BUSINESS DISORIENTATION IN A POST LEGAL AID ECONOMY

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Copyright Statement

Abstract

Context/Purpose – Previous literature highlights that there is limited understanding of the orientations and culture of legal service providers. Responding to identified literature gaps and at a time of market turbulence following government intervention, this study focuses on legal service providers in England.

Design/Methodology/Approach – This multi-case approach uses an interpretivist methodology to investigate five case studies within legal firms of varying sizes and description within England. Twenty-nine semi-structured interviews were undertaken with participants from various positions within the firms. The interviews were subject to a six-stage thematic analysis process.

Findings – The findings revealed deep insight into the related, yet distinct cultures and orientations within legal service providers across England. Key themes idenitified within the cases included: inorganic growth, solitary individuals, reputation marketing, standardised law, strong traditions, paradoxical orientations and cultures.The first-hand accounts highlighted the complexities of the organisational culture business orientation interplay. Organisational culture as a separate construct was found to have a strong influence on the firms business orientation.

Research Limitations – Like most interpretivist studies, this study limits the generalisability. However, the findings of the research can be applied to other legal service providers or organisations that may share common attributes, such as other professional service firms (PSF's), or traditional markets.

Practitioner/Academic Contribution – This research has identified the complementary business orientations and supportive organisational cultures within the context of legal service providers as separate entities. Creating a cultural and business orientation model and table which delivers a theoretical and practitioner's contribution.

Originality – The basis of originality for the research is founded in the legal context with a multiple case study and multi-layered approach. Previous research has failed to demonstrate complementary cultural and business orientations within the legal context. Originality for this study is presented through a cultural and business orientation model, allowing users to identify the most productive organisational culture and business orientation combinations.

Keywords – Organisational culture, business orientation, inorganic growth

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Glossary of Terms

ABS	An alternative business structure (ABS) is an entity that, while providing regulated reserved legal activities, allows non-lawyers to own, invest and/or manage law firms. This removes the barriers to what was a closed profession.
Advocacy	The action of advocating, pleading for, or supporting a cause or proposal in court on behalf of a client.
Bar	The bar is now used as a collective noun for barristers, However, it was literally a wooden barrier in old courtrooms, which separated the often crowded public area at the rear from the space near the judges reserved for those having business with the Court. Barristers would sit or stand immediately behind it, facing the judge.
Bar Standards Board (BSB)	The Bar Standards Board regulates barristers and specialised legal services businesses in England and Wales. It is responsible for ethics and standards of conduct of the barristers and authorising barristers to practice. The board handles complaints against barristers and enforcing action where appropriate.
Barristers Clerk	A barrister's clerk is a manager and administrator in a set of barrister's chambers, normally reporting to a senior clerk (see senior clerk).
Brief	A concise statement of a client's case made out for the instruction of an advocate, usually a barrister and produced by a solicitor.
Bench	A metonym – Firstly where a judge sits, however, used to describe members of the judiciary. Finally, a collective noun to describe judges.
Cab-rank rule	In English law the cab-rank rule states that it is the obligation of the barrister to accept all work in the field in which they are competent. The term derives from Hackney carriage drivers. The Bar Standards Board handbook sets out the rule (rC29). It ensures that unpopular individuals will always get legal representation (Bar Standards Handbook, 2019).
Carter Report (2006)	The report was tasked with reducing the costs of procurement of criminal defence services by 2006 entitled '*Procurement of criminal defence services: market- based reforms.*' It resulted in the reduction of legal aid.
Called	Call to the bar is the point where an individual is qualified to be allowed to argue in court on behalf of another party and are then said to have been called.
Chambers	The building in which barristers are normally based which is a set of barristers (also referred to as Set).
Chambers Director	An individual employed in the commercial running of a chambers, not to be confused with a Head of Chambers.

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Clerk	A person usually within chambers who organises the administrative function for a barrister. This will include the diary of the barrister and ensuring the barrister concerned has the relative skill and knowledge for that case. Furthermore, they may liaise with a number of outside agencies including the Crown Prosecution Service (See CPS). They will collect monies due from clients on behalf of the barrister.
Counsel	An alternative name for a barrister generally used in court and on court orders
CPS	Crown Prosecution Service. A Government agency set up to prosecute a crime in England headed by the Director of Public Prosecutions. It takes all crimes investigated by the police.
Direct Access	For a member of the public to go direct to a barrister without the need of a solicitor's involvement.
First Six	Pupillage is divided into two distinct six-month periods. During the 'first six' the trainee barrister shadows the cases of an experienced barrister; in the 'second six' (months) the barrister prepares and presents their own cases, usually within a magistrate's court. It is traditional for a 'junior barrister' to work within the magistrate court for the first five years before being allowed a case within the High Court.
Fee Earner	An individual who is carrying out legal work which will deliver a fee to the law firm in which they are employed.
HCA	Higher Court Advocate or Solicitor Advocate is the title used by a solicitor who is qualified to represent clients as an advocate in the higher courts in England and Wales. A role traditionally undertaken by a barrister and may compete against a barrister in court.
Head of Chambers	The Head of Chambers is usually a Queen's Counsel (see "QC" or "Silk") or a 'senior junior', They may exercise a powerful influence on the members of the chambers. It is normally an unpaid position as Head of Chambers will be a practicing barrister and as such will have their own clients.
Independent Bar	Barristers that are self-employed and as such independent.
In-house Advocate	An in-house advocate is employed by an organisation such as a solicitor's practice, a company, or the Crown Prosecution Service (CPS). Unlike the independent Bar who are self-employed the in-house advocate is solely employed by the organisation that pays them a salary and the usual benefits of employment.

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LASPO	The Legal Aid Sentencing and Punishment of Offenders Act (1ˢᵗ May 2012). This is a statute of Parliament, an act which made provision about the limited funding of legal aid. The reduction in the £2.1bn legal aid bill. This resulted in the first protest by the Criminal Bar in 2014.
Legal Aid	Is the provision of financial assistance by the state in England and Wales to people otherwise unable to afford legal representation in the courts. Legal aid is regarded as central in providing access to justice for all.
Legal Service provider	Someone who gives advice and assistance in relation to the operation or exercise of legal rights and the performance of legal obligations; and advice and assistance in relation to all forms of legal dispute (Clementi Report, 2004:94).
LiP	Litigant in Person, someone who represents themselves in court, with no legal representation such as a solicitor or barrister, usually due to the prohibitive cost implications of employing representation.
LPO	Legal Process Outsourcing LPO, refers to the practice of a law firm or corporation obtaining legal support services from an outside law firm or legal support services company (LPO provider).
McKenzie Friend	There are two types of McKenzie friends, those that charge and those that don't. The name arose through a divorce case (McKenzie v's McKenzie, 1970). One of the parties could no longer afford legal fees and therefore became a litigant in person (see LiP). The original solicitors provided a 'friend' free of charge. A McKenzie friend does not need to have any legal training. However, a judge may, in exceptional circumstances refuse the right to a McKenzie friend.
MOJ	Ministry of Justice is a major government department, at the heart of the justice system. It works to protect and advance the principles of justice. It is supported by 33 agencies and public bodies.
Multi-disciplinary Law	Is a law firm which may provide numerous law services such as family and crime. As a professional services firm (PSF) it will further offer most professional services as a 'one stop shop'. This may include; lawyers, advertising professionals, architects, accountants, financial advisers, engineers, and consultants.
Pupillage	Pupillage is a 12-month training period for those aiming to qualify as barristers, usually spent in a barristers' chambers with a pupil master. This period of time is usually split into two six-month periods the 'first six' and the 'second six' (see first six and second six). Prior to the pupillage the pupil will have gained a law degree and successfully undertaken a one-year university 'bar course'.
Paralegal	A person trained in subsidiary legal matters but not fully qualified as a solicitor.
Pro Bono Work	Is a vital part of the lives of lawyers, providing 'justice for all'. Pro bono work is legal representation or advice provided free of charge in the public interest.

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PSF	Professional Services Firm which offers professional services under one roof lawyers, advertising professionals, architects, accountants, financial advisers, engineers, and consultants.
QC Queens Counsel	Queen's Counsel, (see silk). As members wear silk gowns of a particular design. Appointment as Queen's Counsel is known informally as taking silk, and hence QCs are often colloquially called silks. Appointments are made from within the legal profession on the basis of merit rather than a particular level of experience.
Recorder	Recorders may sit in both Crown and County Courts, but most start by sitting in the Crown Court. Their jurisdiction is broadly similar to that of a circuit judge, but they will generally handle less complex or serious matters coming before the court.
Reserved Legal Activity	Individuals and firms regulated by one of the eight legal regulators which over time under the Legal Services Act (2007) provide reserved activities (litigation, advocacy, probate services and conveyancing). Non-reserved activities include will writing and most employment law and providing legal advice.
Second Six	The second six months of a barristers training following the 'first six' (months). Within the second six the trainee or pupil will prepare and present their own cases usually within the magistrate's court.
Senior Clerk	A senior clerk would manage junior clerks within the barrister's chambers. Their responsibilities are varied from collecting of fees to organising bookings for the barristers. They will have a detailed knowledge of the expertise and limitations of their barristers. They would normally advise solicitors on availability of the barrister and their skill sets. A senior clerk would have a very good network of solicitor's practices and be in regular contact.
Silk	See QC.
SRA	Solicitors Regulatory Authority. The Solicitors Regulation Authority (SRA) regulates solicitors in England and Wales.
Temple	There are four Temples named after the Knights Templar. These are the Inns of Court and are exclusively entitled to call their members to the English Bar as barristers. The four Inns are: Middle Temple, Inner Temple, Gray's Inn and Lincoln's Inn.
Tenant	A door tenant is a barrister who has been granted permission to join a set of chambers and work with them from premises outside the chambers themselves. Those members who work in the premises are simply 'tenants' while 'squatters' are those who make legitimate use of the premises without belonging to the set.

Glossary validated by: John Hudson, Barrister-in-Law and Head of Chambers (2019).

Chapter 1 Introduction

1.1 Overview

This chapter initially introduces the context for the research and literature from a practitioner's perspective, highlighting the changes that have occurred within the judiciary (appendix one). Furthermore, the chapter continues with the response to the change in the market by the law firms and the consumers. Finally, it considers the academic perspective and the justification for the research. The chapter will conclude by presenting the structure of this thesis.

1.2 The Changing Legal Market

The legal aid system in England and Wales had remained largely unchanged since inception by Clement Attlee in 1949, *'One of the three central pillars of the welfare state'* (Cookson, 2011:7). Although, the principle of *'Justice for all'* can be traced back to the Magna Carta in 1215 (Perkin, 2002:476). The demand for legal aid had grown, until 2013 when the Legal services Act (2012) had an affect (glossary of terms) (figure.1.1, table, 1.1).

FIGURE 1.1: REDUCTION IN SOLICITORS' FIRMS PROVIDING CIVIL LEGAL AID (MOJ, 2019)
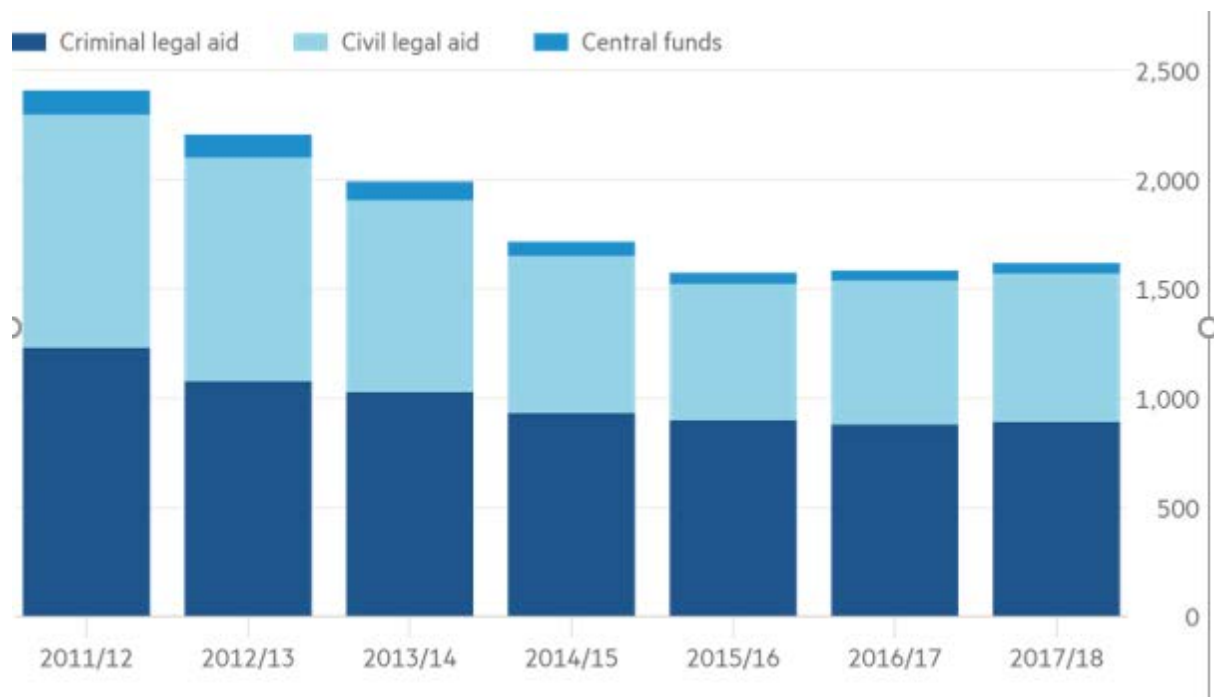
TABLE 1.1: CUTS TO LEGAL AID (£M) (FINANCIAL TIMES, 2018)

In 2009 it cost the UK taxpayer £2.4 billion, with £900 million being spent on civil legal aid (Cookson, 2011). The one hundred and forty-thousand solicitors in the UK, compared with Germany's one hundred and sixty-one thousand, is too many for the UK, demonstrating an over capacity in the industry (Solicitors Regulatory Authority, 2017). In certain parts of the country this has become a saturated market. However, the UK economy needs the UK judiciary to be profitable, contributing directly 2.1% of the UK's GDP (Law Society, 2018).

Lord Carter of Coles was tasked with producing a report to reduce the costs of procurement of criminal defence services by 2006 entitled 'Procurement of criminal defence services: market-based reforms', it set about to do exactly that (The Carter Report, 2006). However, his report went further than expected, recommending far-reaching cuts on the entire legal aid system, not just crime in England and Wales (National Audit Office, 2014). This was to the alarm of the majority of the legal establishment (Davies, 2017; Taddia, 2014). With the subsequent Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) (glossary of terms), also referred to as the Jackson reforms, austere measures were set out in the Department for Constitutional Affairs (DCA) paper in November 2006 entitled 'Legal Aid Reform: the way ahead' (Davies, 2017).

The Legal Aid Statistics in England and Wales, 2013-2014 (MOJ, 2014), clearly showed the extent of these cuts, with a twenty-one per cent reduction in criminal legal aid. Furthermore, with the effects of the Legal Services Act (2012) there was an increase in competition from unlikely sources, such as supermarkets (Tesco Law). Globalisation has brought with it the threat from large international legal practices, multinational legal corporations (Muzio *et al.*, 2013; Faulconbridge and Muzio, 2008).

In 2017 three of the largest five law firms in the world were based in the UK, with this figure forecast to rise (ONS, 2017). The legal industry in the UK directly employs three hundred and sixteen thousand people, two thirds of which are outside London. It is an industry, which attracts global investment, as a world legal centre (The Law Society, 2019). However, large legal firms in a B2B environment are losing business clients who are choosing to develop legal departments internally, in a cost transaction approach (Barrett, 2014). Furthermore, MNCs (multi-national corporations) are now measuring the performance of any external legal firm used, utilising success fee models. A further development in the market has seen the introduction of Legal Processing Outsourcing (LPO, glossary of terms), contract legal services. The market is seeing the introduction of legal panels by businesses, once again to drive down the costs of legal work, this could be perceived as a trade-off placing costs ahead of quality (Cookson, 2011).

Ninety-eight per cent of legal practices within England can be classified as small medium enterprises (SMEs) (European Commission, 2014). Therefore, they have limited resources and increasing economic pressures, suggesting that the legal map of practicing lawyers in England and Wales could fundamentally change, due in part to the political and socio-economic pressures (Hale, 2019; Handleman, 2019; House of Commons Research, 2019; Jarrett-Kerr, 2009).

1.3 Consequences and Positionality

There is no doubt that small legal practices are a necessity to the future of the UK, but they could disappear in the current climate (Hale, 2019; Handleman, 2019; Susskind, 2019; Croft, 2013). The Law Society (2012) suggested that from 2015 it expected zero organic growth for MSME English legal firms. It further proffered that for microenterprise law firms to survive they should specialise in a concentrated niche marketing strategy (Susskind, 2014; Monk and

Moyes, 2008). According to Legal Week (2015) the future for MSME legal firms is forecast to be very challenging with only the larger legal firms making a profit. It was proposed that *'mega law'* firms would eventually replace small legal practitioners and family law firms in England and Wales, most in a process of inorganic growth (Faulconbridge and Muzio, 2008). From an author's positionality existing practitioner and academic literature has influenced the author's view of the turbulent market that is presented to the legal fraternity, moreover, is has influenced the title of this thesis. The inability of the judiciary to attend to the troubled market is further evidenced. Whilst this may influence the author it will be later discussed as to the fluidity of the author's view has more evidence emerges.

The financial cuts to the legal aid system, by the Government's own admission, has affected social cohesion, crime rates and business and economic inefficiencies. The government has proposed that these will be mitigated by the reduced burden to the UK taxpayer (Susskind, 2019; Cookson, 2011). For many legal professionals it has resulted in a considerable drop in income (Baksi, 2013). To further accentuate the situation a number of consumers, with the loss of legal aid have chosen to represent themselves. This has reduced the number of fee-paying consumers in the market; these are referred to as Litigants in Person (LiP) (glossary of terms) and often accompanied by a McKenzie Friend (glossary of terms), although this has resulted in greater expense to the legal process with increased court time (Roper *et al.,* 2016; Cookson, 2011). It was originally suggested that no data was available for numbers of LiPs, and the Government was withholding this information (The Law Society, 2015, Rovnik, 2003). However, Grimwood (2015) proposed a figure of thirty per cent increase, where neither party had legal representation in family law. The pressures have further been moved to the NHS and Social Services as these departments attempt to ease the social and health burden (Financial Times, 2018).

Despite having a number of years to create a strategy and implement measures to combat the cuts, Mayson (2007, 2011) suggested that up to three thousand legal firms would disappear as a response to losing between twenty-five to fifty per cent of private clients. However, Croft (2013) had forecast that up to four thousand of the eleven thousand legal practices within the UK would disappear within the next five years, this did not materialise (Mayson, 2020). The next section will discuss the reaction of the legal industry to the changes in the market. The aforementioned changes to the legal services market has influenced the authors position with regard to the turbulent market and the instability that currently exists. The author has reflected

that the current market is in the long term unsustainable, damaging not just the legal service providers but the judiciary has a whole. Moroever, the levels of service that can be afforded the public have been dramatically reduced and will continue to do so in the current climate. The author's positionality concurs with regard to the affects of the afformentioned events suggesting that the net contribution to the economy will be damaged.

1.4 The Response of the Legal Industry

The reaction and approach by the judiciary to the cuts have been numerous, some have taken a cost transaction-based approach to the market, by simply reducing costs and prices in a process of consolidation or inorganic growth to create economies of scale. Alternatively, others have simply placed a moratorium on all expenditure. According to Byrom (2019), Croft (2013), Edwards, (2011), Cookson (2011), and Heine (2010) this would have long-term negative affects upon the legal industry, in not creating the legal practitioners of tomorrow in a shrinking, parlous market. Other legal practices have been in denial and believed that the cuts and competition would not occur. This has resulted in their prompt demise, with a large number under the Solicitors Regulatory Authority (SRA) intensive supervision process (Croft, 2013). The SRA and the BSB (Bar Standards Board, glossary of terms) were further troubled by an increase in the number of complaints received about solicitors (7% increase) and barristers (29% increase). This has been attributed to law firms cutting costs and reduced levels of service (SRA, 2018; BSB, 2018).

Some practices have survived through inorganic growth within the UK, although with the relatively small number of likely suitors many legal firms are looking further afield to grow (Tsolakis, 2014). This too could have a negative effect on de-skilling the industry (Byrom, 2019; Edwards, 2011). Furthermore, it could transpire that these mergers may not be value accretive and result in further damage to the market. In a demographic trend of ageing lawyers and redundancies few law firms have the incentives or resources to train new solicitors or advocates (Byrom, 2019; Edwards, 2011).

Legal firms are recognising that they have to bid for work on a fixed fee basis as opposed to relying on uncontested time sheets (Cookson, 2011). Furthermore, with the onset of the Alternative Business Structures (ABS) as part of the Legal Services Act (2012) pejoratively referred to in legal circles as 'Tesco Law' (Economist, 2013), non-lawyers can now run, own,

or invest in a legal business. Commercial organisations such as supermarkets and even councils recognise the opportunities within the legal market, with such organisations as Tesco, Saga, the Coop and the AA. At the end of 2014 over three hundred applications for ABS's have been received (Legal Services Review, 2015), predominantly within areas of law which are process led, which does not necessitate an in depth understanding of the law. An example of this would be personal injury and conveyancing, an area traditionally occupied by SME and MSME legal services (Croft, 2013; Monk and Moyes, 2008). With the onset of Legal process Outsourcing (LPOs) by businesses to such organisations as Baker Tilly it places more strain on the legal practices within England, but particularly MSMEs. According to Monk and Moyes (2008) LPOs provide process driven law or standardised law, a market which MSMEs have traditionally occupied. To compound the situation further due to many legal practices consolidating, due in part to financial pressures, it has resulted in an overcapacity in the market of unqualified legal students. Therefore, it has resulted in a rise in the number of paralegals being employed, and qualified legal students unable to secure employment and complete their pupillage or articles. However, it has been suggested that the market is naïve to the pernicious effects of the changes, with many consumers in a state of unconscious unknowing (Byrom, 2019; Croft, 2013). It could be proposed that this will further exacerbate and the de-skilling of the legal industry, damaging the level of service that a potential client should enjoy. Conversely, the large international law firms according to the Law Society, (2018) are attempting to create business through lateral hires, effectively purchasing business. Once again this could damage the market, it is therefore conceivable that there may be a resultant two-tier market, with justice becoming a consumer item. Therefore, there is a cogent argument from a practitioners perspective for future research in this area. The next section will propose that limited research has been undertaken since the implementation of the LASPO Act (2012).

1.5 Research Justification

There are studies and quality academic research into organisational culture and business orientation in the legal practices of England: (Day and Barksdake, 2003; Vickerstaff, 2000; O'Malley and Harris, 1999; Hart and Hogg, 1998; Wright, 1991; Morgan, 1990). However, since the changing social, economic, political, and legal landscape brought about through the Carter Report (2006), the subsequent Legal Services Act (2012) and the Legal Aid Sentencing and Punishment of Offenders Act (2012) (LASPO) there is less research (Mayson, 2020; Roper *et al.,* 2016; Lettice *et al.,* 2014; Woo and Leelapanyalert, 2014; Hodges, 2013; Cookson, 2011;

Faulconbridge and Muzio, 2008; Monk and Moyes, 2008). Previous research does not consider the developing effects on the current market, in particular they do not consider the MSME legal sector and more specifically the relationship with the organisational culture and business orientation within legal service providers within multiple case studies (Roper *et al.,* 2016). Moreover, there is a lack of research on the effects of business orientation and the contextual factors and how it should be managed (Gao, 2017; Jogaratnam, 2017; Gebhardt *et al.,* 2006). Eisehardt and Graebner (2007) stated that multiple case studies provide for a wider understanding of the research questions and provide a stronger foundation for theoretical development. Furthermore, multiple case studies allow the practitioner to relate to the findings and seek to implement in their own environment (Stake, 1995).

1.6 Structure of this Thesis

This chapter has served to introduce the context of the research with justification from both a practitioner and academic perspective. In chapter two the current academic literature is introduced and critically discussed creating a cogent argument for the need for future research and the research methodology taken. Chapter three introduces that research methodology, the sample that the methodology will be applied to and the analysis tools used. Chapter four will introduce and discuss the cases in detail on a case by case basis and conclude with a cross case analysis comparing and contrasting the five cases. The next chapter will discuss critically the academic literature with regard to business orientations and the link with organisational culture, which will inform the research aim and objectives for this research which will be discussed at the end of chapter two.

Chapter 2 Review of Literature

2.1 Introduction

Chapter one introduced the changes that have occurred within legal services within England and Wales due to macro and micro environmental changes and more specifically government intervention, setting the context for the research (Mayson, 2020; Susskind, 2019; Peachy, 2014; Hodges, 2013; 2011). The changes in the judicial market have created a paradigm shift, taking the legal firms from a *'legal aid economy'* (Peachy, 2014:10) to a market economy (Mayson, 2015; Mayson 2015b). This has resulted in increased domestic and global competition and a transformational, turbulent market (Slingo, 2020; Mayson, 2020; ONS, 2015; Faulconbridge and Muzio, 2008).

The government has attempted to reduce legal costs, in a cost transaction approach. This has resulted in solicitors and barristers imitating the government approach and attempting in turn to reduce their costs, as opposed to searching new innovative market opportunities (Mayson, 2015b; Hodges, 2013; Monk and Moyes, 2008). However, this cost transaction approach by legal firms questions the ability, level and quality of service they are able to provide to the consumer (Hale, 2019; Lettice *et al.,* 2014; Monk and Moyes, 2008). It is suggested by Mayson, (2015) and Cookson, (2011) that this action could damage the market further and brings into question the sustainability of the current legal cost transaction approach (Hale, 2019).

The change in the legal market brings into question the organisational culture and business orientation which currently exists within the legal firms and their inability to change with the dynamic market conditions (Mayson, 2015). The confusion as to what a business orientation is may be amplified due to a business orientation being conceptual in nature or *'not real',* whilst a process and a structure can be tangible, values and philosophy may be intangible, unwritten and for the most part hidden, such as organisational culture (Cadogan, 2012:341). It could be suggested that these intangible constructs, such as organisational culture as an influencer of the business orientation may make it difficult to measure or replicate adding to the confusion, or the reluctance to adapt to change, as found within the legal services market (Slingo, 2020; Susskind, 2019; Lettice *et al*., 2014; Hodges, 2013; Monk and Moyes, 2008).

As will later be argued, despite there being a plethora of literature pertaining to business orientations and particularly market orientation (Lettice *et al.,* 2014; Liu *et al.,* 2003; Narver and Slater, 1990; Kohli and Jaworski, 1990), there is little research into the business orientations and cultures within legal firms in a turbulent market. Moreover, the most appropriate orientation to adopt within that market and the supportive organisational culture (Mayson, 2011, 2007; Lettice *et al*., 2014; Abou-Warda, 2014; Lynch *et al.,* 2012; Zortea-Johnson, 2012).

Chapter two initially introduces existing research in the area of business orientation and the influence of organisational culture, which may inform the orientation. Moreover, the existing literature will suggest that business orientation and organisational culture act as separate entities (Joseph and Francis, 2015; Yaprak *et al.,* 2015; Ramachandran *et al.*, 2011).

Extant literature makes explicit calls for further research within the legal services market, more specifically to understand the benefits for multiple orientation or a dominant orientation and finally the most appropriate business orientations (Slingo, 2020). Furthermore, there is little research examining the association between business orientation and organisational culture within a traditional service market in turbulent times (Gao, 2017; Mayson, 2015; Lettice *et al.,* 2014). The chapter concludes by highlighting the gap in the previous body of knowledge and how it has informed the methodological framework for this thesis which is introduced in chapter three. Moreover, the aim and objectives will be discussed at the end of the chapter. Chapter two continues by defining and discussing the importance of business orientation.

2.2 Business Orientation

A business orientation is defined according to Miles and Arnold (1991) and Kotler and Armstrong (2016) as a guiding philosophy which change the way in which the employee views the customer and defines the business. Lynch *et al.,* (2012:146) proposed that business orientation was '*a process which represents the way in which the organisation pursues its mission and sets its objective'*. Cadogan, (2012:340) concurred and further stated that the '*term orientation refers to a firm's proclivity to adopt specific values, agree with specific norms, and act or operate in specific ways'*. He continued stating that '*Orientations are to do with strategy and the effective allocation and coordination of resources'* (Cadogan, 2012:340). However,

Brassington and Pettit, (2013:11) and Masterton *et al.,* (2017:14) posited a much simpler definition proposing that it was an *'approach to business'*.

The different definitions suggest that business orientation is both strategic and tactical, whilst being a philosophy, and a structured process. Moreover, the numerous definitions suggest a complex and inconclusive view of business orientation, which is both broad and all-encompassing and yet confused. However, the business orientation should be representative of the values, direction and style of the firm, despite this confusion it should present clarity, cohesion and consistency to all stakeholders, not just consumers (Lynch *et al.,* 2012).

The definitions discussed have served to introduce a number of implicit concepts which influences the business orientation whilst being informed by the orientation. The definition which is being adopted for the purpose of this thesis is an *'approach to business'* (Masterton *et al,* 2017:14; Brassington and Pettit, 2013:11) whilst a simple definition, it represents an overarching approach, pervading every element of the business.

The definitions do propose the influence and importance of the correct business orientation in all strategic and tactical decisions. A conduit from the business to convey and receive the key messages of importance to and from the internal and external business environment, such as the vision and mission (Liu *et al.*, 2003). However, Liu *et al.,* (2003) proposed that there was not one business orientation that suited all businesses and the adoption of that specific orientation would not guarantee success for the business. This emphasises the importance of the correct orientation for the context and the need to understand other concepts that may support and inform the orientation (Byrne *et al.*, 2019).

Business orientations have been discussed by numerous authors since the 1900s, the chronology of evolution is shown within table 2.1 (Naustion, *et al.,* 2011).

Date	Orientation	Definition/Behaviours
2010	Stakeholder orientation (Duesing, 2013; Ferrell *et al.*, 2010).	*'The organisational culture and behaviours that induce organisational members to be continuously aware of and proactively act on a variety of stakeholder issues'* (Ferrell *et al.*, 2010:93).
1991	Relationship orientation (Christopher *et al.*, 1995).	*'The antecedent to value-sharing buying-selling interaction'* (Varey, 2002:1).
1990	Market orientation (Narver and Slater, 1990; Kohli and Jaworski, 1990).	*'The organisation-wide generation of market intelligence, dissemination of the intelligence across departments and organisation-wide responsiveness to it'* (Kohli and Jaworski, 1990:1).
1983	Entrepreneurial orientation (Miller, 1983 ; Naustian *et al.*, 2011; Morgan *et al.*, 2015).	*'Constantly seeking to exploit the dynamics of the macro environment…providing the correct strategic response, risk-taking, innovativeness, and proactivity'* (Miles and Arnold,1991:49). *'The Parent of innovation'* (Meyers, 1986:34).
1969	Societal market orientation (Lazar 1969; Kotler, *et al.*, 2005 Cohen, 1991).	*'Marketing with a social dimension, or marketing that includes non-economic criteria'* (Handelman and Arnold, 1999:33). Focusing upon environmental welfare.
1960	Customer orientation (Keith, 1960; McNamara, 1972; Deshpandé and Farley, 2004).	*'A long-term commitment to serving customers' needs and requires constant effort and a proactive approach to understand latent, unexpressed needs'* (Smirnova *et al.*, 2018:457).
1940	Innovation orientation (Drucker, 1954; Siguaw *et al.*, 2006; Egrun *et al.*, 2013).	*'To learn about and track customer needs to develop new products or services accordingly'* (Ergrun and Kuscu, 2013:510).
1930	Sales orientation (Le Meunier-Fitzhugh and Piercy, 2013; Keith, 1960; Lamb *et al.*, 2004).	Emphasis upon sales *'if you sell hard enough people will buy it'* (Pearson, 1993:235).
1930	Product orientation (Masterson *et al.*, 2017).	*'Increased sales through product improvements'* (Masterson *et al.*, 2017:16). Businesses that believe that if they produce a better product or service then people will buy it.
1920	Production orientation (Keith, 1960; Kotler, *et al.*, 2005; Noble *et al.*, 2002; Steyn and Steyn, 2014).	Focusing upon operations/logistics/efficiencies and improved quality with cost reductions (Lynch *et al.*, 2012:148).

TABLE 2.1: CHRONOLOGY OF BUSINESS ORIENTATIONS (SOURCE: AUTHOR)

Pearson (1993) argued that it is wrong to suggest that there is a chronology with regard to the orientations. Guo *et al.,* (2014) concurred that whilst production orientation was dominant in the industrial age there are still firms who focus upon reduction in costs and thus a production orientation. However, Pearson (1993:234) conceded that *'chronology is a suitable expository device'*. This suggests that by placing orientations into a suitable chronology aids meaning, understanding and depicts an evolution of orientations (Guo *et al.,* 2014).

Pearson, (1990) stated that the proposed strategy of the business must be supported by an appropriate consistent business orientation. In the absence of this appropriate orientation then the business was unlikely to succeed. Furthermore, Pearson (1990; 1993) emphasised the two

most important factors to consider for a successful business was compatibility with the business strategy and the organisational culture. Moreover, the multi-dimensional variables that a business orientation presents could, if applied correctly give a firm a uniqueness, setting it apart from the competition, in which business success may follow, further highlighting the importance of the right business orientation for a firm in the right environment (Cadogan, 2012; Lynch *et al.*, 2012). The complexity of the constructs of business orientation are further complicated by the co-existence of multiple orientations or the singular existence of a dominant orientation within a firm (Lynch *et al.,* 2012).

Multiple business orientations will be discussed within the next section. However, it should be noted the order of discussion is based upon the ability of the business orientations to coalesce and not the chronology found within the table 2:1.

2.2.1 Multiple Business Orientations

Two schools of thought are presented with regard to the interplay of business orientation. One argument suggests that organisations have one dominant orientation specific to the business environment or function, (Lynch and Whicker, 2008; Gronroos, 2008; Liu *et al.,* 2003; Pearson, 1993 and Porter, 1980). Conversely, there are those that argue that one business can have multiple business orientations which gives a balanced approach and is not too centric (Abou-Warda, 2014; Lynch *et al.,* 2012; Cadogan, 2012; Mavondo and Wong, 2007; Mavondo, *et al.,* 2006; Fodness, 2005; Homberg and Pflesser, 2000; Pearson, 1993; Hayes and Abernathy, 1980).This suggests an obvious lack of clarity, moreover, it further suggests the complexities involved with business orientations and a possible gap in current academic thinking.

However, Lynch *et al.,* (2012) concluded that an organisation benefits from multiple complementary business orientations. Suggesting that the existence of complementary multiple business orientations combine to enhance or emphasise the qualities of the organisation.

Lynch *et al.,* (2012) research was with multiple case studies and further concluded that MO and relationship orientation are complementary business orientations and as such provide the business a competitive advantage..

They further suggested that by placing less emphasis on one single business orientation allows the organisation to be less myopic. Therefore, stopping the firm from defining the business in

blinkered terms by the products they sell rather than the solutions they offer to the customer (Levitt, 1960). However, Smith *et al.,* (2010:4) proposed a *'new marketing myopia'* in which they argued that by placing too much emphasis upon the customer needs or business orientation failed to consider other stakeholders which includes societal needs. This argument supports the need for multiple complementary orientations, particularly within a turbulent market. This allowed the business to be more responsive to economic change and finally creates the basis for competitive advantage. For an organisation with multiple business orientations environmental uncertainty has less of a negative influence (Abou-Warda, 2014; Lynch *et al.,* 2012). This multiple orientation approach is congruent with the earlier findings of Miles and Arnold, (1991) and Naustion *et al.,* (2011). Therefore, it can be concluded that there is benefit for an organisation in having multiple complementary business orientations. Moreover, it further highlights the need for further research within this area, specifically within legal services marketing (Mayson, 2020; Lettice *et al.,* 2014).

2.2.2 Complementary Business Orientations

Miles and Arnold (1991) noted that the combination of orientations should be complementary. Furthermore, not all orientations happily co-exist, and the wrong combination of orientations could be counter-productive. Orientations should *'exist independently'*, (Miles and Arnold, 1991:60). However, market orientation (MO) through inter-functional coordination should be all encompassing therefore, it could be proposed they should or could not work independently (Narver and Slater, 1990).

Moreover, Morgan *et al.,* (2015) proposed that an organisation that adopted a combination of two complementary orientations would out-perform organisations that ignored this approach. However, Pearson (1990) suggested that businesses to a greater or lesser extent had multiple orientations which was acceptable only if there existed a dominant orientation. This should be congruent with the organisation's generic strategy or market (Pearson, 1990; Porter, 1996). Failure to achieve this would create confusion internally and externally, and lack of engagement with staff (Pearson, 1993).

Organisations that experience change within a turbulent market or inorganic growth may find contradictory and incongruent business orientations. This may result in internally competing orientations and or external confusion, Furthermore, Ivasciuc and Gheorghe (2015) suggested

that the first essential elements of organic growth are people, organisational culture and robust processes. Therefore, in the absence of one or more of these elements, due to inorganic growth the sustainability of the firm may be in question. It should be noted that currently there are no definitive guides as to the most effective combinations of business orientations within the legal services market. Furthermore, there are limited studies on the affects of inorganic growth upon business orientations with calls for further research for the effects of inorganic growth within a developed market, such as a legal service providers (Agnihotri, 2014; Faulconbridge and Muzio, 2008).

Previous literature with regard to business orientations has discussed the importance of having the appropriate orientations for the business strategy, organisational culture and market (Homberg and Pflesser, 2000; Lynch *et al.,* 2012;). Orientations which display consistency and compatibility across the business units that are communicated effectively with the stakeholders (Hult and Ketchen, 2017). As discussed earlier there is insufficient evidence from current research as to the benefits of multiple orientations or a dominant orientation within a service firm, but specifically within a traditional service market, (Abou-Warda, 2014). Furthermore, current literature fails to provide sufficient insight into the complementary orientation for the correct approach to give that advantage and there are calls for more research in this area (Slingo, 2020; Masterton *et al.,* 2017; Lynch *et al.,* 2012).

2.2.3 Business Orientation within a Traditional Market

Not all firms are evolving and not all markets are dynamic (Monk and Moyes, 2008). This is found within traditional firms within a traditional market, a firm with heritage, which may have resisted change, such as observed within the legal market. However, a business orientation has been portrayed as emerging and evolving, the foundations of the firm developing and influenced by the dynamic external environments (Vonderembse, *et al.,* 2006; Liu *et al.,* 2003; Beresford, *et al.,* 2004).

Therefore, a traditional firm may consider that there is no value in evolving (Slingo, 2020; Hodges, 2013; Monk and Moyes, 2008) and therefore, reject the notion of a business orientation which is relevant for the changing market. Moreover, the traditional values which are embedded within the organisational culture of the firm are a key construct of business orientation which may not be conducive to change (Heirati *et al.,* 2016). Previous research has concluded that traditional markets such has the legal services market are culturally and

logistically resistant to change (Heirati *et al.,* 2016; Hughes, 2001; Baker, 1993). However, no recent qualitative in-depth study with regard to complementary business orientations and the understanding of the influence of implicit concepts upon business orientation has been undertaken in a traditional service industry (Mayson, 2015; Abou, Warda, 2014; Lettice *et al.,* 2014; Lynch *et al.,* 2012).

Earlier the case for multiple complementary business orientations was proposed (Abou-Warda, 2014; Cadogan, 2012; Lynch *et al.,* 2012; Movondo and Wong, 2007; Mavondo, *et al.,* 2006; Fodness, 2005; Pearson, 1993; Hayes and Abernathy, 1980). Furthermore, it was noted that the foundation for multiple orientations is market orientation (MO) (Homberg and Pflesser, 2000). It should be further noted that whilst a number of orientations have been introduced within table 2.1 this was for context only. Therefore, the business orientations that will be discussed within the rest of this thesis have been found to be complementary business orientations. The antecedent to market orientation (MO), the market concept will now be discussed before discussing the literature pertaining to MO.

2.2.4 The Marketing Concept

The antecedent to MO, the marketing concept (Carpenter, 2017:13) is defined as '*a company-wide acceptance of the need for customer orientation, profit orientation, and recognition of the important role of marketing in communicating the needs of the market to all major corporate departments'*. Deng and Dart (1994:726) defined the marketing concept as '*a business philosophy that holds that long-term profitability is best achieved by focusing the coordinated activities of the organization toward satisfying the needs of a particular market segment(s)'*. They summarised by suggesting that the marketing concept was the philosophy and MO, which will be discussed in the next section, was the implementation of the concept, (Deng and Dart, (1994).

The marketing concept in the earlier stages was considered to be too customer centric, customer orientated to the detriment of other elements of the business, particularly the internal customer and SME's (McNamara, 1972). Drucker (1954) had earlier asserted that the main objective of an organisation was to produce customer contentment, focussed on the importance of mutual benefit for the entire organisation and the customer. Furthermore, with the publication of the seminal work by Levitt (1960:57) urging marketers to correct the '*marketing myopia'* it laid the foundation for organisations to continue with the focus upon the customer and the product

to the possible detriment of other stakeholders. Moreover, this approach could possibly distort the strategic vision of the organisation by being too customer centric and tactical (figure 2.1). Therefore, ignoring the wider macro-environmental issues and isolating the marketing function (Smith *et al.,* 2010). This customer centric approach could suggest a customer orientated approach (Smirnova, *et al*., 2018).

THE MARKETING CONCEPT
'*A company-wide acceptance of the need for customer orientation, profit orientation, and recognition of the important role of marketing in communicating the needs of the market to all major corporate departments'* (Carpenter, 2017:13)

CUSTOMER ORIENTATION	**INTEGRATED EFFORT**	**GOAL ACHIEVEMENT**
Corporate activities are focused upon providing customer satisfaction	All staff accept the responsibility for creating customer satisfaction	The belief that corporate goals can be achieved through customer satisfaction

FIGURE 2.1: KEY COMPONENTS OF THE MARKETING CONCEPT (FAHY AND JOBBER, 2019)

The definition of customer orientation according to Smirnova *et al.,* (2018:457) is *'A long-term commitment to serving customers' needs and requires constant effort and a proactive approach to understand latent, unexpressed needs'*. Lusch and Webster, (2010) and Deshpandé *et al.,* (1993) proposed that customer orientation was the most cost-effective approach in a competitive market, with more businesses becoming more customer orientated, focusing upon customer needs in an attempt to improve performance. It is characterised by the customer being the central focus and the basis for all marketing activities (Hoekstra, *et al.,*1999). Hoekstra *et al.,* (1999:43) considered this to be the *'new marketing paradigm'* in which the external customer is the starting point for all business activities.

However, the definition suggests an approach which is too customer centric, '*placing the customer in a pivotal role'*, to the possible detriment of other stakeholders, particularly when considering the facets of stakeholder and MO (Hoekstra *et al.,*1999:43). Moreover, Smith *et al.,* (2010:4) referred to this as *'the new marketing myopia'* suggesting that organisations had rigidly adopted the seminal work by Levitt (1960) in focusing upon the customers' needs to the exclusion of all other stakeholders. Businesses have considered Levitt's work from a

narrow viewpoint and failed to recognise the dynamic macro and micro environmental changes that have occurred in the markets, as found within legal services (Hodges, 2013). Furthermore, this *'new myopia'* they suggest could isolate the marketing department from the rest of the business creating a functional department and misrepresent the strategic vision of the business. This may further damage the identity and image of the business (Smith *et al.,* 2010).

However, previous literature proposes that being *'myopic'* can be alleviated and customer orientation can improve the organisations effectiveness by considering macro and micro environmental mediating factors (Pekovic and Rolland 2016; Huhtala *et al.*, 2014; Hughes *et al.*, 2008; Matsuo 2006; Deshpandé *et al.*, 1993; Han *et al.*, 1998).

The marketing concept did initially focus upon a manufacturing and the corporate environment and was little in evidence within service firms or professional service firms. This is shown with figure 2.1 with the customer orientation and goal achievement considering the corporate activities (Fahy and Jobber, 2019). Van Egeren and O'Connor (1998) considered a positive correlation between the marketing concept and performance within professional service firms. Their research focused upon an eclectic set of professional service firms which included law, accountancy, medical, and marketing firms. However, it was suggested that MO within service firms is nebulous in the approach and a gap exists between the theoretical and the practical application of MO concepts (Gray, 2010). As discussed, this may be in part to the conceptual nature of the marketing concept as a philosophy (Deng and Dart, 1994). However, this may also be due to the characteristics of service marketing: intangibility, heterogeneity, inseparability, non-ownership and perishability (Wilson *et al.,* 2016).

It was further suggested that smaller organisations (SME's) would not have the assets to *'support the initiative',* therefore, it is resource intensive (McNamara, 1972:51). Although, this may suggest a dichotomy for the service firm or particularly the SME law firm in the importance of creating the marketing concept to inspire opportunity whilst not possessing the assets to initiate the approach, which would be considered to be a risk to the SME law firm (Mayson, 2015; Monk and Moyes 2008). However, Monk and Moyes (2008) and Mayson (2015:151) in their research with SME law firms concluded that law firms failed to see the benefit of the marketing concept with '*a lack of focus on the needs of the market, clients or customers'.* They further concluded that the organisational culture within law firms may not be conducive to benefit from the marketing concept, however, more research in this area was required, particularly in the area of multiple orientations (Mayson, 2015).

Therefore, initially research into this area for SME service firms was scarce. It was proposed by Monk and Moyes (2008:31) that within a professional service firm and specifically within an SME legal firm *'marketing is the most important management discipline'*. This was earlier espoused by McNamara (1972), thirty-six years earlier, albeit viewed through a corporate business lens. It was noted that it was important for the marketing department to communicate internally within the organisation and engage with the intangible resource, particularly the tacit knowledge within the organisation, which Barney (1991); Lings (2004) and Kumar *et al.,* (2011) would later refer to in helping to create a sustainable competitive advantage that could not be imitated by the competition.

However, the degree of marketing function or specifically the degree of implementation or existence of the marketing concept at this point is not specified. Narver and Slater (1990:23) would later refer to this approach as *'inter-functional co-ordination'*. Hodgart and Temporal (1997) earlier proffered the benefits of employee engagement as part of inter-functional co-ordination and made the link with successful organisational direction. It has been shown that the antecedents to MO and the foundations for sustainable competitive advantage were in evidence. However, later research would consider the greater positive link with company performance and MO, within service firms compared with manufacturing (Cano *et al.,* 2004; Chiquan, 2002). The marketing concept considered by Drucker (1954) and McNamara (1972) developed further with the approach of MO which will now be discussed within the next section.

2.2.5 Market Orientation, (MO)

Market orientation (MO) has been shown to be a well researched area of marketing (Gao 2017; Lettice *et al.,* 2014; Guo 2014; Ormrod and Henneberg 2010; O'Cass and Ngo 2007; Narver and Slater 1990; Kohli and Jaworski 1990). The definition of MO according to the seminal work by Kohli and Jaworski (1990:1) is *'The organisation-wide generation of market intelligence, dissemination of the intelligence across departments and organisation-wide responsiveness to it'*. The definition suggests MO helps create the necessary behaviours for an organisation to acquire and create the necessary market intelligence to distribute to the correct business departments. This allows the departments to create dynamically the value based organisational capabilities (Morgan, *et al.,* 2015). However, there are numerous conceptualisations of the term (Deshpandé, *et al.,*1993; Kohli & Jaworski 1990; Narver and Slater 1990). Pearson (1993:234) succinctly suggested that any organisation that did not adopt

MO *'would be extremely unintelligent'*. He continued by proposing that out of the four main orientations: product, production, sales and market, MO was the most effective orientation (Pearson, 1993). Moreover, Dutta (2013:54) suggested that MO created an *'ambidextrous organisation',* therefore an organisation which has the ability to expedite changes in the shifting markets, technology and customers needs. An approach which would be difficult to achieve within a mechanistic, process driven organisation, such as a solicitors firm.

Prior to discussing the development and the definitions of MO it is pertinent to consider the two commonly used terms of *'marketing orientation and market orientation'*. The two terms are used in equal measure interchangeably. However, the term *'market orientation'* suggests a number of connotations. Firstly, by referring to *'market'* it suggests the responsibility and ownership of the entire organisation, not just the marketing department for the approach. Therefore, it follows that the responsibility of the entire organisation is for the collection and dissemination of market intelligence, not just the marketing department. Secondly, the term refocuses upon the markets and not just the marketing. Finally, by referring to market rather than marketing it is *'less politically charged'*, (Kohli and Jaworski, 1990:3). Therefore, it will not alienate the marketing function from the rest of the organisation and assist in creating a silo mentality, which could damage the organisational culture and create a barrier for individuals, departments and hence to MO, exacerbating further intraorganizational barriers (Cilliers and Greyvenstein, 2012).

It has been asserted that MO is not only at the core of modern marketing concepts but at the core of the organisation and consists of a multiple subset of orientations, such as competitor, customer, and ethical approaches (Wang and Miao, 2015). According to Duesing (2013) two of the earliest definitions of MO were proposed by Kohli and Jaworski (1990) and Narver and Slater (1990). Kohli and Jaworski (1990) consider a hard, process driven approach to MO focussing on the importance of macro, micro and internal data and the use thereof. However, Kohli and Jaworski (1990) considered that whilst it is fundamental to business development it was essentially a concept, a philosophy an approach which was consistent with the marketing concept. Furthermore, Kohli and Jaworski (1990:3) observed that *'…these idealistic policy statements represented by the marketing concept are of severely limited practical value'*. They therefore concluded that the application of theory was needed to *'translate the theory into practice'* (1990:1). The definition of MO proposed by Kohli and Jaworski, (1990:6) 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'. The definition suggests a focus upon the two elements of the marketing concept: coordinated marketing and the customer. Coordinated marketing removes the *'silo mentality'* and proposes sharing marketing information across departments and the departments creating solutions to satisfy the customer's needs.

As earlier discussed Kohli and Jaworski (1990) built upon the philosophy of the marketing concept and the dissemination of information across the business and as a consequence of that behaviour benefits for the business would emerge. However, Narver and Slater (1990) considers the people and cultural element to MO. They further considered that there was a lack of research within this area, calling for further research particularly within other industries, such as legal service providers. Although, they demonstrated a positive correlation between MO and company performance. Narver and Slater, (1990:20) in their seminal work defined MO as *'The organisational culture that most effectively and efficiently creates the necessary behaviours for the creation of superior value for the buyers and, thus, continuous superior performance for the business'*. Therefore, this definition clearly focuses upon the organisational culture and suggests MO is a culture. However, when considering the elements of MO; competitors, consumers and interfunctional coordination it suggests a very simplistic understanding of organisational culture, a reductionist approach. Furthermore, Hult *et al.,* (2005) suggested a conflation of the two definitions to be fully market orientated. However, they further argued that organisational culture was a separate important performance antecedent. The elements of MO discussed do not consider the complexities of organisational culture such as espoused values, artefacts and underlying assumptions (Deshpandé *et al.,* 1993). Moreover, Dutta (2013) argued that organisational culture shapes and supports MO has a separate construct. Therefore, it could be concluded that organisational culture is not part of MO, however, the two concepts are inexctricably linked.

Consumer
Orientation

Long term
profit

Competitor
Orientation

Inter-functional
Coordination
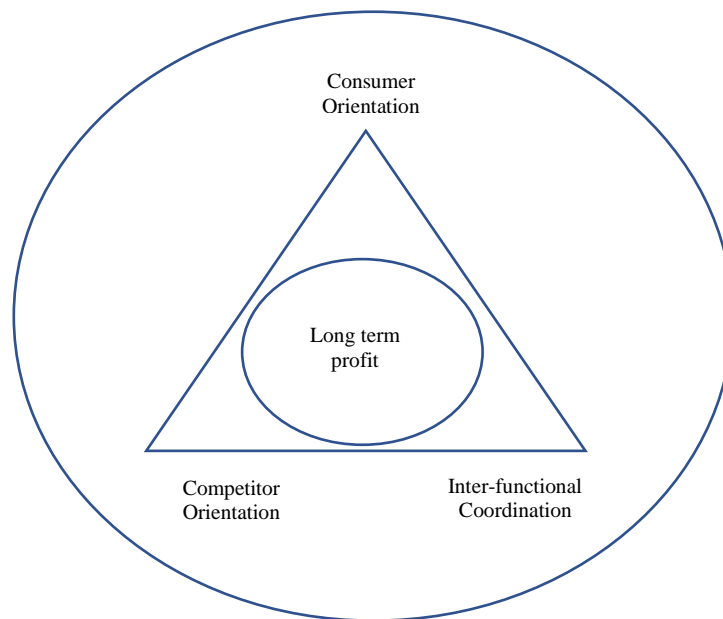
FIGURE 2.2: MARKET ORIENTATION (NARVER AND SLATER ,1990)

Both definitions view MO from different perspectives. Kohli and Jaworski suggests a behavioural perspective whilst Narver and Slater suggests a cultural perspective which would have an effect on the underlying organisational culture. However, whilst proposing the business benefits of marketing orientation it was noted by Han *et al.,* (1998) that MO will have no impact on business performance in the absence of mediating factors, such as organisational culture (Homburg and Pflesser, 2000). Earlier it was proposed that MO was a complementary business orientation for a number of other orientations (Abou-Warda 2014; Zortea-Johnston *et al.,* 2012; Lynch *et al.,* 2012; Cadogan 2012; Movondo and Wong, 2007; Mavondo, *et al.,* 2006; Fodness 2005; Pearson 1993; Hayes and Abernathy, 1980). One such orientation is entrepreneurial orientation, which according to Miles and Arnold (1991) found a strong correlation with MO, this will now be discussed.

2.2.6 Entrepreneurial Orientation (EO)

The definition of entrepreneurial orientation (EO) according to Miles and Arnold, (1991:49) is *'Constantly seeking to exploit the dynamics of the macro environment…providing the correct strategic response, risk-taking, innovativeness, and proactivity'*. Earlier Miller's (1983:233) seminal article, stated that EO can be defined a '*an entrepreneurial orientated firm is one that engages in product-market innovation, undertakes somewhat risky ventures, and is first to come up with proactive innovations, beating competitors to the punch.'*. The definition

according to Miller (1983; 2011) suggests the interaction of three components to create an EO: risk, innovation and a proactive approach, he concluded that in the absence of one or more of these components would not be entrepreneurial. However, he further conceded that the orientation was dependent upon organisational culture and dynamic, environmental changes (Miller, 2011). Moroever, Alshumrani *et al.,* (2017) stated that innovation as part of EO had an affect upon organisational culture. However, Grant (2005) further suggested that three common components must be in existence; A long-term simple and agreed approach, a good understanding of the competitive environment and finally a true appraisal of the resources available. Therefore, a complementary interplay between organisational culture, multiple business orientations will provide the necessary foundation to provide successful EO.

Another element of EO was discussed by Dess *et al.,* (1997) they considered the drivers for EO was the competition. Covin and Slevin (1989); Covin and Lumpkin, (2011) suggested that EO was behavioural and was part of the organisational culture, influencing decisions and style of leadership, recognising that business orientation has as part of its construct organisational culture. Furthermore, organisations that are EO are in a better position to adapt to market changes through operational adjustments and take advantage of market opportunities. This does suggest however, that contextual factors, such as firm infrastructure do play an important part in ensuring the positive implementation of an EO- MO interplay.

However, Morgan *et al.,* (2015) whilst conceding that the interplay between EO and MO usually provided positive results their research within SME's concluded that firms could suffer with information overload. This suggests that SME's may not have the resources to support two dynamic business orientations simultaneously. Although the research was founded upon new product development and manufacturing, this would still be of particular importance in the research of SME law firms, with limited resource.

A collaboration of the two orientations of MO and EO was observed by Lam and Harker (2015). They observed that organisations that coalesce the two orientations allow the business to identify the opportunity and then use the marketing approach to measure and understand the opportunity and finally influence and take advantage of the opportunity. Wales (2016) observed that over the past thirty years the influence of EO over the marketing orientation had increased. Therefore, it can be summarised that the two orientations are inextricably linked and provide a platform for an organisation with the correct organisational culture to take advantage of the market opportunities and provide a competitive advantage (Montiel-Campos, 2018). However,

Montiel-Campos (2018) suggested the importance of further research into the relationship of EO and MO in a competitive turbulent environment particularly within firms that are experiencing considerable change, such as the legal market. When focussing upon the definition of EO it considers the importance of product development *'proactive innovations'* (Miller, (1983:233). Therefore, innovation orientation will now be discussed.

2.2.7 Innovation Orientation

Innovation orientation is defined as *'To learn about and track customer needs to develop new products or services accordingly, and to implement internal processes that enhance an understanding of customer needs and product development'* (Ergrun and Kuscu, 2013:510). Earlier Jimenez and Valle (2008) suggested there is a strong correlation between the innovativeness and the positive performance of an organisation. This concurs with Hurley and Hult (1998) who stated that it was difficult to find any industry that was not permanently engaged with product innovation and re-orientation because of the ever-changing markets. However, despite the effective performance of an innovative orientation (Jimenez and Valle, 2008), few legal service providers have adopted this approach to business. Moreover, innovation in the legal context has received scant academic attention (Slingo 2020; Roper *et al.*, 2016).

Whilst the definition states that this orientation considers customer needs as a guide for product development Narver, *et al.,* (2004) argued that innovation orientation was too insular and focused too readily upon product development, to the detriment of customer needs. This suggests that by being product-centric it will result in ignoring the needs of customers as the definition of product orientation suggests. Product orientation is defined as *'Increased sales through product improvements'* suggesting that if businesses believe that if they produce a better product or service, then people will buy it (Masterson *et al.,* 2017:16). This definition assumes that companies would develop products in conjunction with customer interaction with recourse to the customer's needs.

Production orientated organisations can, however, reduce the quality of the product if the organisation become too centric towards the orientation. Production orientation can be defined as *'focusing upon operations, logistics, efficiencies and improved quality with cost reductions'... 'a functional orientation which focuses upon process lines'* (Lynch *et al.,* 2012:148). The orientation according to (Lamb, *et al.,* 2012) focuses upon internal capabilities.

This suggests an internal centric philosophy, an inside-out approach, rather than a preferred '*spanning capabilities*' in which an inside-out and outside-in approach is adopted (Greenley *et al.*, 2005:1484). Furthermore, a silo approach may ensue in which departments within the organisation do not see the need to communicate with each other, solitary individuals, with intraorganizational barriers (Jin and Robey, 2008). Carpenter (2017) concurs with this finding countering that marketing must involve every department within the organisation.

A number of characteristics are evident within a production orientated approach. This includes, according to Masterson *et al.,* (2017) a cost-plus pricing strategy which is internal, focusing upon costs of production and the addition of the desired profit whist ignoring the market demands in an attempt to create economies of scale, a reduction in costs is of paramount importance. Cost reduction according to Lynch *et al.*, (2012) is aided by having a process of standardisation, formalisation and centralisation. Susskind, (2013:27) agreed, further stating that standardisation being the '*arch-enemy of the legal profession*' ... '*is too lawyer centric*', and if the work can be standardised then it meant lower fees for the client, however, a race to the bottom for the legal services market. Mucalov (2006) proposed that standardisation is simply to acquire legal knowledge and use it over and over again. However, this approach ignores the market developments creating narrow product selection with little or no market research (Steyn and Steyn, 2014). Furthermore, whilst ignoring the market(s) the skills or knowledge of employees to approach the market are non-existent with a myopic approach, focusing upon what the product is rather than what the product or service will do for the client (Armstrong and Kotler, 2013; Haffajee, 2008). Another characteristic of standardisation or a production orientated organisation according to Macnamara (2010) and Masterson *et al.,* (2017) is the lack of promotional activity in which it is suggested that due to a monopolistic environment the organisation does not see the need to promote, as it feels the product will promote itself.

Pride and Ferrell (2014) stated that the production orientation approach mostly ended in the 1950s, when there was a curtailing of monopolistic profits and supply exceeded demand, particularly within manufacturing of tangible products (Weisberg, 2006). Moreover, Armstrong and Kotler, (2013) stated production orientation is only viable when competition is weak or when demand exceeds supply. However, as discussed later within Professional Service Firms (PSF's) and particularly legal services were not challenged within a legal aid economy until government intervention creating a turbulent market. Therefore, Peachy (2014) suggested

that some (PSF's) retained an insular production and product orientated approach due to lack of competition with the earlier discussed characteristics. The major issue with a production orientated organisation according to Armstrong and Kotler (2013) is the inability of the organisation to recognise the needs of the market, being blinkered to the need to develop products based upon the dynamic macro and micro-environment (Steyn and Steyn, 2014).

However, historically companies according to Fuchs and Schreier (2011) have done the reverse of this, developing products in isolation assuming the needs of potential customers. Firms producing products and customer consuming them (Cooper, 1999; Griffin and Hauser 1993). Badgers *et al.,* (2015) posited that historically firms would manufacture tangible goods that consumers did not believe they needed. However, consumers would passively accept and adopt them. In some instances, this passive approach being borne out of lack of knowledge, such as within the legal market (Mayson, 2015). More specifically from a service innovation perspective, such as legal service providers.

Hurley and Hult (1998:42) earlier proposed that organisations should focus upon innovation which they considered to be the '*implementation of new ideas*, *products or processes*' rather than learning which they suggested were '*development of knowledge and insights'*. Ergrun and Kuscu (2013:510) concurred referring to innovation orientation as an '*inside-out approach'* in contrast to MO in which they referred to as an '*outside-in approach'*. O'Cass and Ngo (2007) had earlier noted that MO produces market-based assets. Whereas, innovation orientation developed and focused upon internal competencies. Therefore, they proposed that innovation orientation should be used in conjunction with MO as the two orientations complement each other. This approach concurs with a number of authors in which they stated the importance of having multiple complementary orientations within an organisation particularly within turbulent economic uncertainty (Wang and Miao, 2015; Naustion *et al.,* 2011; Erdil *et al.,* 2004; Hurley and Hult,1998; Miles and Arnold, 1991). Furthermore, a market orientated business provides the correct learning environment to understand a customer's needs and the innovation orientation enables the business to respond to those needs creating a product which may provide a competitive advantage (Hurley and Hult, 1998; Slater and Narver, 1995; Sinkula, 1994).

Therefore, is can be concluded from the literature that there is long-term benefit for organisations to combine the two orientations of innovation and market to simultaneously develop products which are informed by customer response whilst providing the right

environment to capitalise upon the advantage provided, (Wang and Miao, 2015; Guo *et al.,* 2014; Naustion *et al.,* 2011; Hurley and Hult, 1998; Miles and Arnold, 1991). Another orientation which benefits from the foundation of MO is relationship orientation which will now be discussed (Greenley *et al.,* 2005).

2.2.8 Relationship Orientation

The definition of relationship orientation is *'The antecedent to value-sharing buying-selling interaction'* (Varey, 2002:1). This definition concurs with Berry, (1983); Grönroos, (2008) and Vargo and Lusch, (2004, 2008, 2016) in which they stated that there has been a seismic shift from the traditional transactional orientation. Transactional orientation presents a process of a driven, single point of sale (Cash and Crissy, 1964) which is sales orientated, focusing upon efficiency and volume, with short-term sales tactics (Viio and Gronroos, 2016). In contrast relationship orientation is a strategic, long-term buyer consumer relationship (Viio and Gronroos, 2016). Furthermore, the earlier definition suggests the importance of '*value-sharing',* whilst transactional orientation according to (Anderson, *et al.,* 2008) does not present value laden propositions.

Conversely, relationship orientation heavily focuses upon value through co-creation, whilst the transactional buyer is passive the relationship buyer is assertive (Hohenschwert, 2012). This value according to Matikainen *et al.,* (2015); Brennan, *et al.,* (2003); Gadde and Håkansson 1993 and Hallén, *et al.,* (1991) is borne out of the importance of adaptation which is recognized as an important part of relationship orientation. However, Edvardsson, *et al.*, (2008) states that when initiating a relationship, it is the seller that mostly adapts to the buyer. To facilitate and improve relationships with the client Rackham and DeVincentis (1999) earlier suggested the sales and buying processes should have a structured approach to adaptation. According to Tse *et al.,* (2004) there exists a strong correlation between MO and relationship orientation, providing the foundations for positive growth and competitive advantage. However, they further stated that the importance of the two orientations was dependent upon the position of the business within the marketplace and the contextual factors as earlier discussed by Liu *et al.,* (2003) within business orientations. Therefore, a market leader would favour both approaches equally. However, for penetrating a new market, MO was found to have greater importance. Finally, for an organisation that is niche to the market then relationship orientation has importance (Tse *et al.,* 2004). In summary the literature for relationship orientation states that relationship orientation is important for the development of an organisation. Furthermore,

previous literature has given evidence for the benefit of a collaborated orientation between relationship orientation and MO.

2.2.9 Stakeholder Orientation

Stakeholder orientation can be defined as '*the organisational culture and behaviours that induce organisational members to be continuously aware of and proactively act on a variety of stakeholder issues'* (Ferrell *et al.*, 2010:93). This definition suggests that organisational culture is part of the orientation. However, as earlier discussed this simplifies the complexities of organisational culture, not considering the importance of artefacts and underlying assumptions (Gao, 2017). *'Stakeholders'* according to Greenley *et al.,* (2005:1484) fall into two categories; *'primary'* who are essential for the survival of the business, (customers, competitors and shareholders) and *'secondary'* (governments and interest groups). This was simplified by Patel *et al.,* (2016) when they suggested that differentiating the two groups of primary and secondary should be based upon the impact the stakeholders may have on the business. Carpenter (2017:17) expanded on the benefits of this definition proposing that by taking a market orientated approach across all interested parties (stakeholders) *'raises a large number of possibilities...operating with a broader lens'.* However, the organisational culture according to Schein (2010) should be conducive to support this approach, once again highlighting the two separate constructs of organisational culture and business orientation.

Greenley *et al.,* (2005) suggested that MO and the marketing concept were too customer centric at the expense of stakeholders and thus depriving the organisation of wider opportunities, concurring with Carpenter' (2017) assertions. Furthermore, Patel *et al.,* (2016) asserted that whilst stakeholder orientation improves financial performance of the business greater improvement can be obtained by merging MO and stakeholder orientation. Whilst there is a strong case for this approach the organisation values and culture of the business may create an imbalance. Moreover, what constitutes importance to the business from a stakeholder perspective, such as focusing upon financial shareholder returns to the detriment of other stakeholders, particularly from a societal perspective (Demirguc-Kunt and Serven, 2010; Yeoh, 2010; Sachs and Ruhli, 2005).

2.3 Summary of Business Orientations

Previous literature has shown that there are numerous business orientations in existence and that they can have a profound impact upon the organisation (Lynch *et al.,* 2012). The business orientation is seen as a guiding philosophy for employees and as a conduit for the organisational values (Miles and Russell 1995). Furthermore, the inextricable link with organisational culture has also been discussed, (Liu *et al.,* 2003). There are a number of business orientations which demonstrate behavioural tendencies such as EO and MO (Lumpkin, 2011). Whilst multiple business orientations can be in existence within one organisation it has been stated that they must complement each other (Ferrell *et al.,* 2010; Mavondo and Wong, 2007; Mavondo, *et al.,* 2006; Pearson, 1993; Hayes and Abernathy, 1980). Moreover, an organisation with a single business orientation may have difficulty adapting to the dynamic market, particularly within a turbulent economy (Morgan *et al.,* 2015). Furthermore, Ferrell *et al.,* (2010) proposed that research was required to understand the internal and external drivers for the use of multiple business orientations. Therefore, choosing the correct business orientations in accordance to market conditions and the correct market is fundamental to a competitive advantage (Morgan *et al.,* 2015). Finally, literature highlights that organisational culture and business orientation, albeit inexctricably linked are separate entities (Masterson, *et al.,* 2017; Ivasciuc and Gheorghe, 2015; Dutta, 2013; Hult *et al.,* 2005). The next section will introduce the similarities that have been observed from literature with professional service firms and the correlation that now is being observed with legal service firms (Mayson, 2015).

2.4 Professional Service Firms (PSF's)

A professional service firm (PSF) can be defined as '*knowledge-intensive organisations where skilled, autonomous professionals interact extensively with internal and external parties*' (Fisher *et al.,* 2008). However, it is considered complex and a far-reaching term with PSF's spanning many markets therefore it is difficult to define, setting the industry apart from other businesses (Hodges and Young, 2009; Jaakkola and Halinen, 2006; Conchar, 1998). Legal services have been subject to government intervention and turbulent market conditions (Peachy, 2014).

However, other PSF's namely banking, insurance, financial services have been subject to similar stringent changes earlier through government intervention. Hughes (2001) suggested there is a correlation with these other PSF's, such as legal services and the approach they took

to these changes. Therefore, being forced to consider a number of changes such as ethics but particularly marketing and the ability to generate business (Hodges and Young, 2009). It is therefore pertinent to consider PSF's, as a comparison and the adaptation they have followed in light of those changes relative to the later changes that have occurred within legal services. As discussed PSF's span several industries; finance, accounting, legal, consulting, information technology, recruitment, architectural and human resources. At the heart of the professional service is knowledge and is considered the major asset for the firm, (Slåtten *et al.,* 2018; Gummesson, 1978). Liedtka *et al.,* (1997:47) stated that a PSF *is 'a pure form of a knowledge-based business'.* The successful use of this knowledge provides a reputation and the importance of reputation marketing. Reputation marketing can be defined as managing positive feedback to attract more business (Moutinho and Southern, 2010). Previous research as provided evidence to conclude that legal service firms have not fully considered the benefits of reputation marketing (Hodges, 2013).

Hughes (2001) undertook a case study research considering the changing face of the financial services industry (banking, insurance, building societies and investments). This was in light of economic, technological, cultural, legal and political interventions in the market and the approach adopted by the incumbent organisations to the market. The research looked into the adoption of MO within these financial institutions. The findings of the research concluded that organisational culture was a major inhibitor to the adoption of MO within the financial sector (Hughes 2001). This underlines the argument that organisational culture and MO whilst separate entities are inextricably linked. However, the research failed to consider the use of multiple complementary business orientation and organisational culture.

A similar situation can be observed within the judiciary currently, (Mayson, 2015; Carter, 2011). It was found that culturally and logistically the banking industry was resistant to change, (Heirati *et al.,* 2016; Hughes, 2001; Baker, 1993). There existed an insular myopic view of the market (Levitt, 1981).

Furthermore, Baker (1993) discovered that the attitude of the financial institutions to the marketing concept was dismissive and that they were not in a position to accept, moreover, to implement the concepts of marketing, and as such they were marketing disorientated. However, the research once again did not consider the impact of organisational culture (Lynch *et al.,* 2012).

This was observed within the traditional field of banking and finance in which marketing activities were seen as an erosion of traditional values. Similarities have continued to be observed with the legal services literature, (Mayson, 2015; O'Malley and Harris, 1999; Morgan, 1990).

Reid (2008) considered the marketing of professional services in a B2B context and observed that marketing activity within the sample was focussed upon client retention and acquisition, with larger professional services firms being relationship focussed. Extant literature within the legal services area show there are similarities once again within the legal services sector with a propensity to focus on relationship marketing whilst not embracing MO (Woo and Leelapanyalert, 2014; Hodges, 2013; Cutler *et al.,* 2003). It has been further asserted that MO was a prerequisite for all marketing activity and considered that '*the literature surrounding the area of market orientation in a professional service firm is underdeveloped'* and there was a need for further research within the professional services arena (Lettice *et al.,* 2014; Reid, 2008:376).

From the previous literature in the area of professional services it can be suggested that marketing and particularly MO had not been accepted (Roper *et al*., 2016; Mayson, 2015). Moreover, the organisational culture to accept or undertake that approach as a foundation to MO or multiple orientations was not available or underdeveloped. However, more research needed in this area (Lettice *et al.*, 2014). A complementary organisational culture is considered one of the key foundations for a successful business orientation within a firm, supporting and informing the business orientation (Lynch *et al.,* 2012).

2.5 Business Orientation and Organisational Culture

Organisational culture can be defined as a *'deep and complex part of an organisation that can strongly influence organisational members'* (Choi and Scott, 2008:34). Schein, (2010) concurred proposing that the organisational culture reflected shared values which are deep rooted and the basis for employees learnt behaviour. Moreover, Ravasi and Schultz (2006) proposed organisatuonal culture as a key element in creating identity in the face of environmental changes. Hofstede (1991) earlier stated that it was a mindset that gave values and identity, distinguishing one member of a group to another. Alvesson (2013) agreed with

this view proposing that organisational culture was a way of observing things. Denison (1990:2) proposed that organisational culture gave '*the underlying values, beliefs, and principles that serve as a foundation for an organisation's management system as well as the set of management practices and behaviours that both exemplify and reinforce those basic principles'*. Whereas, van den Berg and Wilderom, (2004:570) simply described it as the '*glue that holds'*.

In contrast a more simplified and structured explanation was presented by Muscalu (2014) succinctly proposing that organisational culture covers beliefs, behaviours and attitudes or as Schein, (1996, 2010) proposed underlying assumptions, espoused values and finally artefacts and symbols (figure 2.3). Artefacts appear at the 'surface' level of the organisation and may include attire, as a business uniform, or visual structures, In this context artefacts could refer to a barrister's chambers or wearing a wig and gown, these are the only elements that are seen. The '*below the surface'* level of the organisational culture are the espoused values, although this may be the public statements the vision or mission statements, this may include the philosophies of the business, the rules of the Bar or the SRA (glossary of terms).
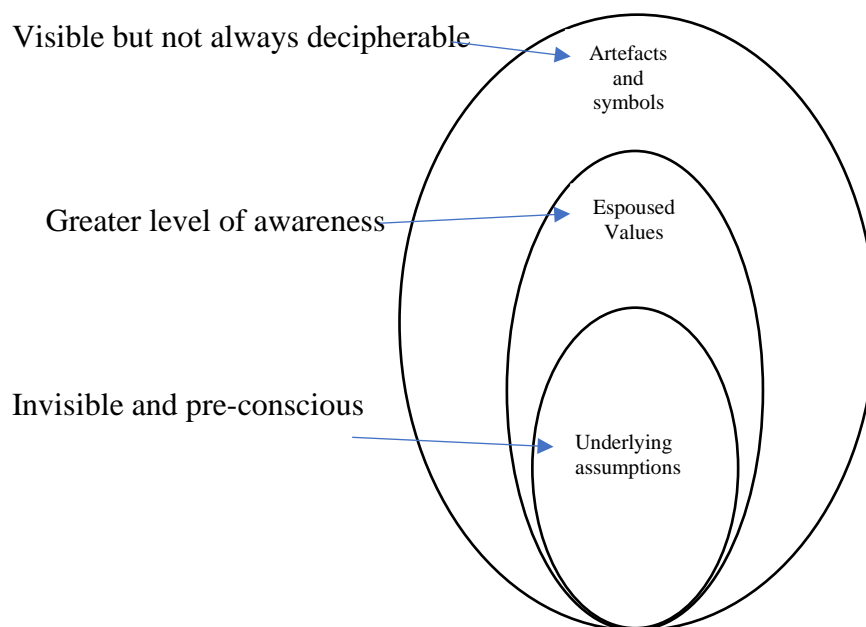
FIGURE 2.3: THE MODEL OF ORGANISATIONAL CULTURE (SCHEIN, 1996)

The final level is the underlying assumptions this includes underlying beliefs, thoughts and feelings, such as believing that a client had a right to justice. These are harder to define as they

are intangible, invariably unwritten '*it is just the way we do things around here*' (Handy, 2002:49). The definitions suggest a dominant, complex, all-encompassing phenomena which is deep-seated within an organisation and difficult to change (Sebastiãoa *et al.,* 2017). Moreover, despite organisational culture being a complex area the strategic importance of organisation culture should not be ignored. Furthermore, it amplifies the notion that organisational culture is a complex phenomena and a separate element to MO (Tsai and Yang, 2017).

The seminal definition proposed by Schein (2010) covering underlying assumptions, espoused values and artefacts and symbols is the definition which will be adopted for the purpose of this thesis. However, Schein's, (2010) model has been criticised for not considering the dynamic role of assumptions and beliefs and the impact it has upon changing the organisational culture (Martins and Terblanche, 2003). Furthermore, Miller (2012) stated that the 'onion' was too simplistic and linear in the approach. However, Yilmaz (2014) considered the model to be heuristic and a useful tool to identify the different elements of organisational culture. Earlier, Homburg and Pflesser (2000) had observed the strong interplay with each layer. Therefore, the influence of each layer upon the other and the importance of having complementary layers to provide a consistent and cohesive organisational culture (Homburg and Pflesser, 2000). This will be considered when focusing upon the conceptual framework (figure 2.5) and the impact it may have upon the research approach.

Organisational culture and business orientation have been highlighted as major influencers in the success of a business, (Jogaratnam, 2017; Joseph and Francis, 2015; Yaprak *et al.,* 2015; Ramachandran *et al.*, 2011). There are differing views as too which of these two elements drives the other, with one school of thought suggesting that business orientation behaviours are founded within the organisational culture (Jogaratnam, 2017; O'Cass and Viet Ngo, 2007; Leisen *et al.,* 2002). Whereas, Deshpandé and Farley, (2004) and Deshpandé *et al.,* (1993) suggest that organisational culture plays a key part in driving business orientation throughout the organisation. Therefore, the literature pertaining to organisational culture will be discussed as a separate to business orientation and as such as an influence of business orientation, concurring with the previous seminal work of Deshpandé *et al.,* (1993) and Deshpandé and Farley, (2004).

It is suggested that there is a strong link with between business orientation, organisational culture and organisational climate and as such the three elements are inextricably linked

(Polonsky and Mintu-Wimsatt, 1995). However, it is at odds with the seminal work of Narver and Slater (1990) suggesting that market orientation is a type of culture. Moreover, previous research shows that to change business orientation should correspond with a change in organisational culture (Lynch *et al.,* 2012). However, previous research has not considered the affects in a traditional service firm with regard to the interplay of business orientation, organisational culture and the further interplay with multiple orientations (Abou-Warda 2014).

It has been proposed that the constructs and implementation of organisational culture render the process both complex, arduous and dynamic (Carvalho *et al.,* 2017). When referring to constructs this relates to the elements proposed by Schein, (2010) of underlying values, artefacts and espoused values. Moreover, Homburg and Pflesser, (2000:450) described organisational culture as a *'complex phenomena'*. These complexities of organisational culture were further expressed by Scott *et al.,* (2003) in which they discussed how organisational culture may include a plethora of values such as: attire, language, rituals, myths, atmospherics, beliefs, values, and authority. Therefore, suggesting far more complexity than could be satisfied by MO alone (Dutta, 2013).

Attempting to change the organisational culture will invariably be met with resistance both internally and externally a reaction observed more so within traditional markets (Tsai and Yang, 2017; Mayson, 2015). Moreover, Warrick (2017) agreed that organisational culture in firms is resistant to change, particularly clan and hierarchical organisational cultures displaying strong process, traditions and regulations. Mayson, (2015, 2011); Hodges and Young, (2009) suggested the legal industry has set judicial rubrics which have created a tenet and as such a barrier to adopting a marketing approach. This suggests the legal fraternity view not just marketing through a negative lens, but also change, due in part to the organisational culture. This would be further exacerbated according to Larson and Lubatkin (2001) with a merger or acquisition. This would create further instability in an already turbulent market, moreover, it could be suggested within a traditional market the achievement of acculturation would be challenging (Larson and Lubatkin, 2001).

Therefore, the embedded traditions, rules and regulations found within legal service provider's culture are entrenched (Croft, 2013). This suggests that despite change within the macro and micro-environment the business orientation and organisational culture within the legal firm will remain unchanged (Croft, 2013). However, no recent research as to the interplay of which

organisational culture supports which business orientation within a traditional market currently exists which would provide a further theoretical insight for practitioners.

To exacerbate the complexities of culture Ramachandran *et al.,* (2011) suggested that organisations are unlikely to exhibit just one culture with numerous being existence within the one organisation. Therefore, an organisation may contain multiple cultures and multiple orientations (Ramachandran *et al.,* 2011). Moreover, the existence of multiple cultures or sub-cultures potentially creates a major impediment to change (Tavare, 2017; Baker, 2003). However, positive change may occur through knowledge transfer throughout the organisation in a slow adaptive process (Evans, *et al.,* 2012). Furthermore, an organisation that displayed the organisational characteristics as part of their orientation of innovation or risk-taking was more amenable to change (Alshumanrani *et al.,* 2018). However, these characteristics are not typically found within a traditional market, such as legal services (Hodges, 2013; Mayson, 2015). Moreover, the complexity and nuances of the organisational culture make it difficult to change, manage and replicate (Carvalho *et al.,* 2017). Barney and Clark (2007) had proposed the benefits of using a foundation of market orientation framework as part of a resource-based view to create a sustainable competitive advantage. However, the organisational culture has to be conducive to this approach.

Moreover, he later proposed that if organisational culture was the foundation of an advantage for a business then it would be easy to replicate, therefore a sustainable competitive advantage would be quickly lost due to the complexities and the imitability (Barney and Clark, 2007).

There are several different classifications or typographies for organisational culture (Ramachandran *et al.,* 2011; Leisen *et al.,* 2002). Although, there are different labels used within these classifications according to McClure, (2010) the descriptions used are very similar. Gao (2017) built on the seminal work of Deshpandé *et al.,* (1993); Cameron and Freeman (1991); Quinn (1988); Quin and Cameron (1983). The four commonly used terms of organisational culture proposed by the aforementioned authors are: adhocracy, clan, hierarchical, and market, (figure 2:4) (Pinho *et al.,* 2013). The model's limitations will be discussed later within the conceptual framework (Saxby *et al.,* 2002; Quinn, 1988) (figure, 2:5). However, it is a widely used instrument in the field of management and marketing (Ogbonna and Harris, 2000; Appiah-Adu and Blankson, 1998).

Organic Process
(flexibility, spontaneity)

TYPE: **Clan**
DOMINANT ATTRIBUTES: Cohesiveness, participation, teamwork, sense of family
LEADER STYLE: mentor, facilitator, parent-figure
BONDING: Loyalty, tradition, interpersonal cohesion
STRATEGIC EMPHASES: Toward developing human recourses, commitment, morale

TYPE: **Adhocracy**
DOMINANT ATTRIBUTES: Entrepreneurship, creativity, adaptability
LEADER STYLE: Entrepreneur, innovator, risk taker
BONDING: Entrepreneurship, flexibility, risk
STRATEGIC EMPHASES: Toward innovation, growth, new resources

Internal maintenance: smoothing activities,   **External Positioning, competition, differentiation**

TYPE: **Hierarchy**
DOMINANT ATTRIBUTES: Order, rules and regulations, uniformity
LEADER STYLE: Coordinator, administrator
BONDING: Rules, policies and procedures
STRATEGIC EMPHASES: Toward stability, predictability, smooth operations

TYPE: **Market**
DOMINANT ATTRIBUTES: Competitiveness, goal achievement
LEADER STYLE: Decisive, achievement-oriented
BONDING: Goal orientation, production, competition
STRATEGIC EMPHASES: Toward competitive advantage and market superiority

Mechanistic Process
Control, Order

FIGURE 2.4: ORGANISATIONAL CULTURE, (GAO, 2017 ; DESHPANDÉ *ET AL.,* 1993 ; QUINN, 1988)

Figure 2.4 represents the four cultural types: adhocracy, clan, market and hierarchy. One axis represents the continuum from organic (flexibility, spontaneity, individual personalities) to mechanistic (control, stability order). The other axis considers the emphasis an organisation places upon their approach to business, the continuum ranging from internal maintenance (smoothing activities) to external activities (marketing orientated).

The four types of organisational culture

Adhocracy

Adhocracy presents a culture which is innovative, creating an organisation and individuals who are willing to take risk and strive for market-driven initiatives (Deshpandé *et al.,*1993). This culture was found to encourage MO, an organisational culture which is open to new approaches. Furthermore, this culture demonstrates employee empowerment and flexibility (Carrillat *et al.,* 2004). However, according to McClure (2010) this culture was found to have the greatest amount of conflict creating a dichotomy in which there is greater conflict within an innovative

culture. It was suggested that this is due to heterogeneous values which could be destructive (McClure, 2010). Therefore, the free-thinking environment would present differing new ideas and approaches to business development whilst not being in unison, presenting possible conflict (McClure, 2010).

Clan

The second culture is a clan or tribe culture where exists an organisation of equals in a supportive family, strong relationships, with common goals and values (Deshpandé *et al*., 1993). This culture engenders loyalty in a safe environment with strong traditions and rituals. However, they suggested it is an inward-facing culture, insular and demonstrates a lack of attention to market changes and as such it is not conducive to MO, therefore attempting to remain in a legal aid economy (Peachy, 2014). Furthermore, Wei *et al.,* (2014) suggested that clan culture would not coalesce with hierarchical culture and would provide negative performance for the business. Conversely, Kim, proposed a positive correlation between a clan culture and transactional leadership, a leadership which provides strong guidance and mentoring to necessitate change (Kim, 2014; Tuan, 2010). This element concurs with Gao (2017) who stated that it is a culture with a strong mentoring presence. Therefore, it is proposed by Kim (2014) that it is a culture which prefers traditions and shuns change whilst providing a strong leader who could, if they choose necessitate change. However, it could be suggested that whereas an adhocratic culture presents heterogeneous values a clan culture presents a converse homogeneous approach, preserving the status quo (Kim, 2014).

Hierarchical

The third culture is a hierarchical organisational culture, an atmosphere pervades of conservatism, roles, risk averse, traditionalism and above all safety (Deshpandé *et al.,*1993). This culture suggests bureaucracy with rigid rules and regulations, a culture which is not customer or market focused. It is a culture which discourages MO and resistant to change (Carrillat *et al.,* 2004). It is therefore less innovative whilst positively not having internal conflict (McClure, 2010). Furthermore, according to Tseng (2011) hierarchical culture has an adverse effect upon knowledge generation within the organisation and actively hinders the development of MO. Lait and Wallace (2002) reported that an organisation within a stable environment and structure found hierarchical culture beneficial with little internal conflict.

However, they further noted that for situations that required innovation and change this type of culture proved to be an impediment for change (Lait and Wallace, 2002).

Market

The final culture is the market culture which is competitive with meritocracy seeking and rewarding a competitive advantage (Deshpandé *et al.,*1993). It is a culture which is innovative with a clear market-driven strategy and actively encourages MO and a transforamationa culture (Tuan, 2010). However, it may suffer the same conflict of values as seen within an adhocratic culture (Carrillat *et al.,* 2004).

According to Gao (2017) more than one organisational culture can co-exist however, eventually a dominant organisational culture will emerge from the conflicting values. Furthermore, it was proposed that this is exacerbated by inorganic growth where two or more organisational cultures merge and contend to be the dominant culture (Carrillat *et al.,* 2004).

Market organisational culture was found to have a strong *'cultural flexibility'* with the ability to change which presented an ability to develop and embrace organisational growth (McClure, 2010:516). Organisational growth can be defined as *'long-term value for the firm, value maximisation',* the ability to maximise the opportunities that are presented (Jensen, 2002:36). In conclusion it was found that some organisational cultures are more conducive than others in support of MO. The organisational climate which will be discussed within the next section which assists in that transformation.

2.5.1 Organisational Climate

Organisational climate was shown to have a direct effect on organisational culture (Forte, 2004; Glisson and Lawrence, 2002). Deshpandé, and Farley, (2004:6) referred to *'organisational climate'*, in which they stressed the subtle differences between organisational climate and organisational culture. The organisational climate consists of participation, communication, decentralisation, and friendliness. Climate according to Ostrom *et al.,* (2010:12) is *'the surface layer of culture'*. It differs from organisational culture in that organisational climate covers the sense of feeling or the atmosphere that is within the culture as part of the decision-making process, the way the staff feel within the organisation (McMurray and Scott, 2013). Whereas,

organisational culture includes the management processes, structure and artefacts (Schein, 2010). However, the climate of the organisation initially impacting on an individual basis with regard to motivation (Mahal, 2009).

The organisational climate reinforces embedded traditions and regulations which Mayson, (2015b, 2011) suggested was most evident within legal services and has created an impasse to future growth. However, whilst previous research has established the importance of organisational culture to the success of a business there is a paucity of research into exploring or understanding this within the setting of legal services, particularly as a construct of business orientation (Mayson, 2015b, 2011). Furthermore, Ryder and Southey (1990) suggested that organisational climate is contextual and is dependent upon the market or business sector. Moreover, Sani (2012) proposed that all organisations have different constructs towards organisational climate, which further informs the organisational culture, such as within the legal services market, particularly with regard to artefacts.

2.5.2 Organisational Culture and Leadership

Schein (2010, 1996) stated that organisational culture does not always occur accidentally, organisational culture could emerge through dominant leadership to achieve an objective. Warrick (2017) agreed with this view suggesting that the leader's values are a key ingredient in the success of a strong organisational culture. Furthermore, Groysberg *et al.,* (2018) stated that culture and leadership could not be separated. However, a leader may just as easily introduce a negative, unhealthy cultures as a positive one (Lee *et al.,* 2017). Conversely, Gainer and Padanyi (2002) proposed organisational cultural development was not the result of leadership edicts but the result of employee experience and knowledge. Moreover, Gao (2017) whilst agreeing with the initial assertions of Warrick (2017) suggested that leaders based upon their personal values would influence the culture, therefore, as discussed earlier a number of cultures could co-exist*,* subcultures. Subsequently, different leaders or managers within different departments could create their own organisational cultures based upon their values. This would be exacerbated further by inorganic growth and multiple leaders from multiple cultures attempting to co-exist with different departments and competing internally (McMurray and Scott, 2013; Larson and Lubatkin 2001). The converse views proposed highlights the influence of context and settings upon the organisational culture, climate and the business orientation. Those values as discussed later may be projected by the leader and those values

demonstrated particularly within artefacts, espoused values and underlying assumptions (Homburg and Pflesser, 2000).

2.5.3 Organisational Culture as the Foundation for Market Orientation

As earlier discussed, it can be suggested that a strong correlation exists between organisational culture and MO. Moreover, the organisational culture should according to Gebhardt *et al.,* (2006) be the foundations of MO within the organisation. Homburg and Pflesser (2000:449) conflated the two principles further by referring to *'market orientated organisational culture'*.

Homburg and Pflesser, (2000) adopted the conceptualisation by Kohli and Jaworski (1990): generation of market intelligence, dissemination of market intelligence throughout the organisation and finally the responsiveness to the information. Furthermore, they conflated with Scheins' (1996) 'onion' model (figure, 2.3).

Whilst they found the influence of organisational culture upon the business orientation they further proposed the impact artefacts and symbols the *'visible'* level was shown to have the most significance in influencing a market orientated approach and the constituent parts above the other influencers. However, this further suggests that organisational culture is a separate entity and can not be conflated into MO, as MO does not fully cover artefacts, underlying assumptions and values (Gao, 2017).

This would suggest that traditional markets with heritage and traditional symbolism would be less successful in creating and sustaining a market orientated organisation due to staid symbols suggesting a clan or hierarchical culture, which was established not to support MO. Homburg and Pflesser (2000:458) referred to these as *'dysfunctional artefacts'* which portrayed negative connotations to the customer and concurred with Schein (1996) in suggesting that management can influence organisational culture and hence MO through *'symbolic management'* (Homburg and Pflesser, 2000:458). These assertions were later concurred with by Kallio (2015) and Tiernan *et al.,* (2015:6) in which they stated, *'market orientated behaviour can influence artefacts'*. It was further suggested that within a less dynamic, traditional market such as the legal services market, organisational culture had less of an effect. However, in a transformational, turbulent market which is being witnessed within the legal sector as they go from a legal aid economy to a market economy (Mayson, 2011, 2015) the use of organisational

culture and its direct influence as part of business orientation has the most positive influence (Cavalho *et al.,* 2017).

Limitations within the Homberg and Pflesser, (2000) study were borne out of the sample, which consisted of small business units in five markets within Germany. Therefore, the national character of study may create bias. Furthermore, only a single informant for each business unit was contacted, creating the possibility of informant bias. However, they suggested the importance of future research considering the role artefacts has in influencing organisational culture. Furthermore, a future study should consider multiple contacts within a firm to establish the influence the marketing department may have in promoting or inhibiting a market orientated approach (Homburg and Pflesser, 2000). Finally, as discussed earlier Homberg and Pflesser, (2000) proposed that MO is an organisational culture. However, their research further suggested that the complexities of organisational culture and the influence the constituents of organisational have upon MO, which further provides evidence of the two being separate entities.

2.6 Legal Services Marketing

Whilst the aim of the research is to examine the business orientation and the organisational culture within legal service providers it would be appropriate to provide a definition for legal service marketing. According to Philbin, (2000:2813) whose research focused upon the legal market, stated that: '*Legal marketing is a process of strategic administrative and operational decision-making with the objective to maximize shareholders return on investment'*. This definition suggests an administrative, process-driven, cost transaction approach, an approach which is shareholder focused, where the central focus is not upon the consumer but on the investors to the firm, the shareholders and partners. Furthermore, the definition suggests a need to measure, a positivist view, focusing upon return on investment. In referring to the earlier figure 2.4, it further suggests a mechanistic approach, an anaethema to a marketing or MO view. It is a definition which Mayson, (2015) suggested relates to a traditional legal practice and is in stark contrast to marketing within other markets. However, Monk and Moyes, (2008:10) had earlier proposed a step towards a market orientated approach focusing upon all activities which benefits the consumer first, not just the shareholder. Furthermore, the following definition introduces law as an intangible professional service considering the definition of the marketing of legal services as: '*Marketing of legal services is the effective execution of all the activities involved in profitably increasing the level of net business by*

serving the needs and wants of clients'. Moreover, this definition recognises the use of *'activities'* and is therefore less myopic in its definition recognising legal services from multiple perspectives and as such is a less standardised, commoditised process. This concurs with a number of other authors (Mayson 2015; Lettice *et al.,* 2014; Hodges, 2013; McClure, 2010; Reid, 2008; Morgan, 1990).

A strong link with business performance and the key constructs of MO or complementary business orientations within the English legal environment, has been established (Narver and Slater 1990; Lynch *et al.,* 2012). Furthermore, Morgan (1990) suggested that a business strategy for law firms would be an alternative or parallel approach to an MO strategy. Although quality service is dependent upon a market orientated approach. Morgan (1990) suggested that future research should focus upon creating a quality measurement standard for professional services (Morgan 1990; Mayson 2015). Chiuan (2002) proffered that the correlation between MO and business performance within a professional service environment has been proven and future research should consider what lies beneath the relationship, such as organisational culture in a professional services background, such as legal service providers.

Lettice *et al.,* (2014) recognised future research should consider the gathering of market intelligence as part of MO within professional service firms and the analysis of the gathered data upon the performance of the firm, this was in response to findings that many law firms are insular in their approach. However, the research conducted was with a single international law firm. Furthermore, the research only considered MO not multiple business orientations Therefore, the further need to consider future research with multiple law firms within the English context. Subsequently, Lettice *et al.,* (2014) stated that there was a paucity of research in this area and called for more research. It highlighted the importance of geography and organisational culture upon the research of MO and performance. Although Cano *et al.,* (2004) had earlier asserted that geographic culture did not affect research findings on MO and performance in a firm, although the causality was not investigated.

Hodges (2013) suggested that further research was required into the enigma of the judiciary competently marketing without intent, instead of incompetently marketing with intent. Furthermore, Hodges (2013) proposed that future research within legal practices into the ability of turning the tacit knowledge of lawyers into explicit knowledge and therein the effects on the law firm. Tsiotsou (2010) suggested that further invstigation was needed as to the foundations

of MO, such as organisational culture within a professional services context. More recently qualitative research has focused upon other areas of marketing within law firms; sales orientation (Croft, 2013), relationship marketing (Cutler *et al.,* 2003, Hodges (2013), Woo and Leelapanyalert (2014) and Lettice *et al.,* (2014). However, there has not been any recent qualitative research which has sought to examine and understand the drivers behind business orientation within legal service providers (Mayson, 2015).

2.7 Summary of Literature

Business Orientation and Organisational Culture

Previous literature has highlighted the importance of market orientation (MO) to the effectiveness of a firm (Guo *et al.*, 2014; Kumar *et al.,*2011; Shoham *et al.,* 2005; O'Cass and Ngo 2007; Vickerstaff, 2000; Pearson, 1993; Narver and Slater, 1990; Kohli and Jaworski, 1990). Furthermore, MO has been shown to be the foundation orientation for multiple complementary orientations (Gao, 2017; Hult and Ketchen, 2017; Morgan *et al.,* 2015; Ferrell *et al.,* 2010; Homberg and Pflesser, 2000; Miles and Arnold, 1991) (section 2:2:2).

The importance of organisational culture as a separate entity and foundation for a successful business orientation has also been highlighted, (Masterson, 2017; Gao, 2017; Ivasciuc and Gheorghe, 2015; Dutta, 2013; Hult *et al.,* 2005; Deshpandé and Farley, 2004). However, previous studies have focused upon the effectiveness of MO in isolation without considering the interplay with organisational culture and multiple orientations. In highlighting the foundation of MO as the basis for multiple complementary orientations, previous authors have called for further research in this area (Gao, 2017; Ferrell *et al.,* 2010; Homberg and Pflesser, 2000) (section, 2:2:4).

Multiple Orientations

Whilst previous research has concluded that an organisation benefits from multiple complementary business orientations, it was conceded that further research was needed to identify the most appropriate orientations (Lynch *et al.,* 2012), particularly within a legal service firm (Roper *et al.,* 2016). Moreover, it can be concluded from past research that

complementary business orientations would be ineffective without the correct balance between two or more orientations (Lynch *et al*., 2012) (section, 2:2:1).

Past research has focused upon complementary business orientations such as entrepreneurial orientation (EO) (Montiel-Campos, 2018), stakeholder orientation (SO) (Ferrell *et al.,* 2010), entrepreneurial orientation (EO) (Patel *et al.,* 2016; Carrillat *et al.,* 2004) and finally relationship orientation (RO) (Lynch *et al.,*2012). However, the importance of MO and the interplay with organisational culture within a service firm has not been fully researched.

The earlier deductive research of Homberg and Pflesser (2000) demonstrated the conflation of organisational culture and MO. However, they suggested the importance of future research considering the role of artefacts in influencing organisational culture (Tiernan, 2015). Furthermore, a future study should consider multiple contacts and departments within a firm to establish the influence the marketing department may have in promoting or inhibiting MO. The literature suggests that without MO other orientations would be less effective and possibly compete (Homburg and Pflesser, 2000) (section 2:2:2).

Previous research has demonstrated an over reliance upon a single dominant business orientation that would stifle the ability for organisations to adapt and grow and create myopia (Lynch *et al.,* 2012; Pearson, 1990). Therefore, future research should consider a cross section of employees to give a true reflection of the existing business orientations and the influence of organisational culture in a turbulent market. Future study proposed should consider a number of employees at various levels, within multiple case firms, considering multiple business orientations and organisational culture.

Future research may consider the impact that MO-EO used simultaneously within a service organisation has upon a business effectiveness (Montiel-Campos 2018; Roper *et al.,* 2016). They concluded that a multi-level research approach is needed, to consider the relationship between EO and MO within various aspects of a firm, at various levels.

Current literature therefore suggests that the interplay with complementary orientations such as MO-SO, MO-EO may improve the effectiveness of an organisation, however, this depends upon the balance of domination between the two orientations. This is further dependent upon the organisational culture that exists within a firm.

Multiple Organisational Culture

Gao (2017) built on the work of Homberg and Pflesser (2000) stating that more than one organisational culture can co-exist within a firm. This case demonstrates that despite the development of a number of orientations innovative orientation without the correct supportive organisational culture may increase conflict. However, the Gao (2017) research was undertaken with MBA students within China which has a predominant centralised economy (Gao, 2017). Therefore, suggesting a unique culture which Woodside *et al.,* (1999) earlier proposed that motivations may be different from other studies. Furthermore, Shoham *et al.,* (2005) stated that the location of any research relating to MO would affect findings. Therefore, the need for future research within a mixed economy exploring the co-existence of multiple cultures within differing orientations and exploring the existence complementary orientations was suggested. Shoham *et al.,* (2005) further conceded that by focusing upon a single law firm the ability to consider the influence of organisational culture upon MO was not feasible. Future research should consider multiple law firms within the same country exploring multiple complementary orientations and organisational cultures.

It is suggested that there is a need for academic research into business orientation and organisational culture conducted since the Legal Services Act (2007). However, the amount of research within the legal arena, particularly within the area of business orientation and organisational culture is limited, suggesting further research is required and as such there is a need to add to past academic and practitioner research, specifically within multiple law service providers within England (Slingo, 2020; Roper *et al.,* 2016; Mayson, 2015; Lettice *et al.,* 2014; Hodges, 2013; McClure, 2010; Reid, 2008; Morgan, 1990).

Accordingly, the research approach proposed will focus upon a multiple case study research of law firms. The research undertaken provides the basis for satisfying this research need exploring the existence of multiple cultures and complementary orientations within multiple legal service firms. Currently no framework exists which demonstrates complementary business orientations and the supporting organisational culture within legal service firms, (Mayson, 2015; Lettice *et al.,* 2014).

Professional Service Firms (PSF's)

It has been shown, based upon the limited research undertaken, that there is little insight into the influence of business orientation and the supporting organisational culture upon legal firms in a turbulent market. Moreover, there is no evidence of the most appropriate orientation or culture to adopt within that market (Lettice *et al*., 2014; Abou-Warda, 2014; Lynch *et al.,* 2012; Zortea-Johnson, 2012; Mayson, 2011) (section, 2:2). A study of the current literature tends to focus upon business orientations and not organisational culture within the professional services sector and in particular within legal services marketing within England (Mayson, 2018; Hitt *et al.,* 2017; Hodges, 2013;; Reihlen and Apel, 2007; Ackroyd and Muzio, 2007; Vickerstaff, 2000) (section 2:2:4). However, within a professional service firm (PSF) and specifically a legal service firm there is a paucity of research specifically in amalgamating previous research into an *'holistic whole'*. Past research has focused upon specific *'linear'* areas of business orientation or organisational culture. Therefore, the research has not amalgamated the key components in context and has failed to bring them together. There is a compelling need to bring together multi-disciplines to an under-researched context (Mayson, 2019, 2015; Heirati *et al.,* 2016) (section 2:4). This was highlighted within a key area of research (Lettice *et al.,* 2014:2694) (section, 2:2:4). Focussing upon a single case with multiple organisational cultures, however, not multiple complementary business orientations. They stated that within professional service firms *'there was not much research'*. It is further proposed that there is a need to consider further research with organisational culture that exist with English legal firms. A general criticism is the inability of previous literature to demonstrate an application of theory particularly in the development of a structure of relevant cultures and orientations for the use of legal firms (Mayson, 2020). Specifically, in light of the turbulent times that they are experiencing as they go from a post legal aid economy to a market economy (Mayson, 2015; Mayson, 2015b).

This chapter has informed by the previous literature the methodological framework for the study beginning with the conceptual framework which has at the core three earlier discussed frameworks.

2.8 Conceptual Framework

Organic Process (flexibility, spontaneity)
(Quinn, 1988)

Multiple Business Orientations
MO (Narver and Slater 1990)..
Relationship Orientation (Lynch
et al., 2012), Stakeholder
Orientation (Carpenter, (2017)
Entrepreneurial Orientation
(Miles and Arnold 1991)
Complementary Orientations
(Morgan *et al.,* 2015)
**Influence of Organisational
Culture upon Orientations**
(Lettice *et al.*, (2014)

Environmental
Scanning (Saxby *et
al.,* 2002)

Environmental
Scanning (Saxby *et
al.,* 2002)

Deshpandé, *et
al.,* (1993)

Clan

Adhocracy

Artefacts
symbols

**Internal
Inward-
facing
maintenance:
smoothing
activities,
integration**

**External
Positioning,
competition,
differentiation**

Espoused
values

Hierarchy

Market

Schein, (1996)

Underlying
assumptions

Mechanistic Process Control, Order
(Quinn, 1988)

Legal Service Provider

FIGURE 2.5: CONCEPTUAL FRAMEWORK

The conceptual framework (figure 2.5) considers the key themes discussed, namely the multiple business orientation and organisational culture. The extant literature as served to inform and direct the area of research. Previous literature discussed the interplay with the two elements supporting and informing each other to create organisational growth. Business orientated activities draws on the work of Narver and Slater (1990) and the three constructs of MO: inter-functional coordination, customer orientation, and competitor orientation. Furthermore, the benefits of complementary multiple business orientations have been discussed (Lynch *et al.,* 2012). It further draws on the work of Schein (2010) and the importance of the organisational culture and once again the key constructs to develop

organisational culture to support the multiple business orientation approach within a legal service provider: artefacts and symbols, espoused values and underlying assumptions.

The conceptual framework finally considers the seminal work of Deshpandé *et al.,* (1993, 2004) and the type of organisation culture: clan, hierarchy, market and adhocracy. Moreover, the proposed research will call upon the seminal work of Schein, (2010) in considering the organisational make-up of the law firm in conjunction with Deshpandé *et al.,* (1993) to identify the type of organisational culture present within the law firm. Finally, the interplay with multiple complementary business orientations (Lynch *et al.,* 2012). The importance of a dynamic process has further been discussed and the importance of the interplay of the two components being informed by the external and internal environments.

Limitations of the Deshpandé *et al.,* (1993) model were suggested by Saxby *et al.,* (2002:29; and Conrad, (1999) in which they stated that the organisational culture model had *'significant oversights'.* This amounted to not considering the importance of environmental scanning and that Porter's *'generic strategies'* be further considered, (Porter, 1980). However, Deshpandé and Farley, (2004) when undertaking an investigation into MO, innovation orientation and organisational culture in emerging markets addressed most of these concerns by including them within their research. However, environmental scanning was not included with their research. They further noted in their 2004 research the inclusion of the possibility of multiple organisational cultures existing within one organisation, with the probability of a dominant culture, (Deshpandé and Farley, 2004). Scheins (1996) model was critiqued in which it was suggested that it failed to fully consider the impact of underlying assumptions upon the organisational culture (Martins and Terblanche, 2003).

This demonstrates the evolving and developing nature of multiple business orientations and organisational cultures and the use thereof in a dynamic environment, *'we live in a world of endless and relentless change'* (Hargreaves, 2002:189). The limitations of the Deshpandé *et al.,* (1993) model have also been addressed within the conceptual framework (figure 2:5). Gao (2017) conceded this has one of the limitations of their own research. This is of particular importance when considering the Gao (2017) research was undertaken with MBA students within China which has a predominant centralised economy, (Gao, 2017). Therefore, suggesting a unique culture which Woodside *et al.,* (1999) proposed motivations would be different from other studies. Furthermore, as discussed earlier Shoham *et al.,* (2005) stated that the location of any research relating to MO would affect findings. It should be noted therefore,

the inclusion of environmental scanning within the conceptual framework in an attempt to lessen this limitation, (Saxby *et al.,* 2002).

2.9 Research Aim

The aim of the research is to investigate the business orientation of legal service providers in England. Moreover, to explore contextual factors that may influence the business orientation such as organisational culture and the external influences. To contribute to the existing body of knowledge which currently exists and narrow the research gap within this area. Furthermore, the results of the research it is hoped will be used to provide recommendations to legal service providers in England with regard to establishing a positive business orientated, specialised business approach in the form of a framework. When referring to contextual factors within the aim, such areas as geography, values, culture, heritage, area of law in which the legal service provider operates will be explored. The research aim will inform the research objectives.

To enable the successful achievement of the research aim, the following research objectives will be asked which arose from the literature review.

2.10 Research Objectives

RO1: To explore the business orientations exhibited by legal servise providers in England

RO2: To examine the contextual factors which influence business orientation

RO3: To develop a cultural and business orientation framework within the legal context.

There is a cogent argument proposed for law firms within England and Wales to recognise the importance of implementation of MO rather than embarking upon a tactical promotional endeavour. It has been shown that an MO approach within service firms improves business performance, particularly in a turbulent market and it is proffered that this may well be the same for legal firms. However, the components, existence or balance of the right business orientation within the legal sector is yet to be established and is the focus of this research particularly the interplay with organisational culture. The argument has further been proposed on the benefit of complementary multiple business orientations (Abou-Warda, 2015; Lynch *et al.,* 2012; Lettice *et al.,* 2014). Moreover, this has not been researched within English legal

service providers within a turbulent marrket (Roper *et al.,* 2016; Mayson, 2015; Lettice *et al.,* 2014).

The literature reviewed has informed the methodology for the research, moreover, it has helped direct the methodological approach which will now be discussed within the next chapter.

Chapter 3 Research Methodology & Design

3.1 Introduction

The previous chapter introduced and discussed the literature within the arena of legal service providers and business orientation and the influences of the orientation. The literature has informed and influenced the research aim, objectives and the direction and design of the research. More specifically and to reiterate the previous literature has developed the research focus which is to understand the business orientation of legal service providers within England in a post legal aid economy.

This chapter will introduce the key elements that were employed as part of the research methodology and design. Initially the chapter considers the research aim that further informed the research objectives, the research approach and the researcher's methodological stance. The research approach based upon five case studies used methodological triangulation data collection methods; which initially included semi-structured interviews, association projective techniques and fieldwork observation within five case studies. The process and stages of thematic analysis within those cases will be explained. Finally, the limitations of the research approach will be analysed and discussed.

To further re-iterate legal service providers within this context are defined as: *'Someone who gives advice and assistance in relation to the operation or exercise of legal rights and the performance of legal obligations; and advice and assistance in relation to all forms of legal disputes'* (Clementi, 2004:94), within England that is a solicitor or barrister.

3.2 Research Aim

The aim of the research is to understand the business orientation of legal service providers in England. Moreover, to explore contextual factors that may influence the business orientation. Furthermore, to contribute to the existing body of knowledge which currently exists and narrow the research gap within this area, highlighted within the previous chapter. Finally, the results of the research it is suggested will be used to provide recommendations to legal service providers in England with regard to establishing a business orientated, specialised business

approach with a supportive organisational culture. The research aim informed the research objectives.

3.2.1 Research Objectives

The initial motivation for the researcher in this area of study was born from a consultancy project into the business orientation of a solicitors' practice in England in 2012 and subsequent business projects within other law firms. It became apparent from those experiences that business orientation within legal service providers in England was eclectic, confused and influenced by a number of contextual factors. When referring to influential factors, such areas as traditions, geography, values, culture, heritage, area of law in which the legal service provider operates and finally the type of legal service provider became the basis for further exploration. The experiences of the researcher within these different legal service providers helped inform and develop a research approach. Focusing upon the type of legal service provider influenced the need for a research approach that would encapsulate a number of cases. Simply focusing on one single case would not provide sufficient understanding of the phenomena within the legal market (Lettice *et al*., 2014). Equally, attempting to consider a large number of cases would not allow sufficient depth of research and rich understanding. Therefore, initial fieldwork provided valuable understanding. Whilst the final approach adopted, and the sample selected will be discussed later in the chapter it does not propose generalisability, it is however, suggested that it does fulfil the initial aims and objectives for the research:

3.2.2 Overview of the Research Process

Whilst the doctoral journey has been four years, initial foundations for the research, as earlier discussed was seven years however, it cannot be viewed as longitudinal in approach (Silverman, 2013). Over that period of time fieldwork observation has shown a paradigm shift within the legal market and has further informed the research approach and process (figure 3.1). This observation has been within different environments such as different court rooms, barristers' chambers and solicitors' practices. It has also included discussion with magistrates, judges, recorders, paralegals, barristers and solicitors (glossary of terms). Whilst these experiences have served to inform the researcher and the eventual research approach, they have not been included within the final five cases studies. To further reinforce the approach and the

benefits to the research cases were revisited over multiple time periods to observe differences. The field trips were undertaken between May 2017 and January 2019 (table 3.1).

Traditional legal service provider   Firms in transformation   Dynamic, legal service provider

Legal aid economy (Peachy 2014)   Market economy (Cookson, 2011)
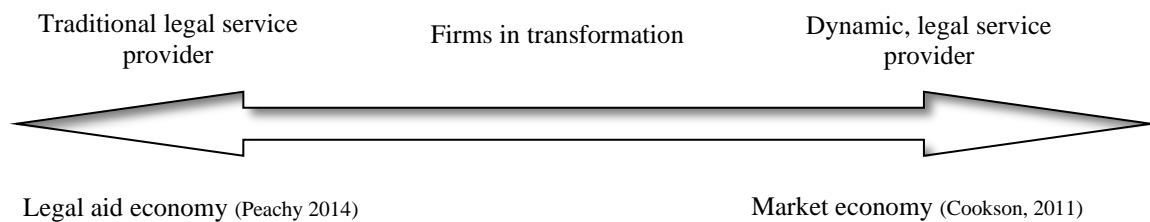
FIGURE 3.1: THE LEGAL SERVICES CONTINUUM (SOURCE: AUTHOR)

Extant literature has provided an insight and the development of a legal services continuum (figure 3.1). It shows the change in the environment for the legal service providers brought about by austerity and increased government intervention (Cookson, 2011). Moving along the continuum from a legal aid economy, with a protectionist system (Perkins, 2002; Peachy, 2014) to a market economy in which legal service providers have had to compete for work (Cookson, 2011). It shows that some firms have remained on one side of the continuum adopting a traditional perspective and therefore resisting any change by organisational influences upon the business orientation. These influences may include values, culture, heritage, processes and area of law in which they operate. Conversely, it shows that some providers have embraced a market economy approach with a dynamic perspective. Furthermore, the continuum suggests some legal service providers are in a state of transformation. Moreover, the framework has provided ontological reason, the focus of the study and axiological reasoning, a justification for the area of study. The answers to both questions are fundamental to the reason for the study and inform the type of methodological engagement that the researcher embarked upon. Furthermore, the answers to the two questions had an impact upon the chosen sample and informed the chosen tool for analysis for the research (Gill and Johnson, 2011). Therefore, it aided the researcher in giving focus for the purposive sample. Addendums to the continuum within figure 3.1. will be observed later within the chapter in which the legal service providers will be applied to the continuum indicating where the researcher proposes they are on the continuum (figure 3.4). The following section will present the research methodology for the area of research.

3.3 Research Methodology

Research methodology considers the study of the appropriate approach, the processes and procedures that the researcher has adopted (Bryman and Bell, 2015). In considering the appropriate methodology to conduct the research it is pertinent to be guided by the maxim that the research approach should be led by the research aim, the research objective(s) or the research problem(s) (Walliman, 2011). As the research objectives are driven and inextricably linked to the research aim, the research methodology is driven by the research objectives (Graziano and Raulin, 2004; Baker, 2003; Ellram 1996; Kvale, 1983; Taylor and Bogdam 1984; Smircich, 1980). Moreover, the research approach must show consistency, coherence and a synergy amongst the key elements to demonstrate the achievement of the research goal (Silverman 2013).

Objectivism	**Ontological Orientation** -	Social Constructionist
Positivism	**Epistemological Orientation -**	Interpretivism
Deductive; testing theory	**Principal Orientation** -	Inductive; generating theory

| Quantitative | **Research Strategy** - | Qualitative |
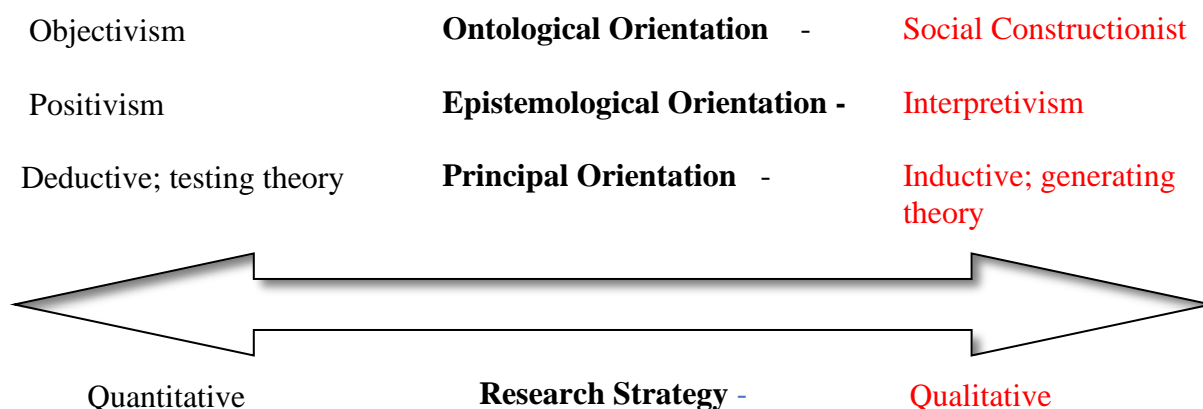
FIGURE 3.2: ONTOLOGICAL AND EPISTEMOLOGICAL ORIENTATION CONTINUUM.
Adapted from Bryman and Bell (2015)

The previous literature review and the preliminary research undertaken informed the research methodology which is shown in red (figure 3.2). Therefore, it shows the research(er) followed a social constructionist ontological orientation, an interpretivist epistemological approach and ultimately a qualitative research strategy, generating theory through a case-based research approach. As the aim of the research is to understand the business orientation of legal service providers in England it is felt that this approach is consistent with the research aim.

3.3.1 Ontological Orientation

The definition of ontology according to O'Leary (2014:5) is '*the study of what exists, and how things that exist are understood and categorized'*. Therefore, how does the researcher perceive what is in existence and how would the researcher interpret what is in existence and categorize accordingly. As a social constructionist the researcher believes that any models concepts or theories are constructed or developed by the individual(s) as they interact with the environment around them (Quinlan, 2011). In reference to this research and the legal environment, in particular how barristers and solicitors have interpreted the changes that have occurred. Furthermore, the research aims to capture the actions that have been undertaken, or not, by each practice, business or chambers and the individuals therein in line with the research aims and objectives. This supports the case method approach which will be discussed further within 3.4.1 in which the researcher is attempting to establish the '*how and why?'* (Baker, 2003:163). Moreover, this approach links with the positionality of the researcher discussed further in section 3.5.1. The ontological stance that may be considered focuses the social scientist on the given view of reality considering that the research approach presents a joint collaboration with the participants as the data emerges. The collaboration with the participants may invite bias, however, this view would be mitigated as other data becomes available.

The continuum proposed by Bryman and Bell (2011) considers two converse stances, objectivism and constructionism, (figure 3.2). An objectivist view considers reality to be a concrete structure and is measurable, quantifiable (Saunders, *et al.*, 2007; Saunders and Thornhill, 2019). Conversely, the constructionist considers reality to be created in the researcher's own mind and as such differs from individual to individual, each individual interprets the world differently. The objectivist-constructionist approach according to Saunders *et al.,* (2007) considers a business cultural lens. They proposed that an organisations culture as viewed by a social constructionist to being in a dynamic state and ever changing through social interchange and changing the environment, through social actors, once again this was observed within the legal environment. Conversely, they further proposed the objectivist would consider business culture to exist, something the business 'has', a static existence, which is process driven (Saunders and Thornhill, 2019). Actors within this business environment conform to the rules of the organisation and behave accordingly in a standardised world, in a role culture, such as the role of a legal service providers. Whereas, the constructionist views the culture within legal service providers as an external force, however, the actors have the ability to construct

and reconstruct continually, in an emergent strategy. Furthermore, ethnomethodology has an influence upon the researcher and the ontological and epistemological stance (Butler-Kisber, 2018). It is in evidence within many areas of the research process, including epistemology/ontology. The researcher's ontological stance will ultimately influence the research. It is therefore important that the researcher adopts a reflexive and open stance to the research (Snape and Spencer, 2003). Furthermore, they stated *'findings are inevitably influenced by the researcher's perspective and values'* or positionality (Snape and Spencer, 2003:17). The researcher in an attempt to counter this has considered every stage of the research process through to the report of the findings. An objectivist orientation will consider specific tight parameters in which to conduct the research, setting aside any personal influences or bias, such an approach would favour a research based upon measurement (Kvale, 1983). However, the proposed research has a central focus of human phenomena, ethnomethodology and the multidimensional elements which were examined and explored, the social constructs and the organisational culture which may affect the business orientation of the legal service providers shown within the legal services continuum (figure 3.1). Therefore, the ontological stance for the research would in the first instance consider what is in existence within legal service providers. Secondly as a social constructionist consider the interpretation of the phenomena and lastly to categorise the phenomena as an abstract entity (O'Leary, 2014). However, as proposed earlier within the epistemological and ontological continuum (figure 3.2) the two are inextricably linked therefore, in the next section epistemology will be discussed.

3.3.2 Epistemology

Epistemology should have synergy and an overlap with the ontological orientation and consider the relationship between the researcher and the research (Walliman, 2011). Furthermore, it will present a logical approach to the research methodology which will be proposed within the following section of this document. Lee and Lings (2008:11) defined epistemology as *'The study of what we can know about reality and is dependent in many ways on what you believe reality to be'*. Baker, (2003:39) defined epistemology as *'What is accepted as knowledge in a discipline'*.

The two definitions suggest the importance of the researcher's approach to what represents relevant and valuable knowledge in the field of research. The epistemological approach adopted by the researcher should present clarity and credibility from the outset, allowing the

researcher to show justification for the philosophical standpoint (Walliman, 2011). The validity and importance of the research orientation is further underlined by Doucet and Mauthner (2002:139) when they asserted the need for '*epistemic responsibility*'. Therefore, the researcher has a responsibility according to Walliman (2011) to demonstrate from the outset the researcher's orientation towards epistemological suppositions and take responsibility for such.

As the researcher moves along the proposed continuum and the ontological orientation changes, so therefore, it is asserted so does the epistemological standpoint (Bryman and Bell, 2011). The objectivist approach leads to a positivist viewpoint and a deductive style of research, in which a theory is tested, and the researcher seeks hard measurable facts which are devoid of the individual's subjective views and emotions (Creswell 2007). Whereas, a constructionist ontology leads to an interpretivist and inductive approach, in which questions are asked of the research and a theory is developed. Furthermore, the researcher recognises the eclectic views of the respondents whilst examining and exploring the underlying reasons for the phenomena (O'Leary 2014). An inductive approach will provide a theory and recommendations and further link with the earlier aim and objectives of the research. Whereas, a deductive research approach proposes a hypothesis to be tested throughout the research (Butler-Kisber, 2018).

As the research is exploratory in nature searching for the deeper meaning and motivation for the behaviour of legal service providers it is appropriate that an interpretivist, inductive approach be adopted in an attempt to gather information which will ultimately give a better understanding of the research phenomena within legal service providers (Silverman, 2013). The research methodology encompasses a critical evaluation of the different methods of research approaches available to the researcher. Bryman (1984) suggested that a qualitative approach was more adept in handling the nuances of the social environment. The approach allows for the examination or exploration, in depth, of the underlying reasons and motivations, it uncovers the meaning rather than the measurement thereof and provides rich data. The quantitative qualitative paradigm will be discussed within the next section, suggesting that the qualitative approach is the preferred option.

3.3.3 Research Approach

This chapter has discussed the ontological and epistemological approach which is the foundation for the research. It will guide the researcher with regard to what to study and how

to study within legal service providers, relative to the research aim and objectives and inform the research method. The research approach will now be considered. In the first instance the definitions of the two approaches; quantitative and qualitative will be discussed and their merits will be compared. Finally, the type of approach that the researcher will adopt with the benefits to the research of that chosen approach will be presented.

According to Bryman and Bell (2011:150) quantitative research can be defined as: *'entailing the collection of numerical data...and considering the relationship between theory and research as deductive, with an objectivist conception of social reality'*. Quantitative research has received criticism suggesting that it fails to consider people and the culture within a set of rigorous static parameters, forcing numeracy upon qualitative data (Bryman, Bell and Harley, 2018). Furthermore, it was considered to have an over reliance on instruments and a spurious, obsessive sense of accuracy (Scherbaum and Shockley 2015). However, to explore, examine and to further understand the contextual factors which influence legal service providers requires a richer and in depth understanding of the environment which are not the characteristics of quantitative data (Picardi and Masick, 2014).

In contrast to quantitative research, Denzin and Lincoln (2005:5) stated that qualitative research to be a *'situated activity that locates the observer in the world. It consists of a set of interpretive, material practices that make the world visible'*. Therefore, it places the researcher within the centre of the legal service providers business activity, providing first-hand knowledge, rather than at arms-length. Furthermore, as Denzin and Lincoln (2005) suggested it provides a holistic picture of the phenomena.

However, qualitative research has been considered to be too subjective, difficult to reproduce and with a lack of transparency (Bryman and Bell, 2011). Earlier, Lofland and Lofland (1995:18) described it as '*analytic interruptus'*, suggesting that there existed a paradox. A successful qualitative research would create a rich source of data which could create an impasse to analysis or a failure to move beyond the analysis stage due to the amount of data available. McLuhan and Puddephatt (2019) concurred with this suggestion proposing that researchers failed to move beyond an individual case study. However, as Gibbert and Ruigrok (2010:710) suggested that the richness of data was open to interpretation, '*in the eye of the beholder'*. That is to propose that whilst the researcher may consider the data to be rich, others may not. Furthermore, that the case study approach had questionable rigour and that the researcher would frequently attempt to convince the reader otherwise, possibly introducing bias, or

positivist approaches and thus stifling the richness (Gibbert and Ruigrok, 2010). However, a number of these concerns may be alleviated by, as earlier discussed, using the appropriate methods for the research and as Silverman (2013:14) suggests considering '*qualitative research in terms of quantitative frameworks'* whilst remaining focused upon the research aim and objectives. Moreover, the design should accommodate the planning of the research, as the purpose of the research is to examine and explore, it is concerned with human behaviour (Blaikie, 2000). Therefore, the research is concerned with the reasons behind the phenomena, rather than measuring the numbers of the phenomena *'In the marketing discipline qualitative research is particularly useful'* (Baker, 2003:142). Furthermore, Baker (2003) proposed that qualitative research explored understanding and experiences of respondents. A qualitative research in social sciences approach begins as the researcher moves away from an objectivist ontological orientation towards a social constructionist orientation (Morgan and Smircich, 1980). Recent research within legal service providers has focused upon a quantitative approach and has sought to measure the phenomena rather than examining and exploring the rich data to understand the meaning and reasons for the business orientation.

3.4 Research Design

3.4.1 Case-Based Research

A case-based research approach allows the researcher to explore a phenomenon within a natural context using a variety of sources (Baxter and Jack, 2008). Whilst there may be a number of appropriate methodologies at the researcher's disposal the guiding approach is to have an in depth understanding of the case, a case-based research allows for this (Gustafsson, 2017). Furthermore, this allows the phenomena to be explored through a number of interpretations which reveals a greater number of facets to the phenomena, this is in keeping with a social constructivist philosophy (Yin, 2018; Stake, 1995). This has allowed a number of orientations to be viewed within the research and the factors or themes which have influenced the orientations, the how? and the why? The final compelling reason for choosing case-based research is that the boundaries for the phenomena examined are not clear between the phenomena and the context (Yin, 2018).

3.4.2 Sampling Framework

The reliability and validity of a research study is reliant upon the appropriate sample from the given population which can be studied in depth (Quinlan, 2011). Therefore, a random sample from the population is inappropriate. Moreover, the sample chosen will illustrate examples of differing business orientations and the contextual influences upon those orientations. Therefore, a purposive sample was chosen, a non-probability approach to sampling, which Creswell (2007) and later Bryman (2008) considered was the most appropriate approach for qualitative researchers. Furthermore, this sampling approach not only ensures the sample is relevant but eclectic (Bryman and Bell, 2011). This approach, (figure 3.3) allows an iterative process of reflection of sampling and reflection until theoretical saturation is achieved, creating an emerging theory '*It is the refinement of ideas, rather than boosting sample size*' (Bryman and Bell, 2011:443).

Email contact; direct telephone contacts; snowball from existing participants/organisations using key informants (Tyldum 2012).

1. Sample Population

Solicitors/barristers practice/chamber; Have ten+ members; England or Wales; Area of law; Date established; Experienced organic and inorganic growth; Multiple traditional offices.

4. Sourcing Cases

2. Sample Size

Purposive, theoretical sampling. A process of collecting, coding and analysing data, developing a theory as it emerges. Methodological triangulation Until theoretical saturation (Butler-Kisber, 2018)

3. Sampling Strategy

Between 4 -10 case studies ideal size (Gibbert and Ruigrok, 2010). Five chosen. Participants that have diverse views on the phenomena A sample size to achieve data saturation (Gustafsson, 2017)

FIGURE 3.3: SAMPLING FRAMEWORK. ADAPTED FROM ROBINSON, (2014)

As figure 3.3 shows it is not a linear process but as an iterative cyclic process, each stage affecting the other three dynamically (Robinson, 2014). This approach was realised within case studies, with a degree of refinement occurring as shown within table 3.1 and later discussed within sections 3.4.3 and 3.4.7. Although one of the tools of grounded theory, the researcher is not prescribing to the complete grounded theory framework, which may be suggested is too prescriptive (Glaser, 1992). The researcher is adhering to the observations of Locke (2003) who posited that some researchers prefer to use some of the elements of grounded theory to give credibility. Moreover, Butler-Kisber (2018) suggested that grounded theory gave

qualitative research renewed credibility and academic rigour in the field of research. In the next section the population and sample for the research will be discussed.

3.4.3 Sample Population

To reiterate the aim of the study is to understand the business orientation of legal service providers in England and to explore contextual factors that may influence the business orientation. Therefore, the sample population in question is solicitors and barristers (figure 3.4) as the top two legal service providers in England, having relevance to the research aims and objectives (Picardi and Masick, 2014; Quinlan, 2011).
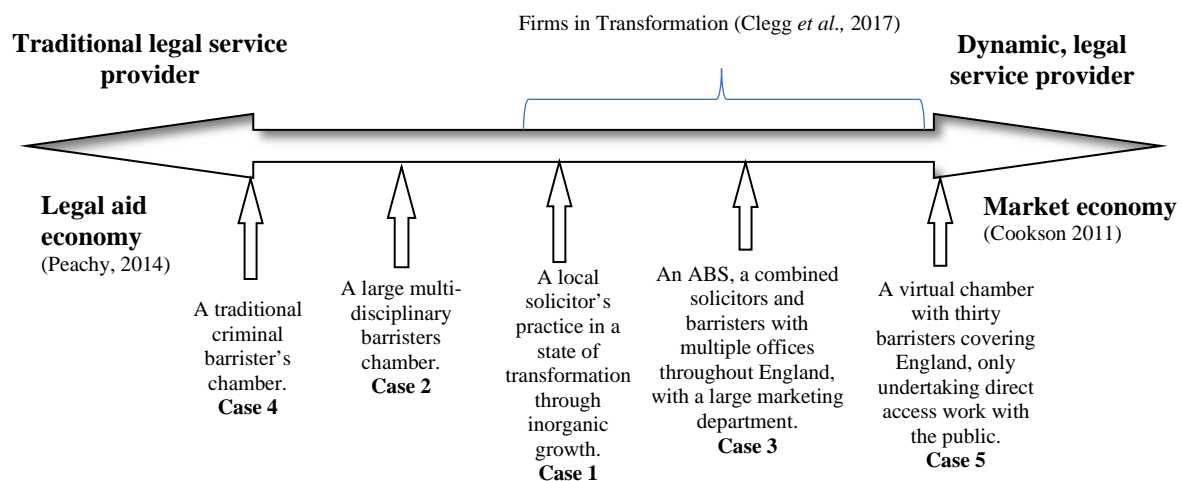
FIGURE 3.4: THE FIVE LEGAL SERVICES PROVIDERS AS A PURPOSIVE SAMPLE

It could be suggested that there is a limitation within the sample proposed in considering both solicitors and barristers. However, the main aim of the reserch is to consider the approach taken by legal service providers within England. Therefore, as legal service providers within England solely consists of both solicitors and barristers it is important to include both areas to obtain a true reflection and compare approaches they take in a turbulent market.

Whilst the researcher could consider a random sample from the legal service providers in England, it is important for the aim and objectives of the research that a purposive sample is chosen to ensure that all the contextual factors are considered. The research method should be

equally consistent with the strategic methodological framework, whilst considering the aim of the study (Lee and Lings, 2008; Gillham, 2005). The next section will consider the sample from the population chosen.

3.4.4 Sample Process

The aim of the research is to understand the business orientation of legal service providers in England and to explore contextual factors that may influence the business orientation such as organisational culture. Therefore, both solicitors' practice and barristers' chambers were approached, both of which as discussed within the literature review had experienced and been affected by changes within the macro and micro-environment (figure 3.4). Furthermore, to provide a rich contrast to the research, approaches were made to both solicitors and barristers who demonstrated a criterion of both uniqueness and diversity. This diversity was exhibited from each case through size, area of law, geography and finally their approach to the market conditions and the differing approaches to business orientation. The continuum in figure 3.4 represents this diversity and further highlights that three of the firms are in transformation. Transformation according to Clegg *et al.*, (2017:99) is *'the ability to evolve and co-evolve with the business environment'* . This transformation will be presented later within chapter four with the case analysis. The final criteria for selecting legal service providers was further refined to consider traditional legal firms at one end of the spectrum and dynamic legal service providers at the other end. Gerring (2017:71) referred to these cases as *'polar cases',* cases chosen on the basis of opposite ends of the spectrum and in between, comparisons being made across the cases.

On reflection the researcher was conscious throughout of the importance of not introducing bias or losing sight of the central focus whilst considering the sample, to impose theories upon the respondents whilst allowing them to share rich experiences (Gioia *et al.*, 2012). To retain focus and provide a greater depth of research it was decided to focus upon five unique cases. This approach of sample size concurs with Gibbert and Ruigrok (2010) who proposed that the ideal case study sample size should be between four and ten. Therefore, the research would offer a depth and focus, whilst allowing comparison amongst the cases to develop theory (Silverman, 2013).

Accessibility initially proved a major problem with attaining the purposive sample. The reluctance on the part of the firms which initially overcome was then met with equal reluctance

on the part of the individual solicitors and barristers. Solicitors consider time to be a unit by which they are measured, with time sheets. This is amplified further with the current economic pressures which were discussed in chapter one of the literature review. Therefore, time spent being interviewed from their perspective could be considered as lost time, hence money to the practice. This was exacerbated further with barristers who are generally self-employed, hence the term independent Bar (glossary of terms). Therefore, time not spent in court was considered lost income. Furthermore, whilst the Heads of Chambers may give approval for the interviews, further approval was needed from the individual barristers. Within four prospective cases after the first initial interview(s) the firms involved decided they could not proceed due to logistical constraints, due to limited resources. This consisted of a firm of patent attorneys, a solicitors practice specialising in employment law, a small solicitors practice and finally a barristers' chambers who had recently undertaken a merger and the sad death of the Head of Chambers. Therefore, whilst the researcher had a provisional sample, circumstances dictate that the sample developed over time, relative to discoveries made. This contingent approach served to strengthen the sample which concurs with Gobo (2008). Whilst these organisations have not been included within the case studies (as indicated * in table 3.1) the preliminary supplementary interviews gave further insight into the market and was invaluable and informed the approach taken. Therefore, the researcher used existing contacts within the legal field to provide other prospective cases which fit the criteria discussed earlier. However, it is believed that the five cases that were selected and researched have provided a diverse robust sample with qualitative richness (Avison and Malaurent, 2013) (table 3.1).

3.4.5 Participant Selection

Participants within the cases were carefully selected. In the first instance potential key informants were approached via telephone and the purpose of the research was discussed (table 3.1**). Key informants were senior individuals within chambers or practice who could influence the inclusion of participants. Furthermore, in recruiting key informants it heightened the levels of trust and respectability in the eyes of potential participants (Tyldum 2012). Silverman (2013:141) and earlier Tyldum (2012:202) referred to these individuals as the '*Gatekeepers*'. However, to alleviate the potential of bias and initially leading the key informants the research objectives were not discussed just the overall aim of the research.

Key informants provided the researcher with potential participants within the cases and possibly the introduction of other cases in a snowball approach (Silverman, 2013; Miller and Bell, 2002). As Baker (2003:158) stated '*if you can get their endorsement you are in*'.

Schedule of interviews/Sample Profile

No.	Date of Interview	Participant Position	Type of Legal Services Provider/Location of interview	Case number
Pilot 0	15th May 2017	Senior Barrister (Pilot study)	Barristers chambers: Nottingham Trent University	Case 4
1	8th June 2017	Head of Chambers QC **	Barristers chambers: Nottingham Crown Court	Case 4
2	14th June 2017	Senior Clerk	Barristers chambers: Nottingham	Case 4
3	21st June 2017	Junior Barrister (recently called)	Barristers chambers: Nottingham	Case 4
4	26th June 2017	Senior Clerk	Barristers chambers: Birmingham	Case 2
5	26th June 2017	Chambers Director (contributor to the Carter report) **	Barristers chambers: Birmingham/restaurant Birmingham	Case 2
6	26th June 2017	Senior Barrister -Recorder	Barristers chambers: Birmingham	Case 2
7	26th June 2017	Senior Clerk	Barristers chambers: Birmingham	Case 2
8	5th July 2017	Military Barrister	Barristers chambers: Birmingham	Case 2
9	10th August 2017	Practice Director/HCA **	Solicitors practice (ABS): Nottingham	Case 3
10	10th August 2017	Partner	Solicitors practice (ABS): Nottingham	Case 3
11	10th August 2017	Partner	Solicitors practice (ABS) Nottingham	Case 3
12	19th September 2017	Partner	Solicitors practice: Nottingham	Case 1
13	21st September 2017	Marketing Manager	Solicitors practice: Nottingham	Case 1
14	29th September 2017	CEO **	Solicitors practice: Nottingham	Case 1
15	11th October 2017 *	Partner	Solicitors practice: Nottingham (Family law)	Not included in study
16	12th October 2017	Recoveries Manager	Solicitors practice: Nottingham	Case 1
17	18th October 2017*	Business Development Manager	Solicitors practice: Nottingham (Employment law), restaurant Nottingham	Not included in study
18	25th October 2017	Marketing Director	Solicitors practice (ABS): Nottingham	Case 3
19	17th November 2017*	Head of Chambers QC	Barristers chambers: Nottingham Crown Court	Not Included in study
20	21st November 2017	Partner	Solicitors practice: Nottingham	Case 1
21	2nd July 2018*	Marketing Manager	Patent attorneys: Nottingham	Not Included in study
22	11th September 2018	CEO **	Barristers chambers: Nottingham	Case 5
23	19th October 2018	Junior Barrister (recently called)	Barristers chambers: Manchester	Case 5
24	25th October 2018	Senior Clerk	Barristers chambers: Nottingham	Case 5
25	21st November 2018	Senior Barrister (ex S. African Judge)	Barristers chambers: Manchester	Case 5
26	21st November 2018	Senior Barrister	Barristers chambers: London	Case 5
27	21st November 2018	Head of Chambers	Barristers chambers: Manchester	Case 5
28	7th January 2019	QC/Recorder and American attorney (California)	Barristers chambers: London	Case 5

TABLE 3.1: SCHEDULE OF INTERVIEWS IN CASE FIRMS
* Findings not included in case studies ** Key informant

Suitable participants were chosen based upon their role within the organisation, experience, knowledge and length of service, such as Heads of Chambers or Senior Partner. The most important selection criterion was based upon interpretation and the potential differing perspective the participant may have in relation to other participants within the cases. The pilot stage discussed in 3.4.6 helped in that process.

3.4.6 Pilot Study

A pilot interview was carried out which helped to inform the researcher, it further contributed to the validity of the findings, giving a more robust research design (Gray, 2010) (figure 3.5). It helped to inform with regard to timing, location, content and techniques employed (Turner, 2010) (appendix, three). Moreover, after the initial pilot interview (table 3.1) it was decided to conduct interviews within the legal service providers offices which served to provide further data, particularly when considering artefacts as part of organisational culture (Homburg and Pflesser, 2000). Furthermore, it was found that the use of projective techniques within the pilot with the barrister created a barrier. Therefore, in a process of cyclic development (figure 3:5) future interviews were changed to exclude projective techniques.
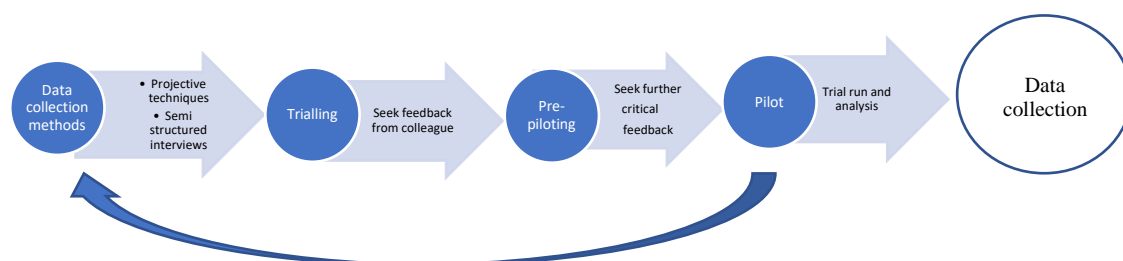
FIGURE 3.5: THE FIVE STAGES OF PILOTING, ADAPTED FROM GILLHAM, (2005)

3.4.7 Location of interviews

As discussed within the previous section it was noted that by conducting the interviews at a location of choice for the participant it served to relax the participant and provided an environment that was conducive to obtain more data which further helped with the veracity of the content. This concurred with the findings of Elwood and Martin (2000:649). However, they initially proposed that there '*was NO good place for an interview*'. They further considered the ethical considerations and the important role that location plays in a robust qualitative research interview. Furthermore, they suggested that locational considerations could provide '*power relationships*' in which the participant my feel threatened by power that is inadvertently exerted

by the location they find themselves such as in a university (Elwood and Martin, 2000:650). Whilst the researcher implemented these earlier observations further consideration was placed to more pragmatic matters of convenience such as logistics and time constraints. As shown within the previous section the majority of interviews were undertaken within chambers (barristers) or practice (solicitors) within a private office. However, some interviews were undertaken at court or within a social setting such as restaurants (table 3.1). This gave an opportunity to observe the participant in what is their usual place of work which proved valuable additional information, particularly with regard to organisational culture. It was noted for example that most barristers' persona changed once in court and wearing the court attire, becoming very importunate, focused and direct, conversely relaxed, open and loquacious in a social setting. Observation was further enhanced by multiple visits to the cases to interview other non-legal participants, this further aided public non-participant observation. This will be discussed further within the next section as part of data collection methods.

3.4.8 Data Collection Methods

A number of data collection methods were employed as part of the research design thus allowing methodological triangulation (3.4.12) to give greater qualitative rigour (Gehman *et al*., 2018). All the steps employed within the research are detailed below (figure 3.6). The use of multiple sources has allowed a clearer view of the cases and given a much deeper understanding. The data collection methods will be discussed individually in the order of which they were employed within the research (figure 3.6).
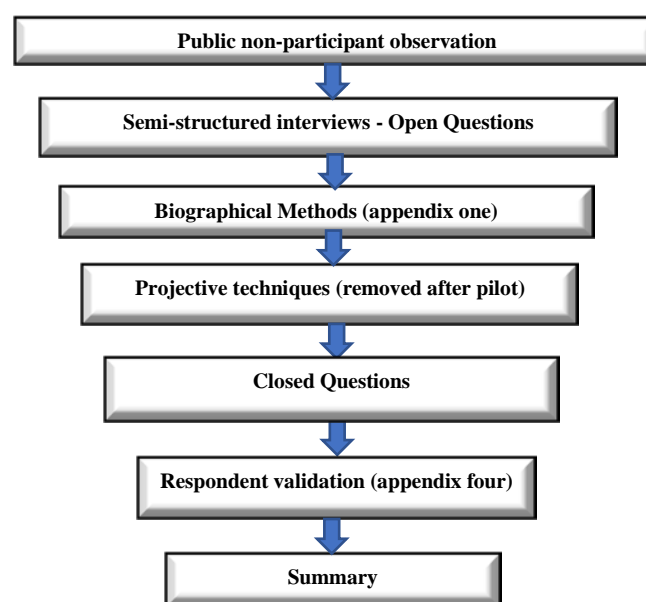
FIGURE 3.6: THE TRIANGULATION OF DATA COLLECTION METHODS, ADAPTED FROM BRYMAN AND BELL, (2015)

3.4.9 Public Non-Participant Observation

Public non-participant observation is the process of the observer observing without participating in the social setting (Bryman and Bell, 2015). There was an observed very noticeable change in behaviour and persona with barristers and solicitors within court, within chambers/practice or within a social environment, as discussed within 3.4.7, location of interviews. This proved an important addition to the research, particularly in understanding the current behaviour of the participants and what historical events have shaped that current behaviour. This introduces a biographical method which will be discussed as part of semi-structured interviews in the next section (3.4.11).

3.4.10 Semi-structured Interviews

Semi-structured, were the main method used to obtain data across all cases. A semi-structured interview is '*simply conversations in what you know what you want to find out about'* (Miles and Gilbert, 2005:65). Therefore, whilst there exists a clear aim, the approach is afforded a degree of flexibility. However, Guest *et al.,* (2006) countered against too much flexibility as they suggested that homogeneity within an interview helped towards achieving data saturation. Semi-structured interviews were used with multiple participants across all cases with between four and seven interviews per case, each interview lasting from between 30 and 150 minutes. The main objective within the interviews was to understand how the participant interpreted the current orientation of the business and culture in the context of their role within the organisation, in line within the parameters of the research aims and objectives (Bryman and Bell, 2015). The researcher approached the interviews with an open mind and did not at any time introduce any pre-set questions, preferring a conversation with a purpose. This approach is evident from the interview transcripts (appendix two). The majority of the participants had legal training (barrister or solicitor). However, all cases had at least one participant who was not legally trained (Marketing Manager, Director, CEO, Recoveries Manager, BDM or senior clerk, table 3.1). This served to give a broader, in depth understanding of the business orientations from differing perspectives and experiences (Silverman, 2013). A number of techniques were employed in the early stages of the research this included association projective techniques (Soley and Smith, 2008). A projective technique according to Boddy (2005:239) can be defined as '*Any of a variety of personality tests in which the respondent gives free responses to a series of stimuli such as inkblots, pictures, or incomplete sentences.*

Such tests are based loosely on the psychoanalytic concept of projection, the assumption being that respondents project unconscious aspects of their personalities on to the test items and reveal them in their response'.

However, it was found that association projective techniques were not favoured with the participants, particularly within chambers and barristers as they were considered patronising by the participants and created barriers to the information flow, having a converse result to what was intended. It is suggested that more research be considered in the interaction of projective techniques within traditional professional service firms. Therefore, they were abandoned after the third interview. However, biographical methods as part of the early part of the interview proved successful with participants giving a brief history of their career and experiences relative to the research aim. Biographical methods were adopted as part of the semi-structured interview and were used at the beginning of the interview, an example is evidenced within the transcripts (appendix two) (Plummer, 2001). Closed questions were used at the end of the interviews to cover any questions that were outstanding. A closed question according to Quinlan (2011:293) is a question in which respondents have a *'restricted set of options',* normally yes or no. This technique enabled the interviewer to seek clarification of outstanding points. Interviews were digitally recorded with permission from the participants. Participants did not object to being recorded and in most cases encouraged the process. In conjunction with recordings notes were taken for events that could not be captured by recording such as non-verbal cues within a diary.

3.4.11 Methodological Triangulation and Theoretical Saturation

To provide further robustness to the research a triangulated approach was used. This relied upon multiple methods of data collection as discussed earlier (figure 3.5) and provided a deeper understanding of the five cases in question, rather than relying upon just one source (Khalke, 2014). However, whilst methodological triangulation it is suggested assists with validity it should be further noted that the context in which data is presented from multiple sources can present contradiction (Silverman, 2013; Gibbert and Ruigrok, 2010). Conversely, Fusch and Ness (2016:1409) proposed that the use of triangulation ensured the data is *'rich and thick'*, giving both quality and quantity. A strong correlation exists with using methodological triangulation and theoretical saturation, without triangulation it is difficult to arrive at saturation (Fusch and Ness, 2016). Saturation is defined as *'the building of rich data within the process*

of inquiry, by attending to scope and replication, hence, in turn, building the theoretical aspects of inquiry' (Morse, 2015:587). Therefore, the importance of establishing commonality from the data collection and building upon the emerging themes. Morse (1995) had earlier suggested that without saturation qualitative enquiry would lack quality. This further suggests that saturation does not just occur within data collection but is dependent upon numerous aspects of research and data collection methods (Fusch and Ness, 2016). However, saturation was achieved within this study after twenty-nine interviews.

3.5 Issues with Qualitative Research

As earlier discussed, there are a number of issues that qualitative researchers are faced with (Bryman and Bell, 2011). Having an awareness of the concerns, can in itself help alleviate the issues. Furthermore, the researcher created a research strategy with '*robustness and credibility'* to counter such claims (Silverman, 2013:125). The concerns, according to Butler-Kisber (2018) that qualitative researchers are faced, focus on six areas (figure 3.7). Within the following sections the researcher will endeavour to counter these concerns relevant to the intended research focus within legal service providers, to provide a richness within a framework.

FIGURE 3.7: THE SIX AREAS OF CONCERN WITHIN QUALITATIVE RESEARCH ADAPTED FROM BUTLER-KISBER (2018)

3.5.1 Reflexivity and Researcher Positionality

It was earlier proposed that the researcher's epistemological orientation is as an interpretivist. This interpretive style, although less formal allows for a richer and deeper understanding of the

context, to examine and explore within the legal service providers and is in line with the aim and objectives set. Reflexivity is a key component of this orientation; indeed, it is at the core of the research for the interpretivist researcher (Lee and Lings, 2008). The beliefs, values and preconceived ideas of the researcher could have an influence on the proposed research (Creswell, 2007). Moreover, the values and beliefs of the participants could unduly influence and create bias with the researcher (Bryman and Bell, 2015). It is therefore, for the researcher to reflect on these beliefs and the influence it may have on the research. The researcher reflected upon the beliefs and positionality throughout the research process, an example being the impact and removal of projective techniques upon the sample. Moreover, Lee and Lings (2008) suggested that it would have a beneficial effect upon the research and present a deeper meaning. Reflexivity for the researcher should be an ongoing dynamic process, bringing the research together and giving it a deeper meaning (Silverman, 2013). As one of the strands to the research was to consider the organisational culture within legal service providers as a barrier to market orientation a reflexive interpretivist view it is proposed would enable a good demonstration of research practice. This is highlighted within figure 3.6 and how the six areas of concern are inextricably linked, each influencing the other (Butler-Kisber, 2018).

Positionality is considered to be a research method which may alleviate the affects of bias (Milner, 2007). According to Secules *et al.,* (2021) positionality affects six areas of the research; the topic, epistemology, ontology, methodology, relationship with the participants and finally communication barriers. Based upon the earlier assertions in the quest for understanding and meaning the author has approached this research with a number of beliefs and assumptions, based upon previous experiences, thus positionality. However, it has never been the author's intention to remain fixed in these beliefs or perspectives. Initially the author attempted to put beliefs and views to one side, therefore, 'bracketing' or 'reduction', concurring with the work of Hopkins *et al*., (2017:22) and Thompson and Gunter (2011). This allowed the researcher to be clear of bias and being open to participant interpretations. However, the researcher conversely found the benefits of reflexivity, contrasting and comparing with previous experiences. This allowed the researcher to look at the whole, providing an holistic view of the entire research and the influence the one participants data had on the the collective data. This necessitated the researcher to be flexible with regard to positionality, not being rigid and fixed to one philosophical approach but as Hopkins *et al.,* (2017:23) proposed the benefits of *'dancing between positions'*. The *'insider/outsider debate'* (Tarrant, 2016:45) was apparent to the researcher by not being a legal professional or legally trained. However, this caveat

served as a positive to the research in allowing to see the bigger picture and not being weighed down with internal and external politics and technicalities. In so doing remaining focussed upon the research aims and objectives and reflecting upon the researcher/participant dynamics. Therefore, this approach provided for a joint collaboration with a process of joint collaboration and co-creation (Holstein and Gubrium, 2003).

3.5.2 Validity

The second key issue for a qualitative researcher is validity of the research, it is considered to be the most important element of research and questions the reliability or veracity of the research (Bryman and Bell, 2011). This was considered by Alam (2005) in which he stated that qualitative data was too subjective. The definition of validity according to Hammersley (1990:57) *'by validity, I mean truth: interpreted as the extent to which an account accurately represents the social phenomena to which it refers'*. However, in a wider context the term validity may also encompass internal, external, and respondent validity (Bryman and Bell, 2011).

Internal validity relates to the validity of claims, within a qualitative research, claims relating to cause and effect (Fisher, 2010). The robustness of the research within legal service providers and the justification for the eventual recommendations made. External validity demonstrates the importance of the chosen sample and the eventual applicability of the research to other practitioners (Silverman, 2013).

Respondent validity ensures the researcher will seek from the respondent's corroboration and agreement with the research findings (Bryman, 2008) (appendix four). The validity or the truth of the findings of the qualitative research is imperative (Silverman, 2013; Gioia *et al.,* 2012). To that end a number of techniques were employed to help remove bias and give validation to the research which will be discussed later and aid the transferability of the claims made. An example of respondent validity can be found in appendix four. It should be noted that no changes were sought by any of the respondents.

The research aim and objectives were to examine and explore the legal services providers business orientation and the influencing contextual factors . However, the central endeavour of the researcher was to seek a true understanding of the situation for the participant (Polansky

and Waller, 2015). A number of processes were employed to give credibility and validity. The first is cyclic development, a cycle of research, in which the researcher critically reflected upon the methods of data collection, the data collected and evaluate against the research aim and objectives (Quinlan, 2011; Gibbert and Ruigrok, 2010; Gillham, 2005) (six stage thematic analysis, figure 3.8). Constant comparison ensures the researcher constantly compares the phenomena being coded (Glaser and Strauss, 1967). Respondent validation or member validation was used in which the respondent's feedback was sought on the data collected (appendix four). This approach was adopted after each interview as part of the iterative process (Birt *et al.,* 2016). The transcript was sent to the respondent asking if it was a true reflection of the interview and the contents therein. The target for the research was twenty-five solicitors and barristers from five legal service providers throughout England in semi-structured interviews, to validate the results (Bryman, 2008). Finally, a six-stage thematic analysis was used within the analysis of the data to extract the key themes, once again linking with the aims and objectives of the research (Butler-Kisber, 2018; Braun and Clarke, 2013) (figure 3.8).

3.5.3 Generalisability/Particularizability/Transferability

Within quantitative research Bryman and Bell (2011) asserted that the preoccupation of the researcher is to seek generalisation from the findings and is the concern of external validation. However, the qualitative researcher does not seek this goal and would not attempt to achieve this objective nor make any claims to this affect (Butler-Kisber, 2018). However, Smith *et al.,* (2009:31) proposed that the *'particular and the general are not so distinct'*. The research would seek to examine and explore and through thematic analysis, make links to experiences and phenomena, or particular typologies, seeking depth, not breadth of research (Cox *et al*., 2008). Butler-Kisber (2018:15) referred to this as 'particularizability' or how individuals relate to particular situations and their interpretation of such. Whilst this qualitative researcher will not claim to generalise from one legal service provider to the other, it is proposed that certain themes may provoke a greater understanding of the phenomena within other legal service providers (Butler-Kisber, 2018). External validity sometimes referred to as population validity or transferability. Considering the sample chosen within legal service providers and the transferability of the claims made by the researcher to other legal service providers in the wider context (Lincoln and Guba, 1985). Furthermore, Boddy (2019:15) suggested that as qualitative research allowed for a much richer and in-depth exploration there is a cogent argument for *'causal association'* across cases particularly when employing data triangulation and

supportive evidence. This assertion concurs with Gioia *et al.*, (2012:24) who considered the legitimacy of generalisability across a small sample size that *'principles are portable'* on the basis of strong multiple cases.

3.5.4 Transparency

Transparency is the standard for establishing quality qualitative research (Given, 2008). The importance of transparency, coherence and clarity throughout the research process is important for the validity and credibility of the research, it engenders trust in the research (Bryman and Bell, 2011). Therefore, the importance of establishing clear data analysis tools with justification is important (Creswell 2007) and further aids the process of 'cyclical development' (Gillham 2005). Transparency should be evident throughout the entire research process, from the research methodology through to the data analysis. Respondent validation occurs after the semi-structured interview process in which respondents are given copies of their transcripts to ascertain whether the transcription was a true reflection of the interview is a reflection on the research transparency and validity as earlier discussed (Lee and Lings, 2008). This approach of respondent validation or member checking was adopted within the research an example of this is found within appendix four.

3.5.5 Access and Consent

Gaining access to the participant cases and the individuals contained within the case is considered according to Bryman and Bell (2015) one of the most difficult steps. Conversely, Miller and Bell, (2002:55) suggested that it was *'unproblematic',* assuming that participants would promote a selfless willingness to assist in research. However, with regard to this research accessibility necessitated a process of negotiation and formality over numerous telephone calls and meetings per case, without suggesting any type of pressure and remaining ethical (Tyldum, 2012). In the first instance giving reassurance to the key informants (table 3.1). Once this trust had been established gaining their consent to proceed within the guidelines stated whilst not stifling the opportunity to gain rich data (Tyldum, 2012). The process of accessibility was aided by all respondents having anonymity and total confidentiality, particularly with regard to the transcripts. It was further noted that accessibility was boosted when participants recognised that participation would help the legal fraternity. Therefore, this approach will alleviate the possibility of unethical behaviour by considering in the first instance the consequences of such

behaviour (Walliman, 2011). The importance of informed consent is a central theme to the importance of ethical behaviour, this was aided by the use of respondent validation (appendix four). The use of a data sheet was further used to assist in this process (Polansky and Waller, 2015). Any activity within the research that in some way may harm an individual or orgnisation was avoided (Trevino and Nelson, 2004).

3.5.6 Ethical Considerations

Successful research necessitates the importance of ethical considerations (Hair *et al.,* 2009). To that end the ethical considerations within this study have been robustly adhered to within every stage of the research, this is further discussed and links with the authors earlier discussed ethical positionality, reflexivity (section 3.5.1) and accessibility (section 3.5.5). Anonymity and informed consent have also been regarded as important precepts to the veracity of the research. Individuals and firms anonymity has been respected and any information that may identitify individuals or organisations has been redacted unless written permission has been granted by the individuals concerned.

3.5.7 Voice

The definition of voice with regard to qualitative research is the '*honouring of the participants own words*' (Chandler *et al*., 2015:1). The voice of the researcher and that of the research are inextricably intertwined (Butler-Kisber, 2018). Whilst this document's methodology is based upon an interpretivist, subjective orientation, care was taken to preserve an objective and pragmatic view of legal service providers. Therefeore, adhering to both an ethical view and considering researcher positionality (Butler-Kisber 2018). The voice of the researcher must demonstrate care and respect and as such demonstrate alignment with the other elements of the qualitative research (Silverman, 2013). According to Picardi and Masick (2014) the researcher should demonstrate an open approach, which will inevitably influence the research outcome. Indeed, this transparency of the voice may reflect upon the respondents and as such create an environment for which there is greater openness.

3.6 The Process of Analysis

The qualitative research process may appear a simplistic, systematic, linear event (Castleberry and Nolen, 2018). However, in reality it should be considered an iterative,

complex, cyclic process in which the researcher will proceed back and forth in a reflexive, inductive manner, allowing for theory to develop (Castleberry and Nolen, 2018).

The following sections recount the process of reflective latent thematic analysis undertaken to uncover the themes from the data collection.

Data Collection

Stage 6 Themes tabled in a report with extract examples.

Stage 1 Transcripts, actively read and re-read, (appendix two) Participant validation, (appendix, four) constant comparison (Glaser, 1992).

Stage 5 Review of themes, some themes discarded at this stage.

Stage 2 Mind maps, coarse grain (Butler-Kisber, 2010) organising data into meaningful large groups, themes not codes. (appendix five)

Stage 4 Second stage mind maps. (appendix five) Fine grain, developing sub-themes.

Stage 3 Word clouds (DePaolo and Wilkinson, 2014)

FIGURE 3.8: THE SIX-STAGE THEMATIC ANALYSIS PROCESS, ADAPTED FROM BRAUN AND CLARKE, (2013)

In this approach the researcher would seek to uncover the underlying factors which shape the themes and would interpret the data to understand the why? and how? The definition of thematic analysis is a process of establishing, examining and recording patterns within a set of data (Braun and Clarke, 2013). The process undertaken, which is recursive by nature is summarised within figure 3.8.

3.6.1 Transcripts

Upon reflection the process of taking the recorded data and transcribing proved time consuming, however, it equally proved rewarding (Opdenakker, 2006). It was decided that

despite the amount of time taken, a ratio of three hours transcription to every hour recorded, the researcher undertook the task. This gave improved veracity to the research, furthermore, it also brought a greater meaning and allowed the researcher to become more familiar and immersed within the data, gaining a better in-depth understanding. Listening to the recordings and re-listening allowed the researcher to be better informed in the finer nuances that may have been missed from the initial listening (Silverman, 2013).

Stage one

This first stage of the analysis considers the organising of a large breath of data from twenty-nine, one to two-hour interviews, in conjunction with data from public non-participant observation. The transcripts were a verbatim account of the verbal and non-verbal messages (pauses, hesitation and laughter). Transcripts were read and re-read to enable the researcher to be immersed in and to be familiarised with the data (Baker, 2003). There was a temptation at this stage to attempt to apply order and process and to move to the next stage. However, this was resisted to ensure all key events were coded into meaningful groups by simple use of a marker pen systematically proceeding through the transcript (appendix two). In retrospect the extra time spent within this stage provided for a much richer and meaningful analysis, this concurs with Braun and Clarke (2013). A diary account recorded other data available such as the environment, (appendix three). Transcription was completed within one week of the interview and a copy was sent to the participant in a process of participant validation or member checking to give greater rigour to the research and reduce bias. However, care should be exercised in this process as participants redacting text from the transcript can introduce bias or censorship by manipulating data (Silverman, 2013). The researcher allowed redacting to preserve anonymity. However, as part of the early stages of the interview process it was made clear that no other information would be removed and as such participants agreed to proceed on that basis. It was important to complete the transcript as early as possible as any delay could result in a change of interpretation by the participant (Silverman, 2013). Once the coding has been completed the process moves to stage 2.

Stage two

The second stage involved mind maps (appendix five) which were developed from the coding to create broad themes from the five transcripts for each case. However, once again all data is included as the themes at this stage are broad, with meaningful large groups as Butler-Kisber

(2018:30) suggested they are *'coarse grain'...playing with some broad categories'* (appendix five). As part of the cyclic development the researcher went back to stage one as part of the reading and re-reading process to further refine the themes.

Stage three

Stage three involved the production of word clouds (figure 4:3) to aid the development of the themes. Moreover, the word clouds helped identify trends and have been found to be an effective way of organising text data (Joyce *et al.,* 2003). However, they are not a tool to analyse data and whilst they can consider the frequency of used words within a transcript, they cannot recognise the importance. Furthermore, data used within the process must be *'cleaned'* prior to the use with common words being removed (DePaolo and Wilkinson, 2014:39). However, having the data in a graphical representation helps order the data into manageable sets and gives an insight into the next stage of the thematic process.

Stage four

This stage continues the iterative and cyclic process, continually revisiting the data whilst making constant comparison with the existing literature (Glaser, 1992). The aim of this stage is to formulate a fine grain approach. Butler-Kisber (2018:31) defined this stage as *'Chunks of field texts are reassembled into more refined categories and broken down into others, and these are assigned, and reassigned names or codes. This back-and-forth way, or accordion-like approach, expands and contracts categories and begins to reveal relationships across them'.* As suggested this process necessitates the researcher continually writing and re-writing, in a process of continuous improvement and valued reflection.

This is accomplished with a second stage of mind maps, (appendix five) and refining the data through reading and re-reading transcripts. This process is further enhanced by writing in-depth descriptions of the themes with definitions and further readings of the transcripts to compare. Themes were further compared and contrasted in a process of cyclic development across all the cases (Pich and Armannsdottir, 2018).

Stage five

At this stage themes and sub-themes were well-defined with a clear detailed analysis and a

coherent link with the data and the other themes. It is at this stage that some themes were discarded, and a greater focus is placed upon the existing themes, this further refined within the final stage.

Stage six

The final stage of analysis in which the final themes and sub-themes are tabled within a report. This will demonstrate the themes and their interplay with the sub-themes with multiple levels of evidence in extract examples. A final comparison as part of this process is undertaken with existing literature. It was noted by the researcher that themes were initially recognised pre and post research which concurs with the findings of Ryan and Bernard (2000) (appendix five).

3.7 Reflection

As discussed earlier the researcher adopted a reflexive approach which aided the inductive, cyclic philosophy to assist in developing theory (Quinlan, 2011). However, on numerous occasions throughout the data collection process the researcher found areas of the research which could have provided bias. For example, sample selection bias was an initial concern pre-read existing literature could have created bias (Charmaz and Belgrave, 2015). This was noted when the researcher attempted to fit participants observations into existing models, concepts or theories and thus inviting a deductive approach and not developing theory in an inductive process but testing one, in a deductive process. This became evident within stage one of the thematic analysis process as the researcher sought to provide structure and reasoning to the data. It was further noted when discussing findings and comparing with existing literature. However, in a process of constant reflection throughout the research process this was rectified by focusing upon the research data and not the existing literature at this point. Furthermore, not attempting to force the issue but allowing the theory to develop.

A limitation of the approach was accessibility, as discussed earlier in the chapter it proved to be a challenge. However, on reflection losing and replacing four case firms resulted in a stronger sample, which provided uniqueness and a greater insight into the market. Furthermore, it was mitigated for as part of the sample framework. This provided for a more developed research, with a more robust selection of cases and a stronger learning experience for the

researcher. Furthermore, this served to provide a greater contribution from an academic and practitioner perspective.

Lastly, the use of projective techniques within a traditional environment, created a disadvantage. This was established within the pilot interview, case four (barrister) in which barriers were presented with the participant, who found the use of sentence completion uncomfortable. Therefore, the results were not as expected and sentence completion was abandoned mid way through the interview. However, sentence completion was attempted briefly in a later case (case one, solicitor). On this occasion it was well-received, it was however, decided to preserve consistency across the cases and not to proceed with projective techniques within this research. However, future research in projective techniques may wish to consider the influence of projective techniques within a traditional context.

3.8 Summary of Methodology

This chapter discussed the research methodology which included a social constructivist ontological orientation as part of an interpretive epistemological approach with an overarching qualitative standpoint (figure 3:2). The approach taken offers a coherent account which is consistent with previous research and it is believed will remain true to the research objectives:

RO1: To explore the business orientations exhibited by legal servise providers in England
RO2: To examine the contextual factors which influence business orientation
RO3: To develop a cultural and business orientation framework within the legal context.

Furthermore, it gives an in-depth understanding of the issues facing legal service providers, in light of the market changes and their business orientation underpinned by the organisational culture. The following chapter presents the findings of the research within the five case studies.

Chapter 4 Findings

4.1 Introduction

The previous chapter considered the methodology of research and the approach undertaken by the researcher. This chapter introduces the five case firms in which the methodology was applied and seeks to understand their organisational culture relative to the degree of business orientation exhibited. Furthermore, the cases explore and discuss themes and sub-themes which are indictors of organisational culture and business orientatiion. However, the themes and sub-themes are in turn influenced and influences of organisational culture and business orientation. The cases are discussed initially by considering their background, their history, number of employees and the hierarchy of the organisations. The location of the case firms and some of their satellite offices, demonstrating the geographic coverage, as shown in image 4.1. The chapter concludes by discussing comparisons of the case firms in a cross-case analysis.

4.2 The Case Firms

The five case firms and their satellite offices

Newcastle: Barristers chamber (Case three)

Manchester: Barristers chamber (Case five)

Nottingham: Barristers chamber (Case four)

Leeds: Solicitors practice (Case three)

Nottingham: Barristers chamber (Case five)

Nottingham: Solicitors practices, multiple sites (Case one)

Sheffield: Solicitors practice (Case three)

Northampton: Solicitors practices (Case three)

Birmingham: Barristers chamber Solicitors practice (Case two)

Nottingham: Solicitors practices, multiple sites in England (Case three)

London: Solicitors practice (Case three)

London: Barristers chamber (Case five)

IMAGE 4.1: MAP OF ENGLAND SHOWING LOCATIONS OF CASE FIRMS AND SATELLITE OFFICES

4.3 Case one
4.3.1 Background

This solicitors practice based in the East Midlands was formed in 1824, the timeline gives an insight into the growth of the firm and the fundamental changes it has experienced (timeline figure 4.2). Today as a medium-sized solicitor's practice the firm employs one hundred and twenty, both fee earners and support staff, based in a city centre head office with seven satellite offices around the city *(I:13, P:5, L:43) (figure 4.1).

```
                        CEO
                         |
              Board of Directors (10)
                         |
               Senior Partners (10)
                         |
                         |——————————— Marketing manager (1*)
                    Partners (20)
                         |
   Solicitors (82) Specialist Barrister (transport law) (1)
                         |
               Recoveries Manager (1)
                         |                    (*) numbers of staff
                    Paralegals (15)
                         |
              Administrative staff (21)
```
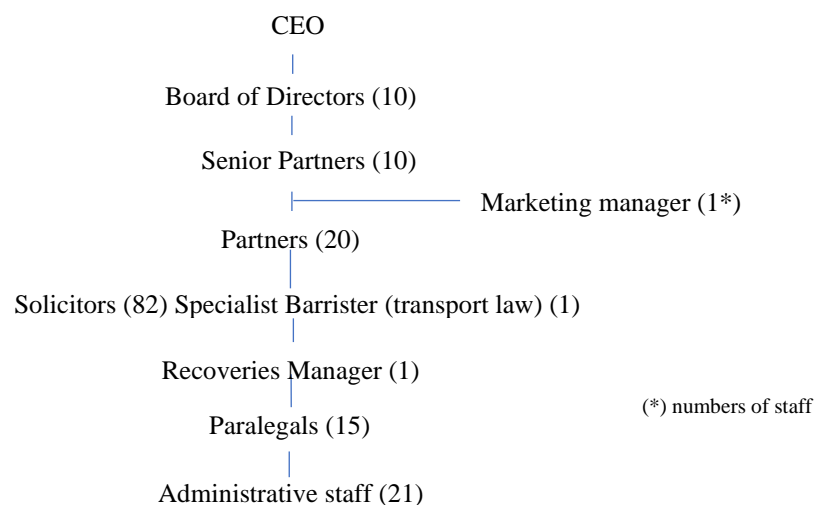
FIGURE 4.1: HIERARCHY OF THE BUSINESS (NUMBERS OF STAFF IN BRACKETS)

The areas of the business for the firm are in two categories of commercial and domestic law (table 4.1)

Commercial Law	Domestic Law
Notary	Conveyancing
Commercial	Employee
IT Law	Family Law
IP	Personal Injury
Employment	Wills and Probate
Transport	Motoring
Debt Recovery	Dispute Resolution
Commercial Property	Power of Attorney
Landlord and Tenant	Mediation
Mediation	Elderly Clients

Table 4.1: Areas of business

* I= Interview, P= Page, L=Line

The recent growth of the firm as shown within the timeline is from mergers in 2012 and 2016 (timeline, figure 4.2).
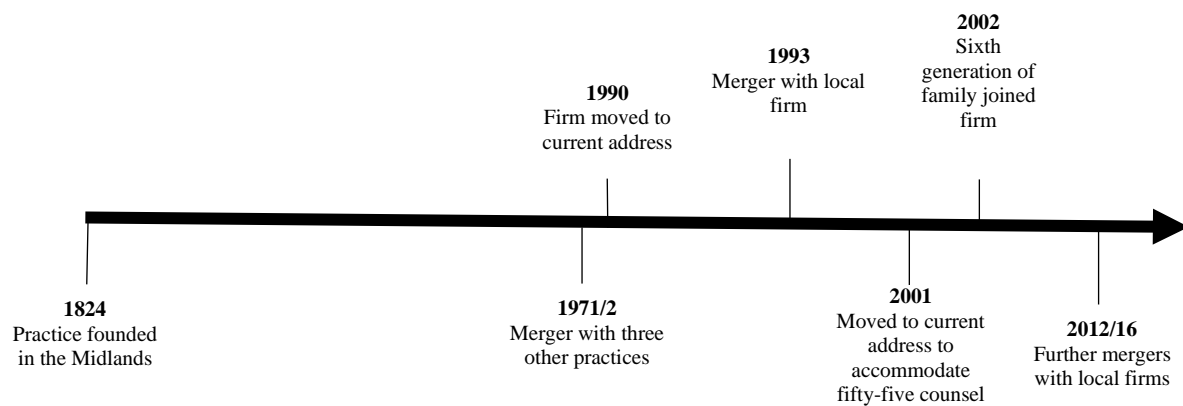
FIGURE 4.2: FIRMS TIMELINE

The mergers and acqusitions were to capture a broader range of business by attracting more fee earners, to provide economies of scale *'It is better to have bums on seats, because the rent stays the same',* this suggests the importance of having more solicitors, however, equally important is the need for high volumes of business (I:13, P:7, L:64). To provide a succession plan *'We have partners who will be retiring…wanting to make sure we have people coming through'* (I:13, P:6, L:54). Finally, to provide financial security for the firm. *'We merged for security. You take two firms which were fairly profitable and help bring them into one'* (I:14, P:18, L:104). The firm is a multi-service law firm (glossary of terms) with the largest private client practice in the area (table 4.1.) (I:15, P:10, L:72). Therefore, it covers every area of law both domestic and commercial, the firm has over twenty intangible services that it supplies to clients, *'They know they can come to us for everything then'…One stop shop'* (I:14, P:1, L:2). The majority of business, however, comes from wills, probate and conveyancing (I:14, P:3, L:10).

Participants within the case represented a cross-section of stakeholders, from different departments within the practice with differing professional backgrounds and perspectives, (table 3.1 and 4.2). This served to give a greater understanding of the case and the rich culture therein. Fundamentally, the case demonstrates how one medium sized law firm in the East Midlands has adapted to the changing, turbulent market and the problems and opportunities it

has experienced which will be discussed further within the summary. The case introduces a number of themes and sub-themes namely a coalition of identities, multiple organisational cultures, cultural paradox, lack of innovation, multiple business orientations and finally individuals working independently- solitary individuals.

4.3.2 Coalition of Identities

Case one harboured a coalition of identities (table 4.2) which represents the first theme uncovered within the findings. Coalition of identities within the case is defined as a multitude of personalities with differing views and approaches. The culture of a coalition of identities internally and images externally in part born from the mergers giving an eclectic culture. *'…Different people working to different ideas, that is not great, and it is something we want to really work on'* (I:15, P:19, L:143). On reflecting upon the multiplicity of identities within the firm it does not necessarily present a harmonious environment and universally shared values, creating organisational inter-department identity conflicts and the need for cross functional teams. For example, *'But it is always that issue with any merger its identity. It is who we were and who they were and now we need to create a new identity'* (I:14, P:18, L:104). Similarly, another participant argued. *'I think that…because we merged, so it has been a huge learning curve for all of us really because both firms had different cultures and on paper you can look very similar in lots of ways, but you only really get to see how things are when you are working alongside new people all of a sudden. So, I guess we are still in the process of developing our new personality as a firm really'* (1:13, P:6, L:49).

It also revealed within the case that multiple identities create an inconsistency in response to the internal and external client, being vacillation prone and poor time management through inter-department negotiation. This is further highlighted within table 4.2. *'…but the areas we fall down on are communication between managers and staff* (I:14, P:14, L:82). Therefore, demonstrating that the internal identity is affecting the external image. Conversely, it was noted that clients received a faster response on occasion, dependent upon the department due to the depth of resource available at that time. Furthermore, too few identities within an organisation it could be suggested stifle innovation and new ideas. However, the senior partners are aware of the multiplicity of identities and believe that in time this can be managed positively (I:13, P:6, L:39). Moreover, this is highlighted by table 4.2 where it shows the differing approaches (orientations) and cultures of the firm and the individuals within the different departments and

roles of the participants and the varying perspectives. This further introduces the next theme of cultural heritage paradox, a foundation for the organisation.

4.3.3 Multiplicity of Organisational Cultural Identities

Table 4.2 below presents the multiple identities and organisational cultures across the departments and the differing departmental approaches to the internal and external client.

Department	Organisational Cultural Identity	Business Orientation	Quotes
Marketing	**Market:** Internal marketing, cross functional, meritocracy. Outward facing, reputation marketing (I:14, P:7, L:36).	Marketing Orientation Multiple promotional activities, no interfunctional coordination Societal Orientation	'*There is a much deeper cultural issue here and if we want to have longevity we need to sort these issues out with the staff*'' (I:14, P:7, L:34) Marketing Manager.
Recoveries Department	**Hierarchical:** Standardisation, production led, role orientated. Inward facing (I:17, P:9, L:76).	Production Orientation	'*We are not a factory...but yes, it is a production line*' (I:17, P:2, L:18). '*Principles are fine, but they have nothing to do with getting paid*' (I:17, P:11, L:98) Recoveries Manager.
Family law and mediation	**Clan:** Supportive, family values. Traditional, founded upon relationships (I:13, P:15, L:146).	Product Orientation	'*My ethos is to go back fifty years*'...*I think things we were doing in the practice fifty years ago was great*'... '*The fact that I send my clients, people think I am mad...I send all my clients a Christmas card, and I hand write them*'...'*I know the names of their children*'. (I:13, P:4, L:18). Managing Partner.
Wills and probate	**Adhocratic**: Innovative, risk orientated. Outward facing, welcomes change (I:15, P:2, L:6).	Entrepreneurial Orientation	'*You know sometimes what comes to mind and it is a phrase I use and it is a bit ridiculous. You know the battery hen, the caged hen, we need to get a bit freer range... Lawyers in boxes, looking at the clock ticking off your units... It's just disconnected*' (I:15, P:7, L:50) Partner.
Mediation and personal injury	**Market:** People orientated, altruistic (I:21, P:2, L:6).	Relationship Orientation Entrepreneurial Orientation	'*Non-oppressive we want people's creative juices to flow we want the best out of people, and we think it can only be achieved in the right environment*' (I:21, P:20, L:117). Partner.

TABLE 4.2: MULTIPLE PARADOXICAL IDENTITIES

4.3.4 Cultural Heritage Paradox

The third theme uncovered in relation to case one is a cultural heritage paradox. This is defined as the contradictory but inextricably linked elements, the management of future change rather than protecting the past. In this case the heritage of the organisation presented opportunities. For example, creating a culture that does not allow the ability to take advantage of the opportunities. '*A lack of willingness to embrace new things*' (I:15, P:2, L:6). Three partners requested the need for further business education but were refused on economic and logistical grounds. This suggests an aversion to risk and lack of investment within business and people development. '*I think people are still worried about perhaps transactions and doing things that they would never have done before because they perhaps don't want to spend the money and take the risk*' (I:13, P:25, L:265). Moreover, whilst positively the heritage and traditions present a foundation for the employees internally giving comfort, stability and identity. Externally the image of the brand giving the consumer trust. However, the cultural heritage paradox creates a potential barrier for the firm of operating within the past, the future and the present. Focusing upon outdated traditions to the detriment of innovation and development. '*That is the fight every day in getting people to buy into what I believe...but you have to remain positive*' (I:14, P:7, L:32). Therefore, it equally presents a barrier and resistance to change in certain areas of the business. This manifest itself through bureaucracy, judicial rubrics and presents a quasi-adhocracy. The organisation continually battles with the cultural paradox and the need to be sequentially ambidextrous. Therefore, the ability to focus and use the past positively in the present and the future to work effectively and efficiently, to exploit and explore in balance, to exploit the opportunities with current business whilst exploring new business opportunities. This cultural heritage paradox is further discussed within the next theme of innovative tension and the need to be creative to compete.

4.3.5 Innovative Tension

A fourth theme of innovative tension is defined as the need for creativity within the firm whilst balancing with organisational structure and discipline. This highlights a further paradox within the case when considering an innovative culture of development; balancing with stability, exploration versus exploitation. The traditional organisational culture typically found within a solicitor's practice of standardisation, centralisation and formalisation which battles with the need for the firm to be innovative with the approach '*Innovate, lawyers are often trying to do*

what everybody else is doing' (I:15, P:2, L:6). However, there is a willingness within the firm to change and embrace new approaches. For example, one participant revealed *'I think there is always room for great people when they bring something new, innovation and come up with new areas, add energy to the business. I would love to see us grow to do new things that we don't'* (I:15, P:22, L:179). Therefore, these two examples show that in one instance there is a reluctance or refusal to change in parts of the firm and staff follow the process. In other instances change is embraced and successfully implemented. However, there is evidence of implementing change without being fully informed of the process of measurement *'We spend a ton on pay per click and we don't really know what the return is'* (I:14, P:4, L:16).

Senior partners within the practice recognise the need for greater innovation and the organisational culture to support the innovation. *'Yes, I like a challenge personally on a personal level. It is so easy to go into a firm where everything is perfect your IT systems work really well. There are all these management standards underpinned already, everyone knows what the vision is'* (I:14, P:13, L;80). This participant discussed the incompatibilities the previous mergers had presented with incompatible IT systems which was further exacerbated by the next theme of conflicting strategies which was ironically suggested by one of the management team.

4.3.6 Conflicting Strategies-Multiple Business Orientations

Conflicting strategies is defined as differing, contradictory business approaches. The organisational culture of the firm is influenced by eclectic orientations that exist within the different departments and the areas of law. The recoveries department focus heavily upon keeping costs and price low as a loss leader. *'That sounds like a production line?'… It is, that is exactly what it is'* (I:17, P:9, L:78). Whereas, the transport department has a differentiated strategy and a distinct focus and a strong competitive advantage with a higher price. *'We also do transport law, nationally and they have just developed a specialism, so we have got some very high-end niche areas'* (I:15, P:10, L:72). The marketing manager strives to build the relationships *'We are not a conveyancing factory…you will be given a fee earner and you will have the whole relationship with'* (I:14, P:12, L:68). However, with the need for differing skills, knowledge and structure to support the distinct strategies this overall organisational strategy risks being in the middle and compromising the approach as the business orientations from one department clashes with another. This once again varies from department to department with

the recoveries department having higher processes with a generic strategy of cost leadership. The other departments such as marketing are less process driven. The current business orientation within the practice dictates the processes in conjunction with the attitudes of the staff and the adopted generic strategy, particularly for the fee earners in particular departments. An example of this is found within the conveyancing department where fee earners are encouraged to work from home. However, staff prefer to come into the office, based upon tradition and provide a higher level of service. This is represented in the price charged being higher than other conveyancing practices in the same market, a differentiated strategy in contrast to the recoveries department. These conflicting orientations are exacerbated by the next theme of solitary individuals which creates an environment of reduced inter-department communication through individual working practices.

4.3.7 Solitary Individuals

The final theme to this case introduces solitary individuals, this is defined as members of staff who in some cases work successfully however, independently, which includes the management team. *'I think one of the trends I notice, and I particularly see it with the management of teams. You often get the people that progress in law firms as quite solitary individuals. They are perhaps quite good at their area of work. They rise but they don't necessarily have the skills to manage a team'* (I:15, P:1, L:2). This was further in evidence where senior members of staff had windows in the office whereas junior members did not. *'I said that when you looked at it in affect the fee earners and partners had stolen the light. So, what we needed to do was to take some of those partitions down, so we could all participate'*. (I:15, P:13, L:96). The people within this case create the organisational culture, however without shared values and beliefs, it is difficult to create an innovative culture. Currently the firm has no vision or mission to present the shared values and beliefs. This possibly serves to exacerbate the solitary environment (I:14, P:7, L:32). However, as the cloud (figure 4.3) suggests the people element both internally and externally are a primary concern to all the participants, as all the word clouds reported the same findings of people as the central element… *'A lot of work has been done to improve that. Then the cultures can be very different so that there can be different people working to different ideas. That is not great and that is something that we want to really work on'* (I:15, P:18, L:143).

FIGURE 4.3: WORD CLOUD FOR MARKETING MANAGER

Conversely, there were examples of unity and care on the part of management '*Things that were just nice touches. There was a hot day and the ice cream van came for everybody. Little nice things that just were genuine. I think it was the genuineness*' (I:15, P:3, L:16). However, this inconsistent approach could further serve to confuse the team. The numerous mergers that have taken place have introduced new members of staff to the organisational cultures with different approaches and possibly the need for guidance. A strong organisational identity relies upon the individuals within the firm understanding the business identity and where it wants to be. This may in part be exacerbated by the traditional solicitor of professional conservatism. Whilst they are very good at their role, they do not necessarily make good managers or leaders. However, it should also be noted that the despite elements of confusion, direction and tension the practice has successfully retained most of the staff since the merger (I:13, P:5, L:51; I:21, P:2, L:8).

4.3.8 Summary of Case One

The case develops several themes and phenomena which presents a uniqueness to the study and highlights the complexity of a multifaceted paradoxical culture and orientations which is the central theme which runs throughout the case.

The multiple mergers to form the existing firm has created a multiplicity of business orientations or multiple organisational cultures which has initially presented tension. However, in the longer term it may present more opportunity and innovation. Whilst it was discussed earlier that the firm currently has multiple identities conversely, Pratt and Foreman (2000) suggested that too few identities within an organisation removes variety and innovation, a

balance is to be drawn between the strong organisational memory and the need to conflate with the new. However, this once again clashes with the hierarchical traditions of the practice and ignores the benefits of cultural ambidexterity, the importance of being efficient whilst being adaptable for tomorrow.

The cultural heritage paradox of the firm in case one attempting to conflate the traditions and heritage of the firm whilst tentatively embracing future innovative approaches to business *'…there is something fascinating about the fact that it is hundreds of years old. So how could certain cultures not be ingrained after all that time'* (I:14, P:14, L:80). Equally, it presents a barrier to change and innovative tension with a risk averse climate and an imbalance of exploring opportunities whilst exploiting existing business. This is further exacerbated by the multiple strategies employed within the departments led by legally successful solitary leaders with developing business skills. The case demonstrated the need for a strong unified organisational culture as an underpinning to business orientation. The next case considers a traditional barristers chamber with a strong central culture. However, it presents further barriers to a market orientated firm.

4.4 Case Two

4.4.1 Background

This medium sized set (glossary of terms) is one of the oldest sets in the Midlands with inception in 1909, the chambers were one of the first founded outside of London with ten members (timeline, figure 4.4). It quickly established itself as a strong criminal set, which is due to success within court for its members. The barrister within this chamber is considered to be the product which will be discussed in a later theme. The set has a strong reputation within criminal law, both defending and prosecuting, this is complemented by a relatively large criminal team. However, in recent years it has gained a reputation of being a strong multi-disciplinary set, particularly with the merger that took place in 2001 (glossary of terms).

This resulted in a broader range of skills and knowledge as new barristers joined from different areas of law, chamber now have fifty-eight members. Therefore, this necessitated the set moving to larger chambers, across the road (table 4.3.)

The areas of business for the chambers showing how multi-disciplinary it has become since 2001 (table 4.3).

Criminal	Environmental Law
Serious Fraud/Money laundering	Military
Regulatory	Consumer
Licencing	Family
Employment	Appeals
Common Law	Immigration/Asylum
Inquests	Costs
Sports Law	Education Law

TABLE 4.3: AREAS OF BUSINESS

Participants within the case represented three positions within chambers: barristers, senior clerks and the Chambers Director (figure 4.4). This served to give a greater understanding of the case and the rich culture therein.

A representative(s) of each level of the hierarchy is on the chambers committee which makes most of the decisions for chambers and its members. Furthermore, it uncovered the inextricable traditional link that exists amongst the parties and the conflicts that sometimes exist. However, the strong mutual respect amongst the closely-knit set is retained and easily observed, particularly the strong bond that exists with the clerk's office and the barristers, which further underlines the strong traditions (I:5, P:21, L:56)*

Chambers Committee (7)

Head of Chambers (1)

Barristers (58*) QC's, Junior Barristers, pupils (2)

Director of Chambers (1) Responsible for all commercial aspects of the chambers including marketing. Ex-partner of a solicitors practice co-author of the Carter report (glossary of terms) member of the chambers committee.

Senior Clerks (2)

(*) numbers of staff

Clerks (6)

Receptionist/secretary (2)

FIGURE 4.4: CHAMBERS HIERARCHY

* I= Interview, P= Page, L=Line

This case demonstrates how one medium sized chamber in the Midlands has resisted the changing market, the problems and opportunities it has experienced which will be discussed further within the summary. This was summed up by the Chambers Director, *'The independent bar within this chamber is medieval'* (I:5, P:3, L:4). This suggests that the chambers have not changed since inception which will be discussed further within the first theme discovered which is strong family traditions, a clan.

2001
Two chambers merged within close geographic proximity. This merger was caused by government intervention in the market.

1965
Moved location due to further growth.

2012
Legal 500 top tier (survey of the top barristers in the UK).

2013
'One of the great sets for criminal work' – (Chambers and Partners, 2013).

1909
Chambers founded in the Midlands, one of the first sets established outside of London with ten barristers, (only thirty barristers were registered in the city at this time). The chamber is traditional most of which remain to this day.

1959
Moved address due to growth. More barristers joined the set. The first physical cultural change to the set for fifty years. The set now had a broader set of skills and knowledge within multi-disciplinary law (glossary of terms).

2001
Moved to current address, 'across the road' to accommodate fifty-eight counsel, the current number of barristers. The traditions remain, underpinned by a strong quality product, the barrister.

2012
Ranked top UK Chambers. The chambers have created twenty-three appointees to the senior ranks of the judiciary which have included a number of high court judges and recorders.

2014
Ranked top UK Chambers. This assists the strong relationship with the court services and the CPS and the strong product with fifty-eight members-barristers.

FIGURE 4.5: CHAMBERS TIMELINE

4.4.2 Strong Family Traditions

The chambers are steeped in tradition with a strong heritage, this introduces the first theme which firmly underpins and conflates with all of the other themes which is strong family traditions (clan culture). This is defined as a set of beliefs and values which all within the family will adhere, to remain within the family and pass down to the next generation, *'It is a special bond'* (I:4, P:9, L:68). Two senior clerks went further by suggesting that it was *'Family orientated…very tight knit'* (I:7, P:2, L:6). These underlying assumptions and espoused values suggest a clan culture (Schein, 2010). The two most senior family members are the two senior clerks with over seventy years of combined service within this chamber (I:4, P:1, L:14). There is the utmost mutual respect for the clerks and their role in chambers. As one barrister, even though self-employed suggested *'I have six bosses and they all sit in the clerk's room and let's*

not pretend otherwise…and he was God' (I:8, P:9, L:68). Therefore, what the clerks politely asked of the barristers and which cases they worked upon, if at all, was the clerk's sole decision. The barristers learn very quickly to adhere to this family rule and tradition, referred to in chambers as cab-rank rule (glossary of terms).

Traditions within the chambers extends to the building itself an imposing Victorian building positioned across the road from the two central courts. Internally traditions continue with the clerk's office in the centre of the chambers and the activity, the barrister's offices are upstairs. All the desks within the barrister's office are the same size and shape, oak, with leather tops. These artefacts and symbols once again suggest a clan culture (Schein, 2010; Deshpandé, 1993). The chambers suggest a formality, discipline and clearly defined traditional roles. A further example of clear roles and respect is barristers being referred to as Mr/Mrs/Miss (I:4, P:12, L:76), emphasising the espoused values and underlying assumptions. The family tradition continues as members returning to chambers after a day in court return for tea and biscuits to discuss the day and collect briefs for the next day (I:6, P:1, L:40). Many members of chambers would still prefer to receive a paper brief rather than a digital one (I:8, P:8, L:56). Whilst the family traditions within this chamber present a strong code of dignity and position, conversely, it presents the greatest weakness which will be discussed in a later theme of conflicting relationship marketing (I:5, P:22, L:66).

4.4.3 Product Focused

The second theme that was uncovered was product focused, the central focus within chambers is upon the product. The product is the barrister, or knowledge and within that lies the definition of being product focused and an inextricable theme for this case. As one senior barrister proposed, *'I am the brand and the brand is me'…'language is my tool'* (I:6, P:3, L:34; I:7, P:1, L:6). The success of that product, the barrister and their ensuing reputation and success is considered paramount to the continued existence of chamber and the well-being of all its members. The key question within the set is *'what is your call?'* or what experience do you have? The quality, integrity and consistency of the barrister is of paramount importance to this chamber, ingrained within the family traditions *'Attracts work through reputation'* (I:4, P:1, L10). The merger in 2001 (timeline figure 4.5) brought with its specialisms and changed the set to becoming multi-disciplinary and yet niche (I:8, P:12, L:100), although it still is seen as

a traditional criminal set (areas of business, table 4.3). A lot of barristers wish to join the set, due to its reputation, however, the barriers to entry are high. Only two pupils per year from five thousand applicants are accepted after a long interview process. In other practices the standard of advocacy has dropped (I:4, P:5, L:48). To retain standards a newly qualified barrister at this set will not be allowed to try a case in the high court for at least five years and will be working in the magistrate's court up to this time, the final decision resting with the head of chambers and the senior clerk. However, this will allow the junior barrister to compete against solicitors in the magistrate's court and in doing form relationships for the future, the only way of impressing the solicitor. However, it can be suggested that due to being product centric and having a strong sense of pride and dignity this detracts from the importance of marketing and building relationships with clients which introduces the next theme.

4.4.4 Conflicting Relationship Marketing

The case presented examples of conflicting relationship marketing activities within chambers and as such as created a theme and as a definition suggests activities within chambers that are contrary to building relationships with existing and potential clients. Whilst the clerks and the chambers director consider relationship marketing is imperative to the success of chambers *'relationships are hugely important, and it is something I feel very, very strongly about'* (I:4, P:14, L:92). Barristers within chambers feel less inclined to build those relationships *'I am old enough to be uncomfortable still with being nice to solicitors'* (I:6, P:14, L:92). Several barristers do not consider that marketing within chambers is the role of the barrister, but the clerk. As one junior barrister stated *'How do we get work? I pay my clerk to do that'* (I:8, P:5, L:6). Furthermore, whilst the professional integrity of the Bar within chamber is all important it provides a barrier to development. *The greatest strength of the bar are its weaknesses…Professional dignity'* (I:5, P:22, L:66). Therefore, whilst the potential client of solicitors, the CPS and to a limited extent, direct access clients (glossary of terms) is invited to chambers dinners, barristers from chamber will not attend (I:5, P:7, L:12). This could be suggested wastes chamber resource but sends a negative signal to the attendees and potential clients. However, barristers will attend a dinner in the event a judge is retiring, this links with themes of mutual exchange and family traditions in which the judge in question completed pupillage within this chamber.

All marketing with chambers is frowned upon by the Head of Chambers as undignified, a link to an earlier theme of family traditions *'Head of Chambers would not dirty his hands with it'* (I:5, P:23, L:6). Moreover, this links with the earlier assertion that whilst chambers greatest strength is the tradition it may also be considered to be its weakness. Conversely, the clerks disagree with the barrister's view *'Virtually no marketing in a chamber of this nature is foolish'* (I:7, P:11, L:58). This is further exacerbated when barristers refuse to talk to solicitors, the client in this instance, *'Getting members of the bar to tell solicitors what happened in court is an uphill battle'* (I:5, P:5, L:8). However, as the word cloud below (figure 4.6) proposes that despite the reluctance to talk to solicitors it is of central importance even to the most reticent senior barristers who consider solicitors, chamber and money to be of equal importance. Therefore, it could be suggested that the barrister in chamber is not traditionally equipped to provide service to the client or possess the skills to do so. This further links to the earlier assertion and reliance of being product centric, although that could further stifle attempts at marketing. Product reliance does however support the next theme of mutual exchange and the importance of having a strong product to support this process.

FIGURE 4.6: WORD CLOUD FOR SENIOR BARRISTER/RECORDER

4.4.5 Mutual Exchange

An earlier theme considered the importance to chambers of being strongly product focused. A testament to this is the high number of senior judiciary in the form of judges and recorders that were/are tenants from within this chamber (glossary of terms). This introduces a further theme of mutual exchange. Mutual exchange may be defined as the exchange of services between this chambers and government departments for mutual benefit. As a criminal chamber it is very important to have a strong relationship with the CPS (glossary of terms).

This chamber has a very strong bond, created through many years of successful prosecutions (I:4, P:3, L:20). There is currently a dearth of judges and recorders available (glossary of terms). Furthermore, this is compounded by the targets set on the court service of not allowing any court downtime and the CPS being instructed to prosecute most cases (I:5, P:12, L:32). Therefore, the court services are beholden to those chambers that can provide a sitting recorder, such as this chamber to ensure that the case proceeds *'Half of our senior people are sitting recorders'* (I:5, P:10, L:26). In providing a recorder it follows that the CPS and the court services ensure that this chamber receive the cases *'We will help you, but we expect our cases to be given due to consideration for tomorrows court'* (I:4, P:8, L:58). This is further enhanced by having a judge that may have once been part of the set. Mutual exchange relies as discussed on having a strong successful product, the barrister. Furthermore, it relies upon the importance of having high standards as part of the strong family traditions.

4.4.6 Specious Satisfaction

The final theme for the case is specious satisfaction, this is defined as the litigant's fulfilment of an intangible need, whilst not receiving a solution to the problem…. *'A lot of it is perception'* (I:5, P:6, L:10). The real need is not being satisfied; however, the perceived need has been satisfied, *'the ultimate output is an intangible'* (I:5, P:10, L:32). In court a client may consider their counsel has provided satisfaction by the performance in court rather than the outcome of the case. They may be found guilty or lost large sums, however, the client will consider that they have received satisfaction if the counsel gave a good performance *'Success is based upon satisfaction rather than hard results'* (I:8, P:1, L:10). This delusion extends past the court case in which barristers will ring the solicitor and extol the virtues of their performance *'We lost the case, but God I was brilliant, nothing to do with me'* (I:8, P:2, L:14). Whilst it could be suggested that this approach in the short term may satisfy the client it is specious satisfaction and in the longer term would harm future business. However, as a distressed purchase the criminal bar is unlikely to see the client again.

4.4.7 Summary to Case Two

This case demonstrates the inextricable links amongst the five unique themes. It presents the strong family traditions, the clan that have existed for over one hundred years within chambers and has informed and underpinned the rest of the themes, which have been the basis of its very existence. The strong family traditions influence and informs the product focused approach and

creates the brand, the barrister. Furthermore, it provides the rules that exist for all the family members. However, this creates the paradox which is the internal relationship marketing conflict between the traditions and the future. Furthermore, the strong product creates value and growth and is the foundation of mutual exchange with outside parties. Conversely, the final theme of specious satisfaction introduces the strong egos which it suggests could damage those relationships. Therefore, the organisational culture which exists does not present a strong foundation for a strong market orientation, based upon family traditions and product bias.

4.5 Case Three

4.5.1 Background

This very large solicitor's business employs three hundred and eighty-five and was formed in 2000 (timeline figure 4.8). It has over twenty-five offices in Bedford, Birmingham, Bolton, Derby, Leeds Leicester, London (two offices), Luton, Manchester, Middlesbrough, Milton Keynes, Newcastle, Nottingham (eight offices), Northampton, Sheffield, and Worcester.

The practice has an in-house chambers with over twenty barristers and solicitor advocates (HCA) (see glossary of terms).The original stimulus for the company's formation was due to a large law firm not wishing to continue with legal aid work and therefore the lawyers within that area of the business broke away and formed the current business, they strongly believed in the importance of *'access to justice'* *(I:10, P:2, L:11). * I= Interview, P= Page, L=Line
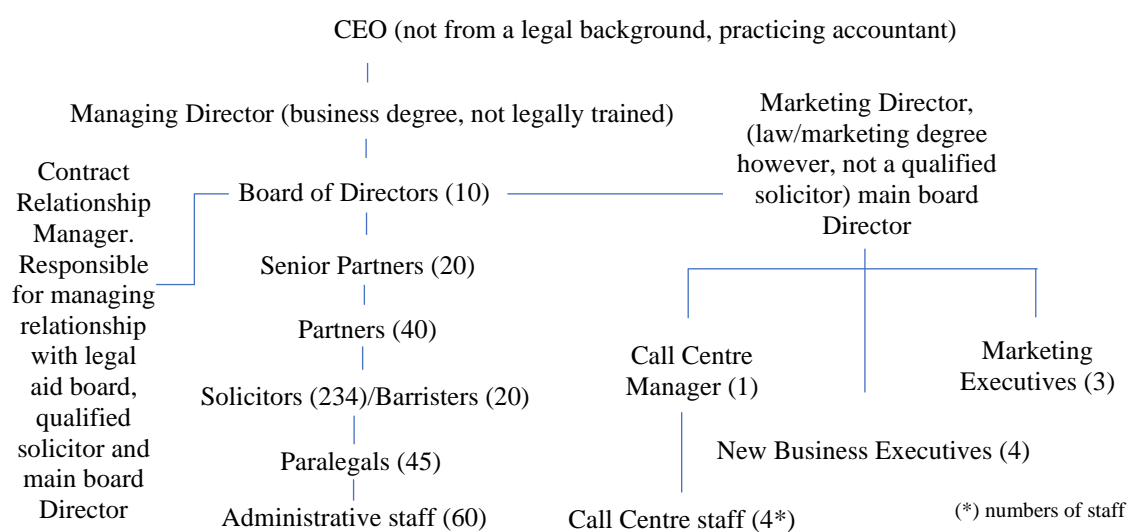
FIGURE 4.7: BUSINESS HIERARCHY

This international solicitor's practice is in fact an Alternative Business Structure and as such is not a practice but a business (ABS, glossary of terms and figure 4.7) (I:9, P18, L:215). For a company of this size it was '*right*' to be a limited company, existing beyond the tenure of the current owners (I:9, P:19, L:223). Furthermore, this allows the 'practice' to be run by a non-lawyer manager. The current CEO is an eminent chartered accountant in London helping to set up the business in 2000, which is the formation of ten mergers in quick succession.

However, most of the directors in the business are practicing solicitors and barristers. The company receives two thousand five hundred enquiries per month of that six hundred are email enquiries. Thirty percent are business clients from a very broad range of legal enquiries, which the organisation has the resource to service (I:9, P:3, L:50) (table 4.4). There are four members of staff within a call centre dedicated to taking those calls 24hrs per day (I:19, P:1, L:4). The marketing department is headed by the Marketing Director who has three full time members of staff along with a new business team of three staff (I:9, P:7, L:96). Despite the dramatic cuts in legal aid the practice is one of the largest users of legal aid for clients in the country '*sixty-seventy percent of our business is legal aid*' (I:9, P:8, L:118). Therefore, they have had for the past nineteen years a Contract Relationship Manager, a director in the company whose responsibility it is to manage that relationship with regular twice-weekly meetings with the Legal Aid Board (I:9, P:8, L:119).

Business:	Personal:
Fraud	Family
HMRC	Military law
Proceeds of crime	Fraud
Motor	Motor
Immigration	Education
Employment	Community/Mental Health
Commercial	Restraint Orders
Trading Standards	Criminal
IP	Immigration

TABLE 4.4: AREAS OF BUSINESS

Participants within the case represented numerous positions within the practice: Founding Director, Senior Solicitor, Marketing Director (not legally trained), solicitor specialising in intellectual property and a family law solicitor and Higher Court Advocate (HCA) (glossary of terms). This served to give a greater understanding of the case and the rich culture therein. The areas of business are eclectic and very comprehensive covering every area of law (table 4.4, areas of business). As one the founding Directors of the business stated, '*We are, and we will*'

(I:9, P:9, L:129). This suggests that the business will not turn anything away and accept all enquiries for work. The business prides itself upon covering all areas of law and strives to be a *'one stop shop'*, which will eventually include all professional services of solicitors, barristers, mortgage advisor, consultancy and accountancy (I:9, P:19, L:223).
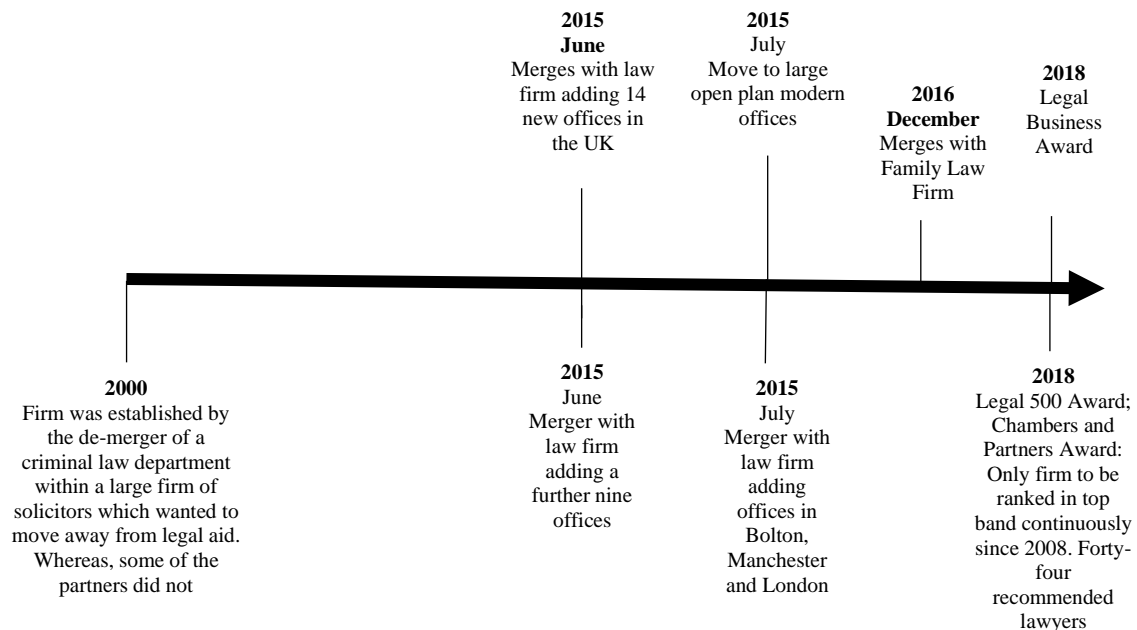
FIGURE 4.8: BUSINESS TIMELINE

In July 2015 the company moved to modern purpose built large open plan offices outside of the city centre nearer to the courts. This was to accommodate the large workforce. Moreover, it reflects the dynamic, open approach taken by the organisation and directors. No individual has an office and all the directors including the CEO sit with the staff. The only individual rooms are around the outside of the office reserved for client meetings for confidentiality. The office environment reflects the businesses mission and vision statement: '*To provide a fantastic service to all our clients. To provide opportunity for all our staff. To be proud to work at the company and finally to promote a great working environment for everyone*'. Once again this sets this case apart from other cases in having mission and vision statements, unusual for legal firms, highlighting their espoused values.

Growth has been achieved through an aggressive inorganic process over a very short period of time (figure 4.8), this introduces the first theme which runs throughout the case of inorganic growth.

4.5.2 Inorganic Growth

The first theme of inorganic growth is inextricably linked to all of the themes and sub-theme within this case. It is a major influence in the company's direction and a major influence on the individuals therein. It can be defined as the increased rate of business growth due to merger and or the acquisition of resources from outside of the business to further that growth. *'There is no point in standing still you have to move forward'* (I:9, P:11, L:141). The largest group of mergers were in 2015, in which the company doubled in size overnight (I:10, P:5, L:38) (timeline, figure 4.8). Whilst it may create tremendous growth in the short term a number of the themes that will be introduced later are a symptom of the inorganic growth. *'You import all sorts of bad habits with inorganic growth'* (I:19, P:13, L:153). Despite this being a process of horizontal integration, in which mergers occurred with legal practices in the same market sector. However, a number of positives were observed and despite degrees of standardisation, formalisation and centralisation the core values within the business are central to the culture of the business. Access to justice for all as discussed earlier was one of the reasons for the company '*So a lot of the practice areas we do is kind of the individual against the state and it is protecting their rights'* – civil liberty cases (I:10, P:2, L:11). A number of the Directors feel very strongly about this as it permeates down through the business. Furthermore, another core value and positive that was observed is independence for the staff, created through inorganic growth...'*autonomy is a massive part of our culture' I am left to my own devices'* (I:10, P;9, L:82). New starters are uncomfortable with this independence and take time to adapt to the new working practice, such as the ability to work from home (I:11, P:11, L:101). Furthermore, the efficiencies of the business are enjoyed by the staff. *'Inorganic growth creates efficiencies, I don't need to be there*' (I:11, P:5, L:39). Therefore, whilst these strong core values are dictated by the centre, as individuals resist calling it head office, not all of them are negative. However, as will be discussed within the next theme there is a constant conflict with the values, delivering value and the importance of a quality product versus billable hours and the bottom line (I:10, P:30, L:260). This introduces the next theme of standardised law.

4.5.3 Standardising Law

Standardising law is defined as the mass production of standard legal services to trade profitably (Susskind, 2019; Mucalov, 2006). It presents a trade-off between the professional quality of service to the client. However, it also presents the constant battle to reduce costs within the business and the price to the client. Whilst the law firm continues to compete in a very competitive market. Moreover, this battle can result in conflict internally and externally whilst eroding service levels in a race to the bottom (I:19, P:35, L:101). This case demonstrated numerous processes and systems as it strived for efficiencies *'you look at your cost base, staff base and all sorts of things'* (I:9, P:10, L:141). Conversion rates and metrics are constantly discussed, all activity in the business is measured striving for efficiencies *'It is constant monitoring by the FD'* (I:9, P:19, L:225). Conversely, the conflict with the profession of law and the professional standards *'You need to make a margin, but you want to do a proper job…there is always that conflict'* (I:10, P:17, L:156). However, the CEO has a different view *'We are a business…gone are the days when we would look upon ourselves as a profession'* (I:9, P:2, L:14). Furthermore, it was suggested that in the event that robust systems and processes were in place then reduction in costs would not adversely affect quality of service to the client *'It is about having robust systems to deliver'* (I:9, P:20, L:223). However, fee earners (glossary of terms) within the business recognise that you cannot standardise business relationships that it takes time to nurture before business is created, resources which they do not have (I:10, P;32, L:281). Processes, systems and standardised legal packages with the focus upon costs is often at odds with the marketing concept which introduces the next theme of resource rich marketing.

4.5.4 Resource Rich Marketing

In the context of this case resource rich marketing is defined as a relatively complex and proactive marketing approach to the legal market, undertaking all possible marketing activities. As earlier discussed, the marketing department relative to other legal firms enjoys an internally resource rich environment. The anchor for marketing activity internally is the intranet referred to as SILK (System for information learning and knowledge). This intranet system was written specifically for this organisation and is not found in any other legal organisation. The system covers everything that the employee needs to know about what is happening within the firm, including training resources and videos for the staff *'the staff can't avoid it'* (I:10, P:12, L:151).

The business has a dynamic website which is updated daily with news of events in court and the successes the company has enjoyed. The website is considered to be a major marketing tool for the company, which generates a large number of enquiries has discussed earlier…'*Our website is a thing of beauty*' (I:9; P:5; L:78). One other area of marketing which is particular to this case is direct selling. A number of the directors go out to other law firms, particularly independent barristers' chambers offering the services of their own solicitors and barristers '*Going round to all the barristers chambers They have to keep in with us*' (I:9, P:13, L;153). The message to these firms is very clear '*I am tired of writing big cheques for you boys, I need some work in return* (I:9, P:13, L:155). This direct approach is further seen with approaches to the court services, the CPS and corporate clients. Furthermore, members of staff from board level, marketing and fee earners are regularly interviewed on the BBC (local and national, radio and television). This suggests an organisation that is implementing all elements of marketing to create further organic business for a large organisation. However, this resource may not be fully utilised and the opportunities it creates not fully appreciated which introduces the next subtheme of legal marketing myopia (I:10, P:11, L:104).

4.5.5 Legal Marketing Myopia

A sub-theme of resource rich marketing is legal marketing myopia. This can be defined as a blinkered approach to the market and the services offered, creating conflict. Furthermore, the organisation has a functional marketing approach. This could be suggested is one of the drawbacks of rapid inorganic growth and the large number of new staff and business areas results in a lack of knowledge. Lack of knowledge manifests itself with lack of product, geographical and contact knowledge, not knowing who in the organisation is responsible …'*Oh I'm sorry I don't know if we can do that?*' This results in a lot of missed opportunities which currently has been valued at £100,000:00 per year (I:19, P:11, L:32). There is a proportion of the staff that are unaware of what the organisation does or can offer clients '*there is some siloism*'. This suggests that departments work independently, almost in competition with other departments. Equally, other departments simply are unaware of what other departments are doing (I:19, P:30, L:85). In order to improve sales skills an external training company is employed to attempt to get the solicitors within the firm more sales orientated. However, this is greeted in certain quarters within derision '*we don't want sales, it is a dirty word*' (I:19, P:22, L:61). Each employee is asked to produce an IMP (Individual Marketing Plan) for their area in what they are going to do to generate more business for the firm. However, this is slowly being

introduced due to the negative response from staff who may feel they didn't go to law school to do this (Hodges, 2013) (I:19, P:23, L:61).

A further cause of myopia within the business is seen as a professional conflict '*Resistance to marketing, probably borne out of confidentiality'* (I:9, P:1, L:10). Fee earners (glossary of terms) within the practice are encouraged to write blogs for their respective areas of business. However, due to confidentiality clauses some fee earners within the business wrongly believe they cannot discuss anything about the cases. Therefore, the marketing department are not fully aware of the successes within the business and have less to promote. Marketing initiatives are not fully utilised with further missed opportunities with fee earners considering marketing events clashing with billable activities, in which they are measured against, creating further conflict and confusion (I:10, P:30, L:260). The final area of myopia of staff within the business is the fee earners inability to consider the solution, whereas, they provide the product '*they see it as black and white'* (I:19; P:31; L:85). This suggests once again a lack of knowledge and skill. It equally suggests the need for further change within the organisation which introduces the final theme of harmonisation.

4.5.6 Harmonisation

The final theme for this case is harmonisation, this can be defined as the ability to create consistency and compatibility within the organisation. However, whilst inorganic growth creates opportunities and strength within the market it can equally present disharmony within the company. This was observed within this case on numerous occasions as a symptom of inorganic growth. Integration of cultures, business orientations technologies, working practices, satellite offices has resulted in '*their practices have to change to align with the firm'* (I:10, P:4, L:21). However, it was further discussed that '*personnel were not mixing'*, further creating a functional marketing approach and a challenge to the ethos (I:10, P:4, L:17). Communication plays a large part in the convergence of the ten mergers. However, it was suggested that on occasion in a process driven environment the communication was not conducive to achieve a positive result and was goals orientated *Why haven't you done it...Please do it, if you won't do it we will find someone else to do it'* (I:19, P:21, L:57). Conversely, has noted with the word cloud for the Marketing Director (word cloud, figure 4.9) people is a key element in the achievement of the mission and vision. It was stated that with such growth and cultural changes within the business it was a matter of time for matters to

consolidate and for the business to initially find its identity and then finally its image (I:19, P:11, L:32).

4.5.7 Summary to Case Three

This case was unique due to presenting an alternative approach by a solicitor's practice to the changes to the macro and micro-environment brought about by the Government intervention. The initial response of the practice was to reform and become an Alternative Business Structure (ABS) to allow it to be run by a non-lawyer which brought with it business skills. However, lawyers may be accomplished in the profession but it did not necessarily make them good business people. It set about a dynamic deliberate strategy of inorganic growth which created a large legal organisation with a number of opportunities in the market. Conversely, the case presented an organisation which despite undertaking horizontal integration in the market it still presented a number of challenges to the development of the business. Some of the challenges that it has incurred have been discussed with regard to the issues of inorganic growth, standardisaed law, myopia, solitary individuals and finally disharmony which is demonstrated within the organisational culture and attempts at market orientation. However, the company has demonstrated a strong willingness to overcome the barriers to growth and the key values of the company and the profession have been preserved within a period of consolidation.

4.6 Case Four

4.6.1 Background

This medium sized East Midlands barristers' chambers was formed in 1990. Whilst this chamber embodies the traditions of the Bar it is a relatively new chambers and as such does not necessarily enjoy the heritage of other much older chambers, however, it does have a very good reputation (timeline, figure 4.11). The chamber focusses purely upon criminal defence and prosecution advocacy (table 4.5). The chambers unusually are run by two Heads of Chamber, as opposed to the usual one head. However, like all other chamber the Heads are unpaid deriving income from their own clients *(I:2, P:18, L:141). There are forty-eight independent self-employed barristers within the set, nine of which are Queens Counsel (QC) (glossary of terms and figure 4.10. Hierarchy of chambers).

* I= Interview, P= Page, L=Line

Heads of Chambers (2*) Both QC's

(*) numbers of staff

Senior Clerk (1)

Forty-eight Barristers (QC's and Junior Barristers, two pupils)

Clerks (7)

No marketing, receptionist or administrative staff
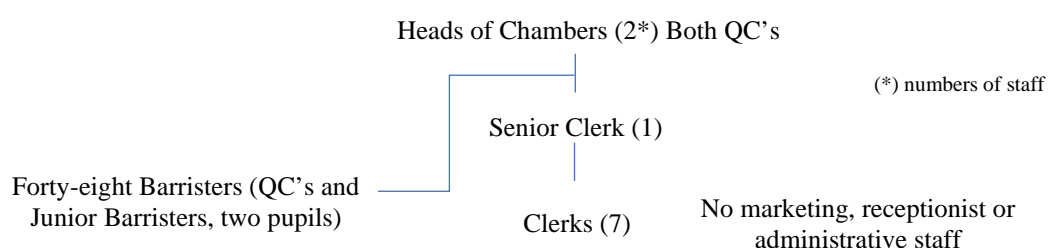
FIGURE 4.10: CHAMBERS HIERARCHY

Twelve previous barristers have been promoted to High Court Judges and many members have gained Recorderships (glossary of terms). The barristers are supported by seven very experienced clerks. Four of the clerks have worked at the chambers for twenty years. They are managed by a well-connected Senior Clerk with forty-five years-experience, who is retiring in 2019 (I:2, P:14, L:121) (timeline, figure 4.11).

The chambers are situated in close proximity to many of its clients who are solicitors and the Crown Prosecution Service (CPS) within the city centre. However, they are not geographically close to the courts, which breaks with tradition. What is different about this chamber relative to other chambers is that it does not undertake any Direct Access work, nor do any of the barristers within the set and therefore will not have direct contact with the public (glossary of

terms). Furthermore, it is not a multidisciplinary set, it only undertakes criminal work (B2B and B2C) and does not take any other legal work, such as family law.

The areas of business for the chambers showing it only undertakes criminal advocacy work since being founded in 1990 (table 4.5).

Criminal Law
Serious Fraud/Money laundering
Fraud
Murder
Manslaughter
Violent crime
Drugs
Rape
Theft
Transport

Table 4.5: Areas of business

Participants within the case represented numerous positions within chambers: Head of Chambers, Queens Counsel, Junior Barrister, Senior Clerk and a pupil in second six (glossary of terms). This served to give a greater understanding of the case and the rich culture therein. Furthermore, it revealed the links that exists amongst the parties. The binding collegiate bond that came through very strongly and the supportive culture amongst all the parties '*Sometimes it is very collegiate, and we have to pull together more*' (I:2, P;16, L:129). This factor amongst other links to the first theme; unlike many other provincial sets and practices it has not been party to any mergers. Furthermore, they try and resist recruiting from outside the chambers. Growth has been achieved through organic means only, this introduces the first and central theme which runs throughout the case of organic growth (appendix five).
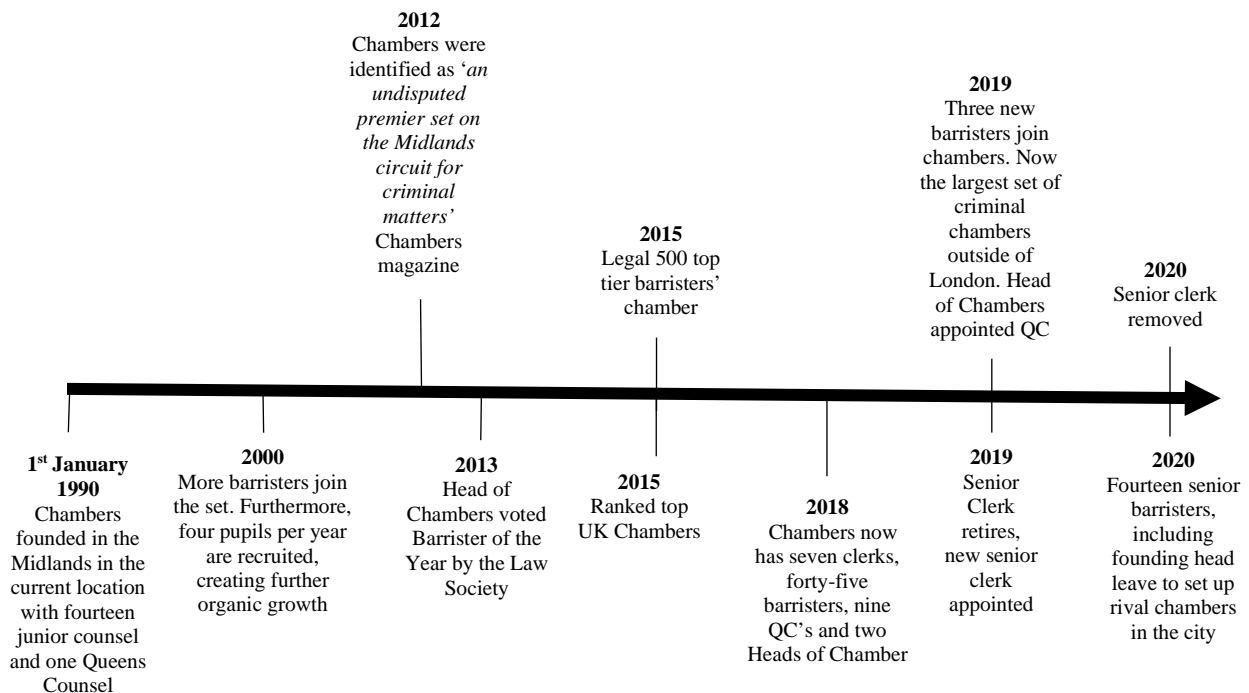
FIGURE 4.11: TIMELINE FOR CHAMBERS

4.6.2 Organic Growth

A sub-theme for this case which is inextricably linked to the later themes is organic growth. As earlier stated, organic growth sets it apart from a large number of barrister's chamber and solicitors' practice who have embarked upon a process of multiple mergers and recruiting from outside to increase the number of clients. This is observed even within the more traditional older chambers. Organic growth can be defined as a *'strategy of development and growth based upon the organisations own internal capabilities'* (Johnson, *et al.,* 2011:328). In this instance the chambers have not changed approach in a deliberate strategy since inception in 1990 (timeline above, figure 4.11). Furthermore, there are no plans to change that strategy, as it is working well (I:1, P:10, L:61). The Senior Clerk succinctly concluded *'Without sounding complacent…we are absolutely snowed under'* (I:2, P:7, L:58). Moreover, the enduring testament to this organic strategy is that no members of staff leave the chambers (I:2, P:9, L:77). Furthermore, most of the clients have been with chambers for over twenty years, which includes the two largest solicitors' practices in England (I:2, P:4, L:32). The restrictive factor currently is being a victim of success in which chambers are short of barristers and are needing to recruit new members. However, this is contrary to the chambers policy of internal development, which will be discussed as a sub-theme later in the case (I:2, P:1, L:8).

To enable organic growth the resources, structure and culture needs to be in place to preserve and develop. A large number of the junior barristers are given roles in support of the structures and processes. One newly qualified barrister is given the role of quality officer. This assists in the integration of the member. Moreover, it instils the importance of the quality regime which is paramount to the organic growth and the individual's development (I:3, P:7, L:54). The chambers have remained within the same building since it was formed, accommodating the forty-eight barristers and seven clerks. This has contributed in the development of the organic growth in creating stability and comfort for clients (solicitors/CPS) and staff alike (I:1, P:4, L: 19). Notwithstanding, that most of the barristers in the digital age no longer need to come to chambers as they receive briefs electronically in the evening. However, it serves as a reassuring anchor for clients and barristers and helps in preserving and underlining the organisational culture (I:2, P:16, L:129). To counter this all members, meet socially in a relaxed environment…'*Hot beef cobs, chips and plenty to drink*' (I:2, P:17, L:131). This case demonstrates that there are very strict standards and high levels of professionalism. However, there is equally a very caring culture of growth, development and traditions. To necessitate a successful strategy of organic growth the right culture has to be in place which introduces the first sub-theme of organic growth which is organisational culture.

4.6.3 Organisational Culture

The major theme of organisational culture within chambers encourages organic growth. This is defined by one of the junior barristers as the attitude that people have to one and other and the support they give (I:1, P:1, L:10). As one senior barrister put it. *The most important element is a happy workforce'* (I:0, P:4, L:19). Moreover, the culture within chambers provides the foundation for the sharing of legal ideas and approaches '*Culture within chambers is very relaxed'* (I:3, P:3, L:24). This again sets this chamber apart from other chambers where the traditional approach may create barriers to communication (I:3, P:3, L:24). Moreover, the improved communication internally within this chamber provides the foundation for improved legal communication externally with the client (solicitors and CPS). This was found to provide greater levels of trust and integrity in the eyes of the client (I:3, P:4, L34). Everyone knows within chambers what cases colleagues are working and are therefore equipped to provide advice, understanding and in the absence of colleagues, as they may be working on a different

case in court, provide expert cover if needed (I:3, P:4, L:34). However, this does not extend to marketing initiatives.

As discussed, earlier chambers are led by two Heads of Chambers both of which are Queens Counsel (QC) (glossary of terms). This is significant in sharing workload and experience and the positive impact upon organic growth as part of the culture. The two Heads of Chambers have an individual thriving client base built up over many years at the Bar. Therefore, the demands of being Head of Chambers without sharing that workload would be unsustainable and damage chambers, damaging that competitive advantage (I:2, P:18, L:141). Sharing workload means having the time for improved communication with the team, particularly the Senior Clerk, who affectively manages chambers but communicates regularly with the Heads of Chambers, *'They come in and say to me what's been going on let's go and have a cup of tea'* (I:2, P:16, L:129). This is fundamental to the preservation of organic growth as concerns are identified early on.

The earlier definition of organic growth links very well to this chamber and introduces a theme of individual development, the development of the individuals, barristers and clerks alike are inextricably linked to the success and the continuing organic growth of chambers, dynamically improving the internal capabilities in a process of individual development and in doing the chambers development.

4.6.4 Individual Development

A sub-theme of the case as earlier discussed is individual development, influenced by organic growth and organisational culture. Whilst this may be defined as personal development for the individuals within chambers it further creates an identity for the individual but also chambers, and the development of chambers. Chambers recruits two fresh recruits from the Bar school on a yearly basis in a stringent interview process and offers the successful applicants a pupillage (glossary of terms). Furthermore, as part of development chambers has very close links with the two local university law schools and assists in the lectures at the universities. The intention is to offer successful applicants a tenancy, assuming the year of pupillage is successful *'There is something nice about growing your own'* (I:2, P:13, L:113). This approach has several positive effects on the chambers. Firstly, it engenders a degree of loyalty in the new qualified barrister, it reinforces a supportive, collegiate approach within chambers to the rest of the set (glossary of terms) *'We try and get the newly qualified babies work'* (I:2, P:13, L:109). Lastly

it motivates the rest of the chambers at the success of colleagues. However, development is not restricted to those within chambers who are newly qualified to the Bar. Senior members of chambers including QC's also strive for personal development *'We have had three appointments to the circuit bench in the last eighteen months'* (I:2, P:8, L:66). Therefore, not only are chambers giving the opportunity for pupillage for junior staff, but senior staff are also developing. This further enhances the image of the chambers and its continuing success and development as part of organic growth.

A paradox however exists within chambers which equally serves to enhance the organic growth. Whilst the barristers are self-employed and therefore could easily compete with each other for work in chambers. Conversely, they recognise holistically that the reputation of chambers is more important and chambers reputation helps in securing more work. As one junior barrister put it '*Well if we all decide to be a one-man band, it weakens our marketability*' (I:3, P:6, L:42). This is very much reliant upon the quality of work to the client, by chambers and the individual which ensure the enduring positive reputation of the chambers and members. This introduces the final sub-theme of organic growth which is reputation.

4.6.5 Reputation

The final sub-theme of organic growth, reputation, can be defined as the beliefs and opinions of the client internally and externally with regard to chambers and the individuals therein. For the barristers and clerks within the chambers this initially relates to the respect that each member has for each other. This respect is hard won and borne out of achievement and success, in an air of meritocracy *'We are successful because we have good barristers....it is sink or swim with a lot of them'* (I:2, P:10, L:80). As the Head of Chambers suggested '*80% of work within chambers comes from reputation*' (I:1, P:5, L:36). The future of the chambers rises or falls on the back of the quality product which is quality advocacy and the relationships that are formed in and out of chambers (I:2, P:3, L:26). This is further evidenced by the word cloud in figure 4.12 in which a newly qualified junior barrister considers chambers, culture and the people to be important.

FIGURE 4.12: WORD CLOUD FOR NEWLY QUALIFIED JUNIOR BARRISTER

The reputation of the individual once again is linked to organic growth and individual development. Junior barristers are encouraged to do work they have never done before. Whilst this stretches the individual it develops them and gives a sense of achievement and reputation, without reputation there is little chance of work (I:2, P:10, L:80). All this under the watchful eye of the Senior Clerk and Heads of Chambers, in a process of '*nurturing*' (I:2, P:1, L:10). The reputation of chambers and the individuals within is further promoted as all monthly successes in court are published on the chamber's website. Members of chambers, clients, solicitors and the CPS all have access to this site. Furthermore, members of chambers that are promoted to the bench (glossary of terms) is publicised in the Counsel Magazine, enhancing the individual's and the chambers reputation for quality, advancement and organic growth (I:2, P:1, L:6). As one senior member of chambers suggested this encourages and motivates other members of chambers in a '*collaborative community*' (I:0, P:6, L:27). However, the community is insular and no communication is made to the external consumer in a process of reputation marketing.

Reputation for this chamber is also developed by the limited geographic spread chambers enjoys. Whilst in some markets this may be a hinderance for some organisations in a saturated market for this chamber it proves to be beneficial '*We are fortunate* we are *in a small pond; everyone knows us*' (I:1, P:3, L:30). Chambers will not operate outside of the East Midlands, there is no financial benefit in doing so in which it will bring them into direct conflict with other chambers with a stronger reputation and increase costs '*We pride ourselves on being a low cost organisation, in the terms of running it*' (I:2, P:1, L:8) The final element to reputation

for this case is the criminal specialism, chambers know what they are good at and they adhere to it 'We specialise in crime' (I:0, P:3, L:14). Whilst other chambers have adopted a multi-disciplinary approach which may weaken the reputation this chamber has retained the differentiated approach and remained specialists which has strengthened the chambers reputation and secured growth.

4.6.6 Summary to Case Four

This case demonstrates the inextricable link between the major theme of organic growth and the three unique sub-themes of culture, individual development and reputation. However, whilst this main theme is the central core to the case it is both informed and influences the other sub-themes. The case presents a relatively young chambers that has been guided by these themes and the standards that the themes set. The organic growth offers a uniqueness that was not observed in other chambers or practices. It contributes to a strong positive culture which simultaneously provides the foundation for the elements needed for a successful reputation for chambers and the individuals within, in a process of individual development. Finally, it provides a competitive advantage for chambers and the individuals to repeat the process in a dynamic environment.

4.7 Case Five

4.7.1 Background

This chamber was formed as recently as September 2016 in the Midlands by the current CEO, a previously successful ex Head Clerk from a London set with twenty-five years' experience (figure 4.13). The CEO, who has no formal legal training saw an opportunity in the market which was stimulated by the current Government intervention *(I:24, P:3, L:18). This has created changes to the law which allows Direct Access to a barrister for the public, with no solicitor involvement, therefore, saving a considerable amount of money for the client and time (glossary of terms). The final case study is a barrister's chambers that has moved away from most traditions and is unlike most chambers in England and Wales. It introduces a concept and strategy which removes most of the shackles that the traditional chambers have (I:23, P:1, L:4). Most other traditional chambers within England and Wales scorn this approach. Preferring to take the traditional route to market of receiving a brief from the client who would be a solicitor on behalf of the public or the CPS in a prosecution case (I:27, P:4, L:9).

* I= Interview, P= Page, L=L

This chamber are fighting this tradition '*Yet again it is the old boy's network*' (I:23, P:7, L:21).

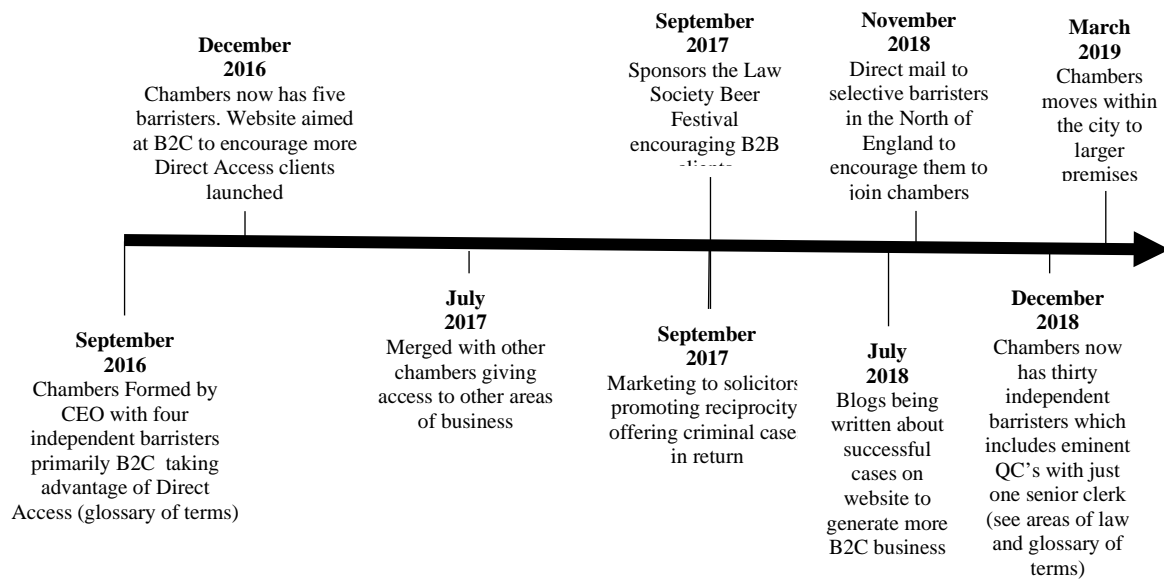| December 2016 Chambers now has five barristers. Website aimed at B2C to encourage more Direct Access clients launched | | September 2017 Sponsors the Law Society Beer Festival encouraging B2B clients | November 2018 Direct mail to selective barristers in the North of England to encourage them to join chambers | March 2019 Chambers moves within the city to larger premises |

FIGURE 4.13: CHAMBERS TIMELINE

Unusually this chamber has only one other employee who is the Senior Clerk, who works remotely away from the very small chambers office. This is another aspect which sets this chamber apart from other chambers, having one Senior Clerk supporting thirty barristers. Whereas, it is routine to have a team of four clerks supporting this number of barristers. All the experienced thirty barristers, which includes one Head of Chambers and two QC's are self-employed and independent and never come to chambers but work remotely throughout England relying upon a robust IT system (I:23, P:7, L:25). Therefore, chambers can provide service to clients throughout England. Moreover, the skills and areas of law that chambers cover is eclectic and effectively covers most areas of law (table 4.6). This develops and is reliant upon more barristers joining the set, in a process of inorganic growth it is therefore dependent upon the CEO encouraging more experienced barristers to join to generate more business as part of the inorganic growth (I:23, P:4, L:12). The final difference that is clear with this chamber and sets it apart from other barristers. There are no chambers or expensive offices, chambers consist of one single desk in a very small office in the city centre… '*Don't need a traditional base*' (I:23, P:7, L:27), '*Do we really need a traditional chamber?*' (I:25, P:5, L:37). Chambers is the location of the business, whilst it may be referred to as a barrister's chambers this is a misnomer.

Functionality, flexibility and simplicity are key words which arose continuously throughout the seven interviews which highlighted a consistency and commitment to the strategy from all the participants towards chambers and the judicial market, this will be discussed later as part of the organisational culture. This was irrespective of position within chambers, experience or geography. The CEO put it succinctly *'We are fluid and that is how we have grown'* (I:23, P:4, L:12). Participants included the CEO, the Head of Chambers, the Senior Clerk, Junior Barristers, Senior Barristers which includes Chair of the Public Access Bar Association and finally an eminent successful Queens Counsel, who practices both in London and a partner to a law firm in the United States.

CEO
|
Head of Chambers (1*)
|
Senior Clerk, (1) based in
another city

(*) numbers of staff

|
Thirty Barristers and Junior Barristers,
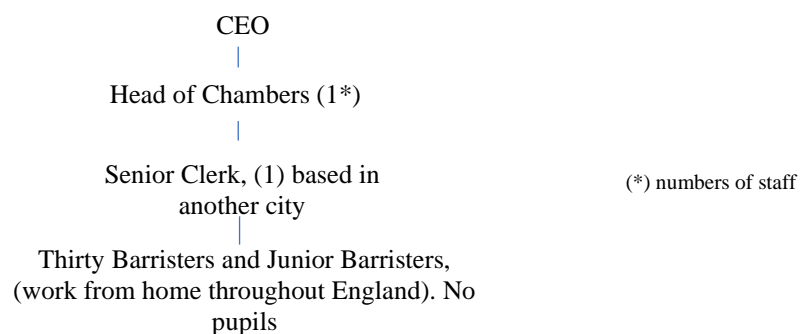(work from home throughout England). No
pupils

FIGURE 4.14: CHAMBERS HIERARCHY

As discussed earlier the areas of business for the chambers is comprehensive which effectively covers all areas of law (I:28, P:7, L:59) (table 4.6). However, criminal law is resource intensive and furthermore requires many years to generate the business and the positive reputation (I:26, P:8, L:16). Susequently, this chamber is actively avoiding crime and legal aid cases that are generated. However, they are passing work to solicitor's practices in an act of reciprocity in that they may provide Direct Access clients in return. This is discussed later as part of another sub-theme of innovative marketing (I:23, P:10, L:45) (glossary of terms).

Criminal	Commercial
Serious Fraud/Money laundering	Mediation
Regulatory	Consumer
Licencing	Family
Employment	Appeals
Common Law	Chancery
Inquests	Costs
Insolvency	IP

TABLE 4.6: AREAS OF BUSINESS

The background to the case suggests a break with tradition, it demonstrates a proactive approach to an opportunity within the market brought about by changes to the macro environment. Furthermore, it suggests a chambers and members that have taken a radical, innovative approach to the market. This introduces the first major theme for the case, the converse of the traditional chambers which is innovation.

4.7.2 Innovation

Innovation as a major theme is presented throughout the case under a number of different guises and situations which are sub-themes to the case which is encapsulated within an entrepreneurial orientation (Miller, 1983). Moreover, all of which are presented within this case and as such is shown to be having an impact within the market as a virtual chamber. One of the keywords that every participant discussed is flexibility, this is observed within every aspect of chambers business, internally and externally. This flexibility is initially borne out of the deliberate business strategy that has been adopted. This is the first sub-theme of innovative strategy. Moreover, whilst a deliberate strategy is the initial approach the flexibility allows the emergent strategy to have a place in the development of chambers and members as it reacts to the markets.

4.7.3 Innovative Strategy

A successful strategy according to Grant (2005) can be defined by three common elements; A long-term simple and agreed approach, a good understanding of the competitive environment and finally a true appraisal of the resources available. The innovative strategy that this case demonstrates encapsulates all three of these elements. Firstly, a simple agreed approach is evident in all of the working practices. In a typical traditional chamber, it is run by a management committee which will involve all of the barristers casting a vote. However, this is not only time consuming, but the decisions invariably are tardy or… *'just doesn't get done'* (I:23, P:1, L:4). Within this chamber the decision is made by the CEO in consultation with the Senior Clerk and the barristers *'Yes and we have done it'…and the decision is made'* (I:23, P:1, L:6). The CEO summarised the approach… *'things that frustrate me are things that are overcomplicated, keep it simple'* (I:23, P:23, L:97) The barristers within this chamber echo this strategy *'It is new, dynamic, it is different. I don't have to be set in the old ways'* (I:24, P:1, L:2). The dynamic, simple, flexible strategy further alleviates any politics, there is an agreed

common consensus *'different from the normal set of chambers, which didn't involve politics'* (I:26, P:7, L:14).

As discussed earlier a innovative strategy should understand the competitive environment which introduces the next sub-theme of innovative marketing.

4.7.4 Innovative Marketing

As part of the main theme of innovation a sub-theme was identified as innovative marketing which considers the earlier elements discussed of innovative strategy. Innovative marketing can be defined as a radical approach to the market to create a competitive advantage. It is suggested that this is however contextual, whilst in some markets it may not be deemed to be radical or innovative. However, within the confines of the traditions of the Bar this case does demonstrate a radical innovative marketing approach. Unlike most other chambers this chamber does segment and has a clear idea of where the market is and what it wants '*For a right section of the market it is certainly the way forward'* (I:28, P:2, L:8). As discussed earlier this chamber will not cover crime as it is resource consuming. Equally chambers only supports Direct Access clients, without solicitor involvement. This may present major savings of upwards of £40,000 per case for the Direct Access client (I:11, P:4, L:9).

This innovative marketing approach, however, necessitates the need for a robust IT and communications approach. This begins with an online diary system which can be accessed remotely by all members of chambers. Therefore, booking barristers to court is simplified as is ensuring the barristers with the right skills sets for the case. Furthermore, accessibility and availability are assured for the client throughout the country *'We are nationwide'…* anywhere within the country *'I am in court all over the country'* whereas, other chambers stay at the local court in the local town. (I:25, P:3, L:23). This accessibility is of further benefit to the barristers as they do not need to come to chambers to get the brief, once again removing the need to have a chamber *'We are innovatively thinking'* (I:25, P:5, L:37). The approach allows for a tailored service, albeit mass customisation '*An a la carte menu…different clients require a different level of service'* (I:28, P:5, L:33). Furthermore, it allows the client to know how much they are spending and can budget accordingly in a more simplified approach… *'Like a light switch… you can switch me on, you can switch me off'* (I:27, P:6, L:11). As discussed earlier this chamber will not cover criminal law. However, innovatively they will use criminal briefs (glossary of terms) that they are directly approached on by the client to generate more business

'Push back work to solicitors' (I:23, P:10, L:45). Approaching solicitors' firms with the business looking for areas of reciprocity, Direct Access clients.

This chamber demonstrates an imagination and hunger in innovative marketing. The website, blogs and LinkedIn are updated on a daily basis, particularly to discuss the successes of the day, utilising reputation marketing. The CEO recognises that most business clients see the use of a solicitor as an expensive distressed purchase with a lack of trust *'There is a fear of contacting a solicitor'* (I:23, P:2, L:12). Therefore, the chambers have contacted insurance companies and accountants, other professional service firms (PSF's) (glossary of terms) to generate business for the PSF and the chamber...*'we are opening up the market'* (I:23, P, L:12). This suggests a progressive, proactive approach, the need to give value to the client whilst remaining focused and market orientated. The CEO has recruited barristers to chambers who fit a certain characteristic one of which is the expertise and specialism in the area of law in which they practice, they stick to what they are good at. This introduces a final element to innovative marketing in which the CEO will offer the services of the barrister to other chambers, working collaboratively. (I:23, P:9, L:41). Whilst sharing the fee this could be viewed as relationship marketing to the competition. However, the CEO views this as a great networking opportunity (I:23, P:9, L:41).

The key product that is marketed within this chamber is the barrister and expert advocacy (glossary of terms). This introduces the last sub-theme as part of innovation which is innovative resources.

4.7.5 Innovative Resources

The final element as a sub-theme to innovation is innovative resources, in the context of chambers the major resource are the people or specifically the barristers and clerk. Innovative resources are defined as the efficient and effective implementation of means. The characteristic of the type of barrister within chambers is distinctive. Most are very experienced with just one newly qualified junior barrister, although they are very driven and dynamic *'I am young I am hungry'* (I:23, P:5, L:31). The rest of the barristers are very experienced and are experts in specific areas of law. They know their specialisms and will not move from this, unlike some other chambers. However, there is still the progressive, driven approach in evidence *'You are buying a gun for hire'* (I:26, P:4, L:10).

The barristers within this chamber look for business in all dealings, especially repeat business. In the same way that this chamber attracts a certain demographic of client they equally attract a certain type of barrister (I:25, P:1, L:8). They are independent, self-contained, barristers that have to manage themselves. However, historically it wasn't like this *'I remember when clerks used to go and pick up my laundry for me'* (I:27, P: 12, L:28). Some of the traditional chambers barristers still have this approach *'It won't suit all barristers'* (I:27, P:4, L:9). However, this chamber's barristers view this as an opportunity in the marketplace to break from the traditions and provide better value for the clients. *'Approachable', I think that is the flexibility that we have 'In an old chamber you are told what to do…here you are asked'* (I:24, P:3, L:14). Whilst the chamber is driven, professionalism and expertise are of paramount importance. The CEO has chosen barristers with a reputation of being good at what they do (I:23, P:9, L:41). It is that traditional paradox which is evident within other chambers the tradition which encouraged business through experience and past results, however, the tradition which is holding some chambers back.

FIGURE 4.15: WORD CLOUD FOR HEAD OF CHAMBERS

The word cloud for the Head of Chambers suggests the importance of Direct Access (glossary of terms) whilst the continued relationship with solicitors in a reciprocal approach is considered as being an innovative marketing strategy.

4.7.6 Summary to Case Five

This case is unique in many ways to the other cases discussed; it introduces a radical, innovative approach to chambers. Whilst retaining some of the traditionalisms of the Bar it has equally rejected the shackles that may burden it with development and progression such as bureaucracy and traditions. The artefacts and symbols that according to Schein (2010) and Gao (2017)

contribute towards demonstrating the culture, are atypical to a traditional barrister's chamber. It has preserved an environment of flexibility, fluidity, clarity and focus. The main theme of innovation, the converse to traditionalism is present in everything the chambers and members undertake which is why the theme and sub-themes are so closely linked. The organisational culture of adhocracy as discussed within chapter two is proven to support a foundation of orientation of MO. MO is found to enable an IO and RO approach (McClure, 2010). The case is based on a very young chambers formed in 2016 and yet the members are very experienced and successful in their chosen area of law. This brings with it a high degree of professionalism and a reputation of achievement. Above all the chambers have taken advantage of the change in the macro and micro-environment to create a competitive advantage with an emergent strategy with Direct Access (glossary of terms) and have the resources to take advantage of this in a process of inorganic growth. Whilst in the short to medium term this will benefit the chambers in the long term this approach may damage the legal market in a process of de-skilling, as the chambers undertakes no pupillage. Therefore, case five is not developing future barristers for the market and relying upon other chambers and as such is not sustainable. Furthermore, with the exception of one senior clerk and the CEO the rest of the members of the chamber are self-employed and therefore are independent to leave the chambers taking the experience and possibly changing the culture of the chambers. There is a strong need for relationships with other chambers and solicitors to facilitate further growth. Furthermore, the importance of dealing directly with the client through Direct Access is equally going to facilitate growth.

Chapter 5 will present a discussion chapter which will analyse the similarities of the five cases and consider, where they differ, and where the five cases suggest conflicting approaches in a process of compare and contrast with previous literature, showing the complementary organisational cultures and business orientations within the context of legal service providers.

Chapter 5 Five Discussion

To reiterate the aims of the research was to investigate the business orientation of legal service providers in England. Furthermore, to examine the relationship between the business orientation exhibited by legal service providers and the contextual factors which may influence the orientation. Finally, to develop a cultural and business orientation framework with the legal context.

The previous chapter has served to reveal a deep insight into the business orientations and organisational cultures within legal service providers. Hodges and Young (2009:39) suggested they were '*unique businesses*' with regard to organisational culture and business orientation. Furthermore, Kotler *et al.,* (2002) suggesting that PSF's (Professional Service Firms) had unique challenges from other products or services. The research into the five cases has supported these claims. The literature review highlighted various gaps in current academic and practitioner thinking which showed there was no current in-depth qualitative research in the area of legal service providers, specifically calling for further insight into the business orientation of firms within differing contexts such as legal service providers (Mayson, 2017; Lettice *et al.,* 2014; Hodges, 2013).

As explored earlier within Chapter four there are different business orientations and organisational cultures within each of the five case firms. This despite operating within the same turbulent market environment, governed by the same macro and micro-environmental constraints and presented with similar opportunities. This chapter will explore the commonality amongst the cases, the differences and discuss the possible reasons whilst comparing and contrasting with previous literature as a cross case analysis. Furthermore, this chapter will draw together the findings of the research linking with the extant literature and making reference to the research aims and objectives.

5.1 Transformation

In comparing the five case firms with regard to transformation (figure 5.1) it clearly shows that three of the five cases are in transformation (cases **one, three** and **five**). Transformation in this context is defined as making fundamental changes to reflect how business is performed to facilitate opportunities from the market environment (Kotter, 2007; Clegg *et al.,* 2017).

Transformation has been shown to have a major affect on the organisations with regard to the organisational culture and business orientation (Al-Najeem *et al.,* 2012). This was observed within three cases, with case **one** and **three** reacting to the market forces, particularly government intervention (Legal Services Act, 2007). For example both cases creating marketing departments. Case **five** has recognised the opportunities the 2007 Act has created and developed a firm with the organisational culture and business orientation to capitalise upon events, with an innovative approach. Cases **two** and **four** (barristers) have chosen a state of equilibrium and retained the same working approach aligned to their organisational culture and business orientations, with neither cases undertaking any marketing initiatives.
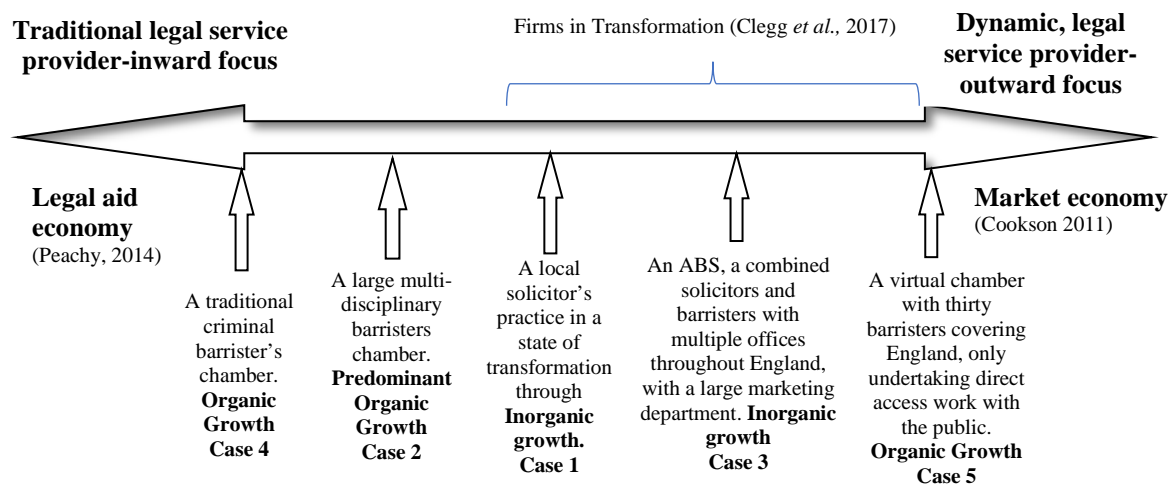
FIGURE 5.1: A CONTINUUM OF TRANSFORMATION REPRESENTING THE FIVE LEGAL SERVICES PROVIDERS

The following table summarises the main themes that have emerged from within the case findings. They emerged through a process of thematic analysis as set out in chapter three: *Methodolody Approach and Design* and further supported from evidence within the appendices. The main themes will be discussed as part of the cross case analysis as they appear in table 5.1.

Case Firms Themes

Cases:	Case 1	Case 2	Case 3	Case 4	Case 5
Legal Service Provider:	Solicitors	Barristers	Solicitors	Barristers	Barristers
Themes:					
Multiple Business Orientation Approach to business Masterton *et al.,* (2017)	Competing Multiple Departmental Orientations Production, product,marketing, societal, RO No inter-functional coordination or competitor analysis.	Product orientation Focus on the integrity and traditions of the product (barrister) No MO limited RO	Dominant Production RO, sales, (No competitor analysis) competing orientations due to inorganic growth.	Product Focus upon reputation as a leading criminal set	Multiple complementary orientations foundation of MO-EO -RO
Organisational Culture deep and complex part of an organisation that can strongly influence organisational members (Choi and Scott 2008)	Confused multiple cultures, dominant hierarchical competing adhocratic, clan and market culture	Clan organisational culture. Family traditions.	Dominant hierarchical multiple cultures	Clan organisational culture. Family traditions	adhocratic/market culture
Artefacts/Symbols Tangible items identifying with the culture (Schein , 2010)	Mixed messages. Evidence of traditional symbols competing with marketing literature	Traditional- oak desks, near the courts	Contemporary office functional	Traditional - Victorian building	Contemporary functional, minimalism
Espoused Values Public statements, mission/vision statements (Schein, 2010)	Mission and Vision, Blogs, Facebook, LinkedIn	Traditions of the Bar- limited public statements based upon achievments of members	Mission and Vision, '*Justice for all*'	Traditions of the Bar- limited public statements based upon achievments of members	Direct Access Facebook LinkedIn Blogs
Underlying Assumptions Thoughts and feelings (Schein, 2010)	Complex and confused	Heritage, personal development, family traditions	The importance of sales, productivity and process	Family traditions, supportive	Growth
Inorganic Growth '*A firm that doesn't grow from within*' (Ivasciuc and Gheorghe, 2015:185)	Inorganic (solicitors) Numerous mergers	Predominantly Organic One merger in one hundred years (barristers)	Inorganic (solicitors) Numerous mergers	Organic (barristers)	Organic (barristers)
Myopia Blinkered approach to the market and services offered creating conflict (Levitt, 1960)	Mixed Attempting to introduce market orientation with resistance and conflicting views and cultures	Myopic: Limited understanding of marketing.	Holistic very strong marketing function, However, other areas of the business not fully engaged	Myopic Limited understanding of marketing	Holistic, Focused upon all areas of marketing. All members committed to marketing and generating business
Reputation The beliefs and opinions of the customer internally and externally. Managing feedback to attract new customers (Moutinho and Southern (2010).	Locally strong In the E Midlands reputation for being a trusted local family firm. Uses reputation marketing	Locally strong in the Midlands for multi-disciplinary law, no reputation marketing	Nationally Strong for all areas of law, one stop shop. Uses reputation marketing	Strong criminal set with a reputation for success throughout the East Midlands, only working in this area. No reputation marketing	Reputation of 'new boys on the block' non -traditional shunned by the traditional Bar, particularly the London sets. Uses reputation marketing
Standardisation of law Acquire legal knowledge and use it over and over again (Mucalov, 2006)	Standardised (solicitors)	Non-standardised (barristers)	Standardised (solicitors)	Non-standardised (barristers)	Non-standardised (barristers)
Heritage/tradition The transmission of customs or beliefs	A centuries old family business diluted through inorganic growth	Traditional values	Low this is due to inorganic growth and a relatively new company	Relative new chambers. However. governed by traditions	No heritage or traditions, except those of the Bar

TABLE 5.1: SUMMARY OF THE CASE FIRM'S THEMES

5.2 Cross case analysis

5.2.1 Multiple Business Orientations

Multiple complementary orientations have shown to benefit an organisations performance (Morgan *et al.,* (2015). Moreover, in conjunction with them being complementary there should be a dominat orientation (Pearson, 1993). However, case **one** (solicitors) demonstrated multiple non-complementary orientations with a regional and departmental divide (table 4.2). MO was observed within the marketing department. Innovation was observed with the development of knowledge transfer and people development. The offer of pro bono work (glossary of terms) and charitable events presented societal orientation. Production orientation was observed within the collections department. Finally, relationship orientation and entrepreneurial orientation was evident through sponsorship and dedicated account managers to the Legal Aid Board (glossary of terms). A number of the orientations in evidence within case **one** were shown to provide conflict, concurring with Guo, *et al.,* (2014) that initially a conducive organisational culture was needed such as adhocracy or market to facilitate a suitable complementary orientation. However, due to the lack of inter-functional coordination and competitor analysis MO was not in evidence and therefore would not provide the basis for complementary business orientations, agreeing with Guo *et al.,* (2014). Case **three** (solicitors) similar to case **one** had a multitude of orientations, however, case **three** had a dominant production orientation with an emphasis upon cost saving and measurement to the possible future detriment of product quality.

The findings suggest that case **two** and **four** (barrister) have a functional product orientation, one of the central themes to the cases. Functional product orientation can be defined as an approach by an organisation where products perform a function and is central to the approach by that organisation (Jobber and Ellis-Chadwick, 2020). However, it has been argued that organisations that have a single dominant business orientation will not have the flexibility and will be vulnerable, such as case **four**, particularly within a turbulent market (Gosling *et al.,* 2010). This study has shown that the single product orientation approach in this unique traditