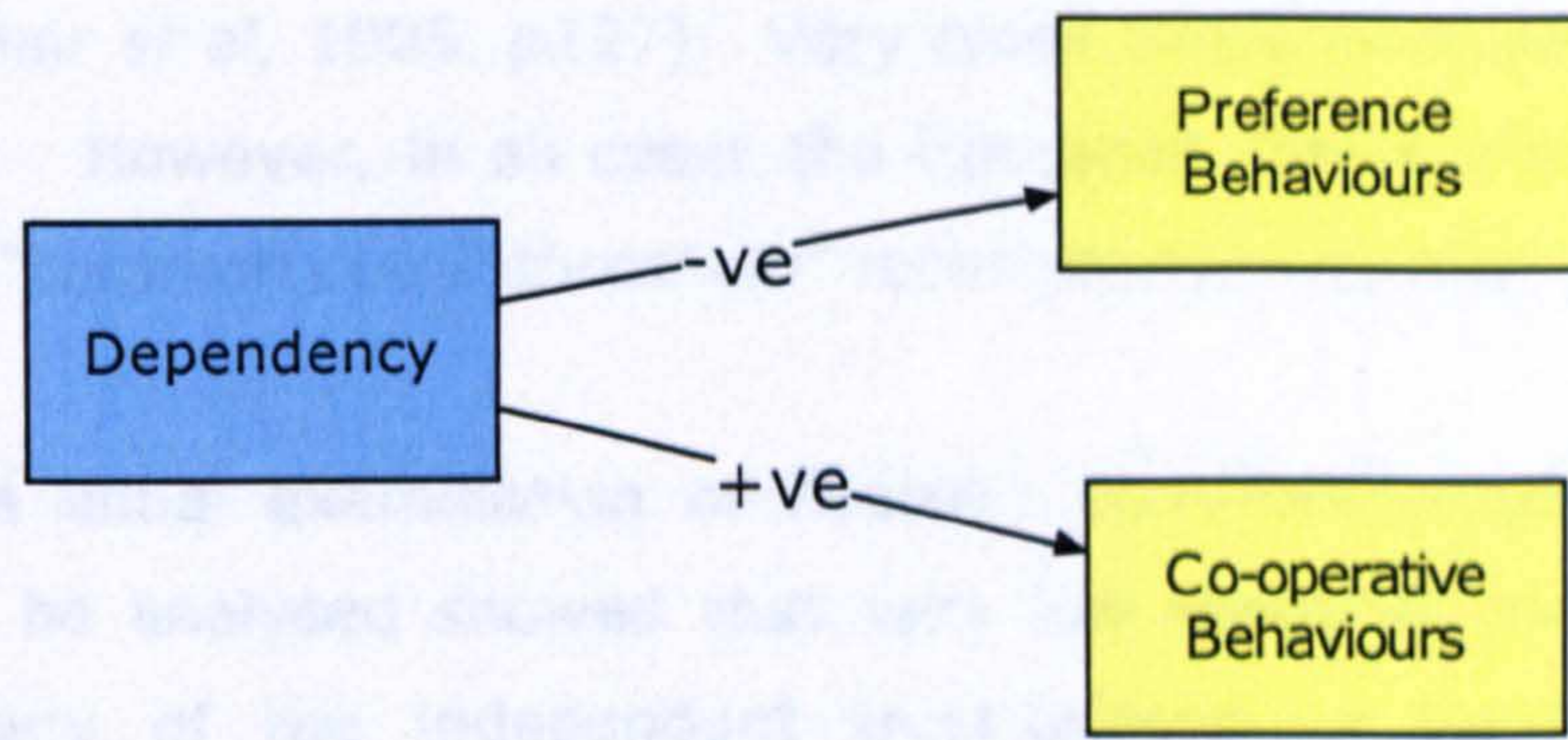


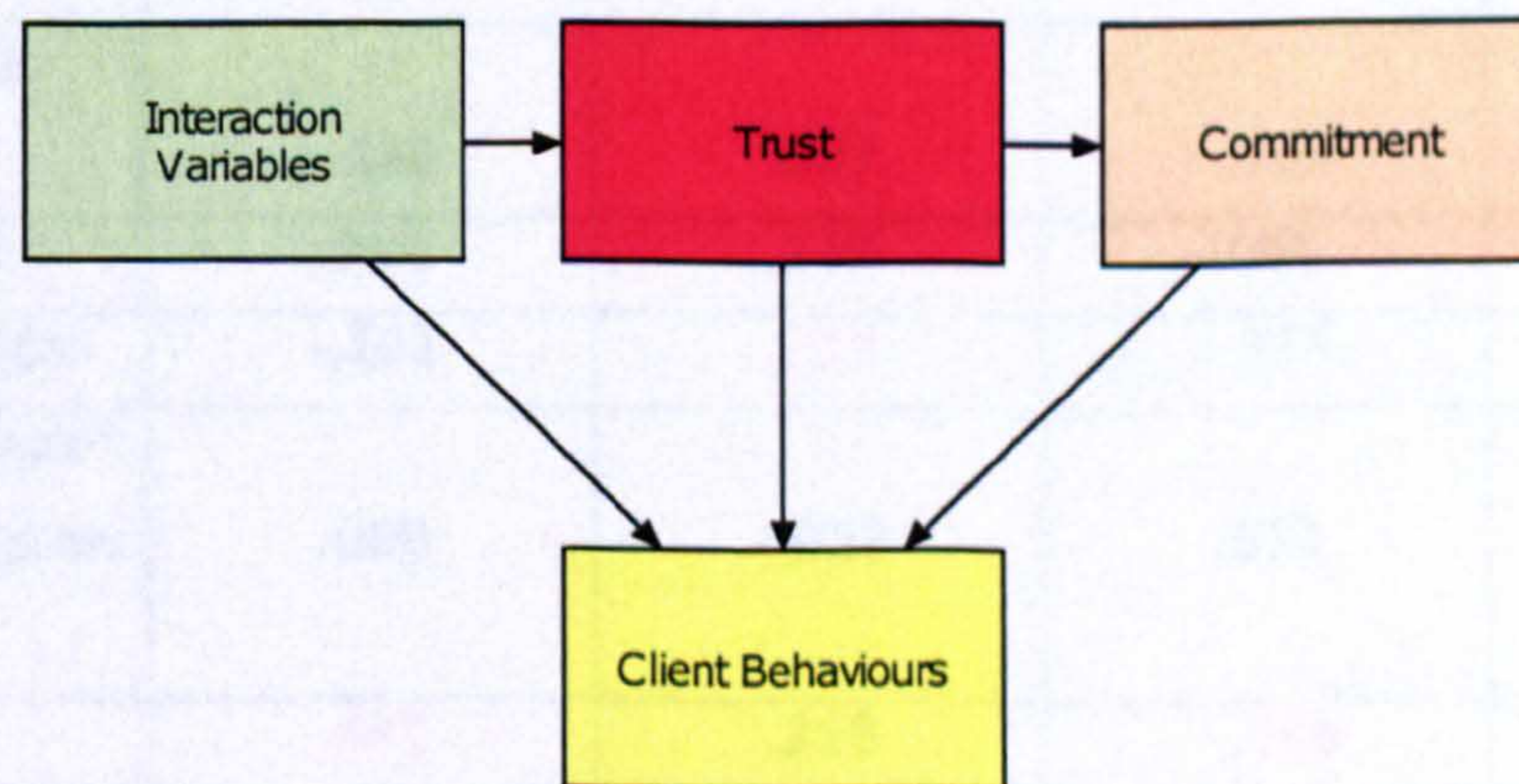
Figure 6.5 A Model to Explain Client Behaviours in the Absence of Trust



6.6.6 Exploring Direct Relationships Between the Measured Constructs

Given the exploratory nature of this study and the fact that a direct relationship does not appear to exist between commitment and two of the posited behavioural outcomes a further regression analysis was performed to measure the strength of any direct relationships that might exist between the interaction variables, trust, commitment and the posited client behaviours. This regression analysis can be represented by the following model:

Figure 6.6 Model to Explore Direct Relationships between Measured Constructs



As with the previously reported regression analyses, Eigen values were checked to ensure that they were well above 0 and none of the condition index scores approached 15. Indeed none exceeded 3.2. However, in contrast to the previous analyses the tolerance scores are reported here

because they are all lower than 1.00. Tolerance is the "amount of variability of the selected independent variable not explained by the other independent variables" (Hair et al, 1995, p127). Very small tolerance scores indicate high collinearity. However, in all cases the tolerance scores are well above .10 which is the "common cutoff threshold" recommended by Hair et al (1995).

However, an initial examination of Pearson correlation coefficients for the variables to be analysed showed that very low levels of correlation existed between many of the independent trust-generating variables (relational atmosphere; opportunistic behaviour; involvement; fear of service provider and "inner circle" recommendation benefits) and the dependent client behaviour variables (Preference behaviours; co-operative behaviours; referral behaviours and negative word-of-mouth). Pallant (2002) stresses the need to check that the independent variables show at least some relationship with the dependent variables. Such a relationship would be indicated by Pearson correlation scores in excess of .3. The Pearson correlation scores are as follows:

	Preference Behaviours	Co-operative Behaviours	Referral Behaviours	Negative Word-of-mouth
Relational Atmosphere	.387	-.073	.264	-.086
Opportunistic Behaviour	-.180	.033	-.166	.096
Involvement	.218	.117	.095	.000
Fear of Solicitor	-.101	.377	-.234	-.019
"inner circle" recommendation benefits	.089	-.032	.052	-.033
Trust	.441	.215	.368	-.215
Commitment	.519	-.020	.327	-.011

As a result of the Pearson correlation scores the decision was taken to run three further regression analyses using only the independent variables that appear to have a relationship with the relevant dependent variable. The Pearson correlation scores above appear to confirm that negative word-of-

mouth behaviours does not have a direct relationship with any of the variables measured within this study. The three hypotheses are as follows:

HO: No relationship exists between Preference behaviours and relational atmosphere, trust, or commitment.

HO: No relationship exists between co-operative behaviours and fear of solicitor.

HO: No relationship exists between referral behaviours and relational atmosphere, trust or commitment.

	R Square	F Score	Sig For F
Preference Behaviours	.309	37.97	.00
Co-operative Behaviours	.143	43.28	.00
Referral Behaviours	.159	16.1	.00

The null hypothesis is rejected in each case.

6.6.6.1 Preference Behaviour

	Standardised Beta Score	Sig for t
Relational Atmosphere	.078	.24
Trust	.201	.00
Commitment	.366	.00

The results indicate that both trust and commitment make strong unique contributions to Preference behaviours. The combination of trust and commitment explains 31% of preference behaviours.

6.6.6.2 Co-operative Behaviours

	Standardised Beta Score	Sig for t
Fear of Solicitor	-.378	.00

The results indicate that a lack of fear explains 14% of co-operative behaviours.

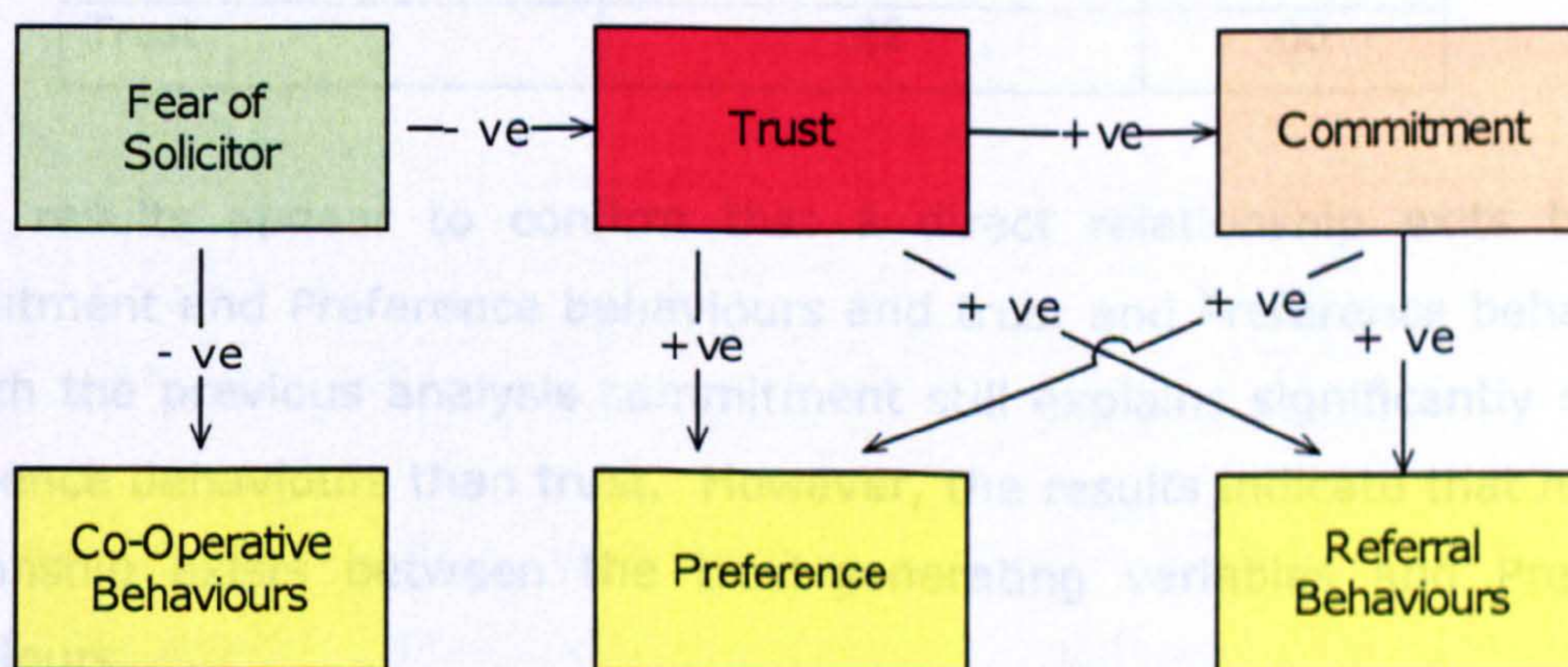
6.6.6.3 Referral Behaviours

	Standardised Beta Score	Sig for t
Relational Atmosphere	.039	.59
Trust	.259	.00
Commitment	.164	.03

As with preference behaviours, the results indicate that trust and commitment make strong and unique contributions towards explaining 16% of referral behaviours.

These results are remarkably consistent with the regression analyses performed to test the direct relationship posited within the proposed model in that a direct relationship exists between commitment and both Preference and referral behaviours. Regression analysis did not reveal a direct relationship between commitment and either co-operative behaviours or negative word-of-mouth. A direct relationship also appears to exist between trust and the two client behaviours. This is perhaps not surprising given that a direct relationship exists between trust and commitment. These relationships could be modelled as follows:

Figure 6.7 Second Regression Model



However, the data still does not reveal a direct relationship with any of the independent variables and negative word-of-mouth behaviours. So, given the exploratory nature of this study a further set of regression analyses were performed using forward step-wise regression techniques. The purpose is to gain a better insight into which antecedents are the key drivers for commitment. Stepwise regression analysis will produce the best model

available from the data. The best model will demonstrate which of the independent variables, or combination of the variables, provides the best explanation for each of the dependent variables, the client behaviours.

6.6.6.4 Preference Behaviour

The results of the stepwise regression analysis are remarkably similar to that of the previous analysis reported at 6.6.6.1. The null hypothesis is rejected for both commitment and trust but accepted for all of the trust-generating variables (Relational Atmosphere; Opportunistic Behaviour; Involvement; Fear of solicitor; "inner circle" recommendation benefits).

	R Square	F Score	Sig For F
Commitment and Trust	.31	56.16	.00

	Standardised Beta Score	Sig For t
Commitment	.40	.00
Trust	.22	.00

These results appear to confirm that a direct relationship exists between commitment and Preference behaviours and trust and Preference behaviours. As with the previous analysis commitment still explains significantly more of Preference behaviours than trust. However, the results indicate that no direct relationship exists between the trust-generating variables and Preference behaviours.

6.6.6.5 Co-operative Behaviours

Again the results are remarkably similar to the previously reported analysis (6.6.6.2). The null hypothesis is rejected for Fear of Solicitor but accepted for all remaining trust-generating variables and trust and commitment.

	R Square	F Score	Sig For F	Standardised Beta Score	Sig for t
Fear of Solicitor	.14	42.67	.00	-.38	.00

The results indicate that only the lack of fear of the solicitor has a direct relationship with co-operative behaviour. This is consistent with both previous analyses. Co-operative behaviour does not have a direct relationship with trust or commitment.

6.6.6.6 Referral Behaviours

The stepwise results below differ from the previous analysis in that fear of solicitor is included and relational atmosphere is not included in the model proposed below. The null hypothesis is rejected for trust, commitment and fear of solicitor but accepted for all remaining trust-generating variables.

	R Square	F Score	Sig For F
Commitment, Trust, Fear of Solicitor	.18	18.11	.00

	Standardised Beta Score	Sig For t
Trust	.19	.01
Commitment	.22	.00
Fear of Solicitor	-.15	.02

These results indicate that the combination of commitment, trust and fear of the solicitor explain 18% of referral behaviours. Although commitment makes the largest unique contribution to referral behaviours, both trust and a lack of fear of the solicitor also make strong and unique contributions towards referral behaviours respectively.

6.6.6.7 Negative Word-of-Mouth

Finally, the stepwise regression analysis has revealed direct relationships between negative word-of-mouth and trust, commitment and fear of solicitor. These direct relationships have not been revealed through any of the previous analysis. Thus the null hypothesis is rejected for trust, commitment and fear of solicitor but accepted for all remaining trust-generating variables.

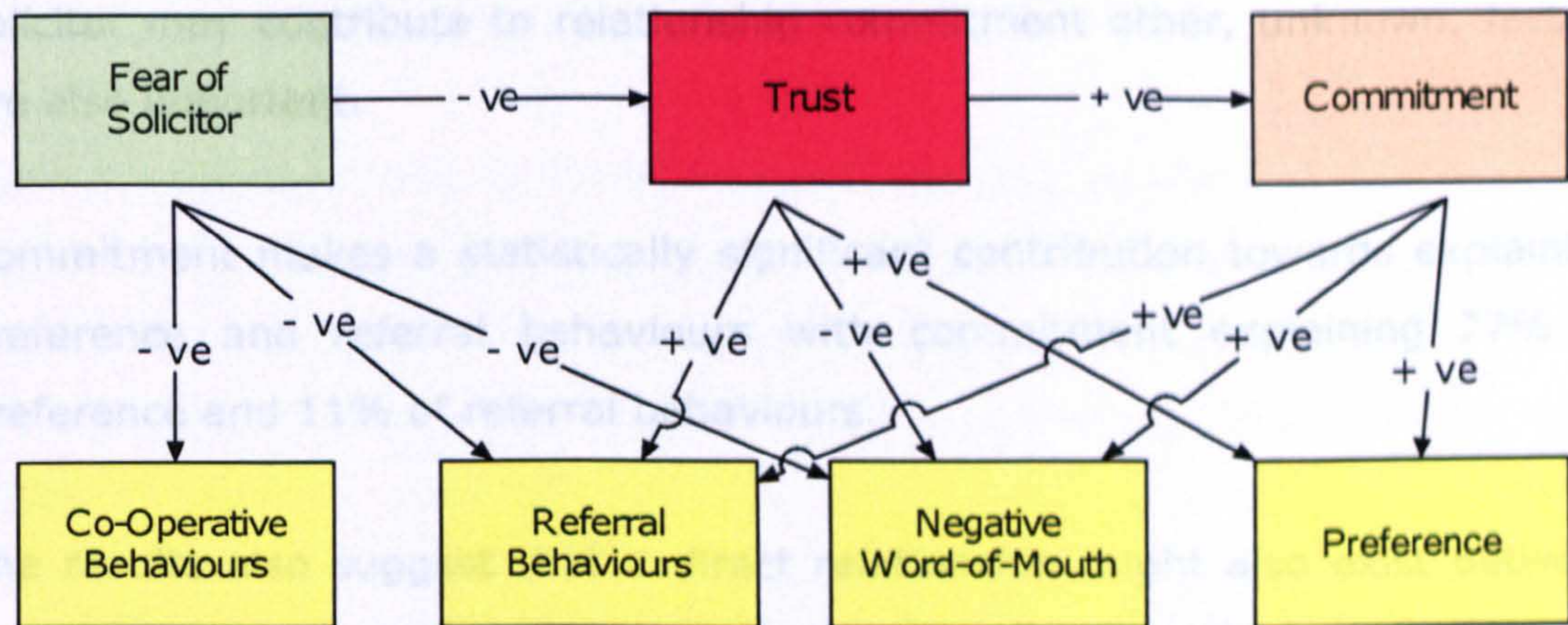
	R Square	F Score	Sig For F
Trust, Commitment, Fear of Solicitor	.08	7.76	.00

	Standardised Beta Score	Sig For t
Trust	-.39	.00
Commitment	.19	.01
Fear of Solicitor	-.16	.02

The results suggest that a lack of trust makes the strongest unique contribution to negative word-of-mouth, with a lack of fear of the solicitor also making a unique contribution. This seems to make sense in that a private client would not spread negative w-o-m if they were afraid of their solicitor's retribution and they may well be spreading negative w-o-m relating to the lack of "trustworthiness" of their solicitor, in their experience. However the role of commitment is harder to explain. The results suggest that commitment explains 19% of negative word-of-mouth behaviours. Perhaps these private clients were committed to the relationship before they distrusted their solicitor.

The results of this set of regression analyses could be modelled as follows:

Figure 6.8 Final Regression Model



The value of this model over the previous models is that it identifies direct relationships for each of the four client behaviours that emerged from factor analysis.

For completeness sake the dependency variable was also included in a further stepwise regression analysis. The results of this analysis are of interest although, as previously stated, can not be relied upon. The null hypothesis would be accepted for referral and negative word-of-mouth behaviours because the dependency variable did not have a direct relationship with either. However the null hypothesis would be rejected for both preference behaviours and co-operative client behaviours. The analysis revealed a negative relationship between dependency and preference behaviours and a positive relationship between dependency and co-operative behaviours.

6.7 SUMMARY OF THE RELATIONSHIPS BETWEEN THE EMERGENT FACTORS

The five interaction factors explain 59% of the variance in the trust variable. All five factors make a statistically significant contribution although relational atmosphere and fear of service provider make the largest unique contribution with "inner circle" benefits making the smallest unique contribution.

Trust makes a significant contribution to the commitment factor. The Beta score indicates a strong unique contribution that explains 30% of the variance

In the emergent commitment. This indicates that while client trust in the solicitor may contribute to relationship commitment other, unknown, factors are also important.

Commitment makes a statistically significant contribution towards explaining preference and referral behaviours with commitment explaining 27% of preference and 11% of referral behaviours.

The results also suggest that a direct relationship might also exist between dependency and preference behaviours (in the negative) and between dependency and co-operative client behaviour. However, the low alpha score for the dependency scale means that it would be inadvisable to consider this to be a key finding from the study.

Up to this point the results reflect the propositions that arise from the literature. However, theory suggests that a relationship should exist between commitment and co-operative behaviours and word-of-mouth behaviours too, but neither relationship emerged from the initial regression analysis. Given that this is an exploratory study two further sets of regression analyses were performed which sought to identify direct relationships between each of the posited client behaviours and commitment, trust and the trust-generating variables.

The first set of exploratory analyses reported involved only those variables with Pearson correlation scores in excess of .3. The results were consistent with the analyses reported above in that direct positive relationships were identified between commitment and preference behaviours and commitment and referral behaviours. In addition direct positive relationships existed between trust and preference behaviours and trust and referral behaviours. This is not surprising since a direct relationship exists between trust and commitment. In addition, as with the analyses reported above, no direct relationship was identified between any of the variables and negative word-of-mouth. However, a negative direct relationship was identified between fear of the solicitor and co-operative client behaviours. These findings resulted in the proposal of a third model to explain private client behaviours.

The final set of results reported involved stepwise regression analysis using commitment, trust and the trust-generating variables. It was this analysis

that revealed direct relationships for each of the four posited client behaviours and resulted in the development of a fourth model.

For completeness sake a further set of stepwise regression analyses was performed to include the dependency variable. This revealed a negative relationship with preference behaviours and a positive relationship with co-operative client behaviours. These results are of interest but can not be relied upon.

The findings have been summarised within four separate proposed models. The first model is the result of testing the propositions that arise from the literature upon which this study is predicated. This model only identifies direct relationships between two of the posited client behaviours and commitment. The other three models arise from the further exploratory regression analyses and culminate in a model which does identify direct relationships for each of the four posited client behaviours and commitment, trust and fear of the solicitor.

6.8 CONCLUSION

This chapter presented findings from the analysis of the data collection stage of this exploratory study. This presentation commenced with a discussion of decisions taken to eliminate data from the analysis as a result of examining the data. Following the presentation of descriptive data, such as frequencies, the discussion moved into the key points which provide a contribution to knowledge.

The contribution to knowledge presented here comprises the development of measurement scales for the dependent and independent variables utilising Factor Analysis; identification of differences between different groups of respondents using independent T-Tests and one-way ANOVA tests; and an analysis of the relationships between the emergent factors using linear regression analysis.

The analysis of the data collected for this exploratory study concludes with the proposition of two key models to explain private client behaviours within client-solicitor relationships. One model, driven by theory, identifies direct

relationships between commitment and two client behaviours. The other model is the result of more exploratory regression analysis and suggests direct relationships for each of the four posited client behaviours. These models, and their relationship with extant literature, will be explored further in the next chapter which will discuss how this exploratory study contributes to knowledge, the limitations within this study, and identifies areas for further research.

CHAPTER 7: DISCUSSION OF FINDINGS

7.1 INTRODUCTION

This exploratory study seeks to develop a model to explain private client behaviours within the client-solicitor relationship. The three research objectives were:

1. to understand, compare and contrast, the motivations of private and commercial clients to maintain relationships with legal service providers.
2. to determine whether motives for maintaining relationships with solicitors directly influences client behaviours within those relationships;
3. to construct a model to explain client behaviours within the client-solicitor relationship.

The qualitative stage addressed the first of these research objectives and, as a result of the findings, the quantitative study focused upon private clients. The qualitative findings suggested that commercial clients are a more homogenous group than private clients and have a greater tendency towards desire-based relationship maintenance. Private clients have therefore emerged as a more appropriate group for this exploratory study because of variations in motivation.

The implication arising from the qualitative findings is that relationships with lawyers are characterised by the existence of contextual variables that create dependency upon that solicitor. Thus, in the absence of any variables positively influencing the development of trust in the partner, any maintenance of such relationships must be motivated by a client perception of constraints. Bendapudi & Berry (1997) suggest that such a scenario will lead to a particular set of client behaviours. Following this argument through, variables that influence the development of trust in the legal service partner

must be mediating variables. Bendapudi & Berry suggest that the presence of such mediating variables will result in different client behaviours because the client is dedicated to the relationship.

The emergent model, which can be found at the end of the chapter four, reflects the findings of the qualitative study. First it suggests that the environmental, or contextual, variables generate private client dependency upon solicitors. Secondly it proposes that particular interaction variables mediate the effect of dependency because they will generate trust in the solicitor. Thirdly it posits a direct link between trust in the solicitor and a private client commitment to maintain the relationship to reflect the contribution made by Morgan & Hunt (1994). Finally the model proposes that private clients demonstrate different behaviours which depend upon whether or not the interaction variables have generated trust in and commitment to the solicitor.

These elements of the emergent model are reflected in the three propositions that underpinned the quantitative data collection and analysis:

- P 1** *That the presence of particular interaction variables will generate trust in the solicitor among private clients*
- P 2** *That the presence of trust in the solicitor will result in private-client commitment to that relationship*
- P 3** *That private clients who are committed to the relationship with their solicitor will exhibit different behaviours within the relationship from those private clients that are merely dependent upon the solicitor.*

The exploratory analysis of the quantitative data reported in chapter six comprised the development of measurement scales for the dependent and independent variables utilising Factor Analysis; the identification of differences between different groups of respondents using Independent T-Tests and one-way ANOVA tests; and an analysis of the relationships between the emergent factors using linear regression.

The analysis of the data collected for this exploratory study concluded with the proposition of two models to explain private client behaviours within

client-solicitor relationships. One model, driven by theory, identifies direct positive relationships between commitment and two client behaviours (preference and referral). The other model, which was the result of exploratory regression analysis, has value because it suggests the existence of direct relationship for each of the four posited client behaviours. These proposed models, and their relationship with extant literature will be explored further in the discussion below.

The discussion below is structured around the three propositions and, in order, presents the findings related to trust, commitment and client behaviours; debates the findings in relation to current literature and highlights the contribution to knowledge made by the findings while also identifying areas for future research.

7.2 TRUST

The proposition that emerged from the literature and was corroborated by the qualitative findings is:

P 1 *That the presence of particular interaction variables will generate trust in the solicitor among private clients*

This section will discuss conceptualising and measuring the trust construct; factors generating trust in the solicitor and the direct relationship between trust and private client behaviours. The direct relationship between trust and commitment is discussed in the following section which deals with commitment. The discussion below concludes with the assertion that, notwithstanding the specific findings of this study, the scales currently used to measure trust do not accurately reflect the cross-disciplinary nature of the trust construct and that the construct itself requires further conceptual development. Trust may well emerge from further research as a multi-dimensional construct.

7.2.1 Measuring Trust

This study measured items associated with the trust construct along with items associated with a variety of interaction constructs. The definition that guided the selection of measurement items for trust is confidence in an exchange partner's reliability and integrity (Morgan and Hunt, 1994).

The nine measurement items, which combined items taken from two scales (Morgan and Hunt, 1994 and Hess, 1995) emerged as one factor with a high Alpha score of 9.6. It can therefore be concluded that the 9 item scale chosen is a reliable measure of trust within the private client-solicitor relationship:

STATEMENT	ALPHA If Item deleted
25. I have found that solicitor to be perfectly honest and truthful	.96
26. That solicitor can be counted on to do what is right	.96
27. I believe the information that solicitor gives me is accurate	.96
28. That solicitor delivers on promises made to me	.96
29. That solicitor is very reliable	.96
30. That solicitor can be trusted completely	.96
31. That solicitor is someone I have great confidence in	.96
32. That solicitor is genuinely committed to my satisfaction	.96
33. Most of what that solicitor has told me about his/her service has been true	.96
TOTAL ALPHA SCORE FOR TRUST CONSTRUCT	.96

Trust is an important construct within the private client-solicitor relationship since trust is claimed to "*enable us to tolerate uncertainty through our expectation that a trusted person will seek to reduce our vulnerability to unpredicted contingencies*" (Blois 1999, p. 204). The qualitative stage of this exploratory study concluded that the legal service context is characterised by uncertainty and unpredictability for private clients so trust is clearly relevant to this study.

However, the focus upon private clients, to the exclusion of commercial clients, since the initial literature review for this study was undertaken requires the

review of the appropriateness of the chosen measurement scales. The Morgan & Hunt (1994) scale was developed to explain trust within the business to business context, the equivalent of the commercial client context. The Hess scale (1995) was developed within the branded goods context. Although these scales were considered appropriate sources at the time of the questionnaire development the wisdom of that decision is at least debatable now. Neither scale was developed from empirical work, within the context of private client usage of professional services, and both scales were developed within a marketing context, borrowing very little from other disciplines. So if, as Mukherjee and Nath (2003) suggest, trust is a "cross-disciplinary concept, incorporating ideas from economics, marketing, sociology, psychology, organisational behaviour, strategy, information systems and decision sciences" (p. 6) then it is debatable whether the scales used within this study are the most appropriate. In addition, the findings reported within the previous chapter suggest a need for a further, and more extensive, review of the academic literature around the trust construct.

Blois (1999) argues that trust is currently poorly defined and that existing definitions indicate "*a number of assumptions about trust which at least need careful examination.*" (p.199). First he critiques the suggestion, inherent in many of the definitions that incorporate the words reliance or rely (including Morgan and Hunt, 1994), that trust and reliance are in fact interchangeable synonyms. He suggests that they are not:

"The essence of the difference is that trust involves depending on [another's] goodwill and not just their dependable habits and so trust has an emotive element which becomes apparent when we are let down. If we are let down by those we trust we feel hurt, perhaps even resentful, while when we are let down by those on whom we only rely we might be annoyed but are not hurt...." (p. 199)

Blois (1999) also distinguishes trust from reliance on the basis that trust is an "*expectation that the other party may take initiatives (or exercise discretion) to utilise new opportunities to our advantage, over and above what was either explicitly or implicitly promised*" (p.199). Trust is therefore said to involve the "*expectations of benign action*" (Govler, 1994, p.238) and is more than just the negative promise not to harm, or a lack of ill-will, it involves a positive

element of goodwill to act in someone else's best interests (Govier, 1994; Hosmer, 1995; Blois, 1999) as echoed in Anderson and Narus's (1990) definition that trust is "... a partner's belief that the other partner will perform actions that will result in positive outcomes, as well as not take unexpected actions that would result in negative outcomes" (p.45).

Blois (1999) claims that differentiating between reliance and trust is particularly important where products or services are characterised by credence qualities, such as the private client-solicitor relationship. Credence characteristics are those which are difficult to prove or evaluate, even after experience, and therefore have to be taken on trust. Blois argues that reliance is related to proven capability whereas trust is related to an explicit or implicit promise. Blois further suggests that it is possible to rely upon a partner even when you do not trust them. He suggests that reliance without trust might occur when a person believes the other party "*is competent to fulfil their duty and that the cost to them of being found unreliable is high enough for the probability of them acting reliably to be very high. However, unless we also believe that they will do more than they are required in such circumstances we cannot be said to trust them.*" (p.199). Therefore Blois suggests that trust is about "*the other's dependable goodwill as distinct from reliance on their dependable habits*" (p. 200).

This suggestion is interesting when set in the private client-solicitor context since solicitors are beholden to the rules of professional conduct laid down, and monitored, by The Law Society. If solicitors are found to have acted unprofessionally, or unreliably, then there are a series of sanctions culminating in being "struck off" and the consequent inability to practice law. The implication here is that private clients have no need to trust solicitors just to "do the job" since the negative consequences for a solicitor of acting in an unreliable manner are an incentive for them to act reliably. It is also interesting that Blois suggestion implies that private clients will only trust their solicitor when they believe that they will "*do more than they are required*" (p.199) to do. This implication would be interesting to test in future research.

It is clear that the items measuring trust in this study measure reliability and integrity and not the emotive element linked to dependable goodwill. Furthermore, the distinction between reliability and trust was not explored

during the qualitative research stage. These are clearly limitations of this exploratory study.

Linked to this debate is the claim that total, or "blanket trust", does not exist and that trust must be linked to specific actions (Blois, 1999). The inference being that trust should be measured in terms of **what** you trust X to do rather than do you trust X. The items used to measure trust in this study did not measure what private clients trusted their solicitors to do.

In this context it is interesting that the analysis of the data in this study suggested that when the five items measuring confidence benefits (ex Gwinner *et al* 1998) were combined with the nine "trust" items listed above factor analysis revealed them to be one factor. These items do appear to be more specific to **what** solicitors might do for their clients and therefore might be measuring **what** it is that private clients trust their solicitor's to do for them:

56. I am confident that my interests will be well represented by that solicitor;
57. I am confident that solicitor will resolve my legal problems;
58. I am confident that any work will be done without the need for me to continually check-up
59. I know what to expect when I use that solicitor;
60. I get the highest level of service that solicitor provides.

It is also interesting that, when items purporting to measure opportunistic behaviour (items 34 – 40) are included in the factor analysis they do not load onto the same factor as the trust and confidence items and in fact form two distinct additional constructs (as discussed below). So, consistent with the discussion above, the perception of opportunistic behaviour and fear of the solicitor which both constitute negative promises not to harm are distinct from the trust construct which requires a positive element of goodwill.

Wetzels *et al* (1998) used two trust constructs in their study into the role of commitment in marketing service relationships: benevolence and honesty. The sample items used to measure both constructs are of interest to this discussion and might be worthy of further consideration for a future study considering the role of trust within private client-solicitor relationships:

- Trust benevolence: "Though circumstances may change, we believe that the supplier will be ready and willing to offer us assistance and support."
- Trust honesty: "We can count on this firm to be sincere."

It might, therefore be useful in future studies exploring trust to consider the inclusion of items to measure what it is that parties are trusted to do; dependable goodwill as well as dependable habits. Of course such scale development would also need to consider the need for parsimony and it could be that some of the nine items used above, combining items from Morgan & Hunt and Hess would need to be eliminated. This is unlikely to be problematic since, as previously noted, scales recording alpha scores of .96 may indicate items measuring the same thing (Hair *et al*, 1998). In addition, items that include the word "trust", or derivatives of trust, within the statement when measuring trust have been criticised (Cummings & Bromiley, 1996; Blois, 1999) and should be eliminated from the scale.

This discussion indicates that further research into the development of scales to measure trust would be most useful. Further empirical work would also benefit from a more extensive, and multi-disciplinary, literature review than that contained here.

7.2.2 Frequency data

Frequency analysis revealed that although private clients are more likely to trust their solicitor than not, a surprisingly high percentage of private clients indicate that they do not consider their solicitors to be trustworthy. The mean scores were also rather low for a profession expected to act in a trustworthy manner. All mean scores were between 3 and 4, 3 being the half-way point and 4 being the first point along the scale that clearly indicates agreement with the statements. In three cases the most frequent response was a non-committal 3.

- S25 I have found that solicitor to be perfectly honest and truthful
S26 That solicitor can be counted on to do what is right
S27 I believe the information that solicitor gives me is accurate
S28 That solicitor delivers on promises made to me

- S29 That solicitor is very reliable
- S30 That solicitor can be trusted completely
- S31 That solicitor is someone I have great confidence in
- S32 That solicitor is genuinely committed to my satisfaction
- S33 Most of what that solicitor has told me about his/her service has been true

	25	26	27	28	29	30	31	32	33
1	4.9	6.6	2.8	5.6	6.3	6.3	5.9	6.3	2.8
2	5.6	8.0	8.7	10.5	10.1	9.4	10.8	11.1	6.7
3	25.1	28.6	16.7	23.3	23.7	31.5	33.1	34.8	23.2
4	32.4	38.0	46.7	38.7	37.3	31.1	32.8	34.1	41.1
5	32.1	18.8	25.1	22.0	22.6	21.7	17.4	13.6	25.3
Mean Score	3.81	3.54	3.83	3.61	3.60	3.52	3.45	3.38	3.79

Frequency figures are valid percentages

7.2.3 Differences in levels of trust between groups

Between group analysis did not reveal any major differences in the level of trust private clients have in their solicitor as a result of membership of a particular respondent group. Private clients who have used solicitors to draw up wills, covenants or contracts are more likely to trust their solicitor than those private clients who have not. However the impact of these differences, while significant, is small explaining only 2 or 3% of the difference.

7.2.4 Interaction variables generating trust

Scales were developed to measure eight antecedent variables posited to build trust in the solicitor: Fear of Opportunistic Behaviour (7 items); Relationship Specific Investments by Solicitors (3 items); Value given to Client Contribution (2 items); Similarity with the solicitor (1 item); Social Benefits (4 items); Confidence Benefits (5 items); Special Treatment Benefits (3 items) and Involvement (3 items).

The frequency data paints the following picture of private clients:

Private clients are more likely than not to believe that solicitors create delay and are expensive for what they actually do. However the remaining 5 items measuring opportunistic behaviour indicate that private clients do not generally perceive their solicitors to act opportunistically. This is consistent with the frequency data indicating that private clients are more likely to trust their solicitor than not. These findings are therefore consistent with the definitions of trust discussed above which suggest that, in trusting a solicitor, private clients trust them to refrain from opportunistic acts while also acting benevolently.

Although private clients suggest that their solicitors are flexible this flexibility does not appear to extend to the solicitors adapting working arrangements to accommodate the individual needs of private clients or to the provision of a tailored service. As such the evidence suggests that relationship specific investments by solicitors for private clients is rare, or that the investments measured are inappropriate to the legal context and that some other investment activities or behaviours need to be measured. The development and measurement of this construct would have benefited from input from solicitors and it is recommended that future work in this area seeks to understand this construct from the solicitor's perspective in order to develop more appropriate measurement scales.

In a similar vein private clients are unlikely to feel that the relationship is a partnership of equality and the majority of private clients do not feel that the solicitor acknowledges the value of the personal information provided by the client.

It is striking how few (only 17%) private clients consider themselves to be similar to their solicitor. However, similarity was measured with a single item and once again it could be that the item did not measure appropriate dimensions of similarity between solicitors and their private clients.

The data suggests that private clients are unlikely to gain social benefits from their relationships with solicitors and the majority of private clients appear to perceive the relationship to be business rather than socially oriented. Private clients appear to seek a partner to conduct their business affairs with rather than a friend.

Although confidence benefits have already been discussed above the frequency data suggests that private clients are more likely than not to have confidence that their solicitor will represent their interests well; resolve their legal problems; and do the work without the need for the client to check up. Private clients also appear confident that they know what to expect when using their solicitor, although they do not appear to know whether or not they are getting the highest level of service the solicitor provides.

In terms of special treatments private clients tend towards agreeing that their solicitor takes great care with their affairs and provides a personal service yet do not feel that their solicitor provides personal support at difficult times. Maybe this is another indicator that private clients see solicitors as business partners rather than friends.

The great majority of private clients perceive legal services to be a high involvement purchase, agreeing that they would care a great deal which solicitor and law firm they used; that it would be extremely important to choose the right solicitor or law firm and that they would be very much concerned about making the wrong choice.

Factor analysis reduced these eight antecedent variables to just five: Relational Atmosphere; Opportunistic Behaviour; Involvement; Fear of Solicitor and "Inner Circle" Recommendation Benefits.

- a. **Relational Atmosphere:** This factor draws together five items measuring social benefits, value and similarity in such a way that the factor appears to measure items that impact upon the general atmosphere of the relationship.
- b. **Opportunistic Behaviour:** This factor measures three elements of opportunistic behaviour that arose from the qualitative research phase: Solicitors seem to make routine things more complicated, they take longer than expected and they are expensive for what they do.
- c. **Involvement:** This factor measures three aspects related to the level of client involvement in the legal service purchase or experience.

- d. Fear of Solicitor:** This factor measures three items that were thought to relate to opportunistic behaviour prior to the analysis. Having loaded onto a separate factor the three items appear to relate more to fear of a solicitor than a belief that the solicitor will act in an opportunistic manner: private clients find the solicitor intimidating, believe that a solicitor might use negative information against them and feel that they lose control when they instruct a solicitor.

- e. "Inner Circle" Recommendation Benefits:** This factor comprises the item measuring recommendation to the solicitor from someone the client knows and the item measuring whether the solicitor acts for someone the client knows. Although ostensibly these items might just be measuring referral by someone the client knows the qualitative research indicated the need for private clients to seek recommendations to reduce the risk associated with using a new solicitor and also the desire to let the referral source be known to the solicitor in order to establish credibility and to gain the same high service level experienced by the referee. This second benefit was referred to as gaining access to the "inner circle" by one private client. Since this description paints a rich picture of the benefit it has been used to describe the benefits sought by clients using referrals to specific solicitors.

The analysis of differences in the antecedent factors between different groups of respondents reveals some interesting results. Male private clients are more likely to enjoy a positive relational atmosphere than female clients; older private clients (40-49 years) are more likely to be involved with their legal service needs than younger private clients aged 30-34 years while younger private clients (26-29 years) are more likely to seek "inner circle" recommendation benefits than older private clients aged 40-59 years. These findings make sense in that men may be generally less intimidated by a solicitor and more likely to consider that they are "somewhat similar in many ways" to solicitors than female clients. Solicitors may, consciously or unconsciously, be more deferential towards a male client than a female client, hence the more positive relational atmosphere. Older private clients are more likely than younger clients to have a need for legal advice on more complex issues so are more likely to be involved with the experience while younger clients may feel a need to seek the comfort of referrals from their older, more

experienced, contacts. These findings indicate another interesting area for future research.

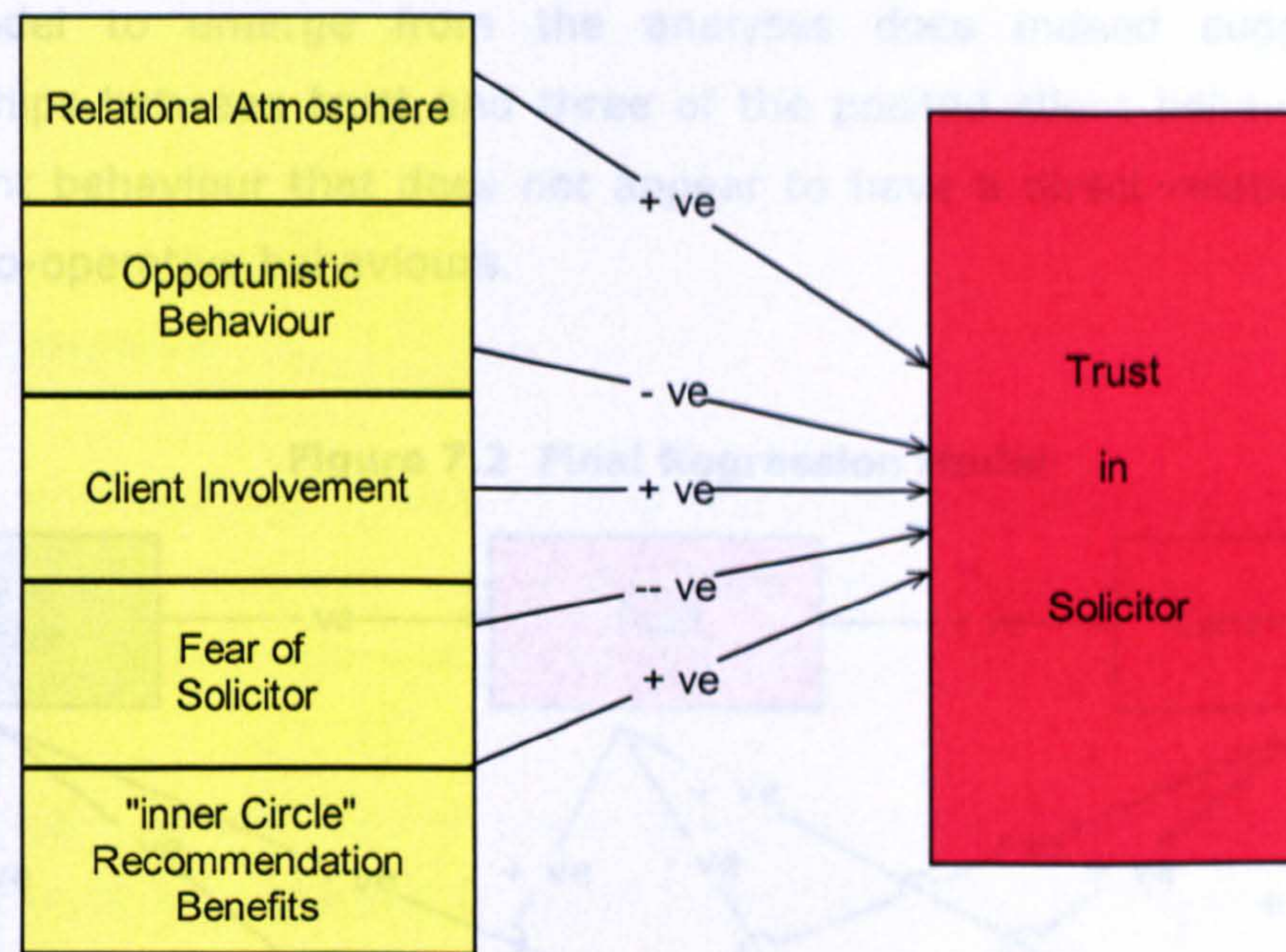
Differences also occur as a result of the legal services used. Private clients are more likely to experience a positive relational atmosphere if they have used solicitors to draw up wills or covenants or sought advice on civil litigation matters or general contractual advice than those who have not used these services. Private clients are more likely to consider the solicitor to have acted opportunistically when using probate services. Private clients are more likely to be involved with the legal service need when using solicitors for probate, employment issues, contractual advice or when drawing up wills or covenants.

7.2.5 The relationship between the interaction variables and trust

The linear regression analysis is consistent with the proposition that particular interaction variables generate trust in the solicitor among private clients. All five variables that emerged from factor analysis have a direct relationship with trust:

- a. Trust increases where private clients perceive the relational atmosphere to be positive;
- b. Trust increases where private clients consider the service to be a high involvement purchase and not a commodity purchase;
- c. Trust increases where private clients perceive themselves to benefit from an "inner circle" recommendation;
- d. Trust decreases where private clients are fearful of the solicitor or what the solicitor might do;
- e. Trust decreases where private clients perceive the solicitor to act in an opportunistic manner.

Figure 7.1 Relationship Between Interaction Factors and Trust



Furthermore, the interaction variables measured explained 59% of the trust construct as measured. The interaction variables explain 63% of the combined trust factor, which is another reason for further research into the construction and measurement of the trust construct. These findings are consistent with the discussion relating to the nature and scope of trust above in that trust decreases when private clients fear their solicitor or perceive their solicitor's behaviour to be opportunistic rather than benevolent or benign.

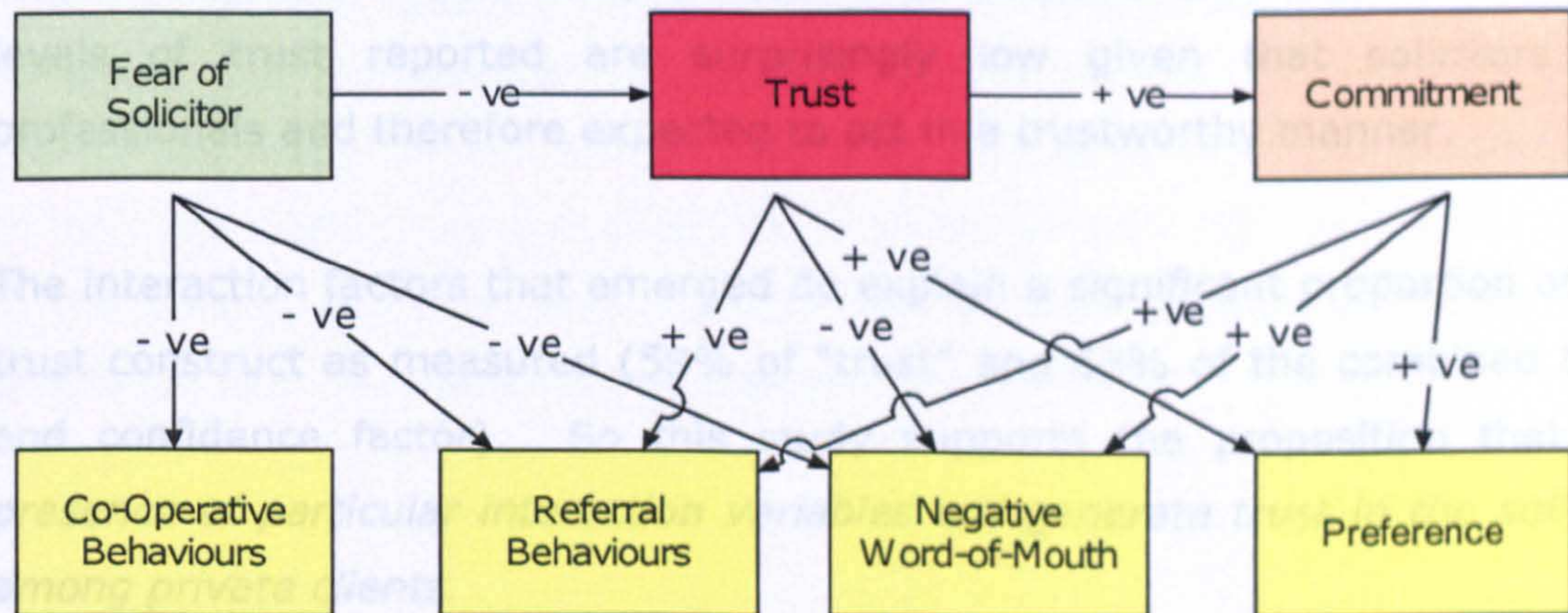
7.2.6 Relationship between Trust and Client Behaviours

The proposed model upon which the quantitative study and analysis was based did not suggest any direct relationship between trust and client behaviours. Consequently the direct relationship between trust and client behaviours was only explored when the relationships suggested within the proposed model did not emerge. That is to say that when a direct relationship did not emerge between commitment and negative word-of-mouth behaviours and co-operative behaviours a number of further regression analyses were performed to explore the possibility that direct relationships might exist between trust and the posited client behaviours. The details of

these exploratory analyses can be found in section 6.6.6 above. However the final model to emerge from the analyses does indeed suggest direct relationships between trust and three of the posited client behaviours. The only client behaviour that does not appear to have a direct relationship with trust is co-operative behaviours.

7.2.7 Summary

Figure 7.2 Final Regression Model



The direction of the relationship is important to note. Trust has a direct positive relationship to preference and referral behaviours but a negative relationship with negative word-of-mouth behaviours.

Once again this is interesting when placed within the context of trust having an affective, emotional element so that *"if we are let down by those we trust we feel hurt, perhaps even resentful, while when we are let down by those on whom we only rely we might be annoyed but are not hurt..."* (Blois, 1999, p. 199). This model, in that context, suggests that private clients who engage in negative word-of-mouth behaviours do so as a result of resentment arising from an emotional response to perceiving that they were let down by a solicitor that they had previously trusted. If true this has important implications for solicitors because of the role that reputation for trustworthiness might play in securing future business, or maintaining relationships with current clients.

In a business context with high credence characteristics, where the service cannot be evaluated even after it has been experienced, a reputation provides potential and actual clients with some information upon which to evaluate the solicitor. Consequently negative word-of-mouth must have a greater negative impact on solicitors than on service providers in markets

categorised by search or experience characteristics where the service can be evaluated prior to (search) or after (experience) purchase.

7.2.7 Summary

Private clients are more likely to trust their solicitors than not however the levels of trust reported are surprisingly low given that solicitors are professionals and therefore expected to act in a trustworthy manner.

The interaction factors that emerged do explain a significant proportion of the trust construct as measured (59% of "trust" and 63% of the combined trust and confidence factor). So this study supports the proposition that *the presence of particular interaction variables will generate trust in the solicitor among private clients.*

The discussion of the findings suggests that there is a need for more research into the conceptualisation and measurement of the trust construct. Given that trust is a cross-disciplinary construct (Mukherjee & Nath, 2003) it may also be a single multi-dimensional construct, or may comprise several constructs measuring different aspects of trust, such as honesty and benevolence (Wetzels *et al*, 1998). Current scales, with their emphasis on reliability, may only be measuring one aspect of the construct or, according to Blois (1999), not measuring trust at all! In any event scales that measure trustworthiness may not be sufficient. The literature and the findings suggest that there is a need to incorporate items measuring what it is that customers, or clients, trust the service provider to do. This implies a need for future studies to adapt such measures for a given research context. The further implication is that studies into trust may need to be context specific rather than attempt cross-sectional comparisons.

7.3 COMMITMENT

The proposition that emerged from the literature is:

P 2 *That the presence of trust in the solicitor will result in private-client commitment to that relationship*

This section will discuss conceptualising and measuring the commitment construct and the relationship between trust and commitment. The direct relationship between commitment and the client behaviours will be discussed in the next section. As with trust, the discussion below highlights weaknesses in the conceptualisation and measurement of the commitment construct in that there is no measurement of affective commitment.

7.3.1 Measuring Commitment

This study measured commitment using three items derived from Morgan and Hunt (1994). Factor analysis indicated that the three items within the scale derived from Morgan and Hunt loaded onto one factor. The Alpha score of .87 indicates a high degree of reliability particularly since the elimination of any item would reduce the score to .81 or .83. It can be concluded that the 3 item scale used reliably measures the commitment construct:

STATEMENT	ALPHA if Item deleted
22. The relationship I have with that solicitor is one to which I am committed.	.82
23. The relationship I have with that solicitor is one that I intend to maintain indefinitely.	.81
24. The relationship I have with that solicitor is one that deserves my maximum effort to maintain.	.83
TOTAL ALPHA SCORE FOR COMMITMENT CONSTRUCT	.87

As with trust, there is currently no definitive agreement as to the definition, or measurement, of commitment within the literature. Morgan and Hunt (1994)

define commitment as "*an exchange partner believing that an ongoing relationship with another is so important as to warrant maximum efforts at maintaining it; that is, the committed party believes the relationship is worth working on to ensure that it endures indefinitely*" (p. 23). This definition is clearly reflected in their three item measurement scale for commitment which was used in this study.

It is important to note that Morgan & Hunt's (1994) empirical study is based within a business-to-business marketing context. A key differentiator between definitions of commitment found within the business-to-business marketing literature and those found within the social exchange literature is the presence, or lack of, an emotional or affective element. Business-to-Business based definitions lack an affective element whereas definitions within the social exchange literature include an affective element and tend to associate commitment with "*an enduring desire*" to maintain a relationship considered important or valuable to the individual (eg: Moorman *et al*, 1992) and the explicit recognition that commitment comprises both behavioural and affective components (Molm, Takahashi & Peterson, 2000). Indeed Molm *et al* (2000) suggest that although behavioural commitment can take place without trust, trust is inextricably linked to affective commitment. In a similar vein is Bendapudi & Berry's (1997) separation of desire-based maintenance from that of constraint-based maintenance. Desire-based maintenance can now be associated with affective commitment and constraint-based maintenance with behavioural commitment.

A major limitation of this study is the restricted way in which commitment has been measured, particularly since the study sought to identify, compare and contrast behaviours linked to constraint-based maintenance from those linked to desire-based maintenance. This limitation arises as a result of two circumstances. First, the inability to incorporate the dependency scale used into the multivariate analysis because the emergent factor produced an unacceptably low alpha (Cronbach) score. Secondly the use of a measurement scale that, while well accepted by the marketing discipline, did not provide any measure of an attitudinal, or affective, desire-based commitment to the relationship. Consequently it is not possible to separate out constraint-based maintenance from desire-based maintenance with any degree of confidence within this study.

At the questionnaire development stage the intention was to measure private client dependency upon the solicitor and to equate that dependency with constraint-based maintenance. The plan was to explore whether a direct relationship existed between the dependency factor and client behaviours and to compare those results with those exploring the relationship between commitment and client behaviours. This would reflect Morgan & Hunt's (1994) claim that successful (functional) relationships require trust and Bendapudi & Berry's (1997) proposal that trust mediates dependency creating desire-based maintenance. The inference, from both sources, being that relationships maintained in the absence of trust are maintained as a result only of constraints, or dependency, and are less likely to be successful or functional. Bendapudi & Berry (1997) suggest that constraints will determine whether or not a relationship will be maintained whereas trust will lead to desire, or commitment (Morgan & Hunt, 1994) which in turn will encourage the relationship to flourish. So items measuring dependency were included to represent constraint-based maintenance and items measuring commitment were included to represent desire-based maintenance.

Unfortunately, although factor analysis demonstrated that the three items used to measure dependency did in fact measure one factor, presumably dependency, the Cronbach alpha score, at .33, was well below the acceptable level of .7. As a result of this low reliability score, although the dependency factor was in fact included within all subsequent analyses, it is not appropriate to rely upon the analysis of data which includes the dependency factor. Consequently, the results of analyses, exploring the existence of direct relationships between dependency and client behaviours, although interesting, can not be said to be key findings arising from this study.

The development of a scale to measure dependency upon a solicitor, along with the relationship between dependency and client behaviours, is clearly another fertile area for future research. A scale worthy of consideration for such a study is that of Andaleeb's four-item dependency scale (1996) which was designed to reflect the criticality of the relationship to the buyer and the availability of alternative supply sources. These aspects are also reflected in a dependency scale used by Wetzels *et al* (1998). These aspects of dependency were not measured in this study but, in light of the findings, appear to make more sense than items suggesting that the client might be vulnerable. The context for both the Andaleeb (1996) and Wetzels *et al* (1998) studies, and

scale development was business-to-business product supply and service channel relationships. So, bearing in mind some of the limitations this study has already found when using measurement scales developed for business-to-business contexts, the items may need to be amended for the private client-solicitor context. Knowledge of, and availability of alternative solicitors, along with the ability to differentiate between providers may well form the basis of a dependency construct that is relevant to the private client-solicitor context.

Equally unfortunately the three items used to measure commitment did not include measure of affective commitment. Although this study adopted a well known measurement scale that reflects dominant practice within the marketing discipline, the scale used appears to ignore more holistic definitions of commitment from other disciplines. By way of example, Molm *et al* (2000) define affective commitments "*as feelings of liking for, and attachment to, a specific exchange partner and positive evaluations of the partner*" (p, 1406) and distinguish these from behavioural commitments which they define as "*repeated exchanges between the same actors*" (p. 1398). The lack of inclusion of measures for affective commitments is a major limitation in a study among private clients of law firms since the empirical research reported by Molm *et al* (2000) strongly supports the long held (but not previously tested) view that higher levels of trust and affective commitment are present in *reciprocal* exchanges than in *negotiated* exchanges. Negotiated exchanges are those that tend to be covered by joint decision making processes related to terms and conditions whereas reciprocal exchanges are characterised by the separate performance of acts which are non negotiated. Consequently, because private client exchanges are more likely to be reciprocal than commercial clients it is more important to measure the levels of affective commitment private clients demonstrate towards solicitors than commercial clients.

The definitions of behavioural commitment and affective commitment are reminiscent of the Dick and Basu loyalty framework (1994) which models four types of "loyalty behaviour" dependent upon a combination of frequency of purchase, or repeat patronage, and relative attitude towards the service provider. Frequency of purchase or repeat patronage easily equates to behavioural commitment while it is not difficult to associate relative attitude with affective commitment. Interestingly, although Dick & Basu suggest a whole range of antecedents to relative attitude (Cognitive: accessibility;

confidence; centrality and clarity. Affective: emotions; moods; primary affect; and satisfaction. Conative: switching costs; sunk costs; and expectations), trust in the partner is not one of them. This may be as a result of the location of their framework in the literature relating to consumer loyalty towards brands rather than the literature related to industrial and organisational (business-to-business) marketing, or social exchange, which have both associated trust with commitment for some time.

Wetzels *et al* (1998) also envisage two commitment constructs: affective and calculative and differentiate both from an "Intention to stay" which was measured as an outcome of affective and calculative commitment. Their empirical study, which also measured two constructs of trust: benevolence and honesty, found a direct relationship between benevolent trust and affective commitment. The sample measurement items are of interest to this critique of the measurement scales used in this study and would be worthy of further consideration for future studies:

Affective commitment:	"We want to remain a customer of this firm because we genuinely enjoy our relationship with them."
Calculative commitment:	"There is just too much time, energy and expense involved in terminating our relationship with this firm."
Intention to Stay:	"We expect our relationship with the supplier to continue for a long time." (p. 423)

The Morgan & Hunt (1994) scale used in this study uses items more akin to the sample item for intention to stay than either of the two commitment items. So, although this study used a scale well accepted within the marketing discipline, it could be that this exploratory study did not measure commitment at all, but intention to stay which might be an outcome of affective and calculative commitment.

The literature is characterised by a degree of confusion surrounding commitment which is not helped by the usage of different terminology. What may be emerging from the literature are two separate commitment constructs: Calculative commitment and affective commitment. Calculative commitment will occur as a result of a range of constraints, and lasts as long as the constraints are perceived by the buyer, or client. Such a relationship is less likely to be successful (Morgan & Hunt, 1994), functional (Tynan, 1997) or grow (Bendapudi & Berry, 1997) than a relationship characterised by

affective commitment. Affective commitment will occur where the buyer, or client, trusts the service provider. These relationships are more likely to be successful (Morgan & Hunt, 1994), functional (Tynan, 1997) and grow (Bendapudi & Berry, 1997) than relationships characterised only by calculative commitment.

Many empirical studies appear to have measured Intentions to stay or repatronage *behaviours* rather than either calculative or affective commitment. Furthermore the literature associates these studies with a construct of behavioural commitment, rather than either calculative or affective commitment. It may be more appropriate to conceptualise two distinct commitment constructs, calculative and affective, which are separate from client behaviours of which repatronage would be just one of a range of possible behaviours. Future research could usefully explore whether two such constructs do exist and if so how each can be measured; whether a direct relationship exists between each construct and constructs measuring trust; and whether intention to stay along with specific client behaviours are directly related to one or both of the two commitment constructs: affective and calculative.

The differences between behaviours arising from calculative and affective commitment may be especially important to understand within contexts where different types of clients are likely to display different repatronage behaviours, such as the legal services market. Private clients are less likely to need to use a solicitor as frequently as commercial clients. So, private clients who return to a solicitor after a prolonged period of time may only do so as a result of affective commitment. In contrast, commercial clients may remain with law firms as a result of calculative commitment. The social exchange literature suggests that affective commitment is a stronger predictor of longevity than behavioural commitment. However there is anecdotal evidence that solicitors consider commercial clients to be more loyal, and therefore more worthy of investing in, than private clients. Affective commitment, arising as it does from the social exchange literature may, in any event, be a more appropriate construct to measure commitment within the private client-solicitor relationship given the emphasis on a relationship between two people rather than two organisations which characterises the commercial client context. The conceptualising and measurement of the

commitment construct(s) is an area for further empirical research that would benefit solicitors involved in private client work.

7.3.2 Frequency Data

The frequency analysis supports the qualitative research indications that the context of using a solicitor is one of dependency:

	I only use a solicitor when I absolutely have to	When I use a solicitor I am vulnerable	I depend upon a solicitor to act in my best interests
1	2.4	24.2	3.1
2	3.1	21.8	2.4
3	9.8	26.3	7.7
4	30.7	17.2	30.1
5	54.0	10.5	56.6
Mean Score	4.31	2.70	4.35

Although it is clear from the responses that private clients will only use solicitors when they absolutely have to (85%) and that they depend upon solicitors to act in their best interests (87%) they do not consider themselves to be vulnerable! There is an interesting conflict here. This may well be due to the contexts in which private clients use solicitors. Compared with commercial clients private clients are less likely to have an on-going, or frequent, need to use a solicitor and private client matters are more likely to have a well defined start and end point. So, perhaps private clients are indicating a lack of vulnerability on the basis that they are free to take their business elsewhere if they are dissatisfied with a particular experience. However, it is possible, and indicated by the low Alpha score, that these three items do not accurately reflect the dimensions of dependency, or constraint-based commitment, experienced by private clients. Wetzels *et al* (1998) provide a sample item for measuring dependency which emphasises the degree of freedom to chose alternative providers: "There is really no alternative for this firm" (p. 423). Clearly the whole construct of dependency,

and its link with commitment, is ripe for further empirical research which would benefit from a more extensive and multi-disciplinary literature review.

7.3.3 Difference in Commitment levels between Respondent groups

Between group analysis did not reveal any major differences in the level of commitment private clients demonstrate towards their solicitor as a result of membership of a particular respondent group. Private clients who have used solicitors to draw up wills, covenants or have used solicitors for services other than conveyancing are more likely to trust their solicitor than those private clients who have not. However the impact of these differences, while significant, is small explaining a maximum of 3% of the difference.

7.3.4 The relationship between trust and commitment

As predicted within the literature the results of linear regression indicate a clear direct relationship between trust in a solicitor and a private client commitment to maintain that relationship as measured in this study.

	R Square	F Score	Standardised Beta	Sig
Trust Factor	.30	121.66	.55	.000
Confidence Factor	.26	101.53	.51	.000
Combined Factor	.31	125.76	.56	.000

Trust, as measured, explains 30% of commitment with the confidence factor explaining 26%. The factor which combines trust and confidence explains 31% of commitment as measured in this study which indicates that factors other than trust also influence commitment or that the commitment measurement scale used here does not measure enough dimensions of

commitment, or both. Therefore the results indicate that the commitment construct, like trust, is a fertile area for future empirical studies.

However the frequency data indicates a conflict between the expected outcomes, based upon literature, and the actual outcome. Theory suggests that private clients who trust their solicitor will be committed to the relationship. However, the data indicates that private clients are more likely to be uncommitted to the relationship they have with their solicitor than to be committed in spite of data indicating that private clients are more likely than not to trust their solicitor.

Figure 7.3 Emergent Model for Future Research

	The relationship I have with that solicitor is one to which I am committed	The relationship I have with that solicitor is one that I intend to maintain indefinitely	The relationship I have with that solicitor is one that deserves my maximum effort to maintain
1	19.9	32.8	34.5
2	17.5	20.6	25.4
3	29.4	22.6	24.0
4	22.0	17.1	10.1
5	11.2	7.0	5.9
Mean Score	2.87	2.45	2.28

Frequency figures are valid percentages

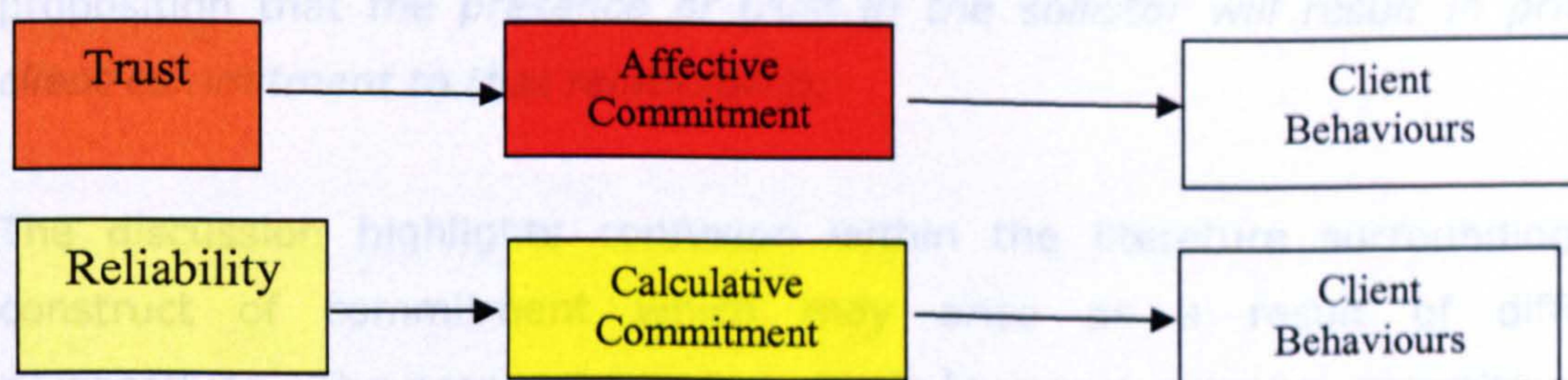
However the R square scores resulting from the linear regression analysis indicate that trust only explains 30% of commitment and the single trust factor which combines the trust and confidence explains 31% of commitment. This is another indicator to suggest that measurement scales for trust might be more useful if they included items measuring what it is the service provider is trusted to do as well as items measuring trustworthiness.

The results may also be demonstrating the distinction that Blois (1999) draws between trust and reliability. If this study measured reliability rather than trust that would explain a discrepancy between the expected results, that private clients who trust their solicitor will be committed to them, and the actual results that although there is a direct positive relationship between trust and commitment as measured, the levels of commitment are

considerably lower than expected from the levels of trust indicated. Alternatively the results may indicate that instead of measuring trust and commitment this exploratory study has actually measured reliability and intention to stay (Wetzels *et al*, 1998).

Indeed further research might consider whether reliability leads to calculative commitment while trust (when more accurately conceptualised) leads to affective commitment, and whether affective and calculative commitment leads to different client behaviours within the relationship:

Figure 7.3 Emergent Model for Future Research



Reliability and trust may also be more meaningful constructs within the client-solicitor relationship (commercial and private) than dependency given that qualitative research suggests the legal service context as a whole is one where the client has a high dependency upon the legal profession. A further study might also consider whether calculative commitment is more relevant to the commercial client-law firm relationship while affective commitment is more relevant to the private client-solicitor relationship. Qualitative research for this study indicates that further research may find that the private client context is characterised by: a difficulty in distinguishing between different solicitors; a reliance on them all to be equally competent on the basis that the Law Society would prevent them from practicing if they were not; general negative word-of-mouth surrounding the profession as a whole leading to few clients believing that solicitors "will do more than they are required" (Blois, 1999, p.199) to do. If this is so then the literature suggests that the context is more likely to lead to calculative commitment than affective commitment which is unlikely to yield benefits to solicitors in a context of infrequent use by private clients. So, if solicitors are interested in harnessing any of the benefits of relationship marketing they appear to have no option but to build

affective commitment among their private clients. This appears to require the need to build trust which, in turn, appears to depend upon the solicitor's ability to build a belief that they will do more than required to secure a good outcome for their private clients.

7.3.5 Summary

The results indicate that a direct relationship exists between trust in the solicitor and private client commitment to the relationship. The single factor combining items measuring both trust and confidence explains 31% of the commitment construct as measured in this study. So this study supports the proposition that *the presence of trust in the solicitor will result in private-client commitment to that relationship.*

The discussion highlights confusion within the literature surrounding the construct of commitment which may arise as a result of different perspectives. The economics and channels literature perceive commitment to arise as a result of dependency upon a partner which can be equated to calculative commitment. On the other hand social exchange literature requires an affective component for commitment. Clearly both are motives that will influence a client's decision to maintain a relationship with a solicitor. However, many empirical studies appear to ignore these motives and measure only objective manifestations of "commitment" which generally involve repeat purchase or repatronage behaviours (Dick & Basu, 1994), or even, as suggested by Wetzels *et al* (1998), intentions to stay. As a result this exploratory study concludes that future studies should conceptualise and measure both affective and calculative commitment and clearly differentiate these motives from the resulting client behaviours. Affective commitment equates well with Bendapudi & Berry's (1997) desire-based motive for relationship maintenance while calculative commitment equates well with their constraint-based motivation.

In light of this conclusion the discussion acknowledges a major weakness of this study is the use of the Morgan & Hunt (1994) scale to measure commitment. Although this scale is well accepted within the marketing discipline it does not comprise measures for both calculative and affective commitment as defined in the social exchange literature. This literature

associates trust with the development of affective, rather than calculative commitment. This limitation is particularly unfortunate since this study sought to identify, compare and contrast behaviours arising from two different motives for relationship maintenance: constraint-based maintenance (calculative commitment) and desire-based maintenance (affective commitment). This limitation is exacerbated by the fact that the items measuring dependence upon the solicitor, while clearly measuring one factor, did not produce an acceptable alpha score and therefore are not reliable enough to confidently incorporate into regression analysis. Consequently the study is unable to separate private client behaviours arising from constraint-based relationship maintenance from those private client behaviours arising from desire-based motives for relationship maintenance with any degree of confidence.

The discussion also suggests that the findings for both trust and commitment might be demonstrating the distinction Blois (1999) draws between trust and reliability and posits that reliability may build calculative commitment while affective commitment requires trust. The discussion further critiques the study on the basis that, by using the Morgan & Hunt scale, it has actually measured reliability and intention to stay (Wetzels *et al*, 1998) rather than trust and commitment.

The discussion highlights the need to measure both affective and calculative commitment within the private client-solicitor relationship given that private clients generally have an infrequent need to use solicitors (repatronage behaviour). As a result the development of scales to measure both calculative and affective commitment has been identified as a useful area for future research studies along with the exploration of relationships between the two commitment constructs, trust, reliability and client behaviours.

7.4 THE RELATIONSHIP BETWEEN COMMITMENT AND CLIENT BEHAVIOURS WITHIN THE PRIVATE CLIENT-SOLICITOR RELATIONSHIP

The proposition that emerged from the literature is:

P 3 *That private clients who are committed to the relationship with their solicitor will exhibit different behaviours within the relationship from those private clients that are merely dependent upon the solicitor.*

This section will discuss conceptualising and measuring private client behaviours and the relationship between the emergent behaviours and the commitment construct as measured. The previous section highlights difficulties encountered when measuring the dependency and commitment constructs which means that this study is unable to provide support for, or against, the third proposition since it can not differentiate between the affective (desire) and calculative (constraint) based motives for relationship maintenance. While a direct, positive relationship has emerged between commitment and preference behaviours and referral behaviours, no relationship at all emerged between co-operative and negative word-of-mouth behaviours, although further more exploratory regression analyses suggest direct relationships exist between trust and fear of solicitor and these two remaining client behaviours. Although the data suggests that a direct relationship exists between dependency and preference behaviours (in the negative) and dependency and co-operative client behaviours, these findings are not reliable due to the unacceptably low alpha score for the dependency factor (.33). Thus, although many interesting points arise from the data analysis, no firm conclusions can yet be drawn around the third proposition.

7.4.1 The Client Behaviours

Scales were developed to measure eight different client behaviours: Interest in alternative providers (3 items); Acquiescence (single item); Negative word-of-mouth (2 items); Co-operative Behaviours (4 items); Relationship Enhancement (2 items); Functional Conflict (2 items); Identification (single item); and Advocacy (3 items).

The frequency data paints the following picture of private client behaviours:

Private clients are relatively uninterested in seeking out alternative solicitors with over two thirds reporting that they would prefer to use a solicitor they had previously used rather than choosing a new one. Similar results emerged for the items measuring relationship enhancement which is unsurprising since they also appear to measure interest in alternative solicitors when needing legal advice and representation in the future. It is actually quite difficult to differentiate interest in alternatives from relationship enhancement in the private-client context given that there are likely to be fewer opportunities for private clients to use solicitors than commercial clients. In any event the qualitative research findings indicate that these preferences may not be related to Preference behaviours to, or a desire to maintain a relationship with, a solicitor and may in fact arise out of laziness or a view that all solicitors are the same, particularly if the legal need is for a service which many private clients consider to be a "day-to-day/commodity" need such as conveyancing. So the lack of interest in alternative solicitors may be evidence of behavioural commitment rather than affective commitment as discussed above.

An interesting result is that 53% of private clients identified with a particular solicitor and one in five private clients strongly agreed that there is a particular solicitor that they refer to as their solicitor. Anecdotal evidence from discussions with solicitors over the years suggests that solicitors are unlikely to consider private clients in any relational way, concentrating only on the transaction in hand. It is generally considered that while organisations might like to establish and maintain relationships with consumers because of the supposed financial benefits that the organisation might reap, consumers have fewer incentives to maintain relationships with organisations. Here is a context where the positions appear to be reversed. It would therefore be interesting to explore the reasons why this dyad differs from those traditionally associated with relationship marketing.

In terms of advocacy, private clients are more likely than not to have referred people to a solicitor they have used and would certainly be happy to refer others in future. However, they are very unlikely to defend their solicitor if they heard something negative about them. Again these results are

Interesting and worthy of further examination. It might not be socially acceptable to be seen to defend a solicitor in public, given the apparently generally prevailing negative perceptions of solicitors evident from the qualitative research. Or the reluctance may arise from a lack of confidence in our own view of the solicitor given the uncertainty surrounding the evaluation of professional services with high credence characteristics. Or it may be due to a lack of desire to involve ourselves in the private lives of others.

Private clients are more likely to view their role within the client-solicitor relationship as active rather than passive with less than one third reporting that they usually comply with requests and suggestions made by solicitors without questioning them (acquiescence). The great majority of private clients (78%) believe they get a better service by working with a solicitor therefore they like to know what is expected of them so that their participation will be helpful (96%). They also want to be involved in decision-making (90%). As a result they are more likely than not (88%) to be open and honest when providing personal information to solicitors. This high level of reporting of honesty is surprising following the qualitative interviews where the majority of private clients indicated the need for caution when dealing with solicitors and the level of discomfort that many private clients feel when having to disclose and discuss aspects of their private life. This discomfort was summed up by one male private client as "stripping in front of a stranger". So the results here may indicate an interesting personal conflict between a natural caution and discomfort and an acknowledgement for complete openness in order to get the best result. Once again this area would be worthy of further study.

Very worryingly for solicitors over 93% of private clients would spread negative word-of-mouth if they had a negative experience and at least half of the respondents to the questionnaire have in fact done so. The private client-solicitor relationship is clearly one that generates significant dissatisfaction among clients at a sufficiently high level to encourage private clients to tell others of their experiences. This is clearly another prime area for future research given that it was beyond the boundaries of this study to explore specific reasons for dissatisfaction; to whom; to how many; in what circumstances; and for what purposes private clients spread negative information about solicitors.

The functional conflict statements appear to have caused great difficulty for respondents with the majority of responses gravitating towards the mid-point of the scale while one statement recorded a high level of missing cases (30/287). This Morgan & Hunt (1994) construct was added to the Bendapudi & Berry (1997) propositions and the results here may indicate that functional conflict is more relevant to the business-to-business environment from which it is derived than the consumer (private-client) environment. Certainly discussions around functional conflict did not arise spontaneously within any of the private client interviews, yet it did during interviews with commercial clients. However this may be an area to explore qualitatively in future research linked to client responses to dissatisfaction within the private client-solicitor relationship. It could also be explored from the solicitor's perspective in relation to service recovery strategies.

In this study factor analysis reduced the eight behaviours discussed above to four factors:

7.4.1.1 Preference behaviours

This factor combines items measuring interest in alternative providers and relationship enhancement. The results of the FA suggest that these two posited constructs are so intertwined that they are in fact one construct not two, at least within the private client-solicitor relationship. It is also worth noting that during the FA the single item statement relating to identification with the solicitor loaded onto this factor although, because it also loaded onto referral behaviours it was eliminated from the analysis. However, it does make sense that identification is linked to a lack of interest in alternative providers and relationship enhancement. It also makes sense that identification is linked to referral behaviours. One of the limitations of this study, to be discussed in the next chapter, is the use of several single item scales. A future study might usefully add items to measure different aspects of identification in order to test whether it is an element of the Preference behaviours construct and/or the referral behaviour construct or a separate factor altogether.

It is worth noting that while the two constructs forming the preference behaviours factor are expressed as attitudes (Interest in alternative providers;

willingness to enhance the relationship) they are in fact measured in terms of client behaviours, essentially around repeat patronage. In contrast, identification with a solicitor is clearly an attitude. This distinction is important in light of a previous discussion which accepts that this study has measured behavioural commitment to the exclusion of affective commitment. The dimensions of preference behaviours measured in this study also appear to have favoured behaviours rather than affective attitudes. In this context the fact that identification, and also functional conflict (which could also be categorised as an attitude), have not emerged within the final factors is of interest. Of course, this study set out to explain client behaviours within the client-solicitor relationship so the fact that the emergent factors comprise client behaviours, and not attitudes, is clearly consistent with the aim.

However, the discussion within this chapter suggests that several of the key constructs (for example trust and commitment) used within this exploratory study may have been inadequately conceptualised within the marketing discipline to date, and particularly for the private client context. The results of the study suggest that neither of the models developed by Bendapudi & Berry (1997) or Morgan & Hunt (1994) reflect the critical role that attitudes might play. Presumably Morgan & Hunt (1994) ignore attitudes because their work is rooted within the business-to-business environment where the buying processes are supposed to be more structured, professional and objectively, rather than subjectively, based. However, although Bendapudi & Berry (1997) recognise that attitudes are relevant to the consumer/client, they propose a model where attitudes and behaviours are the outcome of the motivation to maintain the relationship. Hence the suggestion that identification with a service provider is the result of desire-based commitment. The reality may be that attitudes influence the behaviours. It is possible that the attitudes that influence client behaviours are those that would be measured within the affective commitment construct which has already been identified as an area for future empirical study.

A future study to explore which dimensions of trust (honesty; reliance; belief that provider will ensure positive outcomes, or do more than required; trust to do what etc) are directly related to which dimensions of commitment (calculative or affective) and which dimensions of commitment are related to which client behaviours would certainly extend academic knowledge and

understanding of the constructs of trust and commitment and the relationship with client behaviours.

7.4.1.2 Co-operative Behaviour

This factor comprises four items measuring co-operative behaviours and all four were adapted from the Ennew & Binks (1999) scale using the findings from the qualitative research stage.

7.4.1.3 Referral Behaviour

This factor comprises the two items within the advocacy construct that measure referral behaviours. The item measuring whether or not the client would defend their solicitor did not load onto this factor, or any other. This was the expected outcome from the frequency analysis given that it is very unlikely that a private client would defend their solicitor if they heard something negative about them.

7.4.1.4 Negative Word-of-Mouth

This factor comprises one item only which is a statement indicating whether or not a private client has in fact told others of a negative experience with a solicitor. The single item scale can be justified in this case on the basis of the item measuring a "concrete construct" (Rossiter, 2002, p.321).

7.4.2 Variations in the Behavioural Outcomes between Groups

The only statistically significant difference between groups occurs in the type of legal services experienced:

Private clients who have used solicitors to draw up wills or covenants, or sought contractual advice, are more likely to demonstrate preference behaviours to a solicitor than those who have not.

Private clients who have used solicitors for employment law or to draw up wills or covenants are more likely to demonstrate co-operative behaviours than those who have not.

Private clients who have used solicitors for civil litigation, employment law, or sought advice on contractual arrangements are more likely to demonstrate referral behaviours than those who have not.

Private clients who have used solicitors to draw up wills or covenants are more likely to engage in negative word-of-mouth behaviours than those who have not.

The only between group difference where the eta score indicates that the impact is a moderate one (explaining 6% of the difference) is that private clients who have used solicitors to draw up wills or covenants are more likely to demonstrate preference behaviours. In all other cases, although the difference is significant, the impact of the difference is small, ranging from 1% - 3%

7.4.3 Relationship between Commitment and the Behavioural Outcomes

As proposed within the literature, direct relationships emerged between commitment and two of the behavioural outcomes: preference and referral behaviours with the strongest direct relationship being that of commitment and preference behaviours. However the findings also showed no direct relationship at all existing between commitment and the remaining two behaviours: co-operative behaviours and negative word-of-mouth behaviours.

	R Square	Sig	F Scores	Standardised Beta Score
Preference Behaviour	.27	.00	97.60	.52
Co-operative Behaviour	.00	.65	.21	-.03
Referral Behaviour	.11	.00	31.76	.33
Negative Word-of-Mouth	.00	.70	.15	-.02

Commitment explains 27% of preference behaviours and 11% of referral behaviours.

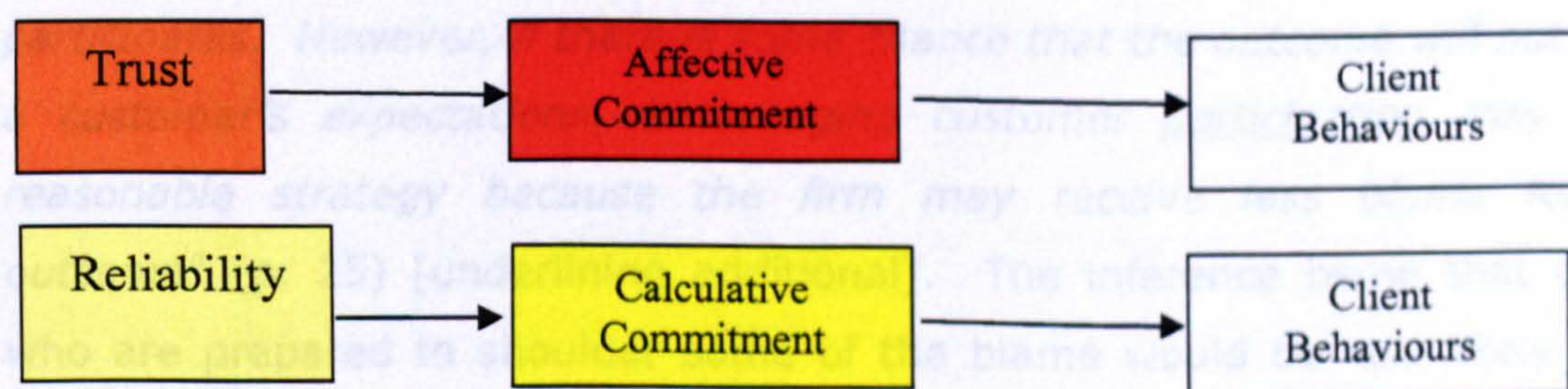
Commitment is likely to explain more of preference behaviours since those are behaviours over which the respondent has full control. Although the respondent has control over whether or not s/he refers others to a solicitor they have no control over the opportunity to do so. A client is unable to refer others unless and until someone they know has a need to use a solicitor and also seeks their opinion in such a way that could present a referral opportunity. There may also be a contextually-based problem with referral to a solicitor given that the qualitative research suggested a high level of scepticism surrounding solicitors. Several private clients suggested that although their experiences to date had all been relatively positive they were still waiting for the bad experience that they were sure was awaiting them. In that context private clients might not want to place themselves in a position where another person might feel they were in some way responsible for having a negative experience.

The strength of the relationship between commitment and preference behaviours is interesting in light of the previous discussions recognising that this study may have measured intention to stay rather than commitment. The preference behaviour factor comprises items measuring interest in alternative solicitors and relationship enhancement, essentially focusing on repeat patronage behaviour. It is important to note that the preference behaviour factor represents a *lack* of interest in alternative solicitors along with a *preparedness* to enhance the relationship. Based upon a previous discussion in this chapter, this suggests that if a client was calculatively committed to the solicitor, and in the absence of an affective commitment, it

is possible to posit that the expected relationship would be a positive relationship with interest in alternatives and a negative relationship with relationship enhancement. In contrast, if a client was affectively committed to the relationship with the solicitor then the direct relationships would be reversed resulting in a positive relationship to relationship enhancement and a negative relationship with interest in alternative solicitors. So, a study measuring calculative and affective commitment as separate constructs might identify the direct relationships with preference behaviours as posited.

Once again, this discussion returns to the previously proposed model for future research:

Figure 7.4 Emergent Model for Future Study



Some private client-solicitor relationships might only reach the calculative commitment stage and the private client would demonstrate particular behaviours associated with that motive to maintain the relationship. Other private client-solicitor relationships might develop beyond that. The literature suggests that where a client trusts the solicitor, to do more than is actually required, the client will develop an affective commitment to the solicitor and this might result in the demonstration of different, or additional, client behaviours. It would also be interesting to compare the duration of relationships motivated by calculative (constraint-based maintenance) and affective (desire-based maintenance) commitment.

These propositions would make an interesting basis for a future study. It would be important for such a future study to be based upon a more extensive review of the literature on commitment within a number of

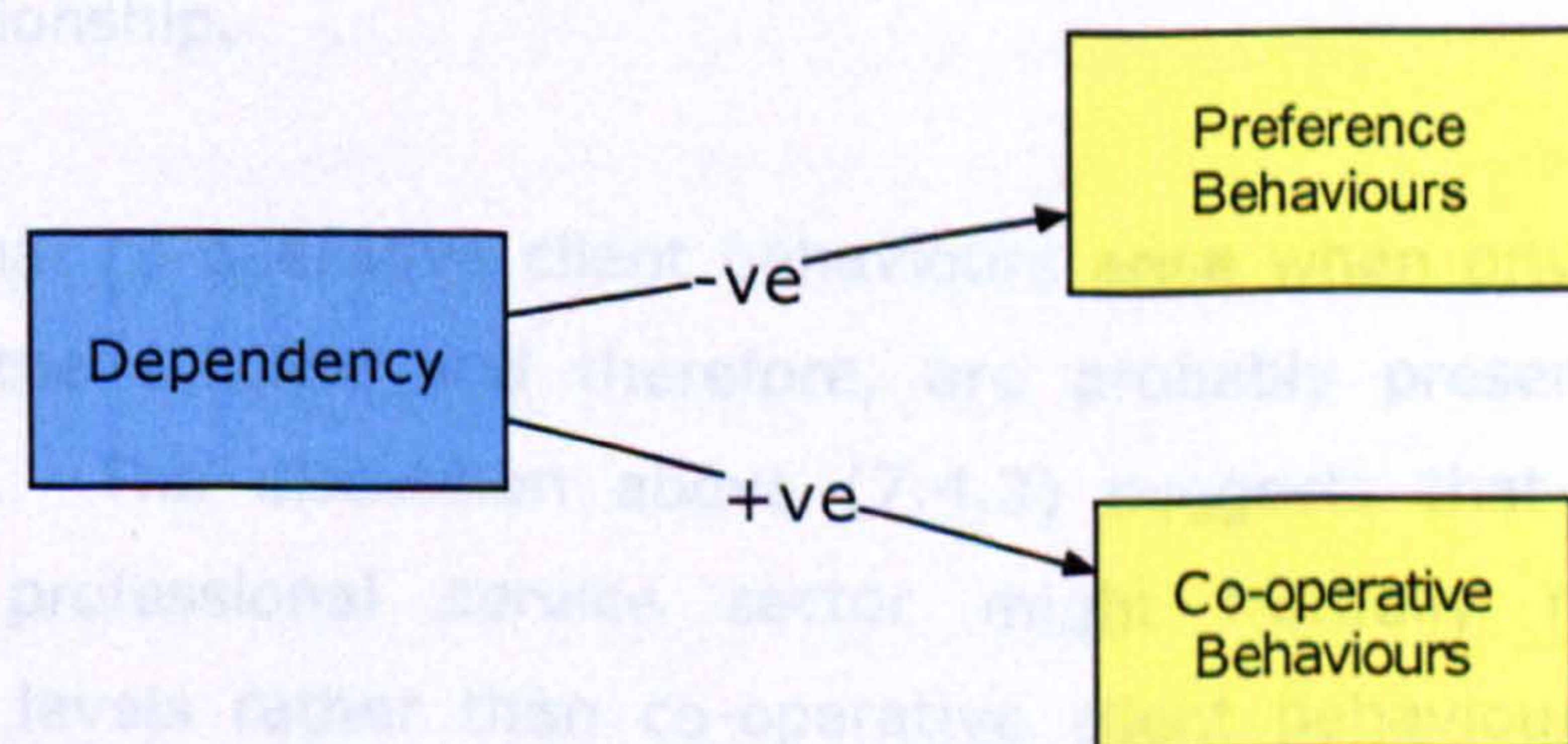
client participation in conveyancing since it is seen to be a commodity service likely to at least meet customer expectations. In direct contrast, law firms might actively encourage clients to participate in the services with the less certain outcomes such as matrimonial and civil litigation. How this might be done is debatable but maybe the greater use of mediation might encourage the client to feel a greater sense of participation. Furthermore, solicitors would have to be bear in mind that many private clients start with a general sense of trepidation when using solicitors so may not actually wish to extend their involvement beyond co-operation and into participation. Certainly any law firm wishing to adopt such a strategy should do so only after extensive research to determine the specific services and client groups to which this strategy would apply.

7.4.4 The Additional Direct Relationships Between Measured Variables

Two further models developed as a result of the exploratory regression analysis, discussed within sections 6.6.5 and 6.6.6 above, are worth mentioning here.

First, for completeness sake, it is worth noting that the results of both sets of regression analyses exploring the relationship between dependency and the behavioural outcomes yielded the same results which have been modelled as:

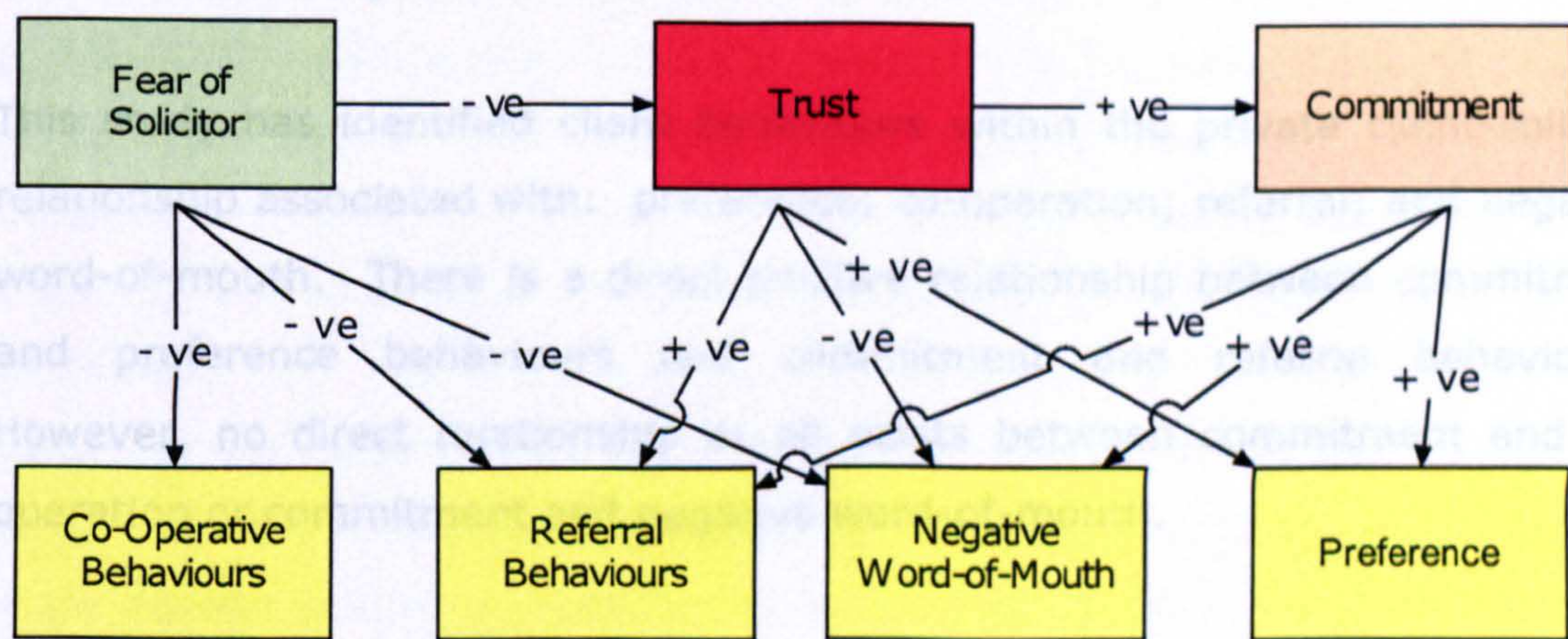
Figure 7.5 A Model to Explain Client Behaviours in the Absence of Trust



The exploratory results suggest that direct relationships might exist between dependency and preference behaviours (in the negative) and between dependency and co-operative client behaviours. Although this model is interesting, and appears to support Bendapudi & Berry's (1997) propositions, it can not be said to be a key finding from this study because the dependency factor records an unacceptably low alpha score which indicates a lack of reliability.

A final model, which identifies direct relationships to explain all four posited client behaviours, is a good place to end this exploratory journey:

Figure 7.6 A Model to Explain Client Behaviour within the Private Client-Solicitor Relationship



It is worth noting that although the results of several analyses to exploratory direct relationships yielded relatively consistent results, the limitations expressed within this chapter relating to the constructs measured remain when proposing this model to explain client behaviour in the private client-solicitor relationship.

It appears that co-operative client behaviours arise when private clients are unafraid of the solicitor and therefore, are probably present within most relationships. The discussion above (7.4.3) suggests that future studies within the professional service sector might fruitfully measure client participation levels rather than co-operative client behaviours. Preference behaviours occur as a result of the presence of trust (or reliability) leading to commitment (or the intention to remain) to the solicitor. Referral behaviours arise as a result of both trust (or reliability) and commitment (or the intention

to remain) along with a lack of fear of the solicitor. Negative word-of-mouth behaviours have a direct relationship with a lack of trust, or the perception of an unreliable solicitor (as discussed above) as well as commitment (or the intention to remain) and a lack of fear of the solicitor. The relationship with lack of trust is strong with the lack of trust, or the perception of an unreliable solicitor, explaining 39% of negative word-of-mouth behaviours. Given the strong relationship to the measurement scale used in this study negative word-of-mouth may emerge as an outcome of calculative rather than affective commitment in a future study where the same items would measure reliability rather than trust.

7.4.5 Summary

This study has identified client behaviours within the private client-solicitor relationship associated with: preference; co-operation; referral; and negative word-of-mouth. There is a direct positive relationship between commitment and preference behaviours and commitment and referral behaviours. However, no direct relationship at all exists between commitment and co-operation or commitment and negative word-of-mouth.

Building upon previous discussions around conceptualising and measuring the commitment construct it was concluded that this study may well have measured the direct relationship between intention to stay and client behaviours arising from affective commitment. Consequently the suggestion is made that a future study measuring both calculative and affective commitment might find a stronger positive relationship between affective commitment and the preference and referral behaviours than evidenced in this study. The inference is that negative word-of-mouth behaviours and co-operative behaviours may have a direct relationship with calculative commitment rather than affective commitment.

The discussion also identified a need for future studies to consider the impact of client participation rather than, or in addition to, co-operation.

7.5 CONCLUSIONS

This study has found empirical support for Propositions 1 and 2. However, this study is unable to provide support for or against the third Proposition (P3).

7.5.1 Proposition 1

P 1 *That the presence of particular interaction variables will generate trust in the solicitor among private clients*

Private clients are more likely to trust their solicitors than not however the levels of trust reported are surprisingly low given that solicitors are professionals and therefore expected to act in a trustworthy manner. The five interaction factors that emerged (relational atmosphere; opportunistic behaviour; involvement; fear of solicitor; and "inner circle" recommendation benefits) do explain a significant proportion of the trust construct as measured. So this study supports the proposition that *the presence of particular interaction variables will generate trust in the solicitor among private clients*. However the discussion suggests that there is a need for more research into the conceptualisation and measurement of the trust construct. Current scales, with their emphasis on reliability, may only be measuring one aspect of the construct or, according to Blois (1999), not measuring trust at all.

7.5.2 Proposition 2

P 2 *That the presence of trust in the solicitor will result in private-client commitment to that relationship*

The results indicate that a direct relationship exists between trust in the solicitor and private client commitment to the relationship. However, as with trust, the discussion identifies a major weakness in the way in which the commitment construct was conceptualised and measured in this study. The chosen scale did not comprise measures for both calculative and affective

commitment and may have measured intention to stay rather than commitment. The social exchange literature associates trust with the development of affective, rather than calculative commitment. This limitation is particularly unfortunate since this exploratory study sought to identify, compare and contrast client behaviours arising from the two different motives for relationship maintenance: constraint-based maintenance (calculative commitment) and desire-based maintenance (affective commitment), see Proposition 3. The discussion also suggests that the findings for both trust and commitment might be demonstrating the distinction Blois (1999) draws between trust and reliability and posits that reliability may build calculative commitment while affective commitment requires trust. The discussion highlights the need to measure affective commitment within the private client-solicitor relationship given that private clients generally have an infrequent need to use solicitors. As a result the development of scales to measure both calculative and affective commitment has been identified as a useful area for future research studies along with the exploration of relationships between the two commitment constructs, trust, reliability and client behaviours.

7.5.3 Proposition 3

P 3 *That private clients who are committed to the relationship with their solicitor will exhibit different behaviours within the relationship from those private clients who are merely dependent upon the solicitor.*

This study has identified four client behaviours within the private client-solicitor associated with: preference; co-operation; referral; and negative word-of-mouth. There is a direct positive relationship between commitment and preference behaviours and commitment and referral behaviours. However, no direct relationship at all exists between commitment and co-operation or commitment and negative word-of-mouth. The study encountered a number of problems when measuring dependency upon the solicitor which have resulted in the inability to find support either for or against the third proposition. The study also failed to measure both affective and calculative commitment constructs which could have been used in regression analysis to determine direct relationships with specific private client behaviours arising from differential commitment motives. Consequently

the suggestion is made that a future study measuring both calculative and affective commitment might find a stronger positive relationship between affective commitment and the preference and referral behaviours than evidenced in this study. Such a study might also find that calculative commitment is, in effect, the same construct as private client dependency upon the professional service provider. The discussion also identified a need for future studies to consider the impact of client participation rather than, or in addition to, co-operation.

7.5.4 The Future

Although the details of a future research agenda will be discussed in the following final chapter the two broad conclusions arising from this discussion are as follows:

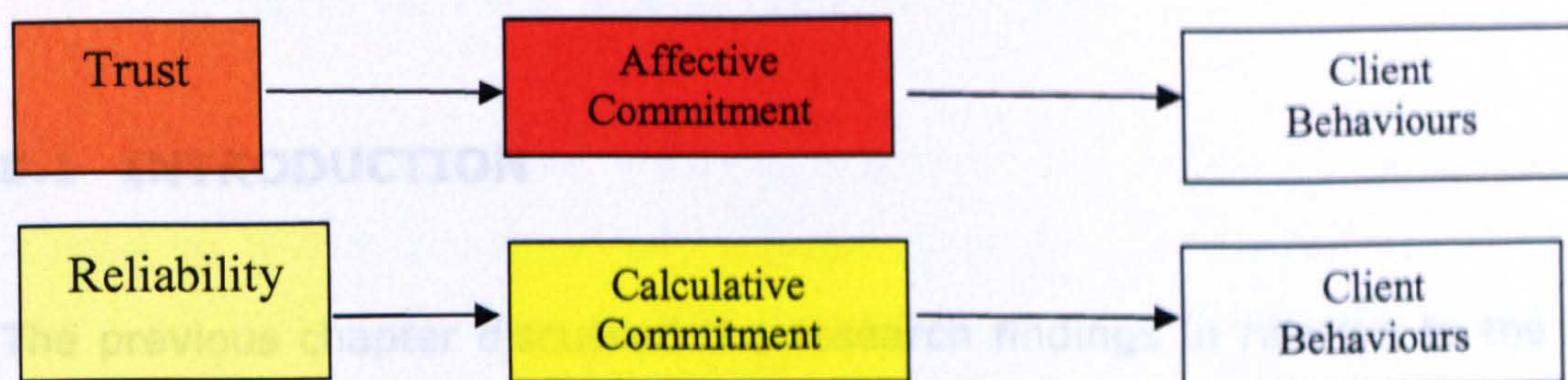
First there is a need for further conceptual development of the trust construct and consequent measurement scale development; and secondly, there is a need for further conceptual and measurement scale development of the commitment construct to include both affective and calculative commitment.

The discussion of the findings suggests that the propositions explored within this study could usefully be amended to the following for future research:

- P1** *That trust will result in affective commitment towards a solicitor;*
- P2** *That reliability will result in calculative commitment towards a solicitor;*
- P3** *That private client behaviours within the client-solicitor relationship will differ dependent upon the presence of affective and/or calculative commitment.*

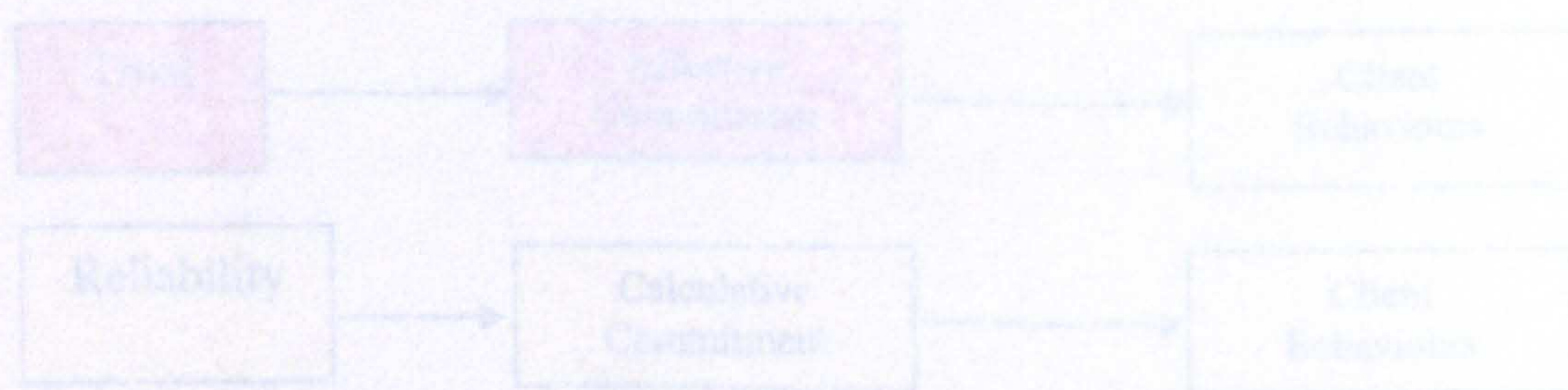
These three propositions can be modelled accordingly for future study.

Figure 7.7 Emergent Model for Future Study



- P1 That trust will result in affective commitment towards a solicitor;
- P2 That reliability will result in behavioural commitment towards a solicitor;
- P3 That private client behaviours within the client-solicitor relationship will differ dependent upon the presence of affective and/or calculative commitment.

Figure 8.1 Emergent Model for Future Research Study



This chapter considers some of the wider issues that will impact upon any future studies into the private client-solicitor relationship. This chapter will discuss the relevance of relationship marketing to the private client context and the implications of the findings for solicitors. Before discussing the limitations of this study which leads into the agenda for future research.

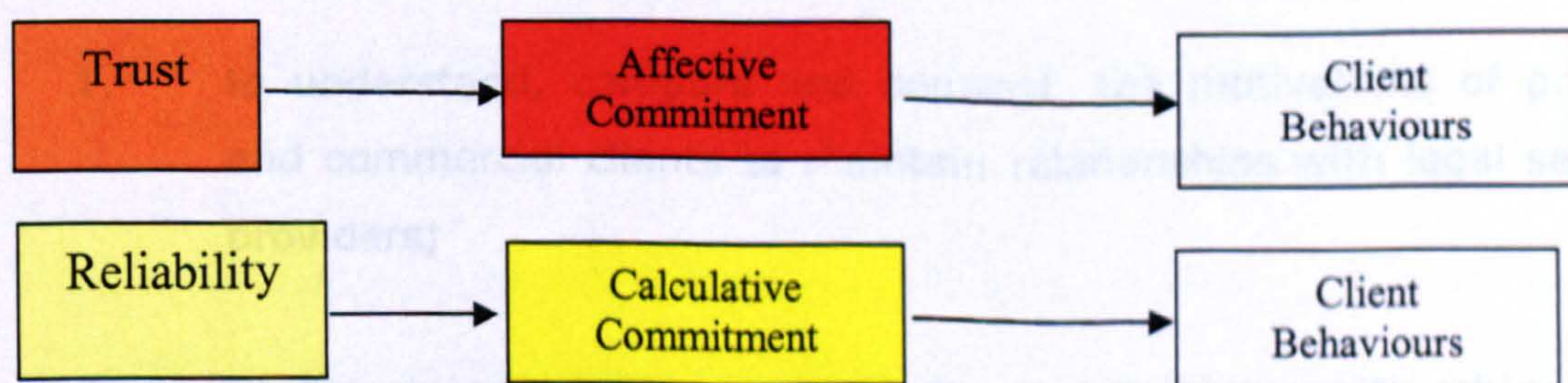
CHAPTER 8: THE RESEARCH AGENDA

8.1 INTRODUCTION

The previous chapter discussed the research findings in relation to the three propositions which the quantitative study sought to explore, concluding that the findings support Proposition 1 and Proposition 2 while providing neither support for or against Proposition 3. The chapter ended with the identification of three adapted propositions to underpin future research studies along with a proposed model as follows:

- P1** *That trust will result in affective commitment towards a solicitor;*
- P2** *That reliability will result in behavioural commitment towards a solicitor;*
- P3** *That private client behaviours within the client-solicitor relationship will differ dependent upon the presence of affective and/or calculative commitment.*

Figure 8.1 Emergent Model for Future Research Study



This chapter considers some of the wider issues that will impact upon any future studies into the private client-solicitor relationship. This chapter will discuss the relevance of relationship marketing to the private client context and the implications of the findings for solicitors before discussing the limitations of this study which lead into the agenda for future research.

8.2 RELEVANCE OF RELATIONSHIP MARKETING TO THE PRIVATE CLIENT-SOLICITOR CONTEXT

This section considers the wider question of the relevance of relationship marketing to the private client-solicitor context. Essentially the discussion seeks to determine whether this context is an appropriate one for further study within the relationship marketing field. Relationship marketing theory represents a shift away from an emphasis on customer acquisition towards an organisational emphasis on reducing "customer churn" and retaining more customers on the basis of research (predominately in the Harvard Business Review) which demonstrated that loyal customers are more profitable. During the 1990's the general thrust of the relationship marketing literature was the need to extend its application beyond the domain of high value industrial goods or the business-to-business service contexts into the lower value, volume oriented, consumer fields. However more recently this urge to extend relationship marketing to wider contexts has been criticised (eg: Palmer, 1996; O'Malley & Tynan, 2000). So, it is appropriate for any study seeking to understand a relationship to question whether a relationship does in fact exist and, if so, to consider whether that relationship is worthy of study. The discussion below addresses these questions.

This exploratory study represents the first step towards the development of a model to explain private client behaviours within the client-solicitor relationship. The three research objectives were:

1. to understand, compare and contrast, the motivations of private and commercial clients to maintain relationships with legal service providers;
2. to determine whether motives for maintaining relationships with solicitors directly influences client behaviours within those relationships;
3. to construct a model to explain client behaviours within the client-solicitor relationship.

Implicit in these aims is the question of whether the private client-solicitor relationship is in fact a context characterised by relational or transactional

exchanges. The findings of this study suggest that this question is too simplistic for this complex context.

The qualitative findings suggest that the private client-solicitor context is characterised by both relational and transactional exchanges depending upon the way in which the private client perceives the nature of the legal service requirement. Some legal services, such as conveyancing, appear to be viewed as commodity purchases and, in this context, private clients perceive little differentiation between solicitors in effect viewing all solicitors as equally capable of such a service provision. So, is this in fact a misconceived study? Is there any support for the proposition that the private client-solicitor relationship is indeed a context where relationship marketing theory can be applied? Would it be unrealistic for solicitors to seek to establish and maintain relationships with their private clients?

This exploratory study suggests that the private client-solicitor context meets some of the "relationship friendliness" criteria listed by Christy *et al* (1996). The data analysis indicates that private clients are more likely than not to consider legal services to be a high involvement purchase; the qualitative findings suggest that the context is one of uncertainty, the provision of legal services is characterised by credence qualities, and that private clients who depend upon their solicitor do so as a result of a higher than normal degree of customisation.

However, Palmer (1996) suggests that "*relational exchange may be an unrealistic pursuit in any of the following circumstances:*

- (1) where there is no reason why a buyer would ever wish to return to a seller;*
- (2) where buyers seek to avoid an asymmetric relationship in which they become dependent on a seller;*
- (3) where buying processes become formalised in a way that prevents a seller developing relationships based upon social bonds;*
- (4) where buyers' confidence lowers the need for risk reduction ...;*
and
- (5) where the costs associated with relationship development put a firm at a cost disadvantage in a price sensitive market." (p. 20)*

These suggestions are worth considering within the private client-solicitor context.

The first suggestion that there is no need for a relationship where buyers have “no underlying need to make further purchases of a category of product...” (p. 20) runs counter to the findings of this study. The most frequent legal need for private clients is that of conveyancing. Private clients that purchase one property will, on average every seven years, purchase another property. So, Palmer’s criteria would suggest that private clients would perceive a need to maintain a relationship with a conveyancing solicitor. However, the qualitative research suggests that it is this legal need that is seen to be the most commoditised, the least differentiated, and the easiest for solicitors to perform competently. As such private clients do not appear to perceive a need to maintain a relationship with a solicitor for the purpose of buying and selling property. On the other hand data analysis indicates that the legal service that is most likely to generate commitment is that of wills. Perhaps private clients decide to maintain a relationship with the solicitor who draws up their will because they intend to update their will at regular intervals before their death. Or perhaps because they think that the solicitor will, in some sense, represent them after their death. The recognition that solicitors have somehow become more specialised than they were previously, linked to an infrequent need to use solicitors, may lead to a perception that there is no need to maintain a relationship. The fact that it is not easy to simply apply Palmer’s criteria consistently to the scenario suggests that the dynamics are more complex than Palmer suggests. This is clearly an area for further research.

Palmer’s third scenario is interesting when placed within the legal service context. Solicitors, as O’Malley & Harris (1999) discovered, are cognisant that the nature and scope of their relationships with their clients is prescribed by their Code of Conduct along with that associated more generally with that of the professions. It is therefore relevant that Palmer (1996) suggests that formalised buying processes may interfere with the development of social bonds which are seen to be so important to the development of effective business relationships. This study found that the items measuring social bonds, as proposed by Gwinner *et al* (1998) loaded onto factors measuring relational atmosphere and “inner circle” recommendation benefits. This indicates that Palmer’s suggestion is indeed relevant to the private client-

solicitor relationship in that the development of social bonds leads to a positive perception of the relational atmosphere which in turn leads to trust, commitment and preference behaviours. However, it is clear that some private client-solicitor relationships do benefit from social bonds while others do not so further studies might explore how, when, and why, this does or does not occur.

During the qualitative research stage many private clients recognised a sea change in the way that they used solicitors compared with that of previous generations. They indicated that the level of deference and automatic respect towards the profession had decreased markedly while client confidence to criticise the profession had increased. So Palmer's fourth scenario may be relevant to the private client-solicitor relationship. The increasing expectations that the legal profession will police itself via the Law Society, locating and expelling rogue solicitors from the profession, along with increased familiarity with the law among the general population may have increased confidence in the reliability of any given individual solicitor to a level that has reduced the need for private clients to maintain a single relationship.

The fifth circumstance suggested by Palmer (1996) may actually be the most relevant to the private client-solicitor relationship. Perhaps solicitors, and law firms, perceive the costs of maintaining relationships with their private clients to outweigh all the "lifetime value" benefits they might receive from cultivating such relationships. This might be particularly so now that the legal profession has become a more competitive marketplace and solicitors find they are unable to increase their fees as they would like. The current government proposals, referred to as "Tesco Law", which would allow organisations to employ solicitors to provide legal advice and representation to private clients, continues the trend towards demystifying the profession and increasing the availability of legal advice and representation. Perhaps solicitors only perceive the costs and not the benefits in maintaining relationships with private clients. Since this study has focused upon private clients and not solicitors it is not possible to draw any conclusions around the fifth scenario although this is clearly another interesting area for a future research study.

In his second scenario Palmer envisages relationships that are "initiated in a non-consensual manner" (p. 20) by a superior party exercising authority over

another. Presumably this would be the solicitor over the private client in this context. However anecdotal evidence, supported by empirical research from O'Malley & Harris (1999), suggests that it is solicitors who are reluctant to maintain "relationships" with private clients, whereas it is not unusual to hear private clients talking about "my solicitor", terminology suggestive of identification with a particular solicitor. This would indicate that usage of legal services by private clients might well be a context relevant to relationship marketing. However the frequency data suggests that the relationship terminology might not be appropriate in this context. While private clients express a preference for returning to solicitors previously used they do not appear to necessarily associate this preference with the existence of a "relationship".

This could be for a number of reasons that this particular study can not yet answer. The word "relationship" may conjure up a personal bond that conflicts with the way in which private clients perceive their solicitors contribute to their "business" affairs; they may see their legal needs as a series of one-off's that do not amount to their understanding of a relationship; their preference for returning to a previously used solicitor may arise purely from the preference to have a "known quantity" when dealing with all the uncertainties that the law presents. So, in fact, the preference may be for certainty rather than loyalty. The findings suggest that this will be another fertile area for further research.

Summary

The inability to apply any of Palmer's five criteria in a simple and consistent way to private client usage of legal services suggests that the dynamics of the relationship are complex and warrant further study before firm conclusions can be drawn around the applicability of relationship marketing theory to the private client-solicitor relationship. Although private clients are more likely to express preferences for returning to a previously used solicitor or law firm than to seek alternative providers their infrequent need to use solicitors raises issues around the profitability and feasibility for solicitors of maintaining relationships with their private clients.

Although it appears that relationship marketing techniques might be relevant to a number of private clients, would solicitors benefit from building and maintaining relationships with a significant number of their private clients? This exploratory study has identified the need for solicitors to invest in the relationship in order to build trust before any benefits from private client commitment can be gained. The next section addresses the implications for solicitors wishing to reap benefits from increasing commitment among private clients.

8.3 IMPLICATIONS FOR SOLICITORS

This section will discuss the implications arising from the acceptance of the following two propositions:

- P 1** *That the presence of particular interaction variables will generate trust in the solicitor among private clients*

- P 2** *That the presence of trust in the solicitor will result in private-client commitment to that relationship*

The evidence suggests that trust is an important element in generating commitment to solicitors among private clients. The discussion will cover the specific interaction factors that have been identified as being antecedents of trust along with the potential benefits solicitors gain from private client commitment.

8.3.1 Antecedents to Trust

This study suggests that private clients are more likely to trust their solicitor when they: (1) perceive a positive relational atmosphere; (2) perceive the legal service to be a high involvement purchase; (3) believe they are benefiting from having made the solicitor aware of a recommendation from another person that should be known to the solicitor; (4) are not afraid of the solicitor; and (5) do not perceive the solicitor to be acting opportunistically. Each of these factors will be discussed below.

8.3.1.1 Positive Relational Atmosphere

The findings suggest that a positive perception arises from: (a) familiarity with the solicitor and/or other employees within the firm; (b) becoming friendly with the solicitor as a result of working together; (c) identification of similarities between client and solicitor; (d) working together in a partnership of equality; and (e) acknowledgement by solicitor that the personal information provided by clients is as valuable as their legal expertise.

Clearly the first two points (a, and b) can only arise if the relationship endures and progresses, however, a solicitor has more control over the final three areas (c, d and e).

Solicitors could make more effort to acknowledge the discomfort that many private clients feel when making personal disclosures, recognising that the process has been likened to "*stripping in front of a stranger*". The findings demonstrate that, notwithstanding that discomfort, private clients are more likely to be open and honest with the solicitor than not. The solicitor would not be able to perform the service effectively without personal disclosures so they are valuable contributions to the process and could easily be explicitly recognised as such by solicitors. The very acknowledgement of a valuable contribution might also encourage private clients to consider the relationship a partnership of equality.

Most private client-solicitor relationships commence with a fact-finding session of some description, either face to face or over the telephone. This presents solicitors with an ideal opportunity to establish whether there are any broad similarities between themselves and their clients. Of course one limitation of this study is the lack of clarity around what is meant by similarity and which similarities are more important than others. Both questions could be pursued in a future research study.

8.3.1.2 Client Involvement with the Legal Service

The findings from the study indicate that legal services are generally a high involvement purchase for private clients in that they consider it extremely important to choose the right solicitor; would care a great deal which solicitor they used and are very concerned about making the wrong choice.

Consequently, solicitors could acknowledge the difficulties that private clients have in selecting and evaluating solicitors. Solicitors could consider the ways in which they perform their services, or could perform their services, differently from other solicitors. Why should a given client choose them and not another solicitor? Does a given solicitor have a particular affinity with a specific type of client: male/female; young/old; experienced or inexperienced; career woman/housewife; husband/wife etc. One private client regretted using the solicitor she ended up with for her divorce on the basis that she thought he didn't relate to her as a housewife and felt that he would rather have represented the husband! This study suggests that private clients are more likely to trust a solicitor when they have confidence in, and can justify, their choice.

8.3.1.3 "Inner Circle" Recommendation Benefits

This study indicates that younger clients, in particular, seek recommendations to a particular solicitor from experienced contacts. They do this in the belief that they might benefit from the relationship that their contact has already established with the solicitor. Solicitors could make a point of establishing how their potential client has arrived in their office: what information sources were used and whether the initial contact is part of a selection process. Relationships with referring clients should be acknowledged to put the potential client at ease, although should not breach client confidentiality.

8.3.1.4 Fear of the Solicitor

Solicitors should take great care to create an approachable, rather than intimidating, image. Qualitative research suggests that intimidation might be linked to an old fashioned approach where the solicitor becomes a superior and authoritarian actor. Solicitors should also take steps to encourage client participation in order to minimise any feeling of losing control; and should ensure that the client is confident that the solicitor will not use any personal disclosures against them.

8.3.1.5 Opportunistic Behaviour

Private clients are more likely to think that solicitors are expensive for what they do; create delay and add complexity. Clearly solicitors need to address these perceptions, perhaps by way of managing expectations. These three areas could be explicitly discussed with the client to establish mutual expectations of the procedures; timings and costs. Too often these areas appear to be ignored by solicitors who may well think that raising the issues will cause concern. Meanwhile clients may not wish to raise these issues for fear of being seen to be inexperienced or overly concerned about costs. This study suggests that private clients are more likely to trust a solicitor who explicitly addresses these three points. The findings of Bendapudi & Leone's (2000) empirical study into client participation might be relevant here. Encouraging private client participation may reduce their dissatisfaction with an outcome that fails to meet their expectations if they feel they have contributed towards it.

It is hoped that further studies in this area will provide more detailed implementation strategies for solicitors to establish trust.

8.3.2 Benefits for the Solicitor of Private Client Commitment

This study supports the proposition that private clients are more likely to be committed to the solicitor when they trust them. Consequently it is appropriate to review the benefits accruing to solicitors from the development of trust leading to commitment. What do committed clients bring to the solicitor or law firm?

This study suggests that private clients who are committed to the relationship will demonstrate behaviours associated with preference and referral. Preference behaviours include a preference to return to that solicitor, or law firm, whenever a need for legal advice or representation arises, essentially repeat patronage. So it is important for solicitors to appreciate the value private clients could contribute over their lifetime across a range of legal services such as conveyancing and wills etc.

Secondly solicitors may not currently appreciate the benefits they may gain from referrals. It may be illuminating for solicitors to monitor referral behaviour among their private clients.

It is also important for solicitors to note the very high percentage of private clients (93%) that are willing to tell others of bad experiences and the shocking fact that over half of the private clients taking part in this study reported that they had indeed told others of bad experiences. The findings suggest that negative word-of-mouth behaviours are directly, and strongly (39% of the behaviour is explained by the relationship), related to a lack of trust in the solicitor. Given the reliance on referrals by private clients, the damage that can be done to the potential business of a solicitor by the spreading of negative word-of-mouth may be the strongest motivator to solicitors to engage in activities designed to encourage private client trust.

The qualitative research stage revealed differences in the spontaneous discussion of trust among commercial and private clients. Commercial clients all indicated a high degree of trust in their solicitors whereas private clients indicated a high degree of mis-trust and scepticism which required them to be cautious of solicitors. The way in which solicitors do business with their commercial clients can be similarly compared and contrasted to the way in which they do business with private clients. Such a comparison between the two approaches could provide other clues for solicitors wishing to develop a trustworthy image among their private clients. There is a general acceptance that commercial clients are worth investing in because of the rewards gained from frequency, volume and value, of their legal needs. Perhaps investing in private clients at a pro-rated rate would yield similar, pro-rated benefits to the firm. Linking in with the benefits to solicitors of referral behaviours arising from commitment, private clients could be encouraged to include a "friend" in any relationship investment-related activities the firm entered into. Information-led seminars and newsletters are now common place activities for commercial clients yet few law firms have extended such activities to their private clients. Such activities may well generate the positive perception of relational atmosphere that appears to be so important to the generation of trust. They may also provide opportunities for private clients to demonstrate referral behaviours as well as providing private clients with reasons for using legal services more frequently (demonstrating repatronage behaviours). A

study to compare the ways in which solicitors do business with commercial and private clients is clearly an area for future research.

8.4 LIMITATIONS OF THIS STUDY

Before considering areas for future research it is necessary to consider the limitations of the current study. This study was exploratory in nature and intended to scope the area of study in order to identify an agenda for future research required to develop models to explain private client behaviours within the client-solicitor relationship.

The major limitation of this study of the client-solicitor relationship is that it focuses on only one side of the dyadic relationship to the exclusion of the solicitor's perspective. Including the solicitor's perspective during the qualitative stage might have led to a better understanding of a number of areas, such as relationship specific investments made by solicitors for private clients, and resulted in more appropriately worded items to measure private client perceptions of these. It would certainly be advisable to include solicitors in any future research in this area.

Other limitations revolve around how representative the sample is of the research population (private clients paying for their use of solicitors) and construct development, much of which has already been discussed in the previous chapter.

8.4.1 How Representative of the Population was the Sample?

There is no way of knowing whether the respondents to the questionnaire were representative of the general population who use solicitors, since there does not appear to be any easily available statistical breakdown of the total population of those using UK solicitors.

Furthermore, the research sought to exclude private clients who are eligible for legal aid, and those who had experience of using lawyers in a commercial context. Assumptions were therefore made as to the profile of the private clients sought: that private clients paying for their personal use of solicitors

are more likely to be educated at least to degree level than not; that older people are more likely to have used solicitors more often than younger people; and that junior and middle managers within organisations are less likely to be responsible for the legal aspects of their business. Although efforts were made to distribute the questionnaire among older members of the population with above average educational qualifications the distribution was, for pragmatic reasons, predominately limited to the staff and students of a small number of business schools within the UK. As a result the respondent sample is considerably more educated than the general population and probably the population of those paying for legal services and probably more skewed towards younger private clients than in reality. One way to overcome this limitation in future studies is to distribute questionnaires to private clients via solicitors. However, this would bring with it another set of limitations. Also, given that over 40% of the respondent sample claimed to have experience of commercial solicitors, a future study might seek more effective exclusion of this group.

Another limitation connected to the distribution of the questionnaire is the lack of ability to distinguish between early and late responders. No attempt was made to distinguish between questionnaires being distributed within different institutions so there was no way of knowing if any given questionnaire was an early response to a later distribution or a late response to an early distribution. This limitation arose in part as a result of unforeseen difficulties in reaching the number of respondents through UWE, and in part by not fully appreciating the impact that multiple distribution points and events would have on the ability to track respondents.

The distribution method used also results in an inability to investigate any non-response bias. No record was made of which questionnaires were distributed through which channels. This meant that no record was available of who returned a completed questionnaire and therefore who did not. In turn this prevented any follow-up requests for late returns or the analysis of those who did not return the questionnaires at all. Indeed the researcher found that many women who took the questionnaire to complete indicated that they would pass it to their husbands/male partners to complete since they felt their husbands would have more experience of dealing with solicitors than they had. The data supports this perception with more male respondents (57.5%) than female respondents (42.5%). It could be that

Individuals were more likely to participate when they had a dissatisfactory experience to report. In this case it is worth noting that 50% of the respondents reported having told other people of negative experiences they had had with a solicitor, with 93.3% claiming that they would tell others if they did have a negative experience. However there is no way of knowing whether this figure is representative of the population of those who have used solicitors or whether it indicates a bias towards dissatisfied clients responding to the questionnaire. Of course the difference in the two responses may well indicate that the sample was balanced between generally satisfied and generally dissatisfied clients given that nearly everyone would tell others yet only half of them had actually done so. Those statistics might indicate that private clients are generally satisfied with their solicitors 50% of the time. These statistics might also support the qualitative finding that private clients generally appear to have a low opinion of solicitors as a profession, although often report satisfactory experiences that run counter to their general perceptions (section 4.6.2). It is worth noting here that this study did not seek to measure satisfaction or dissatisfaction with solicitors so this discussion is of interest only and cannot be said to be a finding of this study.

8.4.2 Construct Development

The use of measurement scales comprising fewer than three items at this exploratory stage is a further limitation. In part this arose from a combination of a lack of existing scales for particular proposed constructs (eg. acquiescence and similarity), and the use of non-directive interviews with private clients at the qualitative research stage. This meant that the researcher did not have a firm understanding of how particular constructs might be best interpreted by private clients within the context of using solicitors. Another limitation is the phrasing of several measurement items such that a yes/no response might be more appropriate than a numerical indication of the strength to which the respondent dis/agrees with the statement. These limitations arose from a lack of experience by the researcher and would not be repeated in another exploratory study

Following the qualitative stage, where it became apparent that the private client-solicitor context was characterised by dependency of the client upon the solicitor, the decision was taken to measure "blanket" dependency rather than

each of the contextual aspects of dependency that impacts upon the private client using a solicitor. Given the exploratory nature of the study this decision may not have been wise and a future study could usefully explore the proposition that the private client-solicitor relationship is indeed one of dependency.

The detailed discussions of dependency, trust and commitment in the previous chapter suggested that, by selecting particular measurement scales, all three constructs may have been incompletely conceptualised and measured within the current study. All three constructs are worthy of further research as will be discussed in depth below.

8.5 IMPLICATIONS FOR ACADEMIC RESEARCHERS: THE RESEARCH AGENDA

The purpose of this exploratory study was to identify a research agenda which would result in a model to explain private client behaviours within the client-solicitor relationship. The previous chapter, along with the above discussion, has identified a number of limitations with this exploratory study that lead to a number of areas for future study. This section is divided into three distinct research agendas: areas of study associated with the wider issue of the appropriateness of relationship marketing theory to the private client-solicitor context; areas of interest related to client motives to maintain relationships with solicitors and the resultant client behaviours; and the more general need for construct development within the professional service context.

8.5.1 The relevance of relationship marketing to the private client-solicitor context

This chapter opened with a reflection on the relevance of relationship marketing theory to the private client-solicitor context which concluded that further research is required before a firm conclusion can be drawn. Key areas that have been identified for future research are:

8.5.1.1 The Nature of the Private Client-Solicitor Relationship

Private clients are more likely to become committed to a solicitor after drafting a will than after a conveyance yet Palmer (1996) suggests that relationship marketing is less likely to be appropriate where buyers do not perceive a reason to return. This apparent conflict suggests a need for greater understanding of the influence played by different service provision within the private client context.

8.5.1.2 Benefits private clients associate with returning to previously used solicitors

The quantitative study did not explore perceived benefits from repatronage. Although private clients express a preference for returning to previously used solicitors there is some indication within the results that such a preference is not necessarily associated with the maintenance of a recognised "relationship". Perhaps the preference is for a "known quantity" to reduce the uncertainty associated with the whole context of needing to use legal services. If certainty could be introduced into the context in another way then there may not be any need for private clients to return to previously used solicitors. So it would be important for solicitors to know whether the preference to repatronage is linked to certainty/uncertainty or to relational benefits.

8.5.1.3 The development of social bonds

This study has found that social bonds lead to a positive perception of the relational atmosphere. As such it would appear to be important to understand more about the development of social bonds within the private client-solicitor relationship, particularly since it is a relationship governed by a code of professional conduct "enforced" by the Law Society.

8.5.1.4 The degree of risk associated with using solicitors

It would be interesting to learn more about the level of risk that private clients associate with using solicitors in today's climate of increasing

regulation of the legal profession. Will greater internal and external policing of the profession reduce the need to maintain relationships with solicitors?

8.5.1.5 The solicitor's perspective

The major limitation to this study is the focus on clients to the exclusion of solicitors. It would be most useful to have a better understanding of the solicitor's perspective. Do they want to build and maintain relationships with their private clients; if not, why not; and do they perceive any benefits from doing so. If solicitors can not be persuaded by the need to build and maintain relationships with their private clients on the basis of the benefits to be gained from such activity then they will never be persuaded to adopt relationship marketing theories to develop their businesses.

8.5.2 Areas for Future Study within the Private Client-Solicitor Relationship

There are two key areas for future study that would inform the development of a model to explain client behaviours within the private client-solicitor relationship. First, in relation to the antecedents generating client motivation to maintain relationships; and secondly, the client behaviours themselves.

8.5.2.1 Antecedents generating client motivation to maintain relationships with solicitors

This study has identified five antecedents leading to trust, which leads to commitment: (a) a positive relational atmosphere; (b) opportunistic behaviour; (c) client involvement; (d) fear of solicitor; and (e) "Inner Circle" recommendation benefits

(a) The development of a positive relational atmosphere:

Areas identified for future research include the identification of appropriate similarities between solicitors and their private clients; an understanding of how some solicitors manage to recognise the value of private client input and whether they acknowledge the personal conflict and discomfort associated

with personal disclosure and the need to be open and honest; reasons for the apparent difference in perception between male and female clients.

(b) Opportunistic Behaviour:

This factor appears to represent client fears that solicitors will behave in passive ways that are not in their best interest. This appears to be distinguished from the items within the factor measuring fear of solicitors. Those items appear to measure active aspects of the solicitor's behaviour. Consequently, it would be interesting to explore how private clients gain these perceptions and what, if anything, solicitors can do to reduce the perception that they do, or might, behave opportunistically.

(c) Client Involvement:

The discussion suggests that it would be useful to identify ways in which private clients evaluate the appropriateness of the solicitor used; and reasons why degree of involvement appears to increase with age.

(d) Fear of the Solicitor:

As mentioned above, in contrast with opportunistic behaviour, fear appears to be related to active aspects of the solicitor's behaviour. The results suggest that private clients are not generally frightened of solicitors. However, in light of Palmer's (1996) suggestions that relational exchange may not be relevant where buyer's confidence levels reduce the need for risk reduction, it would be interesting to explore how confident private clients are when dealing with solicitors and whether a direct relationship does exist between confidence, or perception of risk, and fear of the solicitor.

(e) "Inner Circle" Recommendation Benefits:

Although this factor makes the smallest unique contribution to explaining trust (only 9%) it would still be useful to gain a better understanding of the benefits private clients believe they get from making solicitors aware of who referred them. Such a study might also gain a greater understanding of referral behaviours including why private clients refer others and, in particular, why younger clients are more likely to seek such benefits than older clients.

Several of the measurement items did not load onto any of the five antecedent factors. This might indicate a need for further development of

items to measure a number of constructs that are posited to be generate trust, namely: Relationship Specific Investments (by solicitors); confidence benefits; and special treatment benefits. The discussions in this chapter and the previous chapter around trust suggests that confidence benefits might well be subsumed within the development of the trust construct. That items measuring RSIs or special treatment benefits did not load onto the factors may be due to insufficient understanding of what sort of RSIs or special treatments are appropriately provided by solicitors. So, further development of items, or scales, to measure these two constructs may well benefit from the input of qualitative research among solicitors.

8.5.2.2 Client Behaviours

Four client behaviours emerged from the research: (a) Preference Behaviours; (b) Co-operative Behaviours; (c) Referral Behaviours; and (d) Negative word-of-mouth.

(a) Preference Behaviours

The preference behaviours factor combines items measuring interest in alternative solicitors and relationship enhancement. It is interesting that both constructs are expressed as attitudes towards a provider but the items measured actual behaviours. The discussion above (7.4.1.1) suggests that a future study of both calculative and affective commitment might explore whether these two attitudes form components of the affective commitment construct, rather than representing behavioural outcomes associated with preference behaviours.

(b) Co-operative Behaviours

The findings suggest that co-operative behaviours are a feature of the private client-solicitor relationship and have no direct relationship with either trust or commitment. In fact co-operative client behaviours appear to have a direct relationship only with a lack of fear of the solicitor. However the discussion above also identified a study by Bendapudi & Leone (2003) which considered client participation or co-production. A future study might explore the impact of client behaviours associated with co-production of the legal service delivery rather than mere co-operation with the solicitor.

(c) Referral Behaviours

It would be interesting to find out more about who refers contacts to solicitors; in what circumstances; who they refer (family, friends, work colleagues etc); and for what purposes.

(d) Negative Word-of-Mouth

This area appears to be a fertile area for further research. Future studies could explore: the reasons for private client dissatisfaction with solicitors; in what circumstances negative word-of-mouth is spread; to whom such comments are made; to how many others; and for what purposes, do private clients gain anything from engaging in negative word-of-mouth behaviours?

As with the trust generating variables, some items did not load onto any of the four factors and further research into these constructs might also be fruitful.

(e) Advocacy:

Although it appears that private clients are happy to refer contacts to solicitors they are very unlikely to defend their solicitor if they heard something negative about them. It would be interesting to understand why this is so. It may be socially unacceptable to be seen to defend a solicitor in public, given the negative attitude of the public towards the legal profession in general. Or it may be due to a lack of confidence in our own evaluation of the solicitor versus someone else's evaluation; or it may be due to a lack desire to get involved in another person's affairs.

(f) Functional Conflict:

Private clients appear to have struggled with this construct, either because of the wording or because of the very idea that they might have differences with their solicitors or, perhaps, because they chose not to remain with a solicitor when differences arise. So it would be interesting to explore the causes of conflict within the private client-solicitor relationship; any recovery strategies used by solicitors; attitudes towards conflict on both sides of the dyad; and long term effects upon relationships when conflict arises. This is another area of future research that would involve solicitors as well as private clients because of the need to explore both sides of the dyad.

(g) Identification with Solicitors:

This construct was measured with a single item scale. The item was eliminated from factor analysis because it loaded onto two factors: Preference Behaviours and referral behaviours. A future study could explore the identification construct, using the social exchange literature, to develop a multi-item scale to measure different aspects of identification in order to test whether it is a component of the Preference Behaviours construct, or the referral behaviours construct, or a separate construct all together.

(h) Acquiescence:

The findings suggest that, since the private client-solicitor relationship appears to be characterised by co-operative behaviours, mere acquiescence is not a relevant construct to explain private client behaviours within the client-solicitor relationship.

8.5.3 Construct Development

Finally, this study suggests that academic researchers seeking to understand the professional services context might usefully explore the conceptualisation of three particular constructs, and their use within the marketing field, along with the development of appropriate scales for measurement. The three constructs are: Dependency, Trust and Commitment.

8.5.3.1 Dependency

The scale comprising three items to measure dependency was not reliable, recording an Alpha score of .33 which is well below the acceptable level of .7 for the business discipline. The discussion in the previous chapter identified two measurement scales that would be worthy of consideration by a future study: those from Andaleeb (1996) and Wetzels *et al* (1998). This exploratory study attempted to develop a scale to measure dependency based upon the client's perceived vulnerability. However both of the scales identified here (Andaleeb, 1996; and Wetzels *et al*, 1998) conceptualise dependency as a result of the criticality of the relationship to the buyer and the availability of alternative supply sources. It is recommended that future studies seeking to measure dependency within the professional services context explore the

appropriateness of a measurement scale based upon items used by Andaleeb (1996) and Wetzels *et al* (1998).

8.5.3.2 Trust

The discussion in the previous chapter identified a need to review the conceptualisation of trust in light of its multi-disciplinary nature. Literature from a number of areas, but particularly that of social exchange, suggest that scales measuring reliability are not sufficient. Given that the private client-solicitor context is primarily characterised by personal relationships the social exchange literature may well prove to be more relevant than that of channel management or industrial marketing from where the majority of the scales measuring trust in marketing relationships have emerged, in particular the Morgan & Hunt (1994) scale used in this study. Wetzels *et al* (1998) measured two separate constructs of trust associated with honesty and benevolence and there is some evidence that measurement scales should include items specifying what it is that clients trust their solicitor to do for them (Baier, 1986). When critiquing the current development of the trust construct Blois (1999) suggests that trust occurs only when customers believe that their suppliers will "*do more than they are required*" (p.199) to do.

8.5.3.3 Commitment

As with trust, the discussion in the previous chapter identified a need to review the conceptualisation of commitment. A particular issue that has emerged is the confusion generated by the use of the term "behavioural commitment" which essentially refers to repeat purchase or repatronage behaviours. The conclusion drawn from the discussion is that future studies should measure client behaviours separate from commitment, and that two different forms of commitment should be measured: affective and calculative. Any future study to measure commitment should include a more extensive literature review from a number of academic disciplines and, for the private client-solicitor context, particularly that of social exchange.

8.6 CONCLUSIONS

The analysis and discussion of the findings of this exploratory study to develop a model to explain private client behaviours within the client-solicitor relationship has led to the identification of a challenging agenda for future research. This agenda suggests the need to extend knowledge in four broad areas.

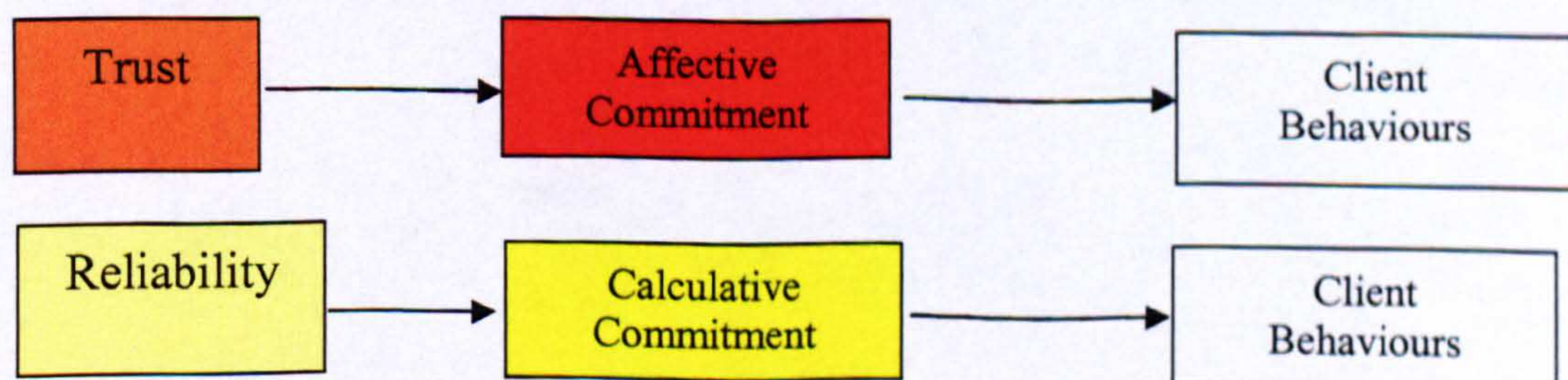
First, there is a need to determine whether relationship marketing theories are appropriate for the private client-solicitor, and professional service, context. Secondly, there is a need for further conceptual and measurement scale development of the constructs of: Trust; Dependence; and Commitment and their impact upon the private client-solicitor, or other professional service, relationships. Thirdly, there is a need for further understanding of the antecedents generating trust in, and or reliance upon, the solicitor. Finally, there is a need for further understanding of private client behaviours within the relationship.

These four broad areas can be summarised within the following three propositions for future research:

- P1** *That trust will result in affective commitment towards a solicitor;*
- P2** *That reliability will result in calculative commitment towards a solicitor;*
- P3** *That private client behaviours, within the client-solicitor relationship, will differ dependent upon the presence of affective and/or calculative commitment.*

These three propositions can be modelled accordingly:

Figure 8.2 Emergent Model for Future Research Study



This model suggests that trust will generate affective commitment towards a professional service provider. This study suggests that affective commitment is akin to Bendapudi & Berry's (1997) desire-based relationship maintenance. The model also pre-supposes that where trust is not present another form of commitment arises, that of calculative commitment. This researcher suggests that calculative commitment is another way to express dependency upon a service provider, and is therefore similar to Bendapudi & Berry's constraint-based relationship maintenance.

However, while Bendapudi & Berry (1997) posit that dependency is mediated by trust the model above suggests that, if dependency is the same construct as calculative commitment, trust does not mediate dependency. The model suggests that trust and reliability have different antecedents; that reliability leads to dependency, in the form of calculative commitment; that such dependency results in specific client behaviours that differ from client behaviours arising from affective commitment which is the outcome of trust. Further empirical research is required to test the existence of the direct relationships posited by the proposed model.

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APPENDIX ONE

EMAIL REQUEST SEEKING RESPONDENTS FOR INTERVIEW

"I am hoping that several colleagues will be able and willing to help me with my research. I am looking for people who have used solicitors for several "private" transactions (where you have acted for yourself or your family but NOT for a business) during the last 10 or so years. So if you have bought/sold 2 or more houses; drawn up a will; been involved with trusts, probate, contracts, matrimonial law or used a solicitor to represent you in court for a small claim or personal injury, etc I am keen to hear about your experiences. It does not matter if you have stayed with one solicitor/law firm or used several depending on relevant circumstances. At this stage it does not matter if you have been happy or dissatisfied with the service you received - I need to interview people on both sides of that coin. At the moment I would just appreciate a show of hands in terms of willing participants. Please email me if you would like to volunteer."

APPENDIX TWO

RESEARCH INTO THE USAGE OF SOLICITORS AND LAW FIRMS

Many thanks for volunteering to take part in this research programme. Before I can undertake the research interviews I need to know a little more about your usage of solicitors and law firms. It is not necessary to give any details of your personal circumstances for this research, either now or in the research interviews. As the research will focus on your relationship with solicitors and how you feel about dealing with them, I do need to have an outline of the relationship(s) you have.

Please could you complete this simple questionnaire which relates to your usage **during the last 10 years** (approximately).

NAME: _____

1. How many solicitors have you used during the last 10 years?
1
2 or 3
4 or More
2. How many law firms have you used during the last 10 years?
1
2 or 3
4 or More
3. Approximately how many times have you used a solicitor during the last 10 years?
Once
2 or 3
4 or More
4. How many **different matters** have you been involved in where you used solicitors? There is no need to identify which of the list apply, merely the number of different activities.
 - a. Buying/Selling property
 - b. Making a Will
 - c. Creating a Trust
 - d. Sorting out a legal dispute
 - e. Matrimonial/divorce advice
 - f. Probate
 - g. Representing you in court
 - h. Drawing up contracts
 - I. Other activities

APPENDIX THREE

PILOT QUESTIONNAIRE

THIS IS A SURVEY ABOUT YOUR USE OF SOLICITORS

This survey seeks information about the way you behave with, and feel about, solicitors who have provided you with legal services in your private life (eg: buying & selling property and matrimonial matters) and does not relate to any experience you may have of solicitors as part of your job. When completing this survey would you please circle the number that most closely indicates the extent to which you agree or disagree with the following statements where:

1 = strongly disagree and 5 = strongly agree

Questions in this section ask you about your experiences with solicitors to date.

- 1 It is important to me that I establish and maintain an on-going relationship with a solicitor 1 2 3 4 5
- 2 Solicitors should be chosen on a "horses-for-courses" basis as and when a particular need arises 1 2 3 4 5
- 3 I usually comply with requests and suggestions made by solicitors without asking for explanations 1 2 3 4 5
- 4 I would tell other people if I had a negative experience with a solicitor 1 2 3 4 5
- 5 I have told other people of negative experiences with a solicitor 1 2 3 4 5
- 6 When providing solicitors with personal information I am always open and honest 1 2 3 4 5
- 7 I like to be involved in making decisions about my case 1 2 3 4 5
- 8 I like to know what is expected of me so that I can participate helpfully 1 2 3 4 5
- 9 I believe I get a better service by working with a solicitor 1 2 3 4 5
- 10 I enjoy working with solicitors 1 2 3 4 5
- 11 If I needed to use a solicitor I would probably return to one I had used before, even if a different area of law was involved 1 2 3 4 5
- 12 I expect to have some differences of opinion with my solicitor because they are an inevitable part of a good working relationship 1 2 3 4 5
- 13 There is a particular solicitor that I refer to as "my solicitor" 1 2 3 4 5
- 14 I have referred people to a solicitor that I have used 1 2 3 4 5
- 15 I would be happy to refer people to a solicitor that I have used 1 2 3 4 5

1 = strongly disagree and 5 = strongly agree

- 16 If I heard something negative about my solicitor it would affect my opinion of him/her 1 2 3 4 5
- 17 If I heard something negative about my solicitor I would defend them 1 2 3 4 5
- 18 If I heard something negative about my solicitor I would let them know 1 2 3 4 5
- 19 I only use a solicitor when I absolutely have to 1 2 3 4 5
- 20 When I use a solicitor I am vulnerable and therefore dependent upon him/her to act in my best interests 1 2 3 4 5
- 21 If I needed to use a solicitor I have not used before, I feel I would know what to expect 1 2 3 4 5

This section of questions asks you to think about the solicitor you have used most often. If you have not used a particular solicitor more than once please think about the last solicitor that you used.

1 = strongly disagree and 5 = strongly agree

- 22 The relationship I have with that solicitor is one to which I am committed 1 2 3 4 5
- 23 The relationship I have with that solicitor is one that I intend to maintain indefinitely 1 2 3 4 5
- 24 The relationship I have with that solicitor is one that deserves my maximum effort to maintain 1 2 3 4 5
- 25 The relationship I have with that solicitor is of very little significance to me 1 2 3 4 5
- 26 I only recognise a relationship existing while I am actually involved with a solicitor on a specific matter 1 2 3 4 5
- 27 I have found that solicitor to be perfectly honest and truthful 1 2 3 4 5
- 28 That solicitor can be counted on to do what is right 1 2 3 4 5
- 29 That solicitor is interested in more than just making a profit out of me 1 2 3 4 5
- 30 I believe the information that solicitor gives me is accurate 1 2 3 4 5

1 = strongly disagree and 5 = strongly agree

- | | | |
|----|--|------------------|
| 31 | That solicitor delivers on promises made to me | 1 2 3 4 5 |
| 32 | That solicitor is very reliable | 1 2 3 4 5 |
| 33 | That solicitor can be trusted completely | 1 2 3 4 5 |
| 34 | That solicitor is someone I have great confidence in | 1 2 3 4 5 |
| 35 | That solicitor is genuinely committed to my satisfaction | 1 2 3 4 5 |
| 36 | Most of what that solicitor has told me about his/her service has been true | 1 2 3 4 5 |
| 37 | That solicitor has promised to do things without actually doing them later | 1 2 3 4 5 |
| 38 | I find that solicitor intimidating | 1 2 3 4 5 |
| 39 | I am cautious when providing information in case that solicitor uses it against me | 1 2 3 4 5 |
| 40 | That solicitor is helpful | 1 2 3 4 5 |
| 41 | I am concerned that solicitor might use negative information against me | 1 2 3 4 5 |
| 42 | I worry about losing control when I instruct that solicitor | 1 2 3 4 5 |
| 43 | That solicitor is expensive for what s/he does | 1 2 3 4 5 |
| 44 | That solicitor seems to make routine things more complicated | 1 2 3 4 5 |
| 45 | That solicitor takes longer than I expect | 1 2 3 4 5 |
| 46 | That solicitor does not take account of my personal needs | 1 2 3 4 5 |
| 47 | That solicitor provides an impersonal and mechanistic service – the legal equivalent to ‘one size fits all’ | 1 2 3 4 5 |
| 48 | That solicitor acknowledges that the personal information I provide is as valuable as his/her legal expertise | 1 2 3 4 5 |
| 49 | That solicitor and I work together – it’s a partnership of equality | 1 2 3 4 5 |
| 50 | I would say that solicitor and I are somewhat similar in many ways | 1 2 3 4 5 |

1 = strongly disagree and 5 = strongly agree

- | | | |
|----|--|------------------|
| 51 | I am familiar with that solicitor and/or other employees within the firm | 1 2 3 4 5 |
| 52 | I have become friendly with that solicitor as a result of working together | 1 2 3 4 5 |
| 53 | That solicitor was recommended to me by someone that I know | 1 2 3 4 5 |
| 54 | That solicitor also acts for someone that I know | 1 2 3 4 5 |
| 55 | I was friendly with that solicitor before I used them | 1 2 3 4 5 |
| 56 | I am confident that my interests will be well represented by that solicitor | 1 2 3 4 5 |
| 57 | I am confident that solicitor will resolve my legal problems | 1 2 3 4 5 |
| 58 | I am confident that any work will be done without the need for me to continually check-up | 1 2 3 4 5 |
| 59 | I know what to expect when I use that solicitor | 1 2 3 4 5 |
| 60 | I get the highest level of service that solicitor provides | 1 2 3 4 5 |
| 61 | That solicitor provides me with a very personal service | 1 2 3 4 5 |
| 62 | That solicitor provides personal support at difficult times | 1 2 3 4 5 |
| 63 | That solicitor takes great care with my affairs | 1 2 3 4 5 |

Now please indicate the extent to which you agree with one statement and disagree with an opposing statement by circling the appropriate number.

1. In selecting from the many different solicitors and law firms available to you, would you say that:

I would not care at all
which one I used 1 2 3 4 5 6 7 I would care a great deal
which one I used.

2. Do you think that the various different solicitors/law firms available to you are all very alike or are all very different?

They are all alike 1 2 3 4 5 6 7 They are all different

3. How important would it be to you to choose the right solicitor or law firm?

Not at all important 1 2 3 4 5 6 7 Extremely important

4. When selecting a solicitor or law firm, how concerned would you be about the making the wrong choice?

Not at all concerned 1 2 3 4 5 6 7 Very much concerned

The questions in the following section have been included to gain a better understanding of your usage of solicitors. Please indicate which categories best describes you by placing an X in the appropriate boxes below.

1. Please indicate the legal services you have used and, where you have used a service more than once, please indicate if you returned to a solicitor you had previously used or chose a new one:

	Have used	Same Solicitor	New Solicitor
Probate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conveyancing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Matrimonial/family issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wills and/or Covenants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Civil Litigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Non-contentious contractual advice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
[please specify] _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. I am Male Female

3. I am Married Single
 In a partnership Divorced
 Separated Widowed

4. I have the following educational qualifications [please indicate all that apply]:

HNC/HND	<input type="checkbox"/>	Post graduate degree (eg:MA; MBA)	<input type="checkbox"/>
O levels/GCSE	<input type="checkbox"/>	Higher research degree (eg: PhD)	<input type="checkbox"/>
A levels	<input type="checkbox"/>	Professional qualifications	<input type="checkbox"/>
Degree	<input type="checkbox"/>	Other	<input type="checkbox"/>
None	<input type="checkbox"/>	[please specify]-----	

5. I am aged
 18-20 21-25 26-29 30-34
 35-39 40-49 50-59 60+

6. I am employed Yes No

If yes please indicate your job title or role

7. The occupation of the chief income earner within my household is:

8. I am a full-time student Yes No

9. I am employed in the provision of legal services

Yes

No

APPENDIX FOUR

FINAL QUESTIONNAIRE

THIS IS A SURVEY ABOUT YOUR USE OF SOLICITORS

I'm interested in your use of **legal services in your private life** (eg: buying & selling property and matrimonial matters).

Who wants to know?

I am carrying out this research for my PhD. It is completely independent and is not commissioned, or funded, by a law firm.

Can anyone do it?

If you have used a Solicitor you should be able to complete the survey. However if you are either a Solicitor or Barrister, or you are employed within the provision of legal services, please do not!

How do you return the survey?

Please return the survey using the reply paid envelope provided and mail back to the Bristol Business School, University of the West of England, Coldharbour Lane, Frenchay, Bristol, BS16 1QY.

How important is your participation in this project?

This project cannot be completed without your help so your participation is very important and will be much appreciated. Anyone completing the application for entry into the prize draw below will be eligible for entry into the draw. There will be four prizes of £25 worth of book vouchers.

What about confidentiality?

The questionnaire itself is completely anonymous. You are not asked to provide your name. No one will contact you specifically about the survey or your responses to it. If you would like to enter the prize draw your contact details, on this covering page, will be removed from the questionnaire. If you indicate that you are willing to be contacted about future research relating to your use of Solicitors (an option below) your contact details will be retained within a separate file and will not be cross referenced to the responses given to this survey.

Application for entry into the prize draw

Name: _____

Address: _____

Post Code _____

Telephone number: _____

Email Address _____

Are you willing to participate in future research relating to your use of Solicitors?
Yes No

Signature _____

Questions in this section ask you about your experiences with solicitors to date.

Please circle the number *that most closely indicates* the extent to which you agree or disagree with the listed statements where **1 = strongly disagree** and **5 = strongly agree**

1	It is important to me that I establish and maintain an on-going relationship with a solicitor	1 2 3 4 5
2	When I need to use a solicitor I prefer to use a solicitor I have previously used rather than choosing a new one	1 2 3 4 5
3	It is pointless to establish and maintain relationships with solicitors because legal needs vary and solicitors specialise in particular areas of law	1 2 3 4 5
4	I usually comply with requests and suggestions made by solicitors without questioning them	1 2 3 4 5
5	I would tell other people if I had a negative experience with a solicitor	1 2 3 4 5
6	I have told other people of negative experiences with a solicitor	1 2 3 4 5
7	When providing solicitors with personal information I am always open and honest	1 2 3 4 5
8	I like to be involved in making decisions about my case	1 2 3 4 5
9	I like to know what is expected of me so that I can participate helpfully	1 2 3 4 5
10	I believe I get a better service by working with a solicitor	1 2 3 4 5
11	If I needed to use a solicitor I would probably return to one I had used before, even if a different area of law was involved	1 2 3 4 5
12	If a Solicitor I had used before could not deal with a legal problem I would rather use another solicitor in the same law firm than find a new firm altogether	1 2 3 4 5
13	The amicable resolution of disagreements has strengthened a relationship I have had with a solicitor	1 2 3 4 5
14	I expect to have some differences of opinion with my solicitor because they are an inevitable part of a good	1 2 3 4 5

	working relationship	
15	There is a particular solicitor that I refer to as “my solicitor”	1 2 3 4 5
16	I have referred people to a solicitor that I have used	1 2 3 4 5
17	I would be happy to refer people to a solicitor that I have used	1 2 3 4 5
18	If I heard something negative about my solicitor I would defend them	1 2 3 4 5
19	I only use a solicitor when I absolutely have to	1 2 3 4 5
20	When I use a solicitor I am vulnerable	1 2 3 4 5
21	I depend upon a Solicitor to act in my best interests	1 2 3 4 5

This section of questions asks you to think about the solicitor you have used most often. If you have not used a particular solicitor more than once please think about the last solicitor that you used.

1 = strongly disagree and 5 = strongly agree

22	The relationship I have with that solicitor is one to which I am committed	1 2 3 4 5
23	The relationship I have with that solicitor is one that I intend to maintain indefinitely	1 2 3 4 5
24	The relationship I have with that solicitor is one that deserves my maximum effort to maintain	1 2 3 4 5
25	I have found that solicitor to be perfectly honest and truthful	1 2 3 4 5
26	That solicitor can be counted on to do what is right	1 2 3 4 5
27	I believe the information that solicitor gives me is accurate	1 2 3 4 5
28	That solicitor delivers on promises made to me	1 2 3 4 5
29	That solicitor is very reliable	1 2 3 4 5
30	That solicitor can be trusted completely	1 2 3 4 5
31	That solicitor is someone I have great confidence in	1 2 3 4 5
32	That solicitor is genuinely committed to my satisfaction	1 2 3 4 5

33	Most of what that solicitor has told me about his/her service has been true	1 2 3 4 5
34	That solicitor is intimidating	1 2 3 4 5
35	That solicitor might use negative information against me	1 2 3 4 5
36	I lose control when I instruct that solicitor	1 2 3 4 5
37	That solicitor is expensive for what s/he does	1 2 3 4 5
38	That solicitor seems to make routine things more complicated	1 2 3 4 5
39	That solicitor takes longer than I expect	1 2 3 4 5
40	That solicitor does not take account of my personal needs	1 2 3 4 5
41	That solicitor is flexible	1 2 3 4 5
42	That solicitor is prepared to adapt his/her working arrangements to accommodate my individual needs	1 2 3 4 5
43	That solicitor provides an impersonal and mechanistic service – the legal equivalent to ‘one size fits all’	1 2 3 4 5
44	That solicitor acknowledges that the personal information I provide is as valuable as his/her legal expertise	1 2 3 4 5
45	That solicitor and I work together – it’s a partnership of equality	1 2 3 4 5
46	That solicitor and I are somewhat similar in many ways	1 2 3 4 5
47	I am familiar with that solicitor and/or other employees within the firm	1 2 3 4 5
48	I have become friendly with that solicitor as a result of working together	1 2 3 4 5
49	That solicitor was recommended to me by someone that I know	1 2 3 4 5
50	That solicitor also acts for someone that I know	1 2 3 4 5
51	I am confident that my interests will be well represented by that solicitor	1 2 3 4 5
52	I am confident that solicitor will resolve my legal problems	1 2 3 4 5

64. I am aged
 18-20 21-25 26-29 30-34
 35-39 40-49 50-59 60+

Indicate the legal services you have used and, where you have used a service more than once, indicate whether you used a solicitor you had previously used for that service or chose a new one:

		Never used this service	Have used service once	Have Used This Service More Than Once	
				Same Solicitor	Chose New Solicitor
65.	Probate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
66.	Conveyancing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
67.	Matrimonial/ family issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
68.	Wills and/or Covenants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
69.	Civil Litigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
70.	Employment issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
71.	Non-contentious contractual advice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
72.	Personal Injury	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
73.	Criminal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

74. In addition to using solicitors for my private affairs I also have experience of working with Commercial Lawyers as a result of my job.

Yes No

75. The occupation of the chief income earner within my household is:

Thank you very much for completing this survey. Please remember to include your contact details on the covering sheet if you wish to enter the prize draw!

