

**Artist or artisan? Towards a market-oriented culture of innovation:  
organisational culture, marketing and innovation in small English  
law firms.**

**Phillip Swaine**

**N0704240**

**Nottingham Trent University**

**A thesis submitted in partial fulfilment of the requirements of  
Nottingham Trent University for the award of Doctorate in Legal  
Practice.**

**March 2021**

## Abstract

The concepts of culture, marketing and the creation of a market-oriented firm and innovation are widely considered topics amongst academics and foremost in the strategies of commercial organisations. However, their consideration and application in small law firms has been largely ignored. In a competitive legal landscape, these concepts become more relevant. This study aimed to explore the lived experiences of lawyers and law firm management in small law firms and understand the underlying attitudes, values and beliefs towards these concepts. This qualitative research comprised of two projects and followed a phenomenological approach, adopting a Delphi method of interviewing in the second project to assist consensual agreement and triangulation of findings. The study was influenced by Schein's work on the levels of cultural visibility. The findings identified three key core essences of lawyer attitudes and experiences which could be considered as cultural barriers to the successful implementation of innovation and marketing and the creation of a market-oriented law firm. They are an individualistic, person culture, a professional attitude which conflicts with commercialism and a resistance to change.

The results suggest that in order for small law firms to compete successfully in a changing environment, the adoption of commercial techniques at a strategic level and an externally focused orientation which embraces openness and transparency, good communication and collaboration would be beneficial.

The study combined the levels of cultural visibility and phenomenological enquiry and offers a model for phenomenological, cultural research. It provides a unique, in-depth insight into the experiences and deep-set attitudes of lawyers and law firm management, specifically within the context of small law firms.

This work is the intellectual property of the author. You may copy up to 5% of this work for private study or personal, non-commercial research. Any re-use of the information contained within this document should be fully referenced, quoting the author, title, university, degree level and pagination. Queries or requests for any other use, or if a more substantial copy is required, should be directed to the owner of the intellectual property rights.

The referencing system used in this thesis is NTU Library Harvard style.

## Acknowledgements

I would like to thank Pamela Henderson for providing a very enjoyable and thought-provoking course. I enjoyed every minute of the workshops and discussions and commend Pamela for her enthusiastic leadership, professionalism and support. I was very fortunate to join a highly experienced cohort which inspired me with their individual and collective contributions and I thank them all. I need to reserve a special thanks to my two supervisors, Professor Jane Ching and Professor Jane Jarman. Both gave me an academic and personal support which cannot be overstated. They were always helpful, supportive, knowledgeable and nothing was ever too much trouble. Above all, they kept me motivated and on the route to completion and success. Without this support, I may well have fallen behind. And then there is my dog- a great third act line! I have the most beautiful, pedigree, chocolate labrador that you could imagine. His name is Bourneville. He is the centre of my world and has been so patient during my long, study sessions. He has sat at my foot whilst I worked on the project and quietly waited until I had finished. Then it was fun time! God bless him and thank you to you all.

## Table of Contents

Abstract.....	1
Acknowledgements.....	3
Table of figures .....	5
Glossary.....	6
Chapter 1: Introduction .....	7
Main Research Question:.....	9
Chapter 2: Literature Review .....	14
Organisational culture .....	14
Climate .....	23
Market orientation.....	26
Innovation .....	29
Chapter 3. Research Methodology and Method .....	34
My Philosophical Stance .....	34
Research Methodology.....	35
Research Method.....	36
Research ethics .....	36
Sampling and elite participants .....	37
The Delphi method .....	39
Interview preliminaries.....	40
The interviews.....	41
The data analysis procedure .....	41
Chapter 4 Findings and Analysis .....	43
Project 1. ....	43
Findings .....	43
Analysis. ....	45
Small law firm culture .....	45
Organic culture.....	46
Individualistic culture.....	49
Marketing and market orientation .....	51
Innovation .....	60
Core essences of findings.....	67
Project 2. ....	69
Findings. ....	69
Analysis .....	72
Small law firm culture .....	72
Person culture.....	76
Innovation attributes .....	90
Chapter 5 Conclusions .....	94
Meeting the research aims .....	94
Project 1. ....	94
Project 2. ....	97
Contributions to knowledge and practice .....	100
Limitations. ....	101
Implications for policy, practice and further research .....	101
References .....	104
Appendix 1: Information Sheet.....	115
Appendix 2: Consent form .....	117
Appendix 3: Cue cards (Culture, marketing/ market orientation, Innovation) .....	118
Appendix 4 Project 1 Interview structure and questions .....	122
Appendix 5 Project 2 interview structure and questions .....	125

## Table of figures

Figure 1. A conceptual framework based on Schein's model of culture. ....	12
Figure 2. Organisational Culture Index - typologies and value dimensions.....	17
Figure 3. Organic and Mechanistic characteristics. ....	18
Figure 4. Organic and Mechanistic cultures.....	18
Figure 5. The Denison Organisational Culture Model.....	22
Figure 6. The key dimensions of climate.....	24
Figure 7. An integrated innovation system (Codexx 2014).....	32
Figure 8. Participant Typologies - Project 1. ....	37
Figure 9. Participant Typologies - Project 2. ....	38
Figure 10. Textural and Structural descriptions.....	43
Figure 11. Key themes and phenomenological essences. ....	67
Figure 12 Cultural visibility, descriptions and core essences in small law firms.....	70

## Glossary

Climate:	“temporary attitudes, feelings and perceptions of individuals in an organisation” (Cameron and Quinn 1999, p.147).
Culture:	“pattern of shared values and beliefs that help individuals understand organisational functioning and thus provide them norms for behaviour in the organisation” (Deshpande and Webster 1989, p.4).
Innovation:	“generation, acceptance and implementation of new ideas, processes, products and services” (Kanter 1985, p.19).
Innovativeness:	“openness or reception of new ideas and adoption into practical use” (Tidd et al. 2001, p.8).
Legal Services Act 2007:	UK Public General Acts. 2007, c.29.
Legal Services Consumer Panel:	Independent arm of the Legal Services Board, providing advice to the Board about the interests of legal service consumers.
LSB:	Legal Services Board. The umbrella regulator of legal services in England and Wales, created by the Legal Services Act 2007, part 2.
Marketing:	“Marketing is the activity, set of institutions, and processes for creating, communicating, delivering, and exchanging offerings that have value for customers, clients, partners, and society at large” (American Marketing Association 2017).
Market Orientation:	“an emphasis on customers, shared knowledge, inter-functional coordination of marketing activities and being responsive to market activities” (Lafferty and Hult 2001, p.100).
Small English law firms:	One to ten partner law firms, regulated by the Solicitors Regulation Authority of England and Wales.
SRA:	Solicitors Regulation Authority. The regulatory arm of the Law Society of England and Wales, governing solicitors, solicitors’ firms and alternative business structures.
SRA Innovate:	An initiative by the SRA to help firms to innovate, to work smarter and to offer clients affordable legal services.

## Chapter 1: Introduction

The legal landscape in England and Wales has changed considerably over recent years and has become increasingly subject to market forces. The Legal Services Act 2007 heralded new forms of professional regulation and market liberalisation and these have led to increased competition through business modelling, new finance and ownership. The advancement of technology and globalisation have contributed to the pressures on legal business. The legal transaction, in many private client matters, has become less bespoke and more commoditised and is now delivered by new industry entrants with superior marketing facilities and deep pockets. Clients have become more discerning and informed, and when most law firms provide a similar technical legal advice, the need to achieve competitive advantage (Mayson 2007), stand out and differentiate becomes important. At this point, the profession of law enters the mainstream arena of marketing where marketeers would talk of creating a market-oriented firm and address the augmented service, the full product and service package surrounding the legal advice. Such concepts may be novel to an industry which prides itself on being a profession, however the pressures of market forces are real and need to be dealt with.

This study examines the culture within small English law firms towards the acceptance and implementation of marketing as a concept and the creation of a market-oriented firm. The primary focus was therefore to look at the beliefs in marketing as a valuable concept to assist the development of a progressive commercial organisation rather than to provide a checklist of marketing methods or tools. Where innovation could be considered a progressive step from market orientation towards entrepreneurialism, the study examines culture towards innovation. Similarly, the focus was to explore the predeterminant values and beliefs in the minds of participants towards innovation rather than an exploration of the types of innovation which can be used.

Drucker suggests that “a business enterprise has only two basic functions: marketing and innovation” (1954, p.2) and this study looks at the underlying attitudes and behaviours which both create and feed the culture towards these business concepts within law firms. The literature supports the notion that an appropriate culture needs to be present in firms to deliver marketing and innovation (Narver and Slater 1990; Deshpande et al. 1993; Homburg and Plesser 2000) and therefore the importance of these concepts cannot be overstated in the response to market pressures.



The Legal Services Consumer Panel recognised that “the law will increasingly become a more business-like environment” (2014, p. 49) and identified investment in marketing and new delivery methods as two aspects which held clues to the future. The Law Society of England and Wales in its report, *The Future of Legal Services* (2016, p.4), took a similar view, stating that “business as usual is not an option for many” and that “innovation in services and service delivery will become a key differentiating factor”.

Research commissioned by the Solicitors Regulation Authority (SRA) and Legal Services Board (LSB) into innovation in legal services, “the Roper Report” (Roper et al. 2015) identified three aspects which provided a base for this study. Firstly, that innovation in legal services had, to date, received almost no attention by researchers. Secondly, that there was a considerable gap between the proportion of legal service organisations which felt that their culture and leadership was supportive of innovation (80%) and the proportion which had put in place practical steps and supportive initiatives (40%). This gap was not explained and warranted further investigation. Thirdly, the research found that attitudinal barriers to change (and innovation) were generally viewed as being relatively insignificant.

Other bases for this study were found in business and marketing literature. Vickerstaff (2000) suggested that marketing had limited adoption in the legal sector and recognised the need for an underlying marketing philosophy and a supportive internal culture. Hogan and Coote (2014) found culture to be a precursor to innovative behaviours that sustain organisations, and other studies pointed to attitudinal barriers and an adverse culture within professional service firms towards marketing (Harris 1997; Harris and Piercy 1998). Vickerstaff and Hogan and Coote’s research also suggested that limited research existed on the concepts of marketing and innovation within professional service firms. This study responds to these bases.

The aims of this study were, therefore, to identify, understand and provide meaning to the in-depth views, attitudes and experiences of lawyer participants. Focusing on attitudes, values and beliefs towards the creation of a market orientation by the use of marketing and innovation, the study was concerned with cultures that underpin activity. The study provides a theoretical insight into the concepts, delivers findings in the under-researched area of law firms and identifies issues, presenting implications for effective practice. In doing so, the study answers research calls to further examine the constructs and relationships of the concepts (Hurley and Hult 1998;

Deshpande and Farley 2004; Hult et al. 2004) from an insider researcher perspective (Naples 2003). One overarching question and four subsidiary questions were, therefore, devised to support the study.

### Main Research Question:

What are the characteristics of, and relationships between, organisational culture, marketing and innovation in small English law firms?

### Subsidiary Research Questions:

1. What are lawyers' attitudes to culture, marketing and innovation in small English law firms?
2. From an individual lawyer's perspective, what are the lived experiences of culture, marketing and innovation?
3. To what extent do small law firms say that they use culture and marketing to deliver innovation?
4. From the leadership perspective (of small law firms), what are the meanings, structures and essence of the lived experience (of the owners and management) of culture, marketing and innovation?

In these questions, the term "marketing" is used holistically to encapsulate the effective use and implementation of marketing to create a market orientation. This was subsequently discussed with the participants using cue cards.

The questions were devised for two small projects with different participants. This was partly done to satisfy the requirement of two projects in the professional doctorate study and partly to obtain an element of perspective and triangulation and provide a holistic view of the concepts, their relationships and application within the small law firm. The first two questions formed the basis of interviews with individual lawyers, the second two questions with law firm management. The explication of attitudes, beliefs and values provided insight into individual motivations, barriers and commitment to marketing and innovation and showed the foundations of culture. The descriptions of experience evidenced behaviours and norms which evolved into and perpetuated firm culture. The questions were also formulated to show any gap between what is thought to be done in the small law firm and what is actually put into practice.

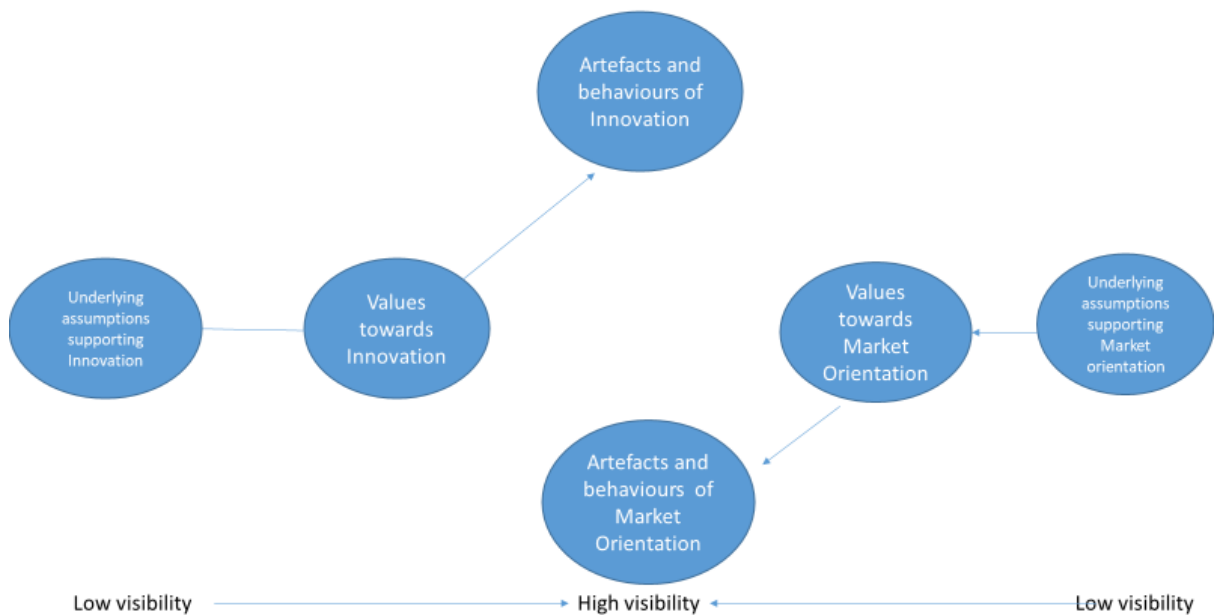
I approached this study from an insider perspective (Naples 2003) in a number of ways. Qualified in law, business and marketing, I have more than twenty years working experience dealing with legal issues, the development of legal business and the concepts of culture, marketing and innovation. I have been a group executive of large commercial organisations, led commercial development in the legal sector and consulted widely. I have been at the forefront of a number of legal sector service and product innovations and believe that an effective use of marketing and innovation, supported by appropriate culture, is essential in a competitive market. My experience pointed to a culture within small law firms which rejected concepts of marketing and innovation and the advice and people who offered it. This culture sees marketing as a concept which is not in keeping with the profession of law, its standards and ethics. This culture believes in traditional ways and seeks to be protected from emerging commercial ways which include marketing and innovation. My experience has evidenced many times the phrase “we are a profession and not a business”. When considering transactional aspects such as customer service, communication, price and transparency of dealings, I have experienced a deep-set view that the lawyer and the law firm know best and a concern and sometimes resentment that the client may have a say in this. These aspects are the domain of business and marketing. The traditional view expressed wishes to protect the status quo and does not see the need for innovation, which is a business notion and not a professional one. With regards to the encroachment of commercialism, this is often seen as an irritant which needs to be suppressed. My experience with large law firms in England and Wales only differs to the extent that they have had to address a commercial culture sooner, being on the front line of global commercialism. These larger law firms have engaged with marketing and innovation because their competitors have done so but the ingrained attitudes remain similar to those of small law firms.

I was motivated to develop a deeper understanding of views in small law firms as a “researching professional” (Bourner et al. 2001, p.71) and by the apparent tension that the concepts of culture, marketing and creating a market-oriented law firm and innovation present to the profession. When considering the Roper Report, I did not accept the notion that law firms in general had a leadership and culture which supported innovation. I also believed that the number of firms that had put in place measures of innovation should have been lower than stated. I rejected the suggestion that attitudes were insignificant and believe that attitudes are crucial to the implementation of any appropriate culture, in this case innovation (and marketing and the creation of a market orientation).

During this project, I found that it was a constant challenge and theme to contextualise and bracket my own views which have derived from the interpretation of my own experiences (Fox et al. 2007) and not to allow my perspectives to blind me from alternative viewpoints (Burrell and Morgan 1979). Having, as explained above, worked in both law firms and large successful commercial organisations, it is my experience and view that small law firms do not apply the concepts of marketing and innovation or have a culture which facilitates with these and that law firms could learn from commercial organisations on the successful implementation of marketing and innovation in creating a market-oriented firm. It was important therefore for me to be reflexive about aspects of subjectivity and positionality throughout the research, as discussed in Chapter 3. In addition to making a contribution to academic knowledge and research, these are the reasons why this study was undertaken.

In considering a conceptual framework, the concept of culture is foundational both to this study and to how the aspects of culture impact on and underpin the concepts of marketing and the creation of a market orientation and innovation. Schein (1984) points to key tenets of organisational culture which range in a visibility continuum from the invisible and underlying taken for granted assumptions through to values, and finally to highly visible artefacts and behaviour patterns. Schein's model has been used by researchers as a basis for identifying organisational culture (Maitland et al. 2015) and this study integrated his cultural factors and levels of visibility in its framework towards market orientation and innovation (Figure 1).

Figure 1. A conceptual framework based on Schein's model of culture.



This thesis represents Document 5 of six documents in the professional doctorate study. The documents have followed a sequence which has involved identifying a research plan (Document 1), considering ontological and epistemological stances and reviewing the concepts in detail (Document 2), the first research project (Document 3) and the second research project (Document 4). Document 6 presents a critical reflection of the study and process and follows the thesis. This thesis pulls together the study programme of research.

In this thesis, this chapter has provided an introduction to the study, creating a research space which contextualises the study and shows its importance. Theoretical and practitioner gaps were identified which this study is designed to fill. The aims of the study were discussed along with my views, and the research questions which aided and supported the study are stated. This project was explained as an exploration of three main concepts (culture, marketing and innovation) within the context of small law firms and an integrated conceptual framework was shown. Chapter 2 provides a detailed literature review of the concepts, underlying theories and related research. Chapter 3 discusses the research methodology and paradigm followed, my philosophical stance, the methods used and the logistical and ethical issues involved with the research. Chapter 4 sets out the research findings and their analysis. Chapter 5 draws together conclusions which meet the research aims and answer the research questions. It identifies the study's contribution

to knowledge and practice, discusses the limitations of the study and points to implications for policy and practice, suggesting areas for further research.

## Chapter 2: Literature Review

A literature review was carried out to identify the definitions, characteristics and conceptualisations of culture, the effective use of marketing and the creation of a market orientation and innovation, to assist in investigating the research questions and designing the interviews with the research participants. Whilst these concepts have been considered extensively in business, management and organisational theory, there is a dearth of practical research or theoretical application to the legal industry, specifically small law firms. An underlying theme of this research relates to the small law firm's response to commercial ways and the challenges of a more competitive marketplace. Therefore, an understanding of the concepts from business theory is justified. Electronic searching was conducted initially using the keywords of culture, marketing, market orientation, innovation, law firm, separately and together, in online databases (Emerald, Business source premier, Google scholar). From a wide and generic base, key theorists who had been multiply-referenced were identified and books, journal articles and online material were sourced. A method of tracking citations and references was adopted until the articles searched became peripheral to the study. The following sections use a thematic structure to consider and discuss each concept individually. The concepts were then synthesised to identify common characteristics which informed and guided the phenomenological enquiry.

### Organisational culture

The concept of culture is rooted in the science of humanity and anthropology (Kluckhohn 1951) and is pervasive, multi-dimensional and influential. It has been researched in a business and organisational setting in a variety of contexts including strategy (Ansoff 1979), effectiveness (Peters and Waterman 1982; Cameron and Freeman 1991), behaviour (O'Reilly et al. 1991; Mumford et al. 2002), employee turnover (Kessler 2014), performance (Homburg and Pflesser 2000) and it has been defined by numerous researchers (Schwartz and Davis 1981; Sathe 1983; Hofstede 1984; Barney 1986; Arogyaswamy and Byles 1987; Deshpande and Webster 1989; O'Reilly 1989). The attributes common to most definitions are underlying assumptions, values, beliefs, attitudes, norms, behaviours, and artefacts. Dose suggests (1997) that values emanate from social, cultural and environmental influences and set strong guidelines, standards or norms. Norms or expectations can take on a form of social control over resulting behaviour (Bettenhausen and Murnighan 1985; O'Reilly et al. 1991). The attributes are often established by

the owners, stakeholders or management in charge, are learned from experience and lay down an identity, code or organisational glue which guides the organisation.

Although culture is learned through both taught and informal means, there is theoretical discussion as to whether it is organic and an emergent process rooted in deep values and beliefs (Smircich 1983) or a mechanistic, created process, which can be used to improve commitment and achieve goals (Schwartz and Davis 1981; Deal and Kennedy 1982). Of course, where an organisational pattern of values and beliefs produces norms and expectations that shape behaviour and this is recurrent, resulting behaviours reinforce and shape the pattern. The process follows a logic that organisations and individuals behave consistently with their values and beliefs. This pattern or consciousness can be said to be implicit, invisible, intrinsic and informal (Scholz 1987), hard to detect and can be powerful (Schein 1992).

Whilst culture can be difficult to describe or decipher, its essence is often reflected in commercial management speak by the ubiquitous phrase “it’s the way things are done around here”. Dependent on its emphasis and perspective, this pattern of culture may have a beneficial or detrimental impact on the various organisational dimensions such as marketing and the creation of a market-oriented organisation and its innovativeness.

Schein suggests (2010) that organisational culture is,

“a pattern of shared basic assumptions learned by a group as it solved its problems of external adaption and internal integration, which has worked well enough to be considered valid and, therefore, to be taught to new members as the correct way to perceive, think, and feel in relation to those problems” (p. 18).

Schein’s framework of cultural visibility requires consideration of artefacts and behaviours, values and underlying taken for granted assumptions however these aspects appear to be intertwined. Assumptions are learned responses that originate from values which drive behaviour. As the behaviour becomes accepted and solves the issue, the value transforms into an underlying assumption and becomes subconsciously taken for granted (Schein 1984). To identify culture, it is important to investigate underlying assumptions which are subconscious and to determine how group members perceive, think and feel (Schein 1984).



Similarly, with values which are difficult to discern, it is suggested that we can infer them from interviews with key members of the organisation or by analysing documents and artefacts (Martin and Siehl 1983; Schein 1984). Culture is like an iceberg. There are some visible and audible patterns of behaviour, known as artefacts, which can give evidence to an underlying rationale. However, a deeper enquiry is warranted into the substantial aspects which are not visible to understand the nature and effect of the concept.

Artefacts can include an array of visual structures and processes, technology, observable behaviour, anecdotes and stories of heroes and villains. They can include the internal and external environment, language that may be unique to the organisation, style, published lists of values and observable rituals (Schein 2010).

Values are deeply respected ideals which are maintained, preferred over other views (Hofstede 1991) and are deemed by (organisational) members to be effective (Schein 2010). Underlying assumptions are implied beliefs which are taken for granted and do not need to be expressed. They are subconscious, fundamental and firmly held. Schein (1984) discusses how these derive from a number of sources: responses to humanity and nature, relationships with the environment, personal relationships and activity, and the nature of truth, reality and what it means to be a person. Such assumptions can lead to paradigms of culture which can be strong.

Organisations may wish to dominate their environment or to be harmonising. They may prefer competition over cooperation, individualism over collaboration. Internally, organisations may have strong underlying views about human nature and that employees need to be coerced to work rather than trusted (McGregor 1960). Beliefs and values can be held about anything and all aspects of the organisation can be influenced: the structure of the organisation, its strategy, internal and external perspectives, resources, processes, people and communication.

The way in which an organisation considers and prioritises its modification to the external environment (external adaptation) indicates culture, as does the way it deals with its people and processes (internal integration). Schein (1984) links external adaptation to organisational survival and points to six dimensions, which would initially come from the organisational founders: core mission and strategy, goals, means for accomplishing goals, criteria for measuring performance and remedial strategies for correction. He also identifies six key issues of internal integration where cultural answers respond: language and communication, boundaries and criteria for

inclusion, allocation of power and status, intimacy and friendship, allocation of rewards and punishment, and ideology.

Literature provides a variety of conceptualisations and typologies of culture and whilst different labels are offered, all types are underpinned by similar value dimensions with varying degrees of dominance.

Some researchers (Litwin and Stringer 1968: Ouchi 1980: Wallach 1983) suggest that there are three fundamental typologies of culture: bureaucratic, innovative and supportive. The value dimensions are identified in the Organisational Culture Index, summarised by Akaah (1993) and shown in Figure 2.

*Figure 2. Organisational Culture Index - typologies and value dimensions.*

<b>Bureaucratic</b>	<b>Innovative</b>	<b>Supportive</b>
Hierarchical	Risk taking	Collaborative
Procedural	Results- oriented	Relationship -oriented
Structured	Creative	Encouraging
Ordered	Pressurised	Sociable
Regulated	Stimulating	Personal freedom
Established/ solid	Challenging	Equitable
Cautious	Enterprising	Safe
Power-oriented	Driving	Trusting

(Permission to reproduce Figure 2 has been granted by Springer Nature).

Wallach (1983) suggests that, like individual personality, an organisation may show different dimensions whilst still being dominant in one cultural typology.

Reigle (2001) combined the three levels of culture, identified by Schein, with elements and definitions from other authors to create an author matrix of common culture elements. Drawing on Burns and Stalker's work on organisational structure (1961) shown in Figure 3, Reigle concluded that culture could be organic or mechanistic or a combination of the two with a predominance of either, Figure 4.

Figure 3. Organic and Mechanistic characteristics.

	<b>Organic characteristics</b>	<b>Mechanistic characteristics</b>
Chain of command	Little emphasis	Close adherence
Decision making	Employee emphasis and commitment to task	Top down
Work	Divisional	Functional
Task	Continually adjusting job definition	Specialised
Communication	Lateral	Vertical

Figure 4. Organic and Mechanistic cultures.

<b>Cultural elements</b>	<b>Organic culture</b>	<b>Mechanistic culture</b>
<b>Language</b>	Heroes, heroines, story tellers, positive myths and legends	Acronyms and jargon, negative metaphors, (name calling)
<b>Artefacts and symbols</b>	Symbols represent integration and support Open door policy	Symbols enforce segregation (suits and ties for managers) Small cubicles for non- managers
<b>Patterns of behaviour</b>	Celebrate work accomplishments Look for ways to do job better	Celebrate retirements Long work hours expected
<b>Espoused values</b>	Praise for good performance Flexible work hours	Quality of work stressed Due dates stressed
<b>Beliefs and underlying assumptions</b>	McGregor's Theory Y dominant: employees want to work Employees need little direction	McGregor's Theory X dominant: employees must be coerced to work Employees need detailed direction

(Permission to reproduce Figures 3 and 4 has been granted by Taylor and Francis).

Whilst based in management theory and psychology, McGregor's work (1960) was reflected in Reigle's view of culture and has been considered in the wider study of culture due to the basic assumptions and beliefs of managers about the behaviour of people at work. He suggested that

these assumptions fell into two broad categories (Theory X and Theory Y) with opposing management styles. His Theory X portrays a view of management direction and control where employees dislike and avoid work and responsibility, need to be controlled, directed, coerced and offered the carrot and stick of reward or punishment, in order to achieve organisational goals. His Theory Y adopts an open, flexible approach concerned with the integration and coordination of individual employee and organisational objectives. This theory suggests that employees can see work as an aspect of satisfaction, that they can take ownership through self-direction, show commitment and seek responsibility and be creative, assisting with organisational problems. Where such assumptions are held either organically as part of an individual's beliefs or created mechanistically and part of a managed approach, they can influence organisational culture.

McGregor's propositions can also be detected in the classifications of Harrison and Stokes (1992) who link the development of culture typologies to how people are treated, motivated and valued. They suggest that culture has a power, role, achievement or supportive orientation. Where power and resources are limited, controlled and centralised, this can lead to a benevolent leadership with direction or alternatively, a fear culture which motivates by carrot and stick, similar to Theory X. Role oriented leadership can provide stability, efficiency and organisational effectiveness however a level of leadership control can impede the creative and innovative consequences for organisational goals that Theory Y desires. Conversely, achievement and supportive orientations are based on Theory Y assumptions and emphasise job satisfaction built from shared, common goals, mission and purpose and organisations of support, trust and empowerment respectively.

Concerned with power, role structure, task maintenance and the individual perspective, Handy's four classifications of culture (1995) are similar to Harrison and Stokes though they tend towards an organisational structure bias. Some organisations may have a power culture for their entire existence and this culture typifies a small, new or entrepreneurial organisation where power and influence are held by one or a few individuals. With few rules and bureaucracy, decisions can be made quickly. Whilst this organisation can respond to change quickly, this will depend on the values and assumptions of these few individuals. As organisations grow, power decentralises through the hierarchy of structure, roles and responsibilities. A role culture can become established with formal rules and procedures though communication and decisions can be slower or suffer from the hierarchical levels. The role culture can be contrasted against the task culture which views the task as supreme. This culture develops aspects of McGregor's Theory Y (ownership, responsibility, commitment, empowerment) in that it cuts across hierarchy and

functions and uses matrix expertise or project-based teams to deliver task-oriented solutions. Handy's fourth classification, a person culture, can be seen where individuals of a similar training and expertise come together in an organisation, typically a professional organisation.

The notion of polarity between two opposing factors is a common method by which researchers identify an organisation's culture. Hofstede et al. (1990) considered differentiating culture between nationalities and identified opposing and predominant values; power distance (large and small), uncertainty avoidance (strong versus weak), individualism versus collectivism and masculinity versus femininity. Power distance considers whether the relationship between superiors and subordinates is near or far, distant or close, formal or informal. Uncertainty avoidance points to people's tolerance of uncertainty and ambiguity. Individualism indicates the orientation towards self-interest rather than the interest of their group. Masculinity points to tendencies of nature and sets the terms of assertiveness, ambition and challenge (considered masculine) against nurturing and caring (considered feminine). Further studies added the two additional dimensions of long term versus short term orientation and an indulgent society versus a restrained environment (Hofstede 2011). Hofstede et al. also identified the following six dominant factors within organisations,

- process versus results orientation (this opposes the internal means to do an activity with the concern of goal achievement)
- employee versus job orientation (this opposes a concern for people with getting the job done)
- parochial versus professional (employees' identity derived from the organisation against identity derived from the type of job)
- open system versus closed system (describes the communication climate)
- loose control versus tight control (refers to internal structuring and codes of behaviour)
- normative versus pragmatic (internal rules and thinking versus staying close to the customer and customer orientation).

Schein's definition of culture (2010) emphasises the organisational problems of external adaptation and internal integration. The first is concerned with basic survival and externality, the primary task, function or organisational mission in the environment. The latter is concerned with internality and an organisation or group's ability to function internally as a group. Schein recognises that these themes are two sides of the same coin and this tension can be seen in Hofstede's factors and other models in the literature.

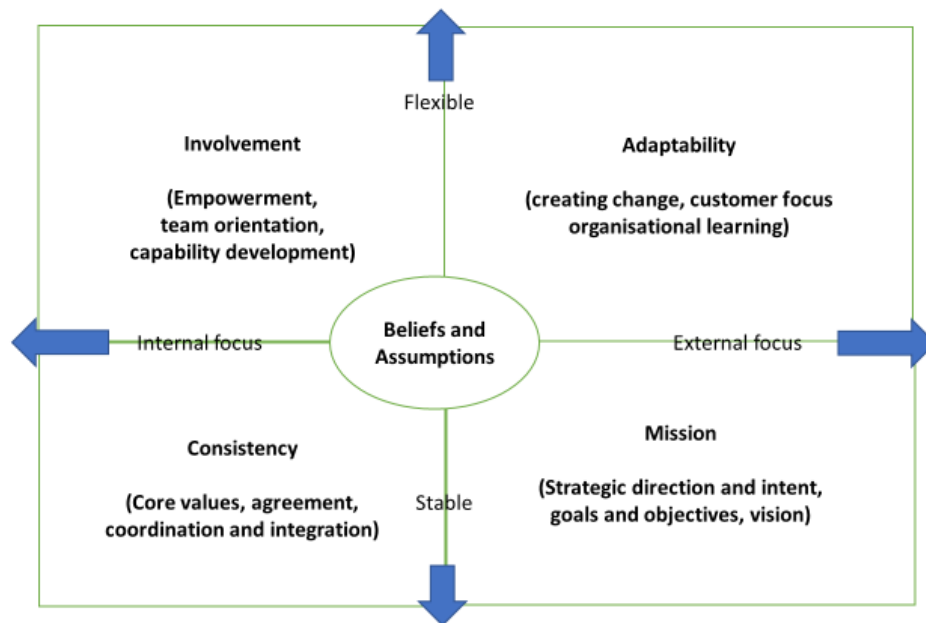
Sociability and solidarity have been considered as key characteristics of organisational culture and concern how people relate to each other (Goffee and Jones 1998). Sociability can be considered high or low on personal friendship and closeness. Solidarity has a similar range towards focus, task and results orientation and represents the degree to which people come together on shared goals and common purpose.

Denison and his colleagues (Denison 1990; Denison and Mishra 1995; Denison and Neale 1996; Denison et al. 2003) posit a model of culture which is based on the four characteristics of adaptability, mission, involvement and consistency and acknowledge the contradictions of internal integration and external adaptation, stating,

“organisations that are market focused and opportunistic often have problems with internal integration. On the other hand, organisations that are well integrated and over controlled usually have a hard time adapting to their environment. Organisations with a top-down vision often find it difficult to focus on the empowerment and the bottom-up dynamics needed to implement that vision. At the same time, organisations with strong participation often have difficulty establishing direction. Effective organisations are those that are able to resolve these contradictions” (Denison et al. 2003, p.208).

Where the characteristics of adaptability and mission have an outward or external focus, consistency and involvement have an internal predominance. Similarly, where adaptability and involvement have a bias towards flexibility, mission and consistency represent stability. This model therefore provides two opposing axes of external versus internal focus and flexibility versus stability, Figure 5.

Figure 5. The Denison Organisational Culture Model.



(Permission to reproduce Figures 5 has been granted by Emerald Publishing Limited).

Denison's work on competing values was developed further by Cameron and Quinn (1999) who proposed an Organisational Culture Assessment Instrument (OCAI) which identifies the four cultural types of clan, adhocracy, market and hierarchy.

In their model, Cameron and Quinn develop one axis from flexibility and discretion to stability and control and the other from internal focus and integration to external focus and differentiation. The upper left quartile of flexibility and internality represents the clan culture. This culture can be seen as an extended family: friendly, loyal, sharing, cohesive and collaborative. Often considered traditional, it is committed to people development, morale and employee satisfaction. This concern for people embraces teamwork, consensus, participation and involvement and considers their managers and leaders as parent figures, mentors and supporters.

The upper right quartile of flexibility and external focus represents an adhocratic culture. This is characterised by entrepreneurial, dynamic, innovative, risk-oriented behaviour which wants to lead market development and be the first in the sector. It encourages freedom and initiative, embraces change and is agile and creative. It celebrates ingenuity, constant improvement and creating new solutions.

Market culture sits within external focus and stability. This is a results-focused, goal-oriented culture which is tough, competitive and driven to getting the job done. Demanding success through performance management, its focus is on market share, penetration and leadership.

The fourth identified culture is the hierarchy culture which has internal focus and stability. This is a structured and formalised culture which adheres to policy and procedure. It is a predictable, dependable, consistent environment which provides organisational stability, control and efficiency through planning and execution.

The various models in the literature assist to identify dominant cultures in organisations and where cultural characteristics are polarised, such characteristics could be beneficial or detrimental to other concepts such as market orientation, innovation or ultimately, organisational survival. Denison and Mishra (1995) found that involvement and adaptability were the best predictors of innovation and that adaptability and mission were the best predictors of growth. As organisations exist in dynamic environments, their responses to both opportunities and threats will be determined by the underlying assumptions that are held, the values that are espoused and the behaviours which are conducted, and these form the characteristics of their culture.

## Climate

Literature shows a divergence in the terminology and treatment of the characteristics, previously described as culture, and a brief consideration of climate is warranted. The concept of climate has been researched particularly with regards to organisational effectiveness (Likert 1961; Kanter 1983) and motivation and behaviour (Litwin and Stringer 1968) and is considered to have an overlapping (Schneider 1985; Moran and Volkwein 1992), close and ambiguous relationship with culture (Ryder and Southey 1990). The terms and descriptions of culture and climate appear to have been used synonymously by some researchers (Barker 1994) and distinguished by others (Wallace et al. 1999). Schneider and Barbera (2014) recognised that the description of culture often encompasses the description of climate. The difficulties in distinguishing climate from culture (Field and Ableson 1982) are apparent and some academics point to an explicit versus implicit nature, suggesting that culture is a reflection of climate, which operates at a deeper level (Ahmed 1998). This study proceeds on the basis that climate is that part of an organisation's internal culture which reflects the temporary attitudes, feelings and perceptions of individuals (Cameron and Quinn 1999), current thoughts and feelings (Denison 1996) and as such is an artefact of culture.



Figure 6 shows the key dimensions of climate, identified from the literature.

*Figure 6. The key dimensions of climate.*

Litwin and Stringer (1968)	<p>Structure- group constraints, rules, regulations, procedures, formality.</p> <p>Responsibility- being one's own boss, micro- management, taking responsibility for job outcomes.</p> <p>Reward- acknowledgement for a job well done, emphasis placed on rewards not punishments, fairness of pay and promotion policies.</p> <p>Risk- risk taking and challenge (in job and organization), emphasis on taking calculated risks, or safe is best.</p> <p>Warmth- camaraderie, being liked, sociability, informality.</p> <p>Support- manager and colleague helpfulness and support.</p> <p>Standards- the perceived importance of goals and performance standards, emphasis on doing a good job, the challenge represented in personal and group goals.</p> <p>Conflict- managers and workers are receptive to different opinions, emphasis placed on getting problems into the open and dealing with them.</p> <p>Identity- belonging to a company and feeling valued.</p>
Jones and James (1979)	<p>Leadership facilitation and support.</p> <p>Workgroup cooperation, friendliness and warmth.</p> <p>Conflict and ambiguity.</p> <p>Professional and organisational esprit.</p> <p>Job challenge, importance and variety.</p> <p>Mutual trust.</p>
Schneider et al (1996)	<p><b>Nature of interpersonal relationships</b></p> <p>Is there trust or mistrust?</p> <p>Are relationships reciprocal and based on collaboration, or are they competitive?</p> <p>Does the organisation socialise newcomers and support them to perform, or does it allow them to achieve and assimilate simply by independent effort?</p> <p>Do the individuals feel valued by the company?</p>

	<p><b>Nature of hierarchy</b> Are decisions made centrally or through consensus and participation?</p> <p>Is there a spirit of teamwork or is work more or less individualistic?</p> <p>Are there any special privileges accorded to certain individuals, such as management staff?</p> <p><b>Nature of work</b> Is work challenging or boring?</p> <p>Are jobs tightly defined and produce routines or do they provide flexibility?</p> <p>Are sufficient resources provided to undertake the tasks for which individuals are given responsibility?</p> <p><b>Focus of support and rewards.</b></p> <p>What aspects of performance are appraised and rewarded?</p> <p>What projects and actions/behaviours get supported?</p> <p>Is getting the work done (quantity) or getting the work right (quality) rewarded?</p> <p>On what basis are people hired?</p>
Capon et al (1988)	<p>Communication</p> <p>Trust</p> <p>Participation</p> <p>Friendliness</p> <p>Self-management</p>

Schein portrays an organisation's culture as its modification to its external environment (external adaptation) and the way it deals with its people and processes (internal integration). It is apparent that the key dimensions of climate reflect his internal aspects of language and communication, boundaries and criteria for inclusion, allocation of power and status, intimacy and friendship, allocation of rewards and punishment, and ideology. If there are differences between climate and culture, they would be currency, temporality and feelings (climate) as opposed to historical, deep rooted and value-based beliefs (culture). These dimensions of climate which for this study, form part of the umbrella term of culture, are more accessible as a cultural artefact and sit at the higher level of Schein's cultural visibility.

Whilst this study is influenced by Schein's hierarchy of culture and the dimensions and competing values suggested by others previously discussed, it is also founded on Deshpande and Farley's framework (1999, p.111) which indicates that high performance firms share four key characteristics:

- "a high degree of market orientation
- innovativeness
- organisational climates of openness and trust, and
- an externally oriented organisational culture".

The next sections will address literature on the concepts of market orientation and innovation and where these concepts have been considered in relation to culture.

## Market orientation

Where the concept of marketing is a basic function of business (Drucker 1954), a central feature in the philosophy of doing business (Day 1992) and a key part of a successful organisation's culture (McCarthy et al. 1990; Hunt and Morgan 1995; Slater and Narver 1995), the construct of market orientation represents its successful implementation in the organisation (Kohli and Jaworski 1990; Narver and Slater 1990; Deshpande et al. 1993). Various terms such as "customer oriented", "market oriented" and "market driven" are used interchangeably both in business and literature and these describe an organisation's external orientation towards its markets and the way it stays close to its customers and ahead of the competition (Day 1994).

This study is influenced by the five main approaches to market orientation, propounded by Shapiro (1988), Kohli and Jaworski (1990), Narver and Slater (1990), Ruckert (1992) and Deshpande et al (1993) which cover similar dimensions but with a different emphasis.

Shapiro (1988, p.120) considered that market orientation is about understanding the customer, markets and buying influences, that it is central to the decision-making process and is a "set of processes which touches all aspects of the organisation". This decision-making approach extends beyond the marketing department and calls for a wider opportunity analysis, the sharing of ideas, solutions and approaches, and the leveraging of different strengths. For Shapiro, market orientation could be seen in the communication of information on all important buying influences

throughout the organisation, the coordination of functional and divisional decision making, and the execution of those coordinated decisions with commitment.

Ruckert's strategic approach is similar to Shapiro's decision-making perspective. Ruckert suggested that market orientation can be seen in "the degree to which the business unit obtains and uses information from customers, develops a strategy which will meet customer needs, and implements that strategy by being responsive to customer needs and wants" (1992, p.228).

Kohli and Jaworski (1990, p.6) emphasise the information aspect with their market intelligence approach. They posited that "market orientation is the organisation-wide generation of market intelligence pertaining to current and future customer needs, dissemination of the intelligence across departments, and organisation-wide responsiveness to it".

Each of these approaches points to a behaviour within an organisation, the importance of information and a notion of openness, communication and collaboration. Each point to cultural attributes and suggests that they should be present for successful market orientation to occur.

Narver and Slater's approach to market orientation is more culturally based. They suggest that market orientation is "the organisational culture that most effectively and efficiently creates the necessary behaviours for the creation of superior value for buyers, and thus, continues superior performance for the business" (1990, p.21). This view posits an understanding and orientation of the customer, the competitor and an exploitation through internal coordination. Reflected in values, beliefs and norms of behaviour, it seeks to encourage an understanding of customer needs, competitor capabilities and strategies and the ability to respond to market information to achieve superior customer value.

Deshpande et al (1993) take a similar cultural perspective though they restrict this to a customer only orientation, excluding a competitor orientation.

These main approaches point to the importance of the customer and the notion of an inclusive, firm-wide responsibility and commitment of action towards customer needs, based on market intelligence. Lafferty and Hult (2001, p.100) summarised the general areas of agreement as:

- “an emphasis on customers
- the importance of shared knowledge (information)
- inter-functional coordination of marketing activities and relationships
- and being responsive to market activities by taking the appropriate action”.

This customer emphasis or orientation can be seen in an organisation’s customer service and satisfaction, its concern with customer needs and the delivery of customer perceived value. The primary aim is to serve customers profitably and this can be achieved where the organisation’s strategy is based on customer needs and satisfaction. In order to do so, there needs to be a firm-wide commitment to customer relations, identifying and understanding needs with supportive processes in place to measure satisfaction, quality, service and value.

The knowledge to be shared may be about the customer, competitors or the micro (internal) or macro (external) environment in which the customer is served. For this to take place, the notion of sharing, teamwork and collaboration needs to be a business assumption or value, developed organically or created mechanistically. Where commitment and motivation to sharing is present, this needs to be supported by good communication and processes for information gathering, analysis and understanding, dissemination and response. In a market-oriented environment, market information is the lifeblood of business with competitor strategies being discussed, responses to competitors crafted and competitive advantage built on shared, market driven data.

Aspects of competitor orientation are strongly linked to those of inter-functional or firm-wide coordination. Market orientation sees the responsibility of marketing or to put it differently, the growth of the business and business development as the responsibility of everyone and a concept which transcends the marketing department. Of course, not all functions and personnel will directly interact with the customer. However, their role will have some impact on the customer transaction. Market orientation would not expect everyone in a firm to be marketers but would see everyone as a source of information and ideas, part of a coordinated approach to business and a representation of the firm as a brand. The ultimate firm goal of the ubiquitous saying “living and breathing the firm values” may be at the idealistic end of a scale, however functional and divisional integration and coordination, shared resources and everyone contributing to customer value are signs of market orientation.

Similarly, the aspect of being responsive to the market and taking action is intertwined with internal integration and coordination, external adaptation to the customer and competitor and commitment. It shows a motivation to external focus and also to a supportive, internal capability and resources.

To apply Schein's model of culture, market-oriented behaviours and artefacts can be seen in collaboration, good communication, teamwork and sharing, and placing the customer first. The concept of innovation now needs to be considered to identify its dimensions and underlying values which indicate culture.

## Innovation

Innovation has been described as the "generation, acceptance and implementation of new ideas, processes, products and services" (Kanter 1985, p.19). It is something new that adds value (Ross 2016) and relates to change in the way that something is done (Tidd et al. 2001). It is a dimension of competition (Maister 2001), a response to market opportunities, shrinking markets and changing customer needs (Demirci 2013) and is associated with organisational survival and growth (Vracking 1990; Wolfe 1994; Baker and Sinkula 2002; Bessant et al. 2005). It is a primary function of business (Drucker 1954) and a key factor in high performing firms (Deshpande and Farley 1999).

It is, however, a pervasive and wide embracing term which has been considered in a variety of ways. Some researchers consider innovation as an administrative or technical dimension (Damanpour 1991; Han et al. 1998), some distinguish between the product and the process (Utterback 1971; Chen 2009) and some look to the nature and degree of change as radical or incremental (Gundling 2000; McDermott and Handfield 2000; Hill and Rotharmel 2003; Subramaniam and Youndt 2005). Knight propounded (1967) that innovation has four classifications: product or service innovation, production process innovation, organisational structure innovation and people innovation. Where product or service innovation refers to the changes in the organisation's offering, production process innovation refers to the way in which the organisation operates to produce the offering. Whilst obviously relating to manufacturing industries where much of the research is based, these innovations do apply to professional and service industries. Product and process innovations could be considered technical whereas administrative or organisational innovations refer mainly to the changes in hierarchical, supportive or social structures of organisations (Evan 1966).

The notion of administrative or organisational innovation has, for some researchers, formed the basis of other conceptualisations such as business systems innovation (Hovgaard and Hansen 2004), management and marketing innovation (Trott 2005), position innovation (Francis and Bessant 2005), and the paradigm innovation of mental thought in organisations (Bessant and Tidd 2007). The idea of organisational innovation is the domain where values, beliefs and behaviours can be a part of innovation through leadership commitment, creating appropriate strategies, cultures and enabling resources.

This study does not refer in detail to the types of implemented innovations in small law firms, moreover, it is concerned with the attitudes, motivations, values and beliefs of innovation which can be the base of a firm-wide innovative culture.

A number of researchers have considered innovation as an environment or culture which exists in an organisation (Buckler 1997; Dombrowski et al. 2007; Dobni 2008), suggesting that “truly innovative organisations create a climate conducive to innovation” (Damanpour 1991, p.584).

Damanpour identified thirteen organisational variables with significant influence on organisational innovation (1991, pp. 558-559). They are:

- specialisation (access to different specialities which provide a wider, interactive knowledge base)
- functional differentiation (extent to which an organisation is divided into units)
- professionalism (the professional knowledge of members)
- formalisation (rules and procedures adherence)
- centralisation (the centrality or divergence of authority and decision making)
- management attitudes to change (leadership receptivity to change)
- management tenure (the longevity of management)
- technical knowledge resources (an organisation’s technical potential)
- administrative intensity (management proportions to lead innovation)
- slack resources (available resources to support innovative efforts)
- external communication (communication with the organisation’s market and environment)
- internal communication (the extent of internal communication, decision making and ideas)
- vertical differentiation (the number of hierarchical levels).

Dobni (2008, p.541) reviewed the literature and found four key tenets of innovation: intention (Tesluk et al. 1997; Christenson and Raynor 2003; Martins and Terblanche 2003), infrastructure (Syrett and Lammiman 1997; Tushman and O'Reilly 1997; Hurley and Hult 1998; Dobni and Luffman 2003; Martins and Terblanche 2003; Wang and Ahmed 2004), influence (Narver and Slater 1990; Jaworski and Kohli 1993; Hurley and Hult 1998; Aldas-Manzano et al. 2005; O'Cass and Ngo 2007) and implementation (Day 1990; Bossidy and Charan 2002; Dobni and Luffman 2003; Wang and Ahmed 2004).

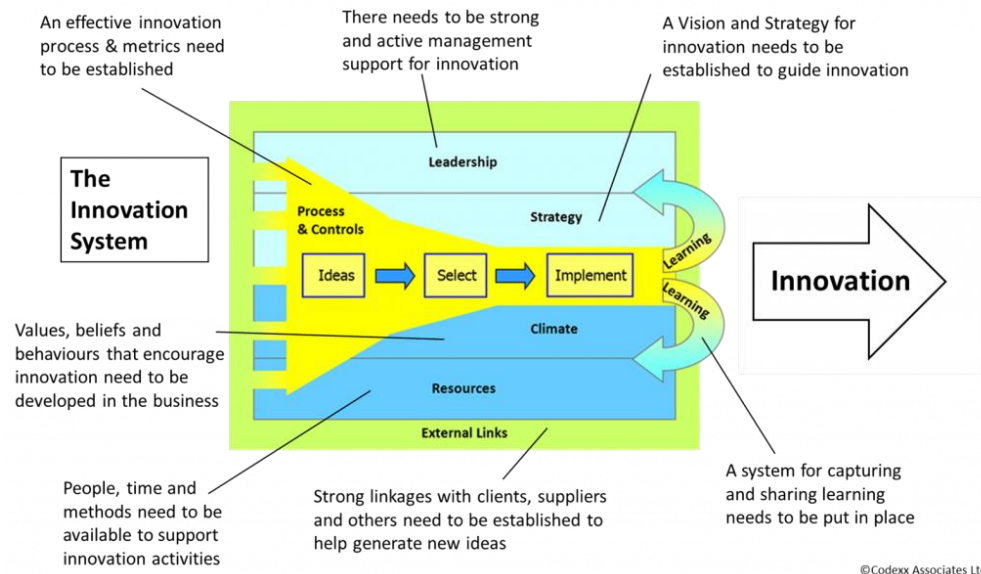
These four tenets can be detected in the eight characteristics suggested by Dombrowski et al. (2007, pp.193-200):

- an innovative mission and vision statements
- democratic lateral communication
- safe spaces/ innovative environments
- flexibility
- boundary spanning/ collaboration across boundaries
- collaboration
- incentive schemes
- leadership.

They can also be seen in the visual representation (Figure 7) of Codexx's seven factors of innovation (2014); leadership, strategy, process, resources, climate, external links and capturing and sharing learning from innovation.



Figure 7. An integrated innovation system (Codexx 2014).



(Permission to reproduce Figure 7 has been granted by Alastair Ross/ Codexx).

Applying Schein's hierarchy of culture, Hogan and Coote (2014) suggested values, norms, behaviours and artefacts which supported innovative culture. Their value dimensions related more to people innovation than organisational structural innovation and sit predominantly within the climate aspect of the Codexx system. Their review of literature suggested the following supporting values (p.1612): success, openness and flexibility, internal communication, competence and professionalism, inter-functional cooperation, responsibility, appreciation and risk taking.

a) The value of success may apply to all firms and not exclusively to innovation driven firms and relates to valuing performance and attaining challenging goals. It also looks to employee ownership and motivation to ideate and improve innovative performance, to push to do new things, generate new solutions and aim to be a creative market player.

b) Openness and flexibility represent an encouragement, expectation and willingness to be open, flexible and responsive to trying new ideas, new solutions and taking a different approach to problems.

c) Internal communication highlights the value of open communication and the quality of firm-wide communication particularly relating to new ideas, new ways, processes and practices.

d) The attribute of competence and professionalism values professional knowledge, skill and aptitude and suggests that high levels of creativity and ideation can flow from high levels of knowledge.

e) Inter-functional cooperation values firm-wide cooperation, sharing, integration and collaboration. Innovation is supported by an expectation and encouragement to work together and collaborate on new ideas, processes and implement new ways of doing things.

f) The responsibility of employees' concerns taking the initiative and ownership, particularly with new ideas and new ways of dealing with tasks.

g) Appreciation places value on the acknowledgement, recognition, reward and celebration of achievements where innovative practices are used.

h) Risk taking places value on calculated risk taking and a willingness to challenge current practice and encourage experimentation.

Where the above dimensions support an innovative culture, Kanter suggests (1996) that organisational culture influences creativity, an aspect of and "first step in innovation" (Amabile 1997, p.40). Here, culture can deliver a supportive environment or alternatively, one which can suppress creativity and innovation (Perel 2002)

It is, therefore, apparent from the literature that culture is expressed through assumptions, values, beliefs, norms of behaviour and artefacts. These dimensions combine to deliver an organisational environment which can impact on other concepts such as marketing and the creation of a market orientation and innovation which need to be considered in this research.

## Chapter 3. Research Methodology and Method

### My Philosophical Stance

When I started this study, I knew that I wanted to understand lawyer attitudes, values and behaviours. I wanted to explore the meanings and interpretations that lawyers placed on the concepts and describe and interpret those responses. I was subconsciously forming a qualitative paradigm for my research with little recognition of associated philosophical ideologies. My world view has always been that people see things differently and this has been my justification for strongly held but opposing views. My notion that there were multiple sides to reality which depended on people's own construction meant that I preferred a subjective stance to an objective one which was represented by a singular reality or truth. Theoretically, I was aligning my ontology with the interpretative approach of constructivism and opposing positivism, believing that reality was socially constructed, multiple, relative and contextual. Engaging with lawyers to focus on their perceptions and experiences and to gather their pieces of knowledge for my understanding constituted knowledge for me and this represents my epistemological stance.

Key to this research are factors of understanding, interpretation and meaning and these can occur in the interplay between the lawyer participant and their experience and between the lawyer participant and the researcher, myself. I intended this research to be value and attitude based and wanted to use my industry experience to identify meanings about the concepts. In this respect, I recognise that I am part of the research and that my interpretations are a key factor in the research contribution. I know that my subjectivity can influence this research in many ways e.g. participant sampling, data collection, data presentation, analysis and this requires consideration of two factors, my positionality and my ability to be reflexive.

At the start of this study, I wondered why my philosophical approach was relevant. However, as the study progressed, a number of reasons became apparent. An alignment of my beliefs with my research paradigm was not only beneficial and logical for my research but felt true to my personality. From a qualitative research paradigm, flowed a research methodology and methods which were coherent. In addition to being reflexive about my insider status and positionality to the research, transparency of my thoughts and methods adds credibility to qualitative research. By expressing how I see the world, it enables others, with different viewpoints, to understand my choice of method (Creswell 2008) and locate and evaluate the knowledge that I generate (Morgan and Smircich 1980). Madill et al. (2000, p.17) comment,

“qualitative researchers have a responsibility to make their epistemological position clear, conduct their research in a manner consistent with that position, and present their findings in a way that allows them to be evaluated appropriately”.

I followed a qualitative paradigm and looked for a research approach which suited the nature of my enquiry into attitudes and which was practical, considering my audience of law firms and lawyers and their professional commitments. I needed an approach which would gain a deep insight into views and which would identify the meaning that others ascribe to the concepts in issue and the complexity of their lived experiences. (Creswell 2007). Phenomenology provided an ideal research approach.

### Research Methodology

As the study of lived experience (Van Manen 1990), phenomenology aims to capture the descriptions of multiple participant realities (Lichtman 2006), locate the nature and essence of those experiences and explicate meaning (Christenson et al. 2010). In doing so, it can assist the understanding of shared lived experience of several individuals to the phenomena under investigation (Creswell 2007).

Langdrige (2007) recognises that the majority of phenomenological research is guided by two classic approaches, descriptive (transcendental) and hermeneutic (interpretive), and these can be traced back to the philosophical stances of Husserl (1931) and Heidegger (1962). I reject Husserl’s positivistic, objective and descriptive approach to seeing the world as it is rather than as it is constructed (Caelli 2001) and prefer Heidegger’s model which appreciates the importance of understanding rather than description (Racher 2003). Heidegger’s view of being in the world considered subsequent contextual interpretation and meaning to be valuable (Gearing 2004). His view was that consciousness could not be distinguished or separated from being in the world, that presuppositions are part of the being (Ray 1994; Crane 2004) and that people have an embedded context of prior conceptions and knowledge (1962).

This hermeneutic, interpretive approach reflects my philosophical stance and aligns with my exploration and understanding of the attitudes and experiences towards my research phenomena. I do, however, recognise that my interpretation as the researcher should be true to the description of the participant. This is where I believe my knowledge, experience and

understanding of the concepts and the legal sector and my positionality as an insider researcher bring added benefits to the research. This aspect of subjectivity which I perceive as a strong benefit which can assist interpretation represents a dichotomous view to positivistic and objective research. This alternate view sees this subjectivity and interpretation, along with a lack of both representation and generalisation as disadvantages to phenomenological and other qualitative methodologies.

Husserl's view of phenomenology stresses a form of bracketing or phenomenological reduction to counter this view and stay true to description. This notion is that bias and opinion, which can be transposed onto an object, can be suspended to arrive at a pure description of a phenomena. Heidegger rejected this and believed that it was neither possible nor desirable to bracket out preconceptions. Creswell (2003) suggests the researcher's bracketing of bias is a key part of phenomenological research which requires self-discipline and enables the researcher to open himself up to new interpretation. Whilst I followed Heidegger's model of interpretation throughout the research, I adopted Creswell's suggestion to take a critical and reflective stance and constantly review any potential for bias or misinterpretation to ensure that my own views assisted and did not distort the description of participants. This is also advocated by Chavez (2008) for insider research.

My intended method of interviewing lawyers, supplemented by observation during the interviews to assist interpretation, aligned with interpretive phenomenology and I followed the structure described by Groenwald (2004) to locate the participants, collect data, identify essences of phenomena and derive meaning and explication.

## Research Method

### Research ethics

Credible research is underpinned by ethical conduct and approval to carry out the research was sought from the Nottingham Trent University Professional Doctorates Research Ethics Committee and granted on 15 July 2017 before any fieldwork commenced. The concept of ethics has pervaded this study in different ways throughout e.g. formalities and documentation, respect for participant rights, research integrity and the prevention of bias, misrepresentation and participant

exploitation and this study complies with the Research Ethics Policy and Code of Practice for Research (Nottingham Trent University 2021).

### Sampling and elite participants

I used my judgement to identify lawyers who had experience and knowledge of the concepts and chose a purposive sample of elite participants to provide specificity on the phenomena with their detailed accounts. This subjective choice is open to criticism for bias and researcher influence. However, I believed that the research benefits brought by participants with a sufficient awareness of the concepts and phenomena (Newby 2010) outweighed potential detriments. It aligned with interpretive, hermeneutic phenomenological inquiry and provided an appropriate way to effectively answer the research questions.

Elite participants are those who have a beneficial insight into the phenomena under study. They may be considered superior members of a group, due to their power, talent and privileges (Hornby et al. 1983). They have professionalism, ranking and reputation (Empson 2018) and associated functional responsibilities, associations with corporate values or have considerable industry experience (Welch et al. 2002). Figures 8 and 9 show the participant typologies of Projects 1 and 2 respectively.

*Figure 8. Participant Typologies - Project 1.*

	Current position	Experience
Participant 1	Partner and head of department	22 years' experience, (associate of 1 large law firm, partner of 3 small law firms)
Participant 2	Partner	20 years' experience, (2 small law firms, law firm consultancy experience)
Participant 3	Partner and head of department	20 years' experience, (associate of 1 large law firm, partner of 4 small firms)

	Current position	Experience
Participant 4	Managing partner	21 years' experience, (2 small law firms)
Participant 5	Senior solicitor and head of department	9 years' experience, (1 large law firm, 3 small law firms)
Participant 6	Senior solicitor	13 years' experience, (3 large law firms, 1 small law firm)

*Figure 9. Participant Typologies - Project 2.*

	Current position	Experience
Participant 1	Managing partner	19 years' experience, (Senior management - 2 small law firms)
Participant 2	Managing partner	24 years' experience, (Senior management- 4 large law firms, 1 small law firm)
Participant 3	Senior manager	12 years' experience (Senior management and non-lawyer -3 large law firms, 2 small law firms)
Participant 4	Managing partner	10 Years' experience, (Senior management -1 small law firm, lawyer at 2 small law firms)
Participant 5	Managing partner	33 years' experience, (Senior management- 3 large law firms, 2 small law firms)
Participant 6	Partner	36 years' experience, (Senior management- 3 large law firms, lawyer at 2 small law firms)

Participant 7	Managing partner	51 years' experience, (Senior management- 2 large law firms, 1 small law firm)
---------------	------------------	--

Project 1 had six participants and Project 2 had seven participants though, cumulatively, they had experienced the phenomena under investigation at 49 law firms, located from the north east and north west of England to the south east and south west. The number of participants was appropriate for phenomenological research, with some academics suggesting a sample size of up to 10 participants (Boyd 2001; Creswell 1998) and an alternate view being within a range of 5 to 25 (Polkinghorne 1989). The number of participants was also influenced by study assessment deadlines and a subjective choice that I had reached a saturation point where no new or relevant data was emerging, and each category or theme was well developed (Strauss and Corbin 1998).

Due to the sequential nature of Projects 1 and 2, the elite participants in Project 2 fulfilled different aims. They expressed their experiences and beliefs of the phenomena from a law firm management perspective and also commented on and analysed the findings of Project 1, providing a triangulation of research with further information and verification of those findings (Thomas 1993). Whilst observing phenomenological criteria, these aspects of reflection, interpretation and validation on other's views in Project 2, combined with the adoption of a Delphi method of investigation and questioning satisfied the professional doctorate programme requirements of difference between the two projects.

### The Delphi method

The Delphi technique of questioning relies on the judgement of experts (Brown 1968) and seeks to derive consensus from group opinion (McKenna 1994). Designed as an alternative group decision making process to brainstorming and group participation, it can be used one to one and can reduce psychological factors such as persuasion and majority opinion influence (Helmer and Rescher 1959). The expert is asked to comment from his or her own experience, assess the reasons for earlier responses, and reflect, interpret, reconsider and possibly revise his own responses. This method emphasises the informed judgement of the expert (Brown 1968) and provides reflection and credibility to findings.



Ideally the Delphi technique benefits from several rounds of interviews with the same participant (Young and Hogben 1978), however limitations in time, resources and participant commitment restricted my use of the technique to stages within the same interview. The notion is that several interviews will produce a saturation point of the issues. Despite this, I recognised the benefits of using the technique and felt that a thematic consensus of underlying attitudes was achieved.

### Interview preliminaries

The preliminaries for each interview were the same. Initial contact was made with the participants to inform them about the research. An email was sent to ask if they would participate and, following agreement, they were sent a further email with an attached information sheet (about the research) and consent form (requiring their signature) and a meeting was arranged. (See Appendices for copies). This meeting was at a time and place of their choosing to ensure confidentiality. Some participants had discussed our proposed meeting with their partners, some had sought their permission and others participated on the basis of confidentiality and anonymity.

Before each interview, I asked the participant to read again the information sheet and collected their signed consent form. I orally confirmed their consent and understanding of the issues that I wished to discuss. I then asked the interviewee to read some prepared cue cards (See Appendices) which contained key dimensions and information about the phenomena and also statements from literature.

I informed the participant that I would make notes during and after the interview which would assist me to ask further, probing questions and assist my interpretation and later analysis of what was said. This was the extent of my observation of the participants.

With the informed consent of the participant (Bailey 1996), the interviews were electronically recorded to assist accuracy and enable the discussion to flow naturally. Each interview lasted at least one hour until the participant had exhausted their experience and sufficient description and participant reflection of the issues had been obtained, and no new perspectives on the phenomena were apparent.

## The interviews

The interviews were influenced by a number of theoretical concepts. Firstly, as qualitative interviews, they aimed to gather facts and information and learn about another's experience, emotion and meaning (Weiss 1994). Secondly and before each interview, participants were shown cue cards (See Appendices) which provided definitions and descriptions of the main concepts from literature. This was done to assist the focus of interviews. Thirdly, using previously formed questions as a guide only (See Appendices), they were not a free conversation but a semi structured interaction which aimed to follow Kvale and Brinkman's notion of phenomenology through open description, investigation of essences and phenomenological reduction (2009). This was achieved through uninterpreted and precise description, the focus on themes and a presuppositionless stance or deliberate naivete on my part as interviewer. As an interviewer and part of the research method, I engaged in active listening, summarising, paraphrasing, probing and rapport building (Baxter and Babbie 2003). Fourthly, the use of open questions was aimed to provide description of the participant's own experience, theme by theme which formed phenomenological textual description (Moustakas 1994). These questions aimed to describe and identify the 'what' e.g. what was experienced about the phenomena. Probing questions were used to obtain participant reflection by revisiting the description to provide meaning. These questions were directed at the participant's views, feelings, beliefs and convictions (Welman and Kruger 1999) and formed phenomenological structural description. These questions were more concerned with the causal relationship between the participant and the phenomena and were aimed at the 'how' e.g. how the phenomena were experienced and how this impacted on the participant. Finally and specifically for Project 2, the Delphi method (described before) was used to further probe the participant's reflection on the summary of key findings from Project 1. After each interview, the interview notes were timed and dated, and all interview data was securely stored.

## The data analysis procedure

Following phenomenological procedure, I listened to the interview recordings a number of times, to open myself up to the phenomena (Hycner 1985). Creswell (2003) suggests that this process of opening up enables a wider understanding of the participant's experience, description and interpretation. I then manually transcribed the interviews and reduced them by highlighting

descriptive statements (Creswell 2003). I identified themes in the first transcript which I colour-coded when they first appeared and then throughout. I then followed this coding process into other transcripts. As new themes emerged in later transcripts, I revisited earlier transcripts to see if these new themes appeared there and colour coded them accordingly. Good practice suggests that it is advantageous to verify the transcripts or summarised descriptive statements with the participants. However, time and participant constraints prevented this. As each interview was condensed to thematic description, these represented clusters of meaning in the form of textural (experience) and structural descriptions (reflections and meaning). I then pulled together the descriptive themes and meanings from all the participants to form a combined structure which represented the participants as a group. This thematic analysis moves from the subjective and individual participant description through to derived meaning of all participants and reflects the essences of the phenomena in issue, across the participant group.

The analysis process did provide some challenges. Whilst redirection was used in the interviews, participants did not always address and segregate unique and individual themes and interspersed their experience and reflections across the interview. They also used metaphor and synonym which required an element of interpretation to allocate these metaphors and synonyms to appropriate themes. Methodologically, one challenge was to separate the textural and structural descriptions and my aim was to identify the low inference descriptors (Seale 1999) which were summaries of descriptions with the least level of researcher interpretation.

## Chapter 4 Findings and Analysis

### Project 1.

In the phenomenological approach, textural descriptions represent the descriptions and themes of experience and structural descriptions represent reflections, meaning and explanation. Figure 10 summarises the findings of the interviews with lawyers in Project 1.

### Findings

*Figure 10. Textural and Structural descriptions.*

<b>Textural descriptions</b>	<b>Structural descriptions</b>
Culture	
Firm culture	Stories, history, respect, reputation
Organic culture	Amicable, supportive, sociable, people focused, relationship based, safe, caring
	Light of foot, not hierarchical, not bureaucratic
	Senior lawyer led, driven by leadership and management
	In transition, changing due to commercial pressure, becoming more aware of commerciality
Individualistic culture	Person culture
Marketing	
Attitudes to marketing	A personal thing- range from proactive and motivated to disinterest
	Resistance which is changing
	Restrictive versus holistic views
	Slow burning nature of marketing and lack of instant reward

Textural descriptions	Structural descriptions
	Lack of personal incentive to get involved and firm ambivalence as to involvement
	Marketing as a generational issue
Marketing strategy	Range between ad-hoc and part of business planning
	Move from informality to formality, old fashioned and traditional to progressive
Finance and resources	Key aspect
	Limited finance, value for money, cost and benefits analysis, lean and mean
	Suspicion and distrust of marketing industry
	Light of foot, quicker decision making than larger firm
	Greater pro-rata spend (of turnover) on marketing than large law firms
	Availability of marketing resources/ people-limited
Shared information	Sensitive issue, individualistic, person culture
	Did not happen due to insecurity, inconvenience, lack of trust in colleagues, a 'that's my client attitude'
Communication	Ad-hoc, opportunities can be missed
Coordination	Lack of processes in firm
Collaboration	Lack of motivation and incentive
Market intelligence	Range of market awareness- depended on resources
Responsiveness	Communication could be better- need more touchpoints with client
Client emphasis	Understanding of client needs- suggested differentiated factor with other firms
	Dissonance with lack of sharing information
Innovation	

Textural descriptions	Structural descriptions
Marketing- Innovation similarities	Funding- a key issue
Leadership, management and strategy	Innovation- a synonym for change
	Active management support
	Ad-hoc, no planning, lack of formality, light of foot
	Innovation - a generational response
Process and structure	No process, individualistic, spontaneous, let them 'run with it' approach
Creativity, implementation and commercialism	New online conveyancing quoting system
	Referral agreements with other law firms
	Social media activity
	New technology- case management systems
	Free brand awareness via sponsorship
	Internal 'ways of working' review
	New alliances with third parties
	Telemarketing
	Unbundled legal services
	A cynicism and distrust of external consultants, third parties and alliances
	A move towards multi-disciplinary practice
	Alignment with big clients on social issues
Risk aversity	Due to financial prudence, regulation and compliance
Commercial awareness	Personal motivation, firm ambivalence
	Perceived benefits of commercial training

## Analysis.

### Small law firm culture

Following consideration of the cue cards at the commencement of all interviews, it was apparent that the concept of culture created instant feelings with the participants. They did however need to reflect on what the word actually meant in tangible ways. They all acknowledged the

importance of culture and the impact that this could bring on aspects of marketing and the creation of a market orientation and innovation. When describing experiences of culture, three main characteristics appeared which pointed to a historical nature of the firm (firm culture), the development and growth of the firm (organic culture) and the way in which work and business was conducted (an individualistic culture). Here, the firm and organic cultures described have similarities to Reigle's organic culture (2001) and the individualistic culture is similar to that described by Handy (1995) as a person culture.

Participants used a narrow range of similarity to describe small law firms with overwhelming descriptions of an old fashioned, conservative nature, solid, established, with enormous integrity. The years of public respect for the firm and reputation were foremost in the mind. One participant used the word "progressive", another stated, "not set in stone, a feeling, you know what is right" and there was a reflection expressed that culture came from history and stories.

Participant 1 talked of "tracing his firm's roots back to the 19<sup>th</sup> Century" and participant 3 said, "you couldn't find a tablet which says this is what the culture is, but we all know when people do things which are not in accordance with that culture". Others used the words "valued" and "highly respected". Most participants were noticeably content to describe aspects of longevity, traditionalism and stability.

Participant 4 reflected on culture and said,

"It is interesting in terms of establishing the culture of a firm, to look back at the stories that underlie both the individuals and the firms themselves. People take with them stories and that is the way we communicate with one another".

The language used by the participants showed a fondness and positivity which reflects Reigle's view of an organic culture. The language also showed a level of shared assumptions which were taken for granted, as described by Schein.

### Organic culture

When the participants were shown cue cards identifying the typologies and classifications of organisational culture, the participants presented a variety of cultural dimensions which can be interpreted in different ways. All the participants rejected the innovative typology identified in

the Organisational Culture Index and summarised by Akaah (1993), preferring overwhelmingly the supportive typology. The innovative value dimensions which caused most concern were risk taking, pressurised, enterprising and driving. There was a common affinity expressed for the supportive typology with dimensions expressed of sociable, amicable, supportive, people focused, relationship based, caring, safe and open door. One area of mixed views was whether small law firms were bureaucratic and hierarchical. The Organisational Culture Index shows a third distinct typology of bureaucracy and all the participants struggled with this typology. All acknowledged that small law firms were established, solid and cautious (bureaucratic dimensions) but vacillated over the dimensions of power orientation and hierarchy. Observational notes of the interviews show a degree of selection and a desire and tendency to select the more sociable dimensions. Whilst the bureaucratic typology suggested dimensions of procedure, structure and order, some participants were keen to stress that the lack of formality, structure and personal freedom, aspects common to their law firm, did not mean that their firm was a soft touch.

Participant 5 emphasised a sociable culture stating, “We have a very sociable firm. You are encouraged to get on with people, staff. We have a staff social event every month”. Participant 2 said,

“We are a people firm. Internally, we work very hard at being a people focused firm because we recognise that if people are valued and recognised at what they do they perform better. We translate that through and try and treat every client as a unique individual, so we recognise their wants and needs”.

Participant 3 agreed that small law firms tended in his experience to be “sociable, supportive, safe and trusting”. Participant 3 continued,

“When staff reach particular milestones in their careers or in their relationships, getting married, having children or significant birthdays, there is a big focus on making sure team members are involved in the recognition of that. Likewise, with loyalty for long serving members of staff, that is rewarded. Also, when people are facing the tougher challenges, we are very understanding. The firm has been extremely supportive”.

Participant 1 agreed with the sociable descriptions but took an outlier approach believing his firm was too easy going and needed to “rein back” some control. He said, “We are certainly not a power culture. I have experienced power culture in previous firms, larger law firms”.



All the participants associated power with hierarchy and participants 1 and 3 were pleased to emphasise that their practices were not hierarchical. Participant 3 added,

“Previous firms have been hierarchical. Here, there is a definite push not to be hierarchical. In big law firms one would expect the hierarchy and structure to be very obvious, omnipresent. You can’t fail in big law firms to know your place in that organisation”.

However, Participant 2 saw the benefits of hierarchy, stating,

“Sometimes there is a tendency to view hierarchy as a negative thing but actually you need some form of structure for people to hang their beliefs onto, so you do need hierarchy. Culture is driven from the hierarchy and the leadership of management”.

Whilst stating that his firm was “sociable” and “the best culture I have ever seen”, Participant 5 said that his firm was “bureaucratic and structured and that this was a good and a bad thing”. Participant 6 recognised negative attributes to bureaucracy stating,

“Bureaucratic, that’s our work. It’s a case of red tape and cutting through it. It can affect the decision-making process, the more people that need to be consulted. It depends on the person. I’m flexible, easy going, whatever makes life easier, for me and my client. It’s that rigidity and bureaucratic and procedural nature which I think marks out a good lawyer but the excellent lawyers who really add value, they are the ones who take what the client is asking for and turn it into what they actually want. Some (lawyers) want to be procedural because they want to fit within that strict regime, know it inside and out and do it well whereas others want to push boundaries, innovate or differentiate what they do”.

The structure of small law firms was predominantly flat, fluid or not present and “not procedural”, “not slavish to procedure” and “flexible discretion” were words used by participants.

The notion of a power orientation and culture had negative connotations with participants who pointed to large law firms. However, all participant descriptions matched Handy’s power culture description where the power and influence resides with a few people. Participants described one benefit of this as being “light of foot” which was contrasted against the bureaucracy, tedium and slowness of decision making in large law firms. This is recognised by Handy’s role culture found in larger firms where roles, responsibilities, hierarchical levels and structure exist.

Participants described an organic culture which was predominantly led by senior, older and more established lawyers and pointed to both generational and commercial influences. Participant 1 said, “management knows it has to change and wants to be here in years to come” and participant 3 stated that his firm had recently used external consultants to look at their culture and this had resulted in a change from a previously internal focused firm to more external focus. Participant 2 similarly mentioned a move towards formality and uniformity and participant 4 suggested that a recent merger had brought issues of culture to the forefront. He said,

“On the surface, the two firms appeared very similar, two three office firms, similar long history, similar client bases, similar types of work, and you would have thought a merger of two mirror images effectively however the reality is somewhat different”.

Referring to his own part of the merged business,

“There was an older partnership structure with younger partners coming through and they (the younger partners) noticed the world was changing. Things needed to be addressed. It couldn’t be a given that you would just open your door and people would walk through. The other firm worked in an old-fashioned manner. There was no forward thinking. The stories on our side of the business were about success based upon recent achievements and people getting out there and developing things whereas the story on the other side was well, we’ve done alright off the clients and we’ll stick to what we think is best and is tried and tested. Our part of the business was more flexible and there was more discretion. You were empowered to go out and do something and if you were seen to do it well you were appropriately rewarded. On the other side there was more inflexibility and control at the top”.

Whilst the sociable, amicable and discretionary dimensions of Reigle’s organic culture were very present, there was an expression and in some participant’s cases, a desire for a more controlled environment and formality. This represents a move away from the omnipresent McGregor Y theoretical approach of laissez-faire towards McGregor’s Theory X.

### Individualistic culture

An individualistic culture was ubiquitous. Despite the strong affiliations expressed towards sociability, all the participants confirmed a very individualistic attitude, not just to their work, but to their firms.

Participant 1 pointed to the prevalence of a 'that's my client' attitude and said, "the lack of sharing was a problem in all law firms. It is worse in larger law firms than smaller law firms. There is definitely value in sharing and this can be missed".

Participant 2 said,

"There is a lot of insecurity in solicitors. They think that someone else may be better than them and that they won't get the client back. They didn't share in the past through insecurity. It's definitely a generational thing. It depends where you cut your teeth, in a city firm or a nurtured provincial firm. They don't share in the city. Younger lawyers are better. If you have a culture where you must hit your target, people become work hungry and don't share. We try to make sure people can feel that they can share their work. We do need to communicate better though".

Participant 3 said,

"There is a culture of sharing in this firm. Definitely at other firms and larger firms I have worked for, partners were very loathed to share their clients. There is a lot of ruthless competition between partners in those firm. They wanted to keep the client's loyalty and that is what kept them safe. In a small law firm, you can't operate the same, it's not viable".

Participants recounted their historical experiences of previous law firms that they had worked for invariably, in a negative way. This contrasted with a more positive reflection on their present firms. Whilst descriptions confirmed the prevalence of an individualistic culture, participants were more guarded about their present firms and qualified their statements with words like, "communication can be better", "it can be improved", "sharing information is important and we don't do enough".

Participant 4 recognised the importance of sharing information and good communication but suggested that it depended on the individual, incentivisation and resources. He described a flexible, ad-hoc approach and mentioned that it is often seen as an inconvenience by non-managers. He discussed the idea that an individualistic culture was predominant in law firms where solicitors felt that the client was their own. He said,

"Not so much in our firm but it definitely happens to the detriment of the development of the firm because it's all about me rather than what is best for the firm. Some relationships are personal but need to be nurtured within the firm to become a broader client. Large law firms try to mitigate this by getting

their different department tentacles into a client. This makes sense. Does this inspire the lawyer to be more collaborative, it depends on incentivisation. I'm not sure law firms cultivate a culture of making them want to stay. The problem lies with both the firm and the individual. Should it change? From a firm's perspective yes, from an individual's perspective probably not".

Participant 6 acknowledged related issues about client ownership and pointed to the consequences of sharing client information,

"Some partners have recently left because they wouldn't toe the party line on sharing. We are supposed to be better as a collective not each doing our own thing. There is a generational thing. Younger lawyers are more tolerant. Shared information is incredibly important, but protectionism is an issue. Sharing all the information can result in them taking all the work or leaving the firm and taking the client with them. Communication depends on the person and the department. Some tend to work in a bubble and cross selling can be missed."

Contrary to the notion of sociability and derivative aspects of sharing, collaboration and teamwork, an individualistic or person culture (Handy) does not represent a personable culture, more an individualistic culture which places the individual before the firm and this individualistic nature was prevalent throughout the participants' descriptions. The idea of sharing client information is a key tenet of marketing and creating a market orientation (Shapiro, 1988) and whilst this was accepted by the participants, there was widespread agreement that this was a sensitive point. The basis of this contention is client ownership. With some qualification, the participants described an overriding person culture from their experiences where the client was viewed as the client of the solicitor, to the detriment of the firm.

Following identification of generic cultures, the study considered specific values, attitudes and behaviours towards the use of marketing and the creation of a market orientation and innovation. As the nature of these generic cultures is pervasive, there is an overlap where sharing, teamwork and collaboration were specifically considered in relation to marketing and innovation by the participants, noted below.

### Marketing and market orientation

Literature suggests that marketing and its implementation and development (market orientation) is a key part of a successful organisation's culture (McCarthy et al. 1990; Slater and Narver 1994; Hunt and Morgan 1995) and the participants were shown cue cards of the main approaches to

market orientation and the key dimensions for success (see Appendices). Observational notes of the interviews suggest two things.

Firstly, it was apparent that the term “marketing” had different meanings and connotations for the participants. Two more junior participants took a very restrictive view of marketing, distinguishing it from business development. To them, the firm’s signage, website, social media and brochures represented marketing whereas all the other client-related matters came under business development. The majority had a holistic view which incorporated the whole environment of development. From an academic perspective, there is a tradition of subsuming everything under the umbrella term of marketing. In practice the term “business development” tends to represent a modern view and reflect the proactive side of business and commercialism. This research seeks to capture all views of marketing, and similar descriptive terms such as business development were encapsulated in the proposition of marketing and the creation of a market orientation, and discussed with the participants on commencement of the interviews.

Secondly, whilst the dimensions were distinctive, participants tended to provide answers which covered a number, and these are presented in this study as,

- attitudes to marketing (and the creation of market orientation)
- strategy
- funding and resources
- shared information, communication, collaboration and coordination (internal)
- market intelligence, responsiveness and client emphasis (external).

#### *Attitudes to marketing (and the creation of market orientation)*

This aspect is central to the research and the findings suggest a high level of agreement between the participants on a number of bases. All of the participants acknowledged the importance of marketing and suggested that they themselves had a proactive, motivated stance but knew of colleagues (both past and present) who were not interested. All suggested that commitment and motivation was a personal thing and that involvement in the firm’s marketing activities was optional. All participants suggested that they were aware of a professional resistance to marketing, however they suggested that this is changing and were keen to disassociate themselves and their firms from this view. A prevalent view was that marketing was a generational

issue, positively discriminated against by some older lawyers who viewed it as a waste of time and not professional. Younger lawyers who had grown up in a marketing and technological world took a more proactive stance.

Participant 1 said, "Attitudes towards marketing vary. My attitude is very positive. Overall, the firm's attitude is positive but there are always people who don't fully understand or want to understand or are happy to leave to other people".

Participant 2 gave a similar description of people being different, that she had experienced the dinosaur views towards marketing and saw the importance of looking at things as a consumer and not a lawyer.

Participant 3 said, "I am heavily committed to marketing, it's a core focus for me". He went on to reflect about the commitment of others and said,

"Marketing is an unknown quantity and I think it is human nature that people are not prepared to put their energies into things that may not reap reward or recognition as opposed to where they can easily achieve tangible gains. With regards to the more senior generation of lawyers, for many years there were very strict rules regarding marketing so it's not so much that some people don't welcome marketing, they were schooled and trained to avoid it. That does still have a resonance with certain people. Some people think what's the point in marketing".

Recognising the need for marketing, participant 4 said, "there is pressure on the industry, more competition, more fickle clients and a problem when you have transactional customers and not clients". He expressed his interest in marketing and drew a distinction between the generations stating,

"the younger, new generation and aspirant partners were more keen on marketing compared to a previous generation. That generation couldn't care less about marketing. They feel that if you can have an easier profitable life, why not. Things are evolving, becoming more of a business".

He then pointed to a professional attitude and said, "I don't regard myself as a professional. I think more as a businessman. I am not unjustifiably superior". He stated that there was no expectation on behalf of the law firm that lawyers got involved in marketing and that it purely depended on the individual. Reflecting on this involvement, he showed a scepticism, stating,

“Junior fee earners tend to be more individualistic in terms of their marketing and I get that. If you look at people’s incentives, I want to make a mark, how do I make a mark, I make a mark by the way in which law firms measure success and law firms generally measure success in terms of fees. I don’t like that as a sole metric of achievement. We need to find different ways of incentivisation. Some people who are not great lawyers, hang their hat on being a great marketing person. There is a class of lawyer who preys on the naivety of management in terms of measuring their success. They might not achieve in one area, but they hope with bluster they might achieve in another area and those people don’t stay long and are found out. Some people want to graft, they have no desire to market whatsoever and they tend to be better lawyers. Then there are those who tend to have a heavy reliance on marketing, and they tend to lack substance”.

A range of commitment and attitudes to marketing was expressed by participant 5 who said,

“In my first small law firm, marketing was done by the senior partner only. There was no input from any other staff, there was no real plan. I think maybe it was because of the way he was taught, that the work will come to you. It was old fashioned and traditional. My second firm, their marketing was more efficient. They had a department. There was more involvement by the individual fee earner, doing their own business development, the onus was on you and you were recognised for doing it. Where I am now, the culture is the best I have ever seen, you are actively encouraged to participate inside and outside the workplace, both professionally and socially.”

This participant described himself as a businessman as well as a lawyer and stated that marketing was necessary and needed to be encouraged.

Commenting on the individualistic nature of marketing, commitment and resistance, participant 6 said,

“My attitude to marketing is open and receptive. I don’t do as much as I should. There is definitely resistance to marketing, up and down the chain. It’s apathy because it is so much effort. I can also see a professional aspect, everywhere you look in terms of marketing and development. I think it’s a personal thing. I love it but you would be surprised how many people do it. It is a slow burner unlike tenders or referrals where work is quicker. There is a generational thing, young people are more in tune with marketing, they have grown up with it and marketing itself has developed”.

McGregor’s Theory Y approach can be seen in the optional involvement of lawyers with marketing and arguably, does not serve the creation of a market orientation and the law firm well. Some

participants discussed rewards and incentives and this points to the “carrot” (carrot and stick approach) in McGregor’s Theory X which impacts on motivation. It was also apparent that a generational dimension will result in some change.

### *Strategy*

The existence of marketing strategy and planning in small law firms varied, according to participants, from no planning to being part of business and department plans. The predominant view pointed to no formal planning which was described as “ad-hoc, loose, flexible, lacked consistency”. All the participants recognised the need to conduct more marketing and suggested that change was taking place. Old traditional ways were becoming more progressive and more formality was being given to planning. Observational notes queried whether the participants, who were predominantly law firm partners, felt uncomfortable about a lack of strategy and their marketing effort and confirming this. They might have felt that they needed to add a rider that things were changing and that their law firms were becoming more aware of commerciality. Notes also queried whether the interviews and the position and experience of myself as the researcher, created a tension about a lack of concern for strategy, which they felt they needed to resolve.

Participant 1 stated that “whilst there was no formal marketing plan, they were in a transient period and things were getting better. Marketing was done behind closed doors and is now opening up”.

Participant 2, who had significant experience as a consultant to law firms, said,

“In small firms, there tends to be no real formal recognition given to marketing, it just happens. Marketing was done ad-hoc. A lot of law firms would say we need to do marketing, but it was a concept rather than knowing what to do. They thought they ought to do something because they had heard about it. We recognise the importance of marketing, but other law firms don’t from my experience”.

This participant went on to describe the firm’s business plan, department plans which incorporated marketing, strategic away days for discussing marketing and the employment of a marketing manager. This participant was more concerned about the practicality of marketing, rather than written plans, mission and vision statements. Despite the existence of an employed



marketeer at this firm, lawyers still did not engage with marketing and that was their choice, which was accepted by the firm.

Theory and good practice both point to a leadership commitment to strategic planning as a step towards effective implementation (Ruckert 1992). It was apparent that even if marketing plans were in place, there was a lack of communication of those plans and a widely agreed lack of involvement and interest on the part of lawyers which was accepted by the law firms. Participant 5 said of a strategic marketing plan, "I'm not aware of it. It's probably there. I don't get involved with it".

The points on strategy were closely linked to aspects of funding and resources and to internal communication and coordination.

#### *Funding and resources*

Financing activities to market small law firms was a key aspect in the experience of participants. Predominant themes were limited finance, value from marketing, costs and benefits analysis, staying lean and being flexible.

Participant 1 said,

"The difficulty as with every small firm is resources, financial resources and general resources. In the larger firm you have the benefit of more substantial resources which won't necessarily be focused well. With a small law firm, you tend to be more careful about what you spend your money on and what you get back as a return for that spend. We do not have a budget. It's a case of shall we invest. We are light of foot which is a real benefit".

Participant 3 said,

"A fundamental which drives culture in terms of innovation and marketing particularly for small law firms is the available funding, balanced against the perceived need and benefits. You only have a limited pot of money. You need to get value for money. There is probably much more care taken in a small law firm, than a large law firm. It's a big issue and there is much more collective decision making in a small law firm. I think small law firms need to spend more. There are basic needs to get certain marketing done, signage, websites, marketing literature. I would expect that the pro-rata costs for a small law firm are greater than a large law firm".

Participant 4 said regarding funding and resources,

“Finance is a major barrier to marketing and development from a firm perspective. You have to be discerning as to where you place the resources., where you place the money, it’s got to be lean and mean as our salespeople are also fee earners. The balance has to be struck. You have to be discerning in terms of what you regard as good marketing opportunities.”

Some participants acknowledged the use of external marketing consultants and recognised a lack of marketing experience within the law firm. Despite this, there was an apparent suspicion of external marketeers and the marketing industry. Participant 4 said,

“I am a bit schizophrenic when it comes to marketing. I think there is a marketing industry out there that targets naive, unsophisticated (in a marketing sense) professionals. You pay a large fee, they are full of appearance and no substance, they are drizzle makers. They spend all their time getting the weather together then nothing happens in terms of rain. I need to get something out of it”.

Where a marketing manager was employed, they tended to work in isolation with little departmental coordination or contribution and interest from lawyers. Participant 2 said, “We have a marketing manager and a plan. People are not really interested, and we don’t push it”.

Whilst current inefficiencies were recognised due to lack of coordination and interest, most of the participants, who had previous large law firm experience, were keen to stress two things. Firstly, that small law firms spent a higher percentage of turnover on marketing than large law firms. Secondly, that despite fully funded marketing budgets, large law firms wasted finance on marketing which was not used effectively. Most participant reflections preferred the light of foot, flexible though ad-hoc approach of small law firms. Participant 6 said, “Funding is key. Small firms are light of foot whereas decision making is longer in larger firms”.

Funding and resources are directly affected by the perceived value of marketing and business development. This can be seen in the “lean and mean”, “cost and benefits” and “marketing as an unknown quantity” descriptions. They are also determined by the commitment to leadership, sponsoring and driving the firm towards a market orientation and the motivation of internal aspects e.g. communication, coordination, collaboration.

#### *Shared information, communication, collaboration and coordination (internal)*

The way in which a firm addresses and organises internal teamwork and sharing will impact on its external competencies. As indicated in chapter 2, the predominance of an individualistic or person culture acts against collaboration, communication and the motivation to share, and participants agreed that in the main, the sharing and communication of information did not take place. Insecurity, inconvenience, lack of trust and a “that’s my client mentality” represent the widespread experiences of the participants. It was apparent from the interviews that the person culture was so strong that any organisational expectation to share, collaborate and communicate was unrealised and ineffectual and led to ambivalence as to whether it occurred or not. This was even the case where marketing managers had been employed and a lack of coordination resulted from non-collaborative lawyers and marketing managers working on their own. Participant 2 said, “everyone knows we have a marketing manager, but they (the lawyers) are not interested, and they don’t work together”. Participant 5 said, “We have a marketing department. I know it exists, but I don’t have any involvement with them”. Most of the participants used the words “ad-hoc” and “loose” to describe the coordination of marketing activities and all suggested that there was no formal process or means of capturing information for the benefit of the firm. This impacts on external aspects of market intelligence and responsiveness to clients.

#### *Market intelligence, responsiveness and client emphasis (external)*

A central theme in the development of a market orientation is the generation of intelligence about the customer, competition and environment leading to the creation of information-based responses (Ruckert 1992). This is a firm-wide responsibility and not just the preserve of a marketing department (Kohli and Jaworski 1990).

Observational notes of the interviews showed an apparent dissonance between the participants’ affirmations that their firms understood and delivered their client’s needs and the participants’ submissions that cross-selling opportunities can and are often missed. All the participants stated that they placed an emphasis on the client and understanding their requirements and most were keen to suggest that this factor differentiated them from other firms. Contrary to this, most of the participants suggested that client communications could be better with more touchpoints and that satisfying the wider needs of the client was not delivered by a culture which was reluctant to share client information.

Participant 2 said,

“As a firm, we need to capture client information better, communicate better and have better touchpoints with clients. Lawyers need to understand the benefits of giving information, there is definitely a communicational, informational issue”.

Some participants had a qualified response on market intelligence with participant 5 stating,

“We don’t really do much, we don’t have a database. I think we are very aware of who we are on a level with, what they do, the services they offer and the prices they charge. I personally don’t get involved but I’m sure the firm knows”.

Commenting on intelligence gathering systems and databases, participant 1 said, “We are getting a new case management system which should help with collecting information”. Participant 3 took a different view, stating, “We don’t have an information system in place, but they don’t use it in the big firms when they have it”.

Participant 6 suggested a more progressive view towards market intelligence, stating,

“We are very aware of our competitors. We find information on our competitors. Are they selling to clients, are they doing the same thing, who are their clients, what do their marketing materials look like, which events are they hosting and sponsoring and look at where they are focusing their attention”.

This study shows that the generic, underlying cultures of the law firms within the participant’s experience were similar. The participants pointed to similar characteristics and valued traits and a predominantly organic culture, described by Reigle (2001) with strong undertones of an extended family, described by Cameron and Quinn in their clan culture (1999). The emphasis had an internal focus of stability and sociability though a couple of participants showed signs of a shift away from a traditional focus on existing clients to a progressive nature, adopting more entrepreneurial approaches. This shift tended to be initiated by a merger, the firm getting larger, younger partners being appointed and the pressures of competition.

There were, however, some contradictions. Most of the participants believed that their present firm was different from other firms and participant 2 said, “We are not a normal law firm from my experience, with our culture and attitude”. There is also a conceptual battle between the notion of camaraderie, sociability and family and the lack of trust displayed with the overriding

individualistic, person culture. This person culture tends to dominate aspects of involvement, motivation, sharing, collaboration and communication. The participants tried to mitigate an apparent lack of sharing information and tendency towards individualism, particularly over client ownership. However, there was a strong sense that law firms were a group of individuals with little teamwork, collaboration or motivation for these aspects. Both the acceptance of this and the optional nature of involvement were apparent. The issue of funding and resources also resonated strongly throughout all the interviews. However, attitudes to marketing and the value placed upon it impacted upon the provision of funding and where resources were provided, it was evident that they were not used fully or taken advantage of.

## Innovation

Innovation has been signalled as a key part of the legal landscape by the Law Society in their report (2016), the Roper Report and the development of SRA Innovate which states “We believe marketplace innovation is important if the legal sector is to continue to grow and provide better access to legal services” (SRA 2018).

Damanpour (1991) suggested that innovative organisations create a climate of innovation and as this study is concerned with underlying assumptions, values and behaviours, participant responses which indicated the importance of innovation, an intention to innovate and the influences regarding innovation were relevant. Also, the key dimensions of whether there was present an infrastructure to support innovation and the available resources and process of implementation needed to be considered (Dobni 2008).

Participant 6 recognised the importance of innovation and made a strong connection with the client stating,

“Innovation is a big thing on the political landscape. The clients want it, they like it, they want to know you are being as efficient as possible and the hierarchy sees that. You speak to clients you are close to and get a checklist of what they want to see. With many of the big clients, you need to demonstrate that you have similar thoughts and are on the same wavelength regarding the things such as the environment, carbon footprint, the gender pay gap. Aligning with the big clients is important”.

Observational notes suggest that similar dimensions applied to the notion of innovation as to marketing and the implementation of a market orientation and that a similar underlying culture

was required. Both aspects had an internal and external context, required collaboration and communication and needed a commitment, motivation and championing to create the appropriate environment. Whilst a prevalent and general response to issues of innovation from the participants was to refer to their marketing responses, the participants provided responses which covered the following which they perceived to be the main areas of their experience regarding innovation,

- leadership, management and strategy
- funding and resources
- process and structure
- creativity, implementation and commercialism
- risk aversity
- commercial awareness.

#### *Leadership, management and strategy*

All the participants considered the notion of innovation as a synonym for change and believed that their firms showed active management support for this.

Participant 1 said,

“Our managing partner is very much into innovation, very much into change. The management embraces change. It knows it has to change. It’s a case of surviving and wanting to be here in twenty years. Change is important and accepted provided it is explained to staff and they all understand, and we all buy in”.

Participants 2 and 3 agreed that they had active management support which enabled change.

Participant 5 said,

“We are open to new ideas, it would need to go through the proper channels but if there is some value in it, we are very good at taking it on board. It also doesn’t matter which level it comes from, even a para legal, if it’s a good idea”. He went on to say, “We are different to my previous firms”.

When discussing attitudes to innovation, participant 6 said,

“Law firms tend to typically be old fashioned. I have found innovation and doing things differently, more of a fighting battle. At the one end, you have got the people carrying out the job who are able to see the problems and opportunities and then you have the ones above who are more detached and have to buy in and understand it. There are issues of age and priority”.

He did go on to suggest however that his present firm is the most receptive of new ideas within his experience.

Similar to the acceptance and promotion of a market orientation, participant 4 suggested that the reception to change depended on the person and asserted that an older generation tended not to be receptive in general. Participant 3 agreed, stating, “Innovation is a generational thing. I think the new management are more in tune”. This participant went on to express a view which was similar to previous views given about external marketeers and consultants, stating,

“Management are cynical about innovation from third parties and question their motivation. We are often quite cynical about someone who pops up with the next great idea. There are a lot of people out there who are trying to tap into legal services and rip value out of it. There are lots of gurus who want to talk to lawyers. They take a slightly patronising approach that they have got the answer and suggest despite many years of practice that small law firms haven’t worked out how to succeed”.

Participant 4 agreed and stressed the need to be discerning, stating, “People were promising results from ideas and taking money from us. It has taken us ten years to get to here”.

Whilst the participants had been keen to stress that their firms were innovative and receptive to new ideas, they all suggested that there was no intention, plan or strategy to innovate and pointed to an ad-hoc, let’s run with it, light of foot perspective. It was apparent from all the participants that finances were a dominant factor.

### *Funding and resources*

Participant 1 discussed funding and activities stating,

“We respond positively but it always comes back to finance. We are open and receptive to innovation. The resources are limited, financial, management and

people time, but that is not such a bad thing as it tends to make you focus, you tend to make decisions a bit more quickly with less people involved. You tend to avoid the areas which cost a great deal, we will avoid those but the more modest areas we will give it a go and if it doesn't work out, it's a learning experience".

Participant 3 shared this view, commenting that his firm's activities were "limited due to finance" and participants 4 and 6 confirmed that finance was key.

All the participants suggested that there was no budget for innovation and that any ideas that emerged would need to be considered on an individual basis.

### *Process and structure*

The participants indicated that there was no structure or formality attributed to the process of new idea generation or creativity and suggested that this may be the preserve and domain of larger law firms. Commenting on the communication of new ideas and change, participant 1 said,

"I think it becomes a problem when it is not communicated and that can be a negative. Communication could be improved. This is an area where we are not so strong. There is scope for telling everyone where we are trying to get to".

The participants provided little indication of collaboration relating to new ideas and suggested that any involvement tended to be ad-hoc, individualistic and spontaneous. The only exception related to substantial technology expenditure, primarily for case and matter management, the requirement for which was infrequent.

### *Creativity, implementation, commercialism*

Creativity is "the first step in innovation" (Amabile 1997) and there was a suggestion that the notions of creativity and innovation conflicted with the personalities of lawyers. Participant 6 said,

"With innovation, there is little alignment with this and a lawyer's personality and what we do. Procedure and rigidity marks a good lawyer but then excellent lawyers find solutions. Some want to be procedural, others want to innovate and push boundaries".

Participant 4 showed some agreement stating, "the law attracts step by step procedural people, but there is also a need for people who can be innovative".



Organisational culture influences creativity (Kanter 1996) and impacts on behaviour (Amabile et al. 1996) and observational notes suggest that there was a positivity towards new ideas amongst the participants. However, the furtherance and implementation of ideas depended on a process or commitment which was limited. Participant 6 said, "There is a disconnect in small law firms as to who needs to do what. Any innovation is hit and miss from conception to implementation". Participant 4 agreed stating, "I've wanted to do telemarketing for seven years. We are doing it now, but it has taken time".

The participants described a number of successful new ideas which their firms had implemented for commercial benefit.

Participant 1 said,

"We have created a new conveyancing quoting service online. We have entered into some referral agreements with other solicitor practices to do work which they can't deal with. Our new partner was keen on developing social media and we have agreed. We are investing in a new case management system which will give us the ability to help us with claims management and debt recovery. This will be open to the client to see where we are with a matter. All of these should streamline work".

Participant 2 described innovative ways of raising brand awareness by sponsoring the local football team and running junior programmes, paying for the hall and grand piano at an orchestral event, and being governor on local committees or the local school. She said,

"We recently employed consultants who looked at culture and brand and came up with a wheel and at the centre of it, is working together. Inside the organisation and with our clients, so it's an internal external focus. We engaged focus groups across the firm to consider everything.... They have got a huge task because we need to homogenise across all the departments so if the client buys from one department and goes to another, they will know how it is going to run. Also, someone in our residential property business created an investment property section through dealings with one client and we let her run with it. When business went away, we supported her and invested in a telemarketing campaign to get her some appointments to do the same thing. We also now have a joint venture with an independent financial advisor, we have created an employment HR service, and we have approached unbundled law early, particularly in family law".

Discussing future innovation and change, participant 4 said, “The financial sector has stolen estate planning and taken lifetime value. We need to innovate on recurring fees. Things will move towards a multi-disciplinary service. The law firm bit is the most vulnerable”. This participant was concerned with control of the client and pointed to his current thoughts for diversity into estate agency. Observational notes suggest that this aspect caused concern for him as to the way that it would be implemented as he had an overriding distrust of third parties and alliances. He stated, “There are firms with no substance. We are subject to the motivations of third parties. They are fair-weather friends”.

### *Risk aversity*

As discussed in chapter 2, attitude to risk is a value dimension of organisational culture which supports innovation (Litwin and Stringer 1968; Wallach 1983; Hogan and Coote 2014) and underpins external focused aspects of Denison et al.’s adaptability culture (2000) and Cameron and Quinn’s adhocratic values (1999). All the participants recognised this and whilst observational notes suggest that they wanted to assert that they were innovative and had a positive view on change, they described a risk aversity in small law firms which was overriding. This was based on financial prudence, regulation and compliance and a suggestion that innovation was not a natural characteristic of law firms.

Participant 1 said, “We are motivated to change provided it is explained and we all buy in. We are cautious primarily because of financial and resource constraints. Prudent. We respond positively but it always comes back to finance”. Participants 2 and 3 agreed and suggested that innovation and taking risks conflicted with regulatory compliance. Participant 2 said, “Law firms tend to be risk averse from a compliance perspective” and participant 3 said, “Firms may say that they are innovative but there is a limit. We are definitely risk averse and not risk taking”. Participant 5 suggested that his previous firms were risk averse.

It was apparent, therefore, that whilst the notion of being innovative appeared attractive to the participants, there was an unwillingness to challenge current practice or encourage experimentation, both of which require an element of risk taking.

### *Commercial awareness*

All the participants indicated that broader skills which supported commercial awareness and the development of clients and legal practice were not formally provided. They suggested that junior lawyers relied upon senior lawyers in practice, who themselves had received no formal training in the aspects under discussion (commercial awareness, the development of a market orientation and innovation).

Participant 1 said,

“If you want to be a lawyer, you need to be business focused. You need to be aware of the business world, how it operates, business as an enterprise and not just law. There is more that can be done at the learning stages to get people not just to have a bit more knowledge and insight but to create more enthusiasm and motivation. A lot of juniors are unaware of the commercial world, I was the same. It’s all about survival and growth and making the client experience a better one”.

Participant 4 commented,

“I think there is a need for more awareness of things like commercial development, business, marketing and innovation during the transition into the profession. These skills are not formally taught, and I think firms are only just starting to recognise the need”.

Participant 6 agreed stating, “There are absolute benefits in commercial awareness training, but everything depends on the person, the emphasis on the client, business development and innovation”.

All participants recognised the need to be commercially aware but suggested that the levels of motivation towards external markets depended on the person. Firms tended to accept this and were ambivalent as to whether a lawyer proactively engaged with marketing or innovation. Observational notes suggest a pattern of no formal training, a lack of motivation and ambivalence within general practice towards these aspects and a distrust of third-party assistance.

There was clearly a high degree of consensus with the participants’ experiences of innovation. Whilst participants wished to represent their firms as innovative and open to change, there was

little evidence of the presence of critical aspects which provide a foundation for innovation, identified by Dobni's review of the literature (2008) noted in chapter 2; intention, infrastructure, influence and implementation. The key aspects of funding and risk aversity appeared to dominate and were responsible for this. Despite an apparent regulatory mood of change which in part is evidenced by the formation of SRA Innovate, the participants suggested that innovation conflicted with their regulation and compliance, and the participants had erred on the side of caution not to take entrepreneurial risks. The notion that law firms tended to be traditional and old fashioned was evident. This was linked to a generational theme where it was suggested that an older generation was less receptive to change. It is apparent that these aspects may influence the lack of critical factors for innovation and the provision of funding. Observational notes suggest that funding was prioritised but could be found where needed which may indicate that a lower priority was attributed to innovation. Whilst a flexibility and light of foot response could be detected in small law firms, the lack of process, support, motivation and commitment could act against the successful implementation of a new idea. This was coupled with an expressed cynicism to external advisors and those who wish to influence a change in attitudinal barriers to innovation.

Many of the responses to innovation were interchangeable with those on the concept of creating a market orientation and it was apparent that both concepts were treated in a similar way.

### Core essences of findings

Following phenomenological methodology, the structural and textural descriptions provided by the participants of their current and previous experiences in small law firms were unified to identify the phenomenological themes and essences of the concepts under study. Figure 11 summarises these findings.

*Figure 11. Key themes and phenomenological essences.*

Attitudinal	Individualistic, person culture
	Leadership ambivalence to personal involvement
	Motivation- a personal thing
	Generational factor- younger lawyers more in tune with new ideas

	Secrecy and distrust of colleagues
	Sharing information- resistance
	Collaboration- ad-hoc as a result of resistance to sharing
	Commerciality- a personal thing
	Risk aversity- due to finances and regulation
Technical and administrative	Lack of funding
	Process and procedure- ad-hoc
	Infrastructure- ad-hoc
	Communication- ad-hoc
	Implementation- ad-hoc
	Reward and Incentivisation – to change behaviours
	Transitional period for law firms- becoming more progressive
	Commercial training- to support legal training

These phenomenological themes and essences represent the participants' core aspects of experience and reflection. Some essences are more technical and administrative (funding, process and procedure, infrastructure, communication, implementation, commerciality), others are more attitudinal and personal to the lawyer (individualism, motivation, aspects leading to commitment and action).

It may be considered that the technical and administrative essences are underpinned by attitude. Where the technical aspect of funding is provided, evidence suggests that marketing and innovation may still not be engaged with if the predominant attitude is not conducive. The attitudinal nature of an individualistic, person culture appeared the primary essence to the detriment of the firm as an entity and this can influence the provision of all the technical essences.

Similarly, the dominance of a person culture influences other attitudinal aspects. Sharing information and collaboration are foundational aspects of both the creation of a market orientation and innovation. Discussed in chapter 2, this can be seen in the reviews of market

orientation literature (Lafferty and Hult 2001) and of innovation literature (Hogan and Coote 2014). However, this study found a deep scepticism and reluctance on the part of lawyers for both. There was an expressed acceptance of the status quo of a person culture and this ambivalence overrides technical aspects, beneficial to the implementation of both a market orientation and innovation. Younger lawyers were seen to be more in tune with marketing, new ideas and innovation and most of the participants suggested a transitional position, where firms in their experience were moving from a traditional status to a more progressive one concerning entrepreneurialism and commerciality. The specific findings were at odds with this suggestion and if attitudes are changing, they are changing by necessity and due to external market forces. Whilst the need for marketing and innovation was fully recognised by the participants from a strategic and growth perspective, the need to incentivise different attitudes and behaviours was apparent. The attitudes of management are crucial in the championing of market orientation and innovation. If adverse or non-conducive attitudes do exist at leadership level, this will be reflected in behaviour towards technical aspects such as a lack of funding, process, infrastructure, communication and implementation, as found in the study.

## Project 2.

### Findings.

As described in Chapter 3, the textural and structural descriptions, along with the derived key themes and phenomenological essences from Project 1 provided a base for discussion and review with the law firm management participants in Project 2. Figure 12 summarises the findings of the Project 2 interviews. Resulting from the phenomenological methodology and Delphi method, these findings represent the views of law firm management, reflections on those own views and reflections on the findings of Project 1. This synthesis also reflects Schein's levels of cultural visibility.

Figure 12 Cultural visibility, descriptions and core essences in small law firms

Textural description (High visibility)	Structural description	Core essence (Low visibility)
<p>Self-interest, little teamwork</p> <p>Client ownership</p> <p>Poor client/ market information</p> <p>Missed client opportunities</p> <p>Colleague and partner distrust</p>	<p>Lack of collaboration</p> <p>Lack of sharing</p> <p>Management acceptance and ambivalence to the status quo</p>	<p><b>Person culture</b></p>
<p>Professionals not salesmen</p> <p>Profession not compatible with commercialism</p> <p>Disinterest in competition and commercialism</p> <p>Narrow view of marketing and development</p> <p>Little interest in price, saving client money, efficiency, commercial aspects</p>	<p>Elitist attitude, arrogance/ deference</p> <p>Dismissive attitude to commercial ways</p> <p>Protection of tradition</p> <p>Client interest not best served by new ways and new legal providers</p> <p>Why change attitude- will reduce professionalism, elitism, mystique,</p> <p>Generational aspects</p>	<p><b>Professional attitude which conflicts with commercialism</b></p>

<p>History, traditional, old fashioned, conservative, conventional, reputation, experience based,</p> <p>Amicable, friendly, sociable, caring, paternalistic</p> <p>Dominant partner influenced</p> <p>Funding</p> <p>Few strategies, bureaucratic, flat structure, ad-hoc or no processes (for marketing or innovation)</p> <p>Poor communication</p> <p>Little use of technology</p> <p>Internal competition/ rewarding the wrong behaviours</p> <p>Not client focussed</p> <p>Not receptive to advice</p> <p>Sceptical of marketing and innovation, benefits not guaranteed</p>	<p>Preserving old ways</p> <p>Lack of commitment/ motivation towards marketing or innovation</p> <p>Dismissive attitude to alternative business structures/ new market entrants</p> <p>Why change attitude- will impact on professionalism, finances, costs and lower prices</p>	<p><b>Resistance to change</b></p>
--	--	------------------------------------



In Figure 12, the textural descriptions of the participants' experiences are listed in the left column. These were the most apparent summaries of description which equate to the most visible cultural artefacts and behaviours towards marketing and the creation of market orientation and innovation. The middle column represents the structural descriptions and an interpretation of the values which underpin behavioural experiences. The column on the right shows the phenomenological essences, underlying assumptions and beliefs which are deep rooted and have the lowest visibility. This structure is offered as a model for phenomenological cultural research and reflects the study's conceptual framework, based on Schein's concept of culture, which is shown in Chapter 1.

## Analysis

The participant interviews can be distilled into the following areas which dominated discussion,

- Small law firm culture**- reputation and partner influence, hierarchy, decision making and amicability.
- Cultural aspects**- person culture, professional attitude which conflicted with commercialism, resistance to change.
- Marketing aspects**- process, funding, collaboration, client emphasis, competitive environment.
- Innovation aspects**- attributes, activity.

## Small law firm culture

Predominantly, there was consensus amongst the participants regarding small law firm culture due to its genesis from the founding and dominant partners. A range of descriptors was provided which reflected those used in Project 1 e.g. traditional, old fashioned, conservative, conventional, a culture which had grown out of experience, reputation and history, particularly in the locality to the law firm. All the participants agreed that culture, whether it is explicit and intended or a consciousness which is implicit, invisible, intrinsic and informal (Scholz 1987) can be powerful (Schein 1990). The aspects of reputation and partner influence, hierarchy, decision making, and amicability were emphasised with some outlier comments.

### *Reputation and partner influence*

Participant 7 distinguished between the reputation of the firm and the importance of individuals stating, "Reputation is important. People look at the individuals. People come to my firm because of my reputation, experience and what I have done in the past".

Participant 1 said,

"Culture is difficult to define, it's not tangible. The pedigree of a firm and how long a firm has been established creates and influences a culture in that it has done things in a certain way. It is the way that the business owners demonstrate themselves. Are they role models? Do they do what they say they are going to do".

Participant 5 agreed stating,

"The character and style of the dominant partners and showing behaviour creates culture. As a relatively new firm competing against larger firms, we are definitely aware of creating a culture. This helps you differentiate yourself from everyone else. Young lawyers come in and become little imprints and start talking about the way we do things. My last firm had a great culture. They had four strong personalities who founded the firm and put their imprint on the firm and the locality. The challenge was when they got bigger and acquired new offices and lateral hires, they had their personalities too and you then end up with the culture of the Birmingham, Manchester, London offices and all tend to be different".

Whilst recognising the traditional aspect of law firms as prevalent, participant 3 saw deficits in this view and said,

"Law firms tend to be traditional, have a silo mentality and the partners at the top can affect everything. It is true that firms look to respect, history and reputation but I don't think that it is enough to compete on these issues anymore. Clients are much more sophisticated. Yes, you need the fundamentals, trust and good networking skills, but compared to some of the new techniques like social media and sales navigator, those ideas won't do it anymore".

This scepticism was shared by participant 6, who said,

"I think lots of small law firms are obsessed and tied up in their own mythology and folklore. They believe that because they have been around for years that

they have a right to (client) work. It a very comforting thing to believe that you have been here for a long time. This creates a blame culture when firms start doing badly. They then tend to blame the market or customers when missing out on opportunities. Very few firms look at themselves as possibly the problem”.

Participant 5 went on to take a progressive view, saying,

“We are driving and enterprising. We allow for personal freedom and provide a family, friendly environment but I like to think we are maverick disruptors. People say we are disruptors, a term which would have been frowned upon, now it’s a good thing”.

Participant 1 described the progressive nature of his present firm, stating,

“Culture needs to reflect the firm’s values. An organic culture is best as you can’t force something on people. A supportive and adaptive culture which plays to people’s strengths, letting people have input, encouraging internal thought and giving support. It comes back to leadership. We need to fee earn and make money but within our appraisal system, there are behaviours. How have you improved the business, how have you developed and supported colleagues. We are on a journey, we are investing in our people and giving them support with soft skills. The problem is that law firms have never invested in training and when they have, it’s been to do with law and CPD. We are trying to diversify our approach”.

### *Hierarchy*

Whilst it was suggested that small law firms had a flat structure and were not hierarchical, there was evidence of hierarchy and bureaucracy.

Participant 6 said, “Hierarchy has always been important in law firms. People rose up through following the rules and copying people ahead of them, fitting in and being the right face”.

Participant 2 supported this view saying, “A law firm is a politics scheme. Unless you are making money for the person higher than you, you are not relevant and are dropped”.

Drawing a distinction between small and large firms, participant 5 said, “in small firms, the junior is a colleague whereas in a large firm, a trainee is dirt under your shoe”.

### *Decision making*

The ability to make quick decisions in small law firms raised contrasting views. Participant 1 suggested that decision making could be quicker and participant 6 agreed stating, "Law firms are generally slow at making decisions. If you are passionate enough, it can be done quicker". Participant 2 commented,

"To do anything from an institutional perspective in a law firm is difficult and very slow. If a decision requires backing, resources or the approval of one or more senior people it is a slow process. It is easier in a smaller law firm".

Participant 4, however, reflected on the ad-hoc nature and fewer processes in small law firms and took an opposing view suggesting that larger law firms had more staff and better processes to make quicker decisions. Most participants agreed that issues of time and constantly firefighting daily tasks were the reasons why decisions were not made or implemented.

### *Amicability*

A prevalent view was that small law firms provided amicable, friendly and sociable environments. Participant 6 said,

"There is more of a paternalistic attitude in small firms which makes people feel more safe. They are more likely to forgive shortcomings in say fee income compared to a large firm where you are just a number. But the culture changes over time and depending on the age of people and location. A small market town firm will probably be more sociable than a city firm".

There was a predominant consensus between the findings of Project 2 and the earlier Project 1 on prevalent small law firm cultures. From the participants' experiences, small law firms were described as reputational and experience based, sociable, caring, paternalistic with a culture which is dominant partner influenced. This showed signs of a power orientation (Harrison and Stokes 1992; Handy 1995) where influence is limited to a one or a few individuals. Despite this centralised power, slow decision making was apparent. A reliance on tradition and few or no processes is the norm, though a progressive need to change this view was expressed, similar to Project 1's findings.

## Person culture

All the participants confirmed that the predominant culture in law firms was a person culture. Some justified it, some passively accepted it and others were frustrated by it. Participant 7 said,

“I operate on a personal basis like a doctor. I am a lawyer, somewhat old fashioned. I deliver a service to my client who is my client, not the firm’s. This view has been prevalent throughout my career”.

Participant 6 agreed and said,

“A person culture is prevalent at each level and particularly in large firms. It’s a group of individuals, with self-interest and not a team. In 25 years, I have never seen any teamwork, I’ve seen the exact opposite”.

Participant 5 commented on the impact of a person culture stating,

“ My experience in every firm is that teamwork gets forgotten. They like to see individual star names. One issue here is that the image of the firm is often missed. Experienced lawyers are good at promoting themselves but not the firm”.

Recognising and linking a person culture to the nature of this study, participant 3 said,

“A personal culture and a my client attitude absolutely exists. From the firm’s perspective, it’s a killer to business development. It goes much deeper and stems from lots of movement. People move around a lot in small firms, compared to big firms, and an individualistic, silo approach to clients is absolutely true. There’s a reluctance to share and this is a huge problem for client relationship management”.

Participant 5 saw the benefits of a person culture and embracing the lawyer’s individual identity where a client felt an affinity for a particular lawyer and wished to deal with them exclusively. He was also accepting of any adverse consequences stating,

“The ideal client will buy two service lines and you can then try to bind them to the firm but it’s difficult. It’s a continuing problem and you will lose clients when a lawyer leaves, but we don’t get uptight about it and accept it”.

The participants expressed a predominance of self-interest, individualism, little teamwork and colleague distrust and in the main, expressed experiences which accepted the consequences e.g.

a lack of concern for the firm, lack of sharing and collaboration, poor information and missed opportunities. Reflecting on the findings of Project 1, there was a consensus that the individual lawyer had ownership of the client and an acceptance and ambivalence of any detriment to the firm.

Clearly, there can be benefits from this ownership for both client and the law firm. The client can receive a more personal, diligent and caring service and the law firm can maximise the firm's brand by embracing the individual's reputation. There can also be detriments to both where client opportunities are missed, where a lack of client confidence in the individual creates a lack of confidence in the firm and where clients leave a law firm by following a lawyer to a different firm. It is, however, apparent from the findings that due to the nature of professional work and the autonomy that it transfers, the power of an individualistic, person culture is dominant and hard to resist by the firm. The consequences for the successful implementation of a market orientation and innovation are also apparent where they depend on the opposing values of sharing information, good communication, collaboration and teamwork.

#### *Professional attitude*

All the participants recognised the importance of attitude as an inherent part of culture and its relevance to behaviour (O'Reilly et al. 1991) and discussed a number of ways in which it is demonstrated, particularly towards the commercial aspects of creating a market orientation and innovation.

Participant 6's experience of a professional attitude was based on the idea of a "gentleman's profession" that transcended mere "business". He said, "Historically, the legal profession has been seen as a gentleman's profession. Above business and commercialism".

Participant 4 concurred with this view and described an elitist attitude which he suggested was "still very prevalent in law firms" and which could have a "detrimental impact on relations and business". He suggested that senior lawyers did not like to deal with junior lawyers because they were beneath them and not of equal standing and that the attitudinal approach to non-lawyers and clients could be "dismissive and arrogant". He said,

"Solicitors often think they know more. It's a pride thing. They can only listen to someone of the same league if not, profession".

This point was considered further in relation to external advisors. All the participants suggested that lawyers were dismissive of other advisers and did not need advice from anyone regarding business and marketing, believing that whilst others professed to understand, you had to be a lawyer to understand. This confirmed the findings in Project 1. The implications are that external advisors and marketeers are often not employed and when they are, they are directed by lawyers and their views dismissed, not considered in a strategic light and are given administrative duties of low importance.

Creating a market orientation and innovation are key dimensions of business and commercialism, and this notion of commercialism was discussed, participant 7 stating,

“Commercialism is incompatible with professionalism. Lawyers are not trained to sell themselves or sell products. They are there to provide a service. We provide the service and professionalism first and charge afterwards. Commercial organisations get the commercialism and charges right first and then provide the service. There is a difference in emphasis”.

Participant 7 held strong views against commercialism and the application of business techniques such as market orientation and innovation and stated that he was aware of many lawyers who shared his view. He recalled his active involvement against the adoption of the Legal Services Act 2007, some years earlier and was disappointed at the Law Society’s response. He believed that commercialism and its associated tools were not in the interests of the legal profession. He was concerned about a conveyor belt service which did not serve the client well and a commercial ownership of law firms which could affect the legal advice given to a client. He supported his opposition by suggesting that several European and United States legal professions equally rejected the commercialism of the profession. He made a distinction between a product and a legal service and had little or no interest in price or saving client costs.

Participant 3 concurred regarding elitism and a negatively held view towards commercialism. However this participant saw the detriments, stating,

“Elitism certainly exists. Some call it professionalism. It gets in the way of business, frustrates marketing and if they are not bought into it, it is just too hard work. There is an attitude of we are professionals, not salesmen, and we went to school to study law not sales. This attitude sees sales and business development as a dirty thing and not to be associated with a profession service.

I have seen this attitude quite a lot though lawyers are not all like that and certainly the ones I have worked with recently are more progressive”.

The participants’ experiences pointed to an elitist, professional attitude which was more apparent in older lawyers and rooted in a traditional culture and history of the profession. The phrase “old guard” was contextually used to describe a view which wanted to hold on to “gentleman” values. This view was the antithesis of one which supported a market orientation, innovation and commercialism and directly linked to a resistance to change.

### *Resistance to change*

The consequences of expressed attitudes represented an apparent resistance to change, specifically in relation to creating a market orientation and innovation. Participant 6 commented,

“There is an extreme arrogance in law firms that no one understands the marketplace better than a lawyer. They will not listen to any experts or outsiders. I’ve seen this all the way through my experience. They don’t want external advice. They don’t see the value. Some firms have found themselves in difficulties in the past because of this arrogance”.

This was expanded by participant 1 who said,

“You have to be a lawyer to understand. Marketeers profess to understand but marketing needs to be internally owned and leadership led”.

Participant 4 agreed stating,

“There is elitism, and this can get in the way of business and commercialism. If they are not willing to listen to modern ways, it’s a problem. They will not be advised by outsiders”.

Participant 7 concurred and said,

“There is a suspicion and inherent resistance to business and marketing advisors. They are an alien thing that you don’t want to go to. I don’t know of many schemes that are successful and you can’t see the results”.

This was supported by participant 5 who said, “There is a big distrust of advisors and the marketing industry”.



As the idea that external advisors supporting change was resisted, the questioning probed a wider, holistic nature of marketing which encompassed strategy, cultural change and the adoption of certain behaviours for business development. This, however, was not the experience of most participants who pointed to a prevailing narrow view of marketing influence and a rejection of strategic involvement.

Participant 2 expressed a view which relegated marketing to an administrative activity stating,

“There is a reticence about marketing and a suspicion about outsiders and non-lawyer involvement. A dismissive element. Where there are marketeers in law firms, they would be purely administrative, updating websites, directories and social media. You certainly wouldn’t get anyone at a strategic level with any influence and you would struggle to persuade senior lawyers”.

This view was confirmed by participant 3 who wondered why lawyers would not have work done at a lower cost level by a business or marketing expert when lawyers did not have the particular skillsets or inclination for marketing and business development. Recognising technology and generational issues as agents for change, participant 3 said,

“I’ve seen a reluctance to talk to technology people, business consultants and marketeers but they are not all like that. Resistance is changing due to the implementation of technology. There is a generational thing to change. I listen to some of the younger lawyers and they are so impressive. Their language is different, and they understand technology. They know how the client wants to receive and access their information. Also, new firms and alternative legal providers are different. They will ask what is the burning issue. What do we need to change and what happens if we don’t do this now, where will we be in twelve months? Traditional firms will be eaten alive when work is commoditised. They need to be commercially savvy”.

Reflecting on the change from traditional views to a more progressive stance, participant 1 said,

“Law firms need to evolve, we are not a law firm, we are a legal business. We are a business delivering legal services. I can see the traditional view but using commerciality to make work efficient is the way forward”.

With some outlier expressions indicating a generational move towards change, the overwhelming experience pointed to a resistance and reluctance to change when commercial aspects such as creating a market orientation and innovation were considered. Participants reflected on this as

the traditional viewpoint which preserved the notion of professionalism and status quo, which would otherwise be reduced. The idea that law firms were a business in a competitive environment did not sit comfortably in the experiences of the participants with the perception of being professional or the desire to hold on to a historical regime of elitism. A narrow view of the application of marketing and a suspicion and rejection of external advice, confirmed the findings in Project 1. These cultural attributes will impact on the successful implementation of the concepts of market orientation and innovation.

Where the characteristics of a person culture, professional attitude and resistance to change reflect deep-seated assumptions, values and beliefs and represent a base level of culture, the more visible and tangible aspects of behaviours and actions were considered further in relation to the concepts of marketing and the creation of a market orientation and innovation.

### *Marketing process*

Participants 4 and 5 both agreed that marketing efforts in small law firms were unorganised, ad-hoc, restricted to the local community and intermediate referrers, and that business was reliant on repeat customers, referral and recommendation. Participant 7 said,

“Any process in a small law firm tends to be ad-hoc. I go back to the days when lawyers were not allowed to advertise and that was my ethos. I have found it very difficult so all I have done is advertise in the parish magazine and the yellow pages and now there are websites. You need to have your name there so it can be looked up. Younger lawyers may be more accepting and have to market themselves, I have never needed marketing or wished to do it”.

Most of the participants described a common experience of an old style or gentleman’s view towards marketing and commenting on business planning and marketing, participant 6 said,

“Most of the business plans that I have ever seen are a nonsense. They just cut and paste the previous year. They only mention marketing and business development because it should be there. There are no targets and no analysis of marketing and business development and the plan is to do the same things as before”.

When discussing process, it was clear that the prevalent view was a dismissive one towards marketing which restricted its use to administrative functions such as advertising, mailshots, newsletters and updating directories. Infrequently, it extended to events, seminars, networking

and taking clients to lunch however the lack of process and lack of belief that marketing could offer more in terms of strategy and business development was apparent. Few developed business processes were detected in small law firms and this was partly due to size of firm but mainly influenced by a lack of commitment and motivation. This did frustrate a minority of participants who recognised the benefits of a strategic marketing and development plan with devolved responsibilities and a supportive culture where lawyers and practice members owned marketing activities.

### *Funding*

The financing of marketing activities was linked to the perceived value of marketing and this confirmed the findings of Project 1. However, whilst those findings suggested that finance was limited, most of the participants confirmed that finance could be found when and where necessary and that spend was a matter of commitment. Participant 4 said,

“Finance is not an issue in law firms. There is a hesitation to spend rather than a limitation of funds. They won’t spend because it is difficult to quantify success. The attitude is why should I take a risk and spend money when I won’t get any more returns and will just get the same. Law firms are unlikely to take risks on marketing without assurances. There are no assurances of better returns, so they won’t spend on marketing. This is a barrier to marketing”.

Participant 6 commented on the value of marketing and motivations to spend, stating,

“Most law firm spend on marketing is ad hoc, not focused and not imaginative. It’s usually about 2-5% (of turnover) but if something is clearly identified it can be more. There is always a reluctance to spend money where there is no direct result. The attitude is that marketing takes too long and the spend is often seen as a reward for lawyers. If the lawyer likes cricket, they will do a cricket event with no thought as to what the client wants. Marketing is a slow burner, doesn’t bring quick fees and takes you away from fee earning. Those that go out to events are perceived as having an easy life”.

This point of value and how marketing finance is spent was considered by participant 3 who said,

“Spend is around 2.5-3% but this has got to increase over the next few years. The marketing industry has not done itself any favours and efforts are often patchy and not joined up. When all aspects of marketing work together it is so powerful, but I have not seen it work properly in a law firm. Old ways are labour intensive such as mailshots. Clients now want choices, how they access law. Law firms need to look at automation (database and client relationship

management) otherwise they will look irrelevant. Law firms need to be digital savvy now with social media and the whole of the firm needs to be engaged otherwise you will look stuffy if you don't do it".

Participant 2 suggested a similar level of spend on marketing but expressed a concern for internal politics stating.

"2% to 5% of turnover is about right but it is allocated throughout teams and not always proportionately shared. There are lots of political dynamics involved. One partner may be very focused and need finance for growth, one partner's business may have dried up and he needs more. I wanted to do marketing and asked questions about finance and how much I have to get back to justify the spend. Even in large firms, they had no idea because of difficulties in measuring. I had to seek approval every time I wished to spend and that doesn't work. In the larger firms doing marketing can define the person. If you don't need to spend money and it doesn't cut across other departments, you can do it".

Reflecting predominantly on his experience in larger law firms, this participant described a potential toxicity towards a lawyer who wanted to do marketing and said,

"You might be regarded as a maverick and a hero or villain depending on your success. Also, it depends on the relationships with other partners. Others don't want to be shown up and can act as a collective, depending on the dynamics. I've seen mavericks had the rug pulled from underneath if other partners don't like their success. Partners don't want other partners showing them up. They will reduce his marketing budget and clip his wings. They want to protect themselves. These anti-marketing, anti-business behaviours are very prevalent. It's the reason why I left. Law firms like robots and implementors not changers or mavericks. In a small firm, I can do what I like. If I have an idea, I can run with it".

The prevalent view amongst the participants was that any marketing that required funding to do client development work, was done by lawyers to the exclusion of non-lawyer colleagues. Participant 3 saw a contradiction here suggesting that lawyers predominantly affirm that they have not been trained to do marketing and development and have limited budget but often do it at a higher expense than a lower cost non-lawyer development professional. Commenting on this, participant 1 took a more progressive view stating,

"I think we spend 5% of turnover on marketing and development. It is sometimes hard to see what you get back. If you don't invest though, you don't get back. We have seen the benefits of taking the long view and I don't think you can take a short view. Some partners are given the title of marketing partner, it depends on their skillset as to whether they are the right person. If not, they

won't get the buy in from others. If non-lawyers reflect the firm's values, it is ok for them to do marketing and development work, but I can understand the profession restricting the work to lawyers. Is it right, no, but people have got those views. It is how law is evolving. Either way, we need to be ethical''.

From the experiences, the motivation to fund marketing activities in small law firms is linked to a lack of coherent process which enables measurement and the benefits to be seen. This is combined with a narrow view of marketing which rejects its place in strategy and a restriction of non-lawyer involvement which perpetuates an historical view. Despite this, there was a consensus that an estimated 2-5% of turnover was spent by small law firms.

### *Collaboration*

Aspects of collaboration, teamwork and sharing and open communication required further exploration as these are key characteristics which support a market orientation and were rejected in the experience of Project 1 participants. When discussing teamwork and sharing, participant 6 expressed a common view amongst the participants stating,

''My experience in every firm is that teamwork gets forgotten. Law firms like to see star names, and this causes a need for lawyers to hold on to work which should be passed to others. It comes from an insecurity where lawyers are rewarded by fees, they won't share''.

Participant 7 explained the reasons for a lack of sharing and pointed to a suspicion of others commenting,

''We don't share information and it should be shared but partners have long memories. The problem is that there is a lot of suspicion between partners. Partners are often brought together by default when they have nothing in common. There should be collaboration. There is a protection of clients and partners don't give others work''.

Confirming an individualistic, person culture of self-interest and distrust, participant 2 said,

''I've seen little teamwork. You may work with your subordinates, but I have seen the exact opposite. A law firm is a group of individuals. There are missed opportunities because of no strategy and a lack of communication. The attitude is that I have my clients, what someone else does, I don't care about. I learnt the error of my ways early and had a real eye opener. I was encouraged to share information, who I knew, what I was doing. I was then contacted by a client who told me that he had been contacted by a colleague who had said

that he was a better person to lead a new transaction. Throughout my career I have seen this happen a lot. There is a lot of fighting and attempts to influence clients is prevalent. Sharing and collaboration doesn't happen because of a lack of trust. Law firms are made up of a group of driven, ruthless, narcissistic individuals. These behaviours will always occur when you have that type of group".

Observational notes of the interviews pointed to an acceptance and ambivalence of the lack of collaboration and expressed aspects of distrust and suspicion and participants acknowledged the impact and consequences of a lack of sharing. This confirmed the findings from Project 1. Participant 3 said,

"There is a lack of security, people can't be bothered, a lack of trust in colleagues and definitely keeping clients to themselves. All these reasons are prevalent. There is also a reluctance to grasp that sharing is important from a business development perspective. It also depends on the partners and their commitment to sharing. Many of the large firms have invested in CRM (customer relationship management) technology and a lack of sharing is found out as you can see the gaps. Business development involvement tends to be personal and where there are processes, failing to input into the system can be seen. But it does depend on whether there is follow up and a commitment to do so. Many invest in expensive technology and don't use it to its maximum or see the benefits. Technology can assist with communication, coordination and collaboration but it is down to people to use the systems. Other than where technology has been purchased, communication and collaboration tend to be ad-hoc".

Participant 5 offered some justification saying,

"A lack of planning, communication, collaboration and sharing are certainly true. It's not necessarily bad. People like to do things their way and you can't change spots. I'd let them have their freedom and coach them. I'd try to pitch getting involved in marketing may be good for them. Opportunities can be missed. They might say that there is a lack of sharing from the boss. That's not me protecting my clients or an ego thing. It is a communicational thing, I just forget. The average partner holds on to his clients, that's all that he has got. I can see the insecurity and distrust but that's not me. I would rather feed others and let them do it".

It was apparent from the participants that an individualistic, person culture prevailed, and a lack of collaboration and sharing was a direct consequence of this. This confirmed the findings in Project 1. A lack of commitment to teamwork was evident for reasons which could be considered malevolent to colleagues and damaging to the law firm as a whole in that opportunities could be

missed. It may also be considered paradoxical that the participants who have confirmed this are law firm management.

### *Client emphasis*

Key attributes of a market orientation are being outward looking, client focused and emphasising the client's needs. Most, if not all law firms would suggest that they were client focused and this research sought to look for supportive behaviours and actions. Participant 3 said,

“Firms may say they understand client needs and emphasise that they are client focused but without using methods and tools to understand client needs, they are just saying it. Modern clients want to do business differently. They want choice, how they access law and need automation. You have got to be client centric and this is where business development and marketing people hold the skillsets”.

This comment recognised the benefits of using a process and non-lawyer involvement, both of which had been mainly rejected in the experience of the participants. Participant 6 said, “I don't think most firms are client focused” and pointed to the transactional nature of legal services. This participant suggested that the client's wider needs are often not considered, particularly where it may involve referring to another, and that opportunities are missed. Participant 2 agreed that he would not be interested in referring his client to another department and participants 3, 5 and 7 confirmed that there was a lack of sharing on client matters, to the detriment of the client and the firm, participant 3 stating, “there is a reluctance to share. It's a huge problem for client relationship management”.

The notion of client emphasis is linked to the previous aspect of collaboration and it is apparent that a client focus may not be achieved. Whilst the foregoing of opportunities was prevalent, observational notes also suggested a potential regulatory risk, where rather than referring a client to a colleague, a lawyer may decide to deal with an ancillary client matter, which is outside his or her experience.

Though not considering whether law firms were client focused, participant 4 said, “As a law firm it is a given, they need to be client focused and show that they care”. This participant considered aspects of accessibility, communication, delay and ambiguity over process and the legal issue to be the main areas of client focus and where he believed a difference could be made. These

aspects were confirmed by participant 1 who had created a client services team to deal with such issues. This team took a wider perspective than the client transaction and looked to satisfy other potential client needs.

Participant 3 pointed to the benefits of technology both for the law firm and delivering on client needs stating,

“Technologies can provide efficiencies which can be exploited, and this can be an area of difference though systems still need to be driven. Information is key. Management need information and measures of success. These tend to come from technology driven tools. If technology is not used, management don’t have the same level of information”.

Some comments evidenced the link between client emphasis and a professional attitude, rooted in traditional culture which has been previously addressed. Participant 6 identified two aspects which vitiate against client interests. Firstly, this participant suggested that law firms tended to deliver a service which they wished to deliver and not necessarily that which the client wanted. Whilst client expectations may be unrealistic concerning their legal issue, this may lead to dissatisfaction regarding their full experience. Secondly, the participant talked about a mystique which surrounded the lawyer’s involvement and an attitude amongst lawyers who wished to continue this, in the belief that the lawyer knew best. This perspective acts against any intentions to deliver transparency and does not serve the client well.

Where pricing and efficiency may be at the heart of client considerations, participant 7 was amused and said, “there should be a desire to save money, but I think people might not bother”. Participant 2 agreed that this viewpoint was prevalent and described a pass-through culture, passing on charges to the client with no interest in saving client money. Participant 7 justified his comments by suggesting that price was a commercial tool and that commercial driven legal services delivered “a conveyor belt service” and “not proper law”. In the alternative, participants 1 and 5 saw the benefits of alternative pricing structures as a service differentiator, enabling flexibility, adaptability and the possibility of addressing different clients. Participant 5 said,

“There are only so many attributes you can say about a law firm. We are all coming up with the same clichés and offering similar things. You can differentiate on price and that’s a big selling point for us”.



He had developed a separate conveyancing firm and had other separate entities to deliver legal services in the pipeline.

The evidence suggests that there are a number of behaviours found in law firms which are contrary to a client emphasis and focus and similarly are antithetical to the creation of a market orientation. This confirmed the findings of Project 1. Each are the consequence of two aspects; an individualistic, person culture and a professional attitude, rooted in tradition. Observational notes of the interviews suggest that these behaviours are deep rooted and opposed to a perceived novelty of modern and commercial ways, which elevate considerations such as pricing, openness and transparency, and the client's needs. Despite this, participants 1, 4 and 5 were of the view that client needs should be understood and acknowledged that this could be a differentiating factor with other firms.

#### *The competitive environment*

An awareness and responsiveness to the marketplace, gathering and disseminating information and taking appropriate action are characteristics of a market orientation. Despite this, there was little evidence of any process to deal with information and all the participants acknowledged that the communication of competitive information could be improved. Participant 5 said, "Shared information, communication and collaboration- we fail at all those". However, participants did talk of keeping their ear to the ground, knowing their sector and being close to their competition. Participant 6 said,

"Some firms commission market research to see what people were looking for, how their firm was perceived locally and how their image fitted. They are interested in why other firms were doing better and why clients were not coming to them anymore. Some firms were commercially minded here".

Participant 4 agreed stating,

"We do a lot of research on competitors. We are aware of them and where we all stand. Many law firms don't know about other firms because they don't see them as competition. We need to compete at our head office because it is important that we are not seen as a small firm".

It was evident that the competitive environment had impacted on this participant and participant 5, who had both adopted a competitive stance. Both talked about the necessity for their small

firms to appear larger as their competition was predominantly larger city firms. Participant 5 talked of going to events and client meetings with colleagues and used the metaphor “hunting in packs” and participant 4 agreed, stating,

“We do not act as a small firm. We have good technology and punch above our weight with our style, client portal and access to solicitors which compare to large firms”.

This participant contrasted his present firm with other small law firms in his experience which had no statistics, data or management information to see where the business was coming from. Commenting on the impact of competition, participant 3 said,

“There is a lot of market consolidation and I don’t see how the smaller firms will compete over the next few years as they will be squeezed downwards. There is a current battle between the old guard and the new guys who recognise how the bigger firms are encroaching on their patch”.

The notion of competition evoked a range of different meanings. Observational notes suggest that a view existed that other law firms were professionals and not competitors. Also, for three participants, competition meant a malevolent internal culture.

Participant 2 said,

“There was a prevalent culture which I found deeply frustrating which was not to look outwards and say how can we make the cake bigger but how do I get a bigger slice of the cake as it is at the moment. Even after considering the behaviours needed to run a business, senior management always tended to reward the wrong behaviours”.

Participant 6 discussed a preoccupation with internal competition between partners which supports poor behaviours and participant 7 agreed stating, “there is a lot of suspicion between partners”.

It is apparent that whilst an awareness and response to competitive elements was found, this could be improved by a culture which enables openness and communication and an alternative stance to the expressed prevalence of internal competition.

## Innovation attributes

In the Project 2 interviews, the participants considered innovation to be very similar to the creation of a market orientation, almost a synonym and certainly an extension. Innovation is about change (Tidd et al. 2001) and the introduction and implementation of new ideas, processes, products and services (Kanter 1985). Viewed from a professional perspective rooted in tradition, the creation of market orientation which incorporates commercial aspects could be considered as innovation. Due to this, most of the participants referenced their earlier responses which they said could be applied to innovation. Conceptually, where marketing and the creation of a market orientation can be considered in the mainstream of commercial activity, innovation would be further and an entrepreneurial extension. The participants' comments addressed the nature of innovation, its importance and the experiences of law firm management.

Participant 1 said,

“Innovation is a characteristic of certain people and law firms. We try to be innovative. Every law firm says they are innovative but it's up to people and commentators to decide whether they are”.

Participants 4 and 5 believed that innovation was important, and both affirmed that they were innovative. However participant 3 said,

“Trying to be innovative in a law firm is like pushing water up a hill, it is always challenging. A number of partners can affect everything and there is terror at the top because of what they have to do and their lack of skills”.

Participant 6 suggested that his view was a traditional perspective and stated,

“Lawyers are not naturally entrepreneurial due to the history of being a professional. On the whole, we follow what we have done previously, it is easier than creating new ways. There is a reluctance to spend money where there is no direct result. There is a fear of trying new things as it leaves you open to ridicule. There is also a reluctance with anything that takes you away from fee billing”.

Participant 2 considered the industry and his experiences and showed scepticism, stating,

“Due to the nature of law and the type of person in law, innovation needs to be carefully handled. My experience of law firms innovating is that I have only seen

disasters. Law firms do evolve but it's a slow process. The larger firms are tuned into self-assessment and how they should evolve but changing behaviour tends not to work. The key aspects of the practice of law will not change. The best lawyers get close to clients, understand them and deliver advice in a tailored and sculptured way. The best law firms have smaller teams and hands-on senior lawyers".

The fear and ridicule of doing something wrong was a general view offered as a reason for not innovating and there was a widespread criticism expressed of those who had tried to innovate. Participants suggested that new innovative ways created by organisations such as alternative business structures had been a disaster from a professional perspective and not the great success that had been expected. One shared viewpoint suggested that innovative law firms were "few and far between" and that "the creation of a large national brand had largely failed". Another suggested that many innovative alternative business structures were law firms in disguise and that others had fallen by the wayside. Participants expressed the view that clients had not been served well by new, innovative legal service organisations and that advice could be affected by owners with a business interest. Predominantly, innovation was associated with the new wave of legal service providers and a commercial characteristic which was chiefly executed by non-lawyer business owners. Participant 6 said,

"Innovation occurs where business owners enter the market with finance. Lawyers won't do it themselves but are happy to follow. I've often seen lawyers sniggering at the new straplines and logos though they will follow and accept. You need a dynamic person at the head".

Pointing to a motivational aspect, this participant suggested that innovation was cash driven and that there was an unwillingness to spend money in law firms. Linked to a lack of reward for anything other than fee earning, he suggested that innovation would not happen. He stated, "when money is relatively easily made, why would they take the risks of innovation".

Participant 4 agreed concerning risk and said, "Risk aversion prevents spending and stops innovation". He commented that the widely held view of lawyers towards innovation is "if we are not doing things right, we would not have survived until now".

There was common consensus that technology was a driver of innovation however this raised mixed views. Participant 2 commented,

“Technology might make things quicker and cheaper, but the result won’t be as good. You have to be careful when you put technology between you and the client. You start to deliver a product rather than a service and I’ve seen this undermine law firms in the past”.

Other participants took a contrasting view seeing the benefits of technology for both the client and law firm in areas of communication, access, financial management, client and matter information, reduced costs and relationship management.

The findings in Project 1 were predominantly confirmed though law firm management were more guarded towards innovation expressing caution. Where characteristics for the creation of a market orientation were absent, they were for innovation. There was little evidence of any process or collaboration and any new ideas were addressed on an ad hoc basis. Where Project 1 suggested a lack of funding, the findings of Project 2 pointed more to a lack of motivation to spend and lack of commitment to innovation. The risk of failure, a fear of ridicule, a satisfaction with their present status, a lack of reward, and a perceived inconsistency with the nature and skills of lawyers were overriding considerations. There was a scepticism expressed towards those firms which had tried to innovate and a perception that innovation was a modern way and a feature of new, externally financed legal providers. For some participants, innovation meant technology and whilst the benefits of technology were acknowledged, purchasing such items, usually case management systems, was infrequent and done only on a needs basis. For others, innovation related to new business models and ways of working.

#### *Innovative activity*

From a theoretical perspective, there was little evidence of the presence of critical aspects (Dombrowski et al. (2007): Dobni 2008; Codexx 2014) which provide a foundation for innovation. There appeared to be limited intention to innovate in the experiences of the participants, no infrastructure or process to support it, and a lack of commitment, leadership and influence to motivate innovation. The participants did however express their positive experiences where innovation had been implemented in previous and existing firms.

Participant 1 described the creation of an ideation team to consider colleague ideas, a commitment to soft skills training for all staff and making digital media marketing a priority. He discussed the successes of closer ties which had been developed with local and regional radio and

television and suggested that these efforts showed a commitment to being present as a law firm in the long term.

Participant 5 discussed the creation of a number of subsidiary alternative business structures to support his main office and deal exclusively with conveyancing and employment matters. This had streamlined his practice and delivered efficiency.

Participant 2 spoke of a small, retained head office and a team of remote workers, all of whom were mainly independent and similarly, participant 6 discussed his experience at one firm which had created a pool of flexible working lawyers.

Participant 3 had experienced the benefits of new digital marketing tools and social media however confirmed that the use of technology was still in the early stages. This participant pointed to a generational aspect which correlated with use and which would drive future change.

The findings showed that the participants had experienced successes which involved innovation, identifying different examples to Project 1, despite their earlier expressions of negativity to innovation. Observational notes however suggest that the resistance to change is strong and that the adoption of new ideas may be forced by the client, new market forces or the new generation of lawyers who are not limited by tradition.

## Chapter 5 Conclusions

### Meeting the research aims

This research aimed to explore and understand the individual and corporate attitudes towards the concepts and relationships of culture, marketing and innovation in the professional setting of small law firms. Through phenomenological investigation, it aimed to develop theoretical knowledge of the concepts and constructs using an emic, insider perspective and identify the dominant characteristics which would lead to a successful application and implementation of market oriented and innovative culture in practice. This study followed the Roper Report and aimed to challenge two findings of that report in the context of small law firms:

- there was a considerable gap between the proportion of legal service organisations which felt that their culture and leadership was supportive of innovation (80%) and the proportion which had put in place practical steps and supportive initiatives (40%).
- attitudinal barriers to change (and innovation) were generally viewed as being relatively insignificant.

The study also aimed to test and update an earlier researched view that barriers existed towards the development of a market orientation (Harris 1997; Harris and Piercy 1998) and that marketing (and innovation) had limited adoption in the legal sector (Vickerstaff 2000).

Projects 1 and 2 were developed to address the attitudes and experiences from both individual lawyer and law firm management perspectives and these were documented respectively in Documents 3 and 4 of this study.

### Project 1.

This addressed the following two subsidiary questions:

- 1. What are lawyers' attitudes to culture, marketing and innovation in small English law firms?**

All of the six elite participants interviewed in Project 1 described their own stance towards the concepts as proactive and there was general agreement that the concepts are important and

should be integral to a firm's strategy and growth. Most suggested that views towards the concepts were "generational" and that younger lawyers tended to be more externally focused and more receptive to innovative ways and new ideas. This was also reflected in the common description of a transitional period where firms in their experience were moving from a traditional status to a more progressive position concerning entrepreneurialism and commerciality.

However, all of the participants tended to differentiate their proactive position and beliefs of the concepts from their present colleagues and previous firms. There may be reasons for this. This purposive sample was identified because of their knowledge and experience of the concepts and it could be that they tended to be subscribers to the concepts. Also, an eagerness and willingness to participate in the study might reflect this interest and would not be found with those who lacked interest and who might show a negative view. At the sampling stage (of both Projects 1 and 2), I purposely tried to engage with a wide range of participants and welcomed individuals who held an alternative or negative view.

Whilst reflections made about previous firms could be treated with a degree of caution, reflections about present colleagues and a general assertion about other lawyers' disinterest needed more explication.

Most participants expressed a strong personal culture in law firms, an individual culture, where motivations were personal. They pointed to the idea that involvement with marketing, business development, the creation of a market-oriented position, innovation and commerciality depended on the individual lawyer. The notion emerging from the data was that motivation for marketing and innovation, indeed commerciality, was individual and that there was an ambivalence with law firm management, as to whether individuals had this interest. Most participants expressed a lack of incentivisation to change this behaviour. As shown in Chapter 2, literature on both market orientation and innovation clearly points to a leadership motivated, collegiate and collaborative approach towards these factors for effective business performance and this study's data is a divergence from this notion. The theoretical link between the development of a culture and motivation suggested by Harrison and Stokes (1992) is confirmed. However, the data suggests that where there is an empowered McGregor Theory Y environment, there still needs to be the carrot of reward and incentive (McGregor Theory X) regarding marketing and innovation. The data does not support the finding of the Roper Report that 80% of



participants feel that their culture and leadership is supportive of innovation. However, the leadership ambivalence found in this study's data may provide an answer for the much lower levels (40%) of implementation and support noted by the Roper Report.

## **2. From an individual lawyer's perspective, what are the lived experiences of culture, marketing and innovation?**

Common cultural features were expressed which pointed to traditional and time served values with participants using descriptions such as traditional, old fashioned, conservative nature, solid, established, enormous integrity, years of public respect and reputation.

The supportive dimensions of sociable, relationship oriented, and safe characteristics (Akaah 1993) were identified by participants suggesting an internally focused clan culture for the firm (Cameron and Quinn 1999). Contrary to this, there were strong signs of non-collaboration, distrust and individualism which the participants suggested were prevalent traits throughout law firms. This individualistic, person culture (Handy 1995) dominated from a self-interest and self-protection perspective.

The themes of lack of interest, lack of incentive, lack of instant success, generational issues and a strong resistance (to commercial ways and ideas) pervaded all participants' descriptions of their experiences.

From a theoretical perspective, the dimensions and characteristics of marketing and the development of a market orientation and innovation were poorly represented in the experiences:

-Emphasis on customers. Whilst most participants stated that they placed an emphasis on the client, the expressed characteristics of lack of sharing information, non-collaboration, missed client opportunities, a 'that's my client mentality', and a lack of coordination and communication do not support this client emphasis.

-The importance of shared knowledge. This concept was widely accepted by the participants, however there was agreement that this was a sensitive point and in the main, did not take place.

-Inter-functional coordination of marketing activities and relationships. The participants described a lack of coordination which was underpinned by poor or ad-hoc communication and a lack of process or system for generating and disseminating information. This was marginally better where a marketing person had been employed, however the participants stressed that success still depended upon the lawyer's motivation.

-Responsive to market activities by taking the appropriate action. It is difficult to see how a successful proactive response to the market can result from a lack of sharing, collaboration or communication and the described person or individualistic culture that was identified in the data.

The deficiencies seen towards the creation of market orientation are resonated and amplified when considering innovation. A leadership and commitment to external focus, cooperation and sharing, collaboration and incentivisation were not represented in the data and the issue of funding, which would provide resources, time and process was described as the key. The participants also identified the dominant theme of caution and risk aversion which impacted on motivations, leadership and strategy. Despite an apparent amicable working environment, a culture of openness and trust was not found and there was a distinct climate of secrecy and distrust expressed. Denison et al. (2000) competing values of consistency, stability and an internal focus were more apparent than characteristics of adaptability, mission and external focus which would benefit both market orientation and innovation.

## Project 2.

This built on the responses from Project 1 and addressed the following subsidiary questions:

### **3. To what extent do small law firms say that they use culture and marketing to deliver innovation?**

There was little evidence of a culture which was supportive of marketing or innovation. A narrow view existed towards aspects of marketing and the creation of a market orientation and a scepticism towards innovation was dominant. The data showed that marketing had little influence at a strategic level and that innovation was not seen as a goal and was regarded more as a commercial aspect of the new wave of legal services, chiefly executed by non-lawyer business owners. Despite this, some participants had created innovative improvements with business models and new ways of working. Risk aversion was a key cultural factor which prevented

innovative engagement, however more fundamentally, the expressed cultural attitudes, values and behaviours which underlie three overriding themes are central to the existence, success and failure of the concepts of marketing and the creation of a market orientation and innovation. These themes are:

- the person (or individualistic) culture,
- the professional attitude which conflicted with commercialism, and
- a resistance to change.

**4. From the leadership perspective (of small law firms), what are the meanings, structures and essence of the lived experience (of the owners and management) of culture, marketing and innovation?**

The findings from Project 1 were confirmed by Project 2. A commitment to marketing, innovation and the creation of a market-oriented firm was ad-hoc or non-existent. Funding and a lack of resources were commonly offered characteristics however adverse attitudes and motivations were evident. Indeed, it was commonly accepted that finance could be found when and where it is required, showing a lack of value to these causes. The three overriding themes identified above were pervasive and influenced the sub themes of marketing and innovation process and their constituent parts: leadership and vision, strategy, process, infrastructure, openness and trust, teamwork, collaboration and information sharing, the competitive environment and not insignificantly, the client and their needs. Project 2 found widespread evidence of an adverse culture which did not support an external focus, commerciality and its concepts.

The findings derived from the analysis of the data in both projects therefore provide a robust answer to the main research question:

**What are the characteristics of, and relationships between, organisational culture, marketing and innovation in small English law firms?**

The study identified the main perceived characteristics of the concepts and found a high degree of synonymity between a market-oriented culture and an innovative culture. The results support the view that cultural factors underpin and are predeterminants of the implementation of marketing and the creation of a market orientation and innovation. Where there is an enabling

and encouraging culture towards marketing, there is so towards innovation. Where there is a culture which shows disinterest towards marketing, there will be a similar culture towards innovation. The latter is unsurprising where innovation could be considered as an entrepreneurial extension of marketing and a market orientation. Where the Roper Report showed that attitudinal barriers to change (and innovation) were generally viewed as being relatively insignificant, the data from this study demonstrates that in small law firms, it is the contrary and emphasises the importance of attitudes towards change and commerciality for effective business performance in a competitive, commercial environment.

Whilst this doctoral study was being conducted, the Legal Services Board carried out a survey on technology and innovation (Legal Services Board 2018) which in part, sought to update the Roper Report. This new report suggested that the results of the Roper Report remained broadly unchanged. It did however, report “a fall in the proportion of organisations having a culture that supports new ideas, and a growth in the proportion of providers citing attitudinal barriers to change” (p.73).

In my study, from a theoretical perspective, whilst there was the assertion of a clan culture (Cameron and Quinn 1999) of sociability and friendliness (Goffee and Jones 1998), the divergent person culture of self-interest (Handy) was overwhelming. The data suggested a power orientation where control was limited within one or a few individuals and this influenced the culture of firms. This type of orientation can lead to a benevolent leadership or a fear culture and the experiences suggested the former and a predominance of McGregor Theory Y self-management and empowerment environments, with however, distinctive aspects of Theory Y missing (trust, teamwork). The key characteristics of a market orientation noted in literature (Lafferty and Hult 2001) were not well represented in the data. The self-interest of a person culture can act against a client’s interest and emphasis. A lack of sharing and collaboration was apparent and the coordination of marketing activities and appropriate responses to the market were ad-hoc. Similarly, the key characteristics of innovation (Dobni 2008) were not well evidenced. The data showed a resistance and lack of motivation and intention to innovate. Funding could be found however a lack of intention to spend was influential and resulted in limited resources, process and infrastructure and ad-hoc implementation.

The creation of a market-oriented or innovative firm is dependent on the characteristics of teamwork, sharing and openness. However, if the underlying cultural assumptions and values of

a firm accept and encourage individualism through a person culture and reward individual and internal competitiveness over collaboration, the delivery of a market orientation or innovation will be difficult. The data suggests that the concepts of marketing and the creation of a market orientation and innovation were not held with high regard or priority and this is reinforced by the three barriers found in the study.

The study shows that creating a market orientation and engaging with innovation are commercial concepts and this appears to be an obstacle for the professional minded lawyer with traditional views. The notion of commercialism appears to be at odds with professionalism for some and in their view, should be resisted. This resistance ranges from a degree of arrogance and distrust towards the external market to impassive disinterest. In practice, this will create barriers to both the implementation of a market orientation and innovation. Instead of engagement, firms that display such resistance will make themselves vulnerable to the macro environmental forces of competition and may be forced to change to survive (Mayson 2011a).

The Roper Report purported to provide a picture of innovation in all legal services organisations. This study, specifically focusing on small law firms as a sub-group of legal organisations has disproved, in that context, two of the Roper Report's conclusions. Where earlier researchers have discussed the lack of adoption and barriers to marketing and its implementation (Harris 1997; Harris and Piercy 1998; Vickerstaff 2000) and in some cases suggested that this view was outdated (Hodges 2009), this study shows that resistance to commercial ways, be that market orientation or innovation, still exists in small law firms. Perhaps linked to a generational factor or to a professional factor, this resistance is prevalent, despite the intended enablement of a competitive environment by the Legal Services Act 2007, mandating the promotion of competition and providing different routes to regulation.

### Contributions to knowledge and practice

This study has extended and deepened theoretical knowledge of the concepts in the context of small law firms. It has done this using a qualitative, in-depth approach from an insider perspective. It has identified three main barriers to the creation of a market-oriented firm and the use of innovation and provided a deep understanding of the cultural aspects (attitudes, values and behaviours) which underpin these barriers. These barriers reflect the limited implementation of marketing and commerciality aspects, noted by Vickerstaff (2000), and evidence a slow to change sector. From a practice perspective, it has identified characteristics of market orientation and

innovation which will assist effective organisational performance and the adoption of competitive strategies. It has shown that small law firms are a distinct sector of the legal profession whose responses differ to the responses of the Roper Report and that policymakers should take care to differentiate and acknowledge this sector. By combining the levels of cultural visibility and phenomenological enquiry, the study also offers a model for phenomenological, cultural research.

### Limitations.

If there are limitations to this study, they are ones which are generic to qualitative and particularly phenomenological study. An in-depth study of 13 participants does not provide universality or purport to produce generalisability. Indeed, qualitative research does not claim to produce generalisable results. Also, the research project was necessarily time constrained by the programme schedule. However, the strengths of this research are reflected by an insider's position to understand the deep rooted and fundamental attitudes, values and beliefs which are creating obstacles in practice. The number of participants is within the acknowledged range, suggested for phenomenological study and the findings represent these participants' experiences. It can be argued with all qualitative data that meaning is dependent and determined by interpretation and therefore this can differ and is not stable. This is not denied by me as a researcher who follows a social constructivist paradigm. However, this research was described by the participants who provided their own meaning, with the researcher following phenomenological theory, and making every effort to set aside bias and provide transparency where meaning was derived.

### Implications for policy, practice and further research

Whilst there has been facilitation of commercial aspects in the liberalisation of the Legal Services Act 2007 and some recognition shown by research and reports on innovation and the creation of SRA Innovate, this study shows that obstacles remain to the voluntary take up of commercial ways such as market orientation and innovation by small law firms. As the SRA figures for 2016 (when this study commenced) showed that 95% of the law firms in England and Wales were small law firms, there are implications for both policy makers and law firm management.

If law firms intend to survive in a competitive environment, they need to adopt commercial mechanisms. Colleagues need to be more open, transparent, communicative, collaborate and collegiate and a task and externally focused orientation should be fostered. Whilst a professional

attitude of pride in one's work should be upheld, the demystification of the lawyer as a professional and a gentleman and the enabling of the lawyer as a modern, business service provider, in tune with the client, should be encouraged through supervision, regulation and training. A culture of continual, incremental improvement should be encouraged where measured risks can be supported for the benefit of the firm. Traditional time recording and billing methods do not incentivise market-oriented involvement or innovation and alternative methods of reimbursement should be considered, alongside more flexible and transparent forms of client billing. A move from organic culture towards a mechanistic culture which starts to implement change at leadership level, recognises the benefits of external expert assistance, and places these commercial aspects at strategic level are aspects that can be drawn from this study.

The recent coronavirus crisis has emphasised the need to do things differently, to change, be more client and market focused and innovative. It has affected small law firms both from a planning and logistical perspective and enforced changes to working practices (Legal Services Board, 2021) and collaboration, the funding and embracing of innovation particularly technology, and how to serve the client. This external event has acted similar to competitive market forces and requires the use of business and commercial mechanisms to respond. From the despair, there are opportunities which can be seized by placing a culture of external, market orientation and innovation which focuses on client needs and how they wish to be served at the forefront of a future, sustainable model of business. Similar to market forces, any cultural resistance to change will be challenged by business survival, necessity and force.

This study has identified the characteristics which form a market-oriented culture of innovation. It has also identified a number of areas for further research. To complement this detailed, in-depth study of a few participants, a broader, quantitative study of the same concepts, using a survey method, would be beneficial. Whilst this study's participants concentrated on small law firm experiences, participants with large law firm experience could be studied as a comparator. The notion of a multidisciplinary law firm has become an option and a study which compares the way that other professional services (e.g. accountancy) engage with the concepts could be undertaken.

It is my intention to use the findings of this study to assist law firms in developing an appropriate culture, which incorporates market orientation and innovation characteristics, to successfully implement external client focused and competitive strategies.

One participant in this study with 36 years' experience who had been a partner in three large firms and an associate lawyer in two small law firms said,

“When I started, the distinction was between gentlemen and businessmen. I was taught that a lawyer was a gentleman, not a businessman and the idea of being commercial and business like was frowned upon. Lawyers did not feel that they were businesses. The gentleman aspect has largely gone now but there is still a belief that the price is what we want it to be. The idea is that lawyers are *artists not artisans* and that there is an intrinsic value in our work.” [my italics]

I recognise the significance of culture and believe that law firms can become client focused, market-oriented and innovative without professional debasement. It is all about attitudes.



## References

- Ahmed, P.K. (1998). Culture and climate for innovation. *European Journal of Innovation Management*, 11 (1), pp. 30-43.
- Akaah, I.P. (1993). Organizational culture and ethical research behaviour. *Journal of the Academy of Marketing Science*, 21 (1), pp. 59-63.
- Aldas-Manzano, J., Kuster, I. and Vila, N. (2005). Market orientation and innovation: An inter-relationship analysis. *European Journal of Innovation Management*, 8 (4), pp. 437-452.
- Amabile, T.M., Conti, R., Coon, H., Lazenby, J. and Herron, M. (1996). Assessing the work environment for creativity. *Academy of Management Journal*, 39 (5), pp. 1154-84.
- Amabile, T.M. (1997). Motivating creativity in organizations: On doing what you love and loving what you do. *California Management Review*, 40 (1) (Fall), pp. 39-58.
- American Marketing Association. (2017). *Definitions of Marketing*. Online: AMA. Available at <https://www.ama.org/the-definition-of-marketing-what-is-marketing>. (Accessed 15.6.19).
- Ansoff, I, H. (1979). *Strategic Management*. New York: Wiley.
- Arogyaswamy, B. and Byles, C.M. (1987). Organizational culture: internal and external fits. *Journal of Management*, 13 (4), pp. 647-659.
- Bailey, C.A. (1996). *A guide to field research*. Thousand Oaks, California: Pine Forge.
- Baker, W.E. and Sinkula, J.M. (2002). Market orientation, learning orientation and product innovation: delving into the organization's black box. *Journal of Market Focus Management*, 5(1), pp. 5-23.
- Barker, R. (1994). Relative utility of culture and climate analysis to an organizational change agent: an analysis of general dynamics, electronics division. *International Journal of Organizational Analysis*, 2 (1), pp. 68-87.
- Barney, J.B. (1986). Organizational culture: can it be a source of sustained competitive advantage? *Academy of Management Review*, 11 (3), pp. 656-665.
- Baxter, L. A. and Babbie, E. (2003). *The basics of communication research*. Boston, MA: Wadsworth.
- Bessant, J., Lamming, R., Noke, H. and Phillips, W. (2005). Managing innovation beyond the steady state. *Technovation*, 25 (12), pp. 1366-1376.
- Bessant, J. and Tidd, J. (2007). *Innovation and entrepreneurship*. Chichester: John Wiley and Sons.
- Bettenhausen, K. and Murnighan, J. K. (1985). The emergence of norms in competitive decision-making groups. *Administrative Science Quarterly*, 30, pp.350-372
- Bossidy, L. and Charan, R. (2002). *Execution: The discipline of getting things done*. New York: Crown.

- Bourner, T., Bowden, R. and Laing, S. (2001). Professional doctorates in England. *Studies in Higher Education*, 26 (1), pp 65-83.
- Brown, B. (1968). *Delphi process: A methodology used for the elicitation of opinions of experts*. Santa Monica: The Rand Corporation.
- Buckler, S.A. (1997). The spiritual nature of innovation. *Research-Technology Management*, March-April, pp. 43-7.
- Burns, T. and Stalker, G.M. (1961). Mechanistic and organic systems. *The Management of Innovation*. London: Tavistock.
- Burrell, G. and Morgan, G. (1979). *Sociological paradigms and organizational analysis: Elements of the sociology of corporate life*. London: Heinemann.
- Caelli, K. (2001). Engaging with phenomenology: Is it more of a challenge than it needs to be? *Qualitative Health Research*, 11, pp. 273-281.
- Cameron, K.S. and Freeman, S.J. (1991). Cultural congruence, strength, and type: Relationships to effectiveness. *Research in organizational change and development*, 5 (1), pp. 23-58
- Cameron, K.S. and Quinn, R.E. (1999). *Diagnosing and changing organizational culture*. USA: Addison-Wesley.
- Capon, N., Farley, J. U. and Hulbert, J. M. (1988). *Corporate strategic planning*. New York: Columbia Univ. Press.
- Chavez, C. (2008). Conceptualizing from the inside: Advantages, complications, and demands on insider positionality. *The Qualitative Report*, 13 (3), pp. 474-494
- Chen, C. J. (2009). Technology commercialization, incubator and venture capital, and new venture performance. *Journal of Business Research*, 62 (1), pp. 93–103.
- Christenson, C.M. and Raynor, M.A. (2003). *The innovator's solution: Creating and sustaining successful growth*. Boston, MA: Harvard Business Press.
- Christenson, L.B., Johnson, R.B, and Turner, L.A. (2010). *Research methods, design and analysis*. 11<sup>th</sup> ed. Boston, MA: Allyn and Bacon.
- Codexx. (2014). *Product development- ten best practices*. Hants: Codexx. Available at: <https://www.codexx.com/2014/10/> (Accessed 10.12.20).
- Creswell, J. W. (1998). *Qualitative inquiry and research design: Choosing among five traditions*. Thousand Oaks, California: Sage.
- Creswell, J.W. (2003). *Research Design: Qualitative, quantitative and mixed method approaches*. 2<sup>nd</sup> ed. Thousand Oaks, California: Sage.
- Creswell, J.W. (2007). *Qualitative inquiry and research design: Choosing among five approaches*. 2<sup>nd</sup> ed. Thousand Oaks, California: Sage.

- Creswell, J.W. (2008). *Research Design: Qualitative, quantitative and mixed method approaches*. 3rd ed. Thousand Oaks, California: Sage.
- Damanpour, F. (1991). Organizational innovation: a meta-analysis of effects of determinants and moderators. *Academy of Management Journal*, 34 (3), pp. 555-90.
- Day, G.S. (1990). *Market-driven strategy, processes for creating value*. New York: Free Press.
- Day, G.S. (1992). Marketing's contribution to the strategy dialogue. *Journal of the Academy of Marketing Science*, 20 (Fall), pp. 323-330.
- Day, G.S. (1994). The capabilities of market-driven organisations. *Journal of Marketing*, 58 (10), pp. 37-52
- Deal, T.E. and Kennedy, A.A. (1982). *Corporate cultures*. Reading, MA: Addison-Wesley.
- Demirci, A. (2013). Strategic representation of an abstract reality: Spiralling relations between organizational culture and Innovativeness. *Journal of Management and Strategy*, 4 (3), pp. 39-55
- Denison, D. R. (1990). *Corporate culture and organizational effectiveness*. New York: Wiley.
- Denison, D.R. (1996). What is the difference between organizational culture and organizational climate? A native's point of view on a decade of paradigm wars. *Academy of Management Review*, 21(3), July, pp. 619-654
- Denison, D.R. and Mishra, A.K. (1995). Toward a theory of organizational culture and effectiveness. *Organization science*, 6(2), pp.204-223.
- Denison D. R. and Neale, W.S. (1996). *Denison organisational culture survey*. Ann Arbor, MI: Aviat.
- Denison D.R., Cho, H.J, and Young, J. (2000). Diagnosing organisational culture: Validating a model and method. *Working paper series, 2000- 2009 in the collection of International institute for management development*, Lausanne, Switzerland.
- Denison, D.R., Haaland, S. and Goelzer, P. (2003). Corporate culture and organizational effectiveness: Is there a similar pattern around the world? *Advances in Global Leadership*, 3, pp. 205–227.
- Deshpande, R. and Webster, F.E. (1989). Organizational culture and marketing: Defining the research agenda. *Journal of Marketing*, 53 (1), pp. 3-15
- Deshpande, R., Farley, J.U. and Webster, F. (1993). Corporate culture, customer orientation, and innovativeness in Japanese firms: a quadrad analysis. *Journal of Marketing*, 57 (Jan), pp. 23-37.
- Deshpande, R. and Farley, J. U. (1999). Executive Insights: Corporate culture and market orientation: Comparing Indian and Japanese firms. *Journal of International Marketing*, 7 (4), pp. 111-127

- Deshpande, R. and Farley, J.U. (2004). Organizational culture, market orientation, innovativeness, and firm performance: An international research odyssey. *International Journal of Research in Marketing*, 21, pp. 3– 22.
- Dobni, C.B. (2008). Measuring innovation culture in organizations: the development of a generalized innovation culture construct using exploratory factor analysis. *European Journal of Innovation Management*, 11 (4), pp. 539-59.
- Dobni, C.B. and Luffman, G. (2003). Determining the scope and impact of market orientation profiles on strategy implementation and performance. *Strategic Management Journal*, 24 (6), pp. 577-85.
- Dombrowski, C., Kim, J.Y., Desouza, K.C., Braganza, A., Papagari, S., Baloh, P. and Jha, S. (2007). Elements of innovative cultures. *Knowledge and process management*, 14 (3), pp. 190-202.
- Dose, J. J. (1997). Work values: An integrative framework and illustrative application to organizational socialization. *Journal of Occupational and Organizational Psychology*, 70 (3), pp. 219–240.
- Drucker, P. (1954). *The practice of management*. New York: Harper and Row.
- Ekvall, G. (1996). Organizational climate for creativity and innovation. *European Journal of Work and Organizational Psychology*, 5 (1), pp. 105-123.
- Empson, L. (2018). Elite interviewing in professional organizations. *Journal of Professions and Organizations*, 5(1), pp. 58-69.
- Evan, W.M. (1966). Organizational lag. *Human Organizations*, 25 (1), pp. 51-53.
- Field, G.R. and Ableson, M.A. (1982). Climate: a reconceptualization and proposed model. *Human Relations*, 35 (3), pp. 191-201.
- Fox, M., Green, G. and Martin, P. (2007). *Doing practitioner research*. London: Sage.
- Francis, D. and Bessant, J. (2005). Targeting innovation and implications for capability development. *Technovation*, 25 (3), pp. 171-83.
- Gearing, R. E. (2004). Bracketing in research: A typology. *Qualitative Health Research*, 14, pp. 1429-1452.
- Goffee, R. and Jones, G. (1998). *The character of a corporation*. London: Harper Collins Business.
- Groenwald, T. (2004). A phenomenological research design illustrated. *International Journal of Qualitative Methods*, 3 (1), pp. 1-26.
- Gundling, E. (2000). *The 3M way to innovation*. Tokyo: Kodansha International.
- Handy, C. B. (1995). *Gods of management; The changing work of organisations*. Oxford: Oxford University Press.

- Han, J.K., Kim, N. and Srivastava, R.K. (1998). Market orientation and organizational performance: is innovation a missing link? *The Journal of Marketing*, 60 (2), pp. 30-45.
- Harris, L.C. (1996). The Application of Piercy and Morgan's Dimensions of Marketing Planning. *Management Decision*, 34 (3), pp. 35-40
- Harris, L.C. (1997). Barristers' marketing? *Academy of Marketing Conference*, Competitive Paper, pp. 413-423
- Harris, L. and Piercy, N. (1998). Barriers to marketing development in the barristers' profession. *The Service Industries Journal*, 18 (4), pp. 19-37.
- Harrison, R. and Stokes, H. (1992). *Diagnosing organizational culture*. San Diego, California: Pfeiffer.
- Heidegger, M. (1962). *Being and time*. New York: Harper and Row.
- Helmer, O. and Rescher, N. (1959). On the epistemology of the inexact sciences. *Management Sciences*, 6 (1).
- Hill, C.W.L. and Rothaermel, F.T. (2003). The performance of incumbent firms in the face of radical technological innovation. *Academy of Management Review*, 28 (2) (April), pp. 257-274.
- Hodges, S. (2009). *Marketing legal services to medium sized companies*. Ph.D thesis, Nottingham Trent University.
- Hofstede, G. (1984). Cultural dimensions in management and planning. *Asia Pacific Journal of Management*, 1 (2), pp. 81-98.
- Hofstede, G (2011). Dimensionalising cultures: The Hofstede model in context. *Online readings in psychology and culture*, 2 (1) No. 8.
- Hofstede, G., Neuijen, B., Ohayv, D.D. and Sanders, G. (1990). Measuring organizational cultures: A qualitative and quantitative study across twenty cases. *Administrative Science Quarterly*, 35 (2) (June), pp. 286-316.
- Hogan, S. J. and Coote, L.V. (2014). Organizational culture, innovation, and performance: A test of Schein's model. *Journal of Business Research*, 67, pp. 1609-1621.
- Homburg, C. and Pflesser, C. (2000). A multiple-layer model of market-oriented organizational culture: Measurement issues and performance outcomes. *Journal of Marketing Research*, 37 (4), pp. 449-462.
- Hornby, A. S., Cowie, A. P. and Gimson, A. C. (1983). *Oxford Advanced Learner's Dictionary*. Oxford: Oxford University Press.
- Hovgaard, A. and Hansen, E. (2004). Innovativeness in the forest products industry. *Forest Products Journal*, 54 (1), pp. 26-33.

- Hult, G. T. M., Hurley, R. and Knight, G. A. (2004). Innovativeness: Its antecedents and impact on business performance. *Industrial Marketing Management*, 33, pp. 429- 438
- Hunt, S.D. and Morgan, R.M. (1995). The comparative advantage theory of competition. *Journal of Marketing*, 59, pp.1-15.
- Hurley, R.F. and Hult, G.T. (1998). Innovation, market orientation, and organizational learning: an integration and empirical examination. *Journal of Marketing*, 62, pp. 42-54.
- Husserl, E. (1931). *Ideas: General introduction to pure phenomenology*. Boyce Gibson, W.R. translation, London: Routledge, (2012).
- Hycner, R. H. (1985). Some guidelines for the phenomenological analysis of interview data. *Human Studies*, 8, pp, 279-30
- Jaworski, B.J. and Kohli, A.K. (1993). Market orientation: antecedents and consequences. *Journal of Marketing*, 57, pp. 53-70.
- Jones, A.P. and James, L.R. (1979). Psychological climate: dimensions and relationships of individual and aggregated work environment perceptions. *Organizational Behaviour and Human Performance*, 23, pp. 201-50.
- Kanter, R.M. (1985). *The change masters*. London: Unwin.
- Kanter, R. (1996). When a thousand flowers bloom: structural, collective, and social conditions for innovation in organizations. *Knowledge management and organisational design*, pp. 93-131.
- Kessler, L. L. (2014). The effect of organizational culture on its employee's turnover intention in Israel. *Annals of the University of Oradea, Economic Science Series*, 23, pp. 1019–1027.
- Kim, W. C. and Mauborgne, R. (1997). Opportunity Beckons. *Financial Times*, 18 August, p. 8.
- Kluckhohn, C. (1951). The study of culture. In Lerner, D. and Lasswell, H.D. eds, *The Policy Sciences*. Stanford, California: Stanford University Press, 1951, pp.86-101,
- Knight, K.E. (1967). A descriptive model of intra-firm innovation process. *Journal of Management*, 40 (4), pp. 478-96.
- Kohli, A.K. and Jaworski, B.J. (1990). Market orientation: the construct, research propositions, and managerial implications. *Journal of Marketing*, 54 (April), pp. 1-18.
- Kvale, S. and Brinkmann, S. (2009). *Interviews: Learning the craft of qualitative research interviewing*. 2nd ed. Thousand Oaks, California: Sage.
- Lafferty, B. A. and Hult, G. T. M. (2001). A synthesis of contemporary market orientation perspectives. *European Journal of Marketing*, 35, pp. 92-109.
- Langdridge, D. (2007). *Phenomenological psychology: Theory, research and method*. Harlow: Pearson education.

Law Society of England and Wales. (2016). *The future of legal services*. London: The Law Society. Available at: <http://www.lawsociety.org.uk/news/press-releases/future-of-legal-services---press-release/> (Accessed 10.5.18).

Legal Services Board. (2018). *Technology and innovation in legal services- Main report: An analysis of a survey of legal service providers*. London: Legal Services Board. Available at: <https://legalservicesboard.org.uk/wp-content/media/Innovation-survey-2018-report-FINAL-2.pdf> (Accessed 12.12.20).

Legal Services Board. (2021). *Covid dashboard gives clearest picture yet of pandemic's impact on legal services- February 2021 update*. London: Legal Services Board. Available at: <https://legalservicesboard.org.uk/news/covid-dashboard-gives-clearest-picture-yet-of-pandemics-impact-on-legal-services-february-2021-update> (Accessed 3.3.21).

Legal Services Consumer Panel. (2014). *2020 Legal Services- How regulators should prepare for the future*. London: Legal Services Board. Available at: [https://www.legalservicesconsumerpanel.org.uk/publications/research\\_and\\_reports/documents/2020consumerchallenge.pdf](https://www.legalservicesconsumerpanel.org.uk/publications/research_and_reports/documents/2020consumerchallenge.pdf) (Accessed 26.5.20).

Lichtman, M. (2006). *Qualitative research in education: A user's guide*. Thousand Oaks, California: Sage.

Likert, R. (1961). *New patterns of management*. New York: McGraw-Hill.

Litwin, G.H. and Stringer, R.A. (1968). *Motivation and organizational climate*. Boston: Harvard University.

McCarthy, E.J., Perreault, W.D. and Quester P.G. (1990). *Basic marketing: a managerial approach*. Homewood: Irwin.

McDermott, C. and Handfield, R. (2000). Concurrent development and strategic outsourcing: do the rules change in breakthrough innovation? *Journal of High Technology Management Research*, 11 (1) (Spring), pp. 35-57

McGregor, D. (1960). *The human side of enterprise*. New York: McGraw-Hill.

McKenna H.P. (1994). The Delphi technique: a worthwhile approach for nursing? *Journal of Advanced Nursing*, 19, pp. 1221- 1225.

Madill, A., Jordan, A. and Shirley, C. (2000). Objectivity and reliability in qualitative analysis: Realist, contextualist and radical constructionist epistemologies. *British journal of psychology*, 91, pp. 1-20.

Maister, D.H, (2001). Employee attitudes affect a company's financial success, *Employment relations today*, New York: The Free Press.

- Maitland, A., Hills, L. A. and Rhind, D. J. (2015). Organisational culture in sport – a systematic review. *Sport Management Review*, 18, pp. 501–516.
- Martin, J. and Siehl, C. (1983). Organisational culture and counterculture: An uneasy symbiosis, *Organisational Dynamics*, 12 (2), pp. 52-64.
- Martins, E.C. and Terblanche, F. (2003). Building organizational culture that stimulates creativity and innovation. *European Journal of Innovation Management*, 6 (1), pp. 64-74.
- Mayson, S. (2007). *Law Firm Strategy: Competitive Advantage and Valuation*. Oxford: Oxford University Press.
- Mayson, S. (2011a). Businesses must “adapt or die”, warns industry expert. *Human Resource Management International Digest*, 19 (2), pp.34-35.
- Mayson, S. (2011b). *Law firms and the formula for success*. Wingrave: Stephen Mayson. Available at <https://stephenmayson.files.wordpress.com/2013/08/mayson-2011-law-firms-and-the-formula-for-success.pdf> (Accessed 12.10.18).
- Moran, E.T. and Volkwein, J.F. (1992). The cultural approach to the formation of organizational climate, *Human Relations*, 45 (1), pp. 19-47.
- Morgan, N.A. (1990). Implementing marketing: key issues for professional service firms. *Journal of Professional Services Marketing*, 6 (1), pp. 7-16.
- Morgan, G. and Smircich, L. (1980). The case for qualitative research,. *Academy of Management Review*, 5 (4), pp. 491-500.
- Moustakas, C. (1994). *Phenomenological research methods*. Thousand Oaks, California: Sage.
- Mumford, M.D., Scott, G. M., Gaddis, B. and Strange, J. M. (2002). Leading creative people: Orchestrating expertise and relationships. *Leadership Quarterly*, 13 (6), pp. 705–750.
- Nadler, D.A. and Tushman, M.L. (1980). A model for diagnosing organizational behaviour. *Organizational Dynamics*, 9 (2) (Autumn), pp. 35-51.
- Naples, N. A. (2003). *Feminism and method: Ethnography, discourse analysis, and activist research*. New York: Routledge.
- Narver, J.C. and Slater, S.F. (1990). The effect of a market orientation on business profitability. *Journal of Marketing*, (October) pp. 20-35.
- Newby, P. (2010). *Research methods for education*. Harlow: Pearson.
- Nottingham Trent University. (2021). *Governance and integrity*. Nottingham: Nottingham Trent University. Available at: <https://www.ntu.ac.uk/research/research-environment-and-governance/governance-and-integrity>. (Accessed 12.2.21).
- O’Cass, A. and Ngo, L. (2007). Market orientation versus innovative culture: two routes to superior brand performance. *European Journal of Marketing*, 41(7-8), pp. 868-87.



- O'Reilly, C. A. (1989). Corporations, culture, and commitment: motivation and social control in organizations. *California Management Review*, 31 (4), pp. 9-25.
- O'Reilly, C. A., Chatman, J. and Caldwell, D. F. (1991). People and organizational culture: A profile comparison approach to assessing person-organization fit. *Academy of Management Journal*, 34 (3), pp. 487-516.
- Ouchi, W.G. (1980). Markets, bureaucracies and clans. *Administrative Science Quarterly*, 25 (2), pp. 129-41.
- Perel, M. (2002). Corporate courage: Breaking the barrier to innovation. *Research Technology Management*, 45 (3) (May/June), pp. 9-17.
- Peters, T.J. and Waterman, R.H. (1982). *In search of excellence: Lessons from America's best-run companies*. New York: Harper and Row.
- Polkinghorne, D. (1989). Phenomenological research methods. In Valle, R.S. and Halling, S. eds. *Existential-phenomenological perspectives in psychology*. Boston: Springer, (1989) pp.41-60.
- Racher, F. (2003). Using conjoint interviews to research the lived experience of elderly rural couples. *Nurse Researcher*, 19 (3), pp. 60-72.
- Ray, M. A. (1994). The richness of phenomenology: Philosophic, theoretic, and methodologic concerns. In: Morse, J.M. ed. *Critical issues in qualitative research methods*. Thousand Oaks, California: Sage, (1994), pp. 117-133
- Reigle, R.F. (2001). Measuring organic and mechanistic cultures. *Engineering Management Journal*, 13 (4) (December), pp. 3-8.
- Roper, S., Love, J., Rieger, P. and Bourke, J. (2015). *Innovation in legal services*. London: Legal Services Board. Available at <https://legalservicesboard.org.uk/wp-content/media/Innovation-Report.pdf> (Accessed 17.6.17).
- Ross, A. (2016). Establishing a system for innovation in a professional services firm. *Business horizons*, 59, pp 137-147.
- Rukert, R.W. (1992). Developing a market orientation: an organizational strategy perspective. *International Journal of Research in Marketing*, 9, pp. 225-45.
- Ryder, P.A. and Southey, G.N. (1990). An exploratory study of the Jones and James organisational climate scales. *Asia Pacific Human Resources Management*, (August), pp. 45-52.
- Sathe, V. (1983). Implications of corporate culture: A manager's guide to action. *Organizational Dynamics*, 12 (2), pp. 4-23.
- Schein, E.H. (1984). Coming to a new awareness of organisational culture, *Sloan Management Review*, 26 (Winter), pp. 3-16.
- Schein, E.H. (1990). Organisational culture. *American psychologist*, 45 (2), pp.109-119

- Schein, E.H. (1992). *Organizational culture and leadership*. 2<sup>nd</sup> ed. San Francisco: Jossey-Bass.
- Schein, E. H. (2010). *Organizational culture and leadership*. 4th ed. San Francisco: Jossey-Bass.
- Schwartz, H. and Davis, S. (1981). Matching corporate culture and business strategy. *Organizational Dynamics*, 10, pp. 30-48.
- Scholtz, C. (1987). Corporate culture and strategy; The problem of strategic fit. *Long Range Planning*, 20 (4), pp. 78-87
- Schneider, B. (1985). Organizational behaviour. *Annual Review of Psychology*, 36, pp. 573-611.
- Schneider, B., Brief, A.P. and Guzzo, R.A. (1996). Creating a climate and culture change for sustainable organizational change. *Organizational Dynamics*, 24 (4) (Spring), pp. 7-19.
- Schneider, B. and Barbera, K.M. (2014). *The Oxford handbook of organisational climate and culture*. Oxford: University Press.
- Seale, C. (1999). *The quality of qualitative research. Introducing Qualitative Methods Series*. London, Sage.
- Shapiro, B. (1988). What the hell is market-oriented? *Harvard Business Review*, (November-December), pp. 119-25.
- Slater, S. F. and Narver, J. C. (1994). Does competitive environment moderate the market orientation- performance relationship? *Journal of Marketing*, 58, pp. 46-54
- Slater, S. F. and Narver, J. C. (1995). Market orientation and the learning organization. *Journal of Marketing*, 59, pp. 63–74.
- Smircich, L. (1983). Concepts of culture and organisational analysis, *Administrative Science Quarterly*, 28 (September), pp. 339- 358.
- Strauss, A.L. and Corbin, J. (1998). *Basics of qualitative research; Procedures and techniques for developing grounded theory*. Thousand Oaks, California: Sage.
- Subramaniam, M. and Youndt. M.A. (2005). The influence of intellectual capital on the types of innovative capabilities. *Academy of Management Journal*, 48 (3), pp. 450–463
- Syrett, M. and Lammiman, J. (1997). The art of conjuring ideas. *Director*, 50 (9), pp. 48-54
- Tesluk, P.E., Farr, J.L. and Klein, S.A. (1997). Influences of organizational culture and climate on individual creativity. *Journal of Creative Behaviour*, 31 (1), pp. 27-41.
- Thomas, R. J. (1993). Interviewing important people in big companies. *Journal of Contemporary Ethnography*, 22 (1), pp. 80–96.
- Tidd, J., Bessant, J. and Pavitt, K. (2001). *Managing innovation*. 2<sup>nd</sup> ed. Chichester: Wiley.
- Trott, P. (2005). *Innovation management and new product development*. Harlow: Prentice-Hall.
- Tushman, M.L. and O'Reilly, C.A. (1997). *Winning through innovation: A practical guide to leading organizational change and renewal*. Boston: Harvard Business Press.

- Utterback, J.M. (1971). The process of technological innovation within the firm. *Academy of Management Journal*, 14 (1), pp. 75-88.
- Utterback, J.M. (1994). *Mastering the Dynamics of Innovation*. Boston: Harvard Business Press.
- Van Manen, M. (1990). *Researching lived experience: Human science for an action sensitive pedagogy*. Albany: New York Press.
- Vickerstaff, A. (2000). Legal sector marketing: a contested case. *Management Decision*, 38 (5), pp. 354–361.
- Vracking, W.J. (1990). The innovative organization. *Long Range Planning*, 23 (2), pp. 94-102.
- Wallace, J., Hunt, J. and Richards, C. (1999). The relationship between organisational culture, organisational climate and managerial values. *International journal of Public Sector Management*, 12 (7), pp. 548-564.
- Wallach, E. (1983). Individuals and organizations: the cultural match. *Training and Development Journal*, 37 (2), pp. 29-36.
- Wang, C.L. and Ahmed, P.K. (2004). Development and validation of organizational innovativeness construct. *European Journal of Innovation Management*, 7 (4), pp. 303-13.
- Weiss, R. S. (1994). *Learning from strangers: The art and method of qualitative interview studies*. New York: Free Press.
- Welch, C., Marschan-Piekkari, R., Penttinen, H. and Tahvanainen, M. (2002). Corporate elites as informants in qualitative international business research. *International Business Review*, 11, pp. 611–628.
- Welman, J. C. and Kruger, S. J. (1999). *Research methodology for the business and administrative sciences*. Johannesburg, South Africa: International Thompson.
- Wolfe, R.A. (1994). Organizational innovation: review, critique and suggested research directions. *Journal of Management Studies*, 31(3), pp.405–31.
- Young, W.H. and Hogben, D. (1978). An experimental study of the Delphi technique. *Education Research Perspective*, 5, pp. 57-62.

## Appendix 1: Information Sheet

**The relationship between organisational culture, marketing and innovation in small English law firms:**

**A project conducted towards fulfilment of a Professional Doctorate at Nottingham Trent University.**

**Information sheet – Interviews.**

Thank you for agreeing to participate in an interview. This project is being conducted by me, Phillip Swaine as part of a Professional Doctorate study at Nottingham Trent University. It is an exploration of the concepts of culture, marketing and innovation in small English law firms and hopes to gain a valuable insight through the experiences, views, attitudes and values of participants.

### **Why have I been invited?**

People are being invited to discuss their experiences relating to the concepts and it is believed by me that your contribution would benefit the research project.

### **Do I have to take part?**

No. I will contact you and ask if you wish to participate. If you do not, or a suitable appointment cannot be made, then you will not hear from me again. If you change your mind before the interview appointment, or at any stage during the interview, you can withdraw without any adverse consequences. Because there are time constraints on the study, it will not be possible to withdraw your information or ask for any part of it not to be used once the interview has taken place.

### **What will happen to me if I take part?**

You will be asked to take part in an interview which considers aspects of organizational culture, marketing and innovation in small English law firms. This interview should take no longer than 45-60 minutes and will be face to face. I will ask for your permission to audio-record the interview as this will ensure an accurate record of the information you provide. So that you are not placed in difficulty by being overheard, interviews may take place in the evenings or at weekends if this is more convenient for you. I may be able to provide you with some information about likely topics in advance. If you feel uncomfortable with any individual questions, you do not need to answer them. You should also consider, in deciding what to tell me, whether any of that information might accidentally identify you or your employer (e.g. a particular work practice which the researcher will not know is unique to your firm).

### **What are the possible advantages and disadvantages of taking part?**

The benefits of taking part are that you will be able to contribute to new research on the subject. Your employer will not be told about your participation. Taking part will not, therefore, affect any appraisal within your work. You will not receive any payment for your participation.

As a researcher, I am bound by an ethical research code which requires me to act with integrity and therefore I would be obliged to report any serious misconduct to an interviewee's Compliance Officer for Legal Practice, if this became apparent. You should take this into account when deciding whether to participate and, if you do, what information you reveal.

Further details on the Nottingham Trent University research ethics policy and code of practice can be found at: <https://www.ntu.ac.uk/research/research-environment-and-governance/governance-and-integrity>

### **What will happen to the information I provide?**

I will keep your contact details securely, under password and all contact details, emails and other correspondence will be deleted after the project. Copies of hard copy consent forms will, however, be printed out and held in a secure, locked cabinet for a period of 6 years, following which they will be destroyed.

The audio recordings will be transferred from my audio device to my PC where they will be held, under password, until the completion of the project. Anonymous summaries will be created in the course of analysis of the group of interviews as a whole. These will be deleted after the project. Audio recordings (these cannot be fully anonymised) will not be passed on to anyone at the conclusion of the project but will be deleted on completion of the analysis. It will not be possible to provide you with a duplicate of the audio recording.

The information you provide will be analysed and used to inform the research project, the professional doctorate project and other publications and reports may include anonymised quotations from surveys and interviews.

### **What if there is a problem?**

We hope this is unlikely. However, if you do have any concerns or wish to complain, please contact me, Phillip Swaine, in the first instance on telephone number ..... or by email at ..... If matters cannot be resolved or you prefer to speak to someone else, you may then contact my lead supervisor, Jane Ching at.....

## Appendix 2: Consent form

**The relationship between organisational culture, marketing and innovation in small English law firms:**

**A project conducted towards fulfilment of a professional doctorate at Nottingham Trent University.**

### **Consent form – Interviews**

I have read and understood the information sheet for this project which I may keep for my records.	√ <input type="checkbox"/>
I have had the opportunity to ask any questions I may have.	<input type="checkbox"/>
I understand that my information will be held and processed for the purposes of the research project and possible reports and publications arising from it.	<input type="checkbox"/>
I understand that data will be held confidentially and that I will not be identified in any publications or reports without my prior consent.	<input type="checkbox"/>
I understand that my participation is voluntary and that I am free to withdraw at any time until the conclusion of the interview without giving any reason and without being penalised or disadvantaged in any way.	<input type="checkbox"/>
I understand that the researcher is governed by a research ethics policy and code of practice which will require him to act with integrity. He would therefore be obliged to report any serious misconduct to the interviewee's Compliance Officer for Legal Practice, if this became apparent. This policy and code of practice can be found at: <a href="https://www.ntu.ac.uk/research/research-environment-and-governance/governance-and-integrity">https://www.ntu.ac.uk/research/research-environment-and-governance/governance-and-integrity</a>	<input type="checkbox"/>
I understand who to contact if I have any concerns or complaints.	<input type="checkbox"/>

_____ <b>Name of Participant</b>	_____ <b>Date</b>	_____ <b>Signature</b>
_____ <b>Researcher</b>	_____ <b>Date</b>	_____ <b>Signature</b>

## Appendix 3: Cue cards (Culture, marketing/ market orientation, Innovation)

### Culture

#### Definitions

“a pattern of shared values and beliefs that help individuals understand organisational functioning and thus provide them norms for behaviour in the organisation” (Deshpande and Webster 1989, p.4).

“a pattern of shared basic assumptions learned by a group as it solved its problems of external adaption and internal integration, which has worked well enough to be considered valid and, therefore, to be taught to new members as the correct way to perceive, think, and feel in relation to those problems” (Schein 2010, p. 18).

#### Literature findings

-plays a key role in the internal environment of a firm and influences attitudes, behaviours and motivation (Smircich 1983).

-influences market performance externally (Homburg and Plesser 2000).

-high performing firms share four characteristics- “a high degree of market orientation, innovativeness, organisational climates of openness and trust, and an externally oriented organisational culture” (Deshpande and Farley 1999, p.111).

#### Key Dimensions

-beliefs and underlying assumptions, espoused values, patterns of behaviour, artifacts, symbols, language.

-flexibility and discretion versus stability and control.

-internal focus and integration versus external focus and differentiation.

-power - role - task - person culture.

Bureaucratic	Innovative	Supportive
Hierarchical	Risk taking	Collaborative
Procedural	Results- oriented	Relationship -oriented
Structured	Creative	Encouraging
Ordered	Pressurised	Sociable
Regulated	Stimulating	Personal freedom
Established/ solid	Challenging	Equitable

Cautious	Enterprising	Safe
Power-oriented	Driving	Trusting

## Marketing and Market orientation

### Definitions

#### Marketing

“Marketing is the activity, set of institutions, and processes for creating, communicating, delivering, and exchanging offerings that have value for customers, clients, partners, and society at large” (American Marketing Association 2017).

#### Market orientation

“an emphasis on customers, shared knowledge, inter-functional coordination of marketing activities and being responsive to market activities” (Lafferty and Hult 2001, p.100).

In this project, I will refer to marketing and the creation of a market orientation. Within your descriptions of experience, please consider the wider and holistic nature of values and behaviour which initiate and lead to the commercial and business development of the law firm e.g. a marketing perspective and its implementation.

### Literature findings

- the marketing concept and the creation of a market orientation as a source of competitive advantage which benefits performance (Narver and Slater 1990).
- aspects of market, commitment to taking action and contribution as factors towards law firm success (Mayson 2011b).
- the importance of relationship management, business development, innovation, and contributing to firm relations. (Mayson 2011b).
- a history and tradition within the legal profession which has resisted and disassociated itself from ideas of marketing and creating a market- oriented organisation (Harris 1996; Harris and Piercy 1998; Vickerstaff 2000).
- deepest aspects of market orientation are at cultural level (Hurley and Hult 1998).
- new attitudes and innovative methods (of marketing) as a challenge to the status of the professional (Morgan 1990).



### **Key dimensions**

- an emphasis on customers.
- the importance of shared knowledge and information.
- inter-functional coordination of marketing activities and relationships.
- being responsive to market activities by taking the appropriate action.
- information on all important buying influences permeates every corporate function.
- strategic and tactical decisions are made inter-functionally and inter-divisionally.
- divisions and functions make well-coordinated decisions and execute them with a sense of commitment.
- the organisation-wide generation and dissemination of client intelligence (current and future needs) and organisation-wide responsiveness to it.
- customer and competitor orientation and inter-functional coordination.
- developing and implementing strategy from customer intelligence.
- customer orientation and customer first.

### **Innovation**

"generation, acceptance and implementation of new ideas, processes, products and services" (Kanter 1985).

"openness or reception of new ideas and adoption into practical use" (Tidd et al. 2001).

"truly innovative organisations create a climate conducive to innovation" (Damanpour 1991, p.584).

### **Literature findings**

Innovation is,

- a basic function of a business enterprise (Drucker 1954).
- a culture (Dombrowski et al. 2007).
- a factor towards commercial success or failure (Utterback 1994).
- a dimension of competition (Maister 2001).
- a factor of value in knowledge based professional services (Kim and Mauborgne 1997).
- an aspect of a firm's competitive advantage and survival (Baker and Sinkula 2002).

### **Key Dimensions**

- Intention, influence, infrastructure, implementation.
- innovative vision and strategy.

- strong and active leadership/ management support for innovation.
- democratic lateral communication for experimentation and innovation.
- working environments which enable an innovation process.
- values, beliefs and behaviours that encourage innovation.
- resources- finance, people, time and methods.
- process and controls for idea generation, selection and implementation.
- flexibility.
- collaboration across boundaries.
- a system for capturing, sharing and learning/ teaching.
- incentive schemes for team working.
- strong third-party links to help generate new ideas.

## Appendix 4 Project 1 Interview structure and questions

(The interviews were semi-structured, and the following is a guide to the interviews. The questions and sequence depended on the flow of the interview, the responses received and the summarising and paraphrasing of the researcher).

Interview between Phillip Swaine and ..... of ..... (law firm)

The date and time is .....and the location is .....

This interview is being mechanically recorded and will subsequently be transcribed.

Field notes will also be made by Phillip during the interview as an interview prompt and to assist later analysis.

Thank you again for taking part in my research.

Research shows that the concepts of culture, marketing and the creation of a market orientation and innovation are key factors in high performing organisations. This research explores these concepts of culture, marketing/ market orientation and innovation in law firms and I would be interested to hear about your experiences. As a plan for this interview, I would initially like you to consider these concepts and how they relate to each other. I would like to probe your experience with questions which are drawn from academic literature. I intend to show you notes on key themes which may assist the structure of our discussion, cover the main attributes and dimensions of the concepts and my research and assist with analysis. This interview will be anonymised and will not be identifiable to you personally. It will be recorded, transcribed and analysed and will be securely stored. The information recorded will assist the research and will be used to support documents and publications about the research. You have the right to withdraw at any time without reason. Do you have any further questions about the process?

I would firstly like to show you some cue cards which provide a background to the concepts and show definitions, comments from literature and key dimensions.

Studies show that culture influences market performance externally and plays a key role within a firm in that it influences attitudes, behaviours and motivation. I am specifically interested in cultural aspects which would affect or influence marketing and innovation within the working environment of the firm.

Q. Please tell me about your experiences regarding culture within law firms.

Q. Can you describe the culture and climate within your organisation?

Q. What are the dominant characteristics in your organisation?

Q. If culture relates to deep inset values and assumptions and climate relates to more temporal feelings, views and initiatives, can you describe how these factors impact on marketing and innovation?

Q. How can your organisation's culture be seen in the values, attitudes and behaviours expressed within your firm?

Q. Can you point to any language, emblems, documents, stories or rituals which display your firm's culture?

Q. Could you describe your own attitudes towards marketing, the creation of a market orientation and innovation in a law firm?

Q. What is your experience of colleague's attitudes to marketing, market orientation and innovation and their level of enthusiasm towards these concepts within the firm?

Q. How much would you say that marketing is valued within the firm?

Q. Can you describe your firm's commitment to a marketing strategy, its implementation and any actions which are taken?

Q. Do you have a set process and procedures in place?

Q. How does your firm identify its markets?

Q. How important in your firm is shared knowledge and information (about a client)?

Q. Do you have a process for intelligence generation and dissemination and sharing across departments?

Q. Can you describe your firm's marketing plan and your own level of engagement and activities?

Q. Who, in the sense of position, has the responsibility for marketing?

Q. Does that person have a marketing background, qualifications or experience?

Q. Tell me about the time and resources dedicated to marketing?

Q. How would you describe the coordination of marketing activities within your firm?

Q. Some literature suggests that there has been a tendency to resist aspects of marketing and creating a marketing orientation within law firms, what is your experience and view of this?

Q. This particular view propounds a culture which dislikes marketing, finds it not in keeping with the profession of law and suggests a lack of enthusiasm to its implementation, what is your experience of this?

Q. How does the firm respond to new ideas, approaches and activities?

Q. How would you describe the firm's emphasis and response to client needs? Can you give examples of this?

Q. How responsive would you say your firm is to market and competitor activities?

Q. What does innovation mean to you in the context of a law firm?

Q. Can you describe any stated vision and strategy for innovation or the development of new ideas and ways of developing markets, clients and client relations?

Q. How would you describe the leadership and management views, beliefs, commitment and motivation to new ways of working, new products or services?

Q. Is there active management support for innovation efforts? How can this be seen?

Q. How effective would you describe the working environment as an enabler for innovation?

Q. How would you describe colleague values, beliefs and behaviours to finding new approaches, new products and services?

Q. How would you describe colleague attitudes to experimentation with new ideas and approaches?

Q. How would you describe the communication across departments?

Q. Where innovation represents new ideas, new ways of working and new products or the improvement of existing products and methods, does your firm have a process and control for idea generation, selection and implementation.

Q. Can you describe the resources which are available to support innovative activity?

Q. How would you describe the firm's relations with clients, suppliers and others, particularly with regards to generating new work, new ideas and new solutions to client issues?

Q. How would you describe your relations with regards to generating new work, with particular regard to creating new ideas or solutions to client issues?

Q. Can you describe any systems or processes in place to capture and share information on new ideas, new ways of working and new solutions?

Q. Is there anything else you can add which would be relevant to this study regarding your experience?

Thank you so much for participating in the interview.

## Appendix 5 Project 2 interview structure and questions

(The following is a guide to the interviews which were structured to identify participant experiences, assess others' comments and reflect on the concepts.)

Interview between Phillip Swaine and ..... of ..... (law firm)

The date and time is .....and the location is .....

This interview is being mechanically recorded and will subsequently be transcribed.

Field notes will also be made by Phillip during the interview as an interview prompt and to assist later analysis.

Thank you again for taking part in my research.

Research shows that the concepts of culture, marketing and the creation of a market orientation and innovation are key factors in high performing organisations. This research explores these concepts of culture, marketing/ market orientation and innovation in law firms and I would be interested to hear about your experiences. As a plan for this interview, I would initially like you to consider these concepts and how they relate to each other. I would like to probe your experience with questions which are drawn from academic literature. As part of law firm management, I would like you to comment on responses given to me within my study and finally, provide reflections of the concepts and responses. I intend to show you notes on key themes which may assist the structure of our discussion, cover the main attributes and dimensions of the concepts and my research and assist with analysis. This interview will be anonymised and will not be identifiable to you personally. It will be recorded, transcribed and analysed and will be securely stored. The information recorded will assist the research and will be used to support documents and publications about the research. You have the right to withdraw at any time without reason. Do you have any further questions about the process?

I would firstly like to show you some cue cards which provide a background to the concepts and show definitions, comments from literature and key dimensions.

Studies show that culture influences market performance externally and plays a key role within a firm in that it influences attitudes, behaviours and motivation. I am specifically interested in cultural aspects which would affect or influence marketing and innovation within the working environment of the firm.

Q. Please tell me about your experiences regarding culture within law firms.

Q, What, in your experience, are the dominant characteristics of culture in small law firms?

Project 1 participants highlighted three main themes: generic small law firm cultures, organic culture and a person culture.

Q. Participants have used words such as traditional, old fashioned, conservative, conventional, respect and reputation. What is your view on this?

Q. An organic culture has been described which is senior lawyer led, based on sociability, light of foot but in transition. Is this accurate?

Q. An overriding view of participants in Project 1 was that of a very individualistic culture amongst lawyers, driven by self-interest. What are your comments on this?

Q. Considering the comments and what you have said, have we discussed an accurate picture of culture in small law firms?

Q. Could you describe attitudes (both yours and colleagues) towards marketing, the creation of a market orientation and innovation in a law firm?

Q. Could you describe the level of commitment towards these concepts and their value in small law firms?

Q. How does law firm culture impact on these concepts?

Some of the key themes in Project 1 concerned lawyer attitudes to marketing and the creation of market orientation, strategy, funding and resources, shared information, communication, collaboration and coordination (internal) and market intelligence, responsiveness and client emphasis (external).

Q. Participants spoke of a range of attitudes towards marketing which included the following: a resistance to marketing; commitment and involvement to marketing was a personal thing; that marketing was a generational issue; that there was a lack of incentive or instant reward for involvement and that law firms were ambivalent as to their involvement. Could you consider these aspects and comment?

Q. What is your experience concerning marketing and innovation plans, strategy, process and procedure within small law firms?

Q. How would you describe the management, funding and resourcing of marketing and innovation activities in small law firms?

Q. With regards to the concepts, how would you describe the levels of teamwork, working together, and sharing information?

Q. From your experience, would you describe the levels of awareness in small law firms of client needs and responsiveness to market and competitor activities?

Project 1 participants discussed experiences which can be summarised into the following themes: strategy, funding and resources, shared information, communication, coordination, market intelligence, responsiveness and client emphasis.

On strategy, participants pointed to a range in the existence of a marketing strategy from no existence and informality to part of business planning. The predominant view that there was no formal business planning with words used like 'ad hoc, loose, flexible, lacked consistency' though there was a suggestion of a move towards formality.

Q, What would you say about this?

Funding was a key issue. Limited funding and resources, the value of marketing and cost effectiveness, and a suspicion and distrust of marketing and the industry were mentioned. Despite this, there was a view that pro-rated spend on marketing was high compared to larger firms.

Q, Can you comment?

Participants suggested that teamwork and collaboration and the communication and sharing of information and ideas predominantly did not take place and offered reasons of insecurity, inconvenience, lack of trust and a 'that's my client mentality'.

Q, What is your view on this?

Participants suggested that market intelligence, awareness and responsiveness often depended on resources which were not always used efficiently. Despite a predominant view of poor communication and missed opportunities, most participants believed they and their firms possessed a good client emphasis, which was a point of differentiation. What would you say about this?

Q, Reflecting on the answers about marketing and the creation, development and implementation of a market-oriented firm, does what we have discussed present an accurate reflection in small law firms in your experience and if not, please could you indicate where it does not?

Q, What does innovation mean to you in the context of a law firm?

Q, How do small law firms respond in your experience to new ideas, approaches and activities?

Q, How would you describe the levels of commitment, motivation and enthusiasm for innovation?

Q. How would you describe the physical support, processes, funding and resources for innovation?

Q, Project 1 participants pointed to similarities between innovation and market orientation, suggesting that many of their responses to marketing and market orientation could be applied to innovation. They identified no formal process, limited funding, little collaboration or communication though they did suggest some active reception for change. They suggested that innovation was a synonym for change, individualistic and predominantly a generational issue. What is your view on these comments?

Q, Whilst the participants wanted to assert that they were innovative, they described an overriding barrier of risk aversity, based on financial prudence and compliance and suggested that



innovation was not a natural characteristic of lawyers and law firms. What would you say about this?

Q, Participants have suggested that whilst there may be a need to be commercially aware, it very much depends on the individual's motivation. They have suggested that law firms are ambivalent as to whether a lawyer proactively engages with innovation (and marketing) and some have discussed the benefits of commercial training for the future. Please comment on these views.

Q, Would you give examples of where innovation and new ideas have been implemented?

Q, Do you feel that our discussion has covered the main attributes of innovation and provided a true reflection of its place in small law firms?

Q Is there anything else you can add which would be relevant to this study regarding your experience?

Thank you so much for participating in the interview.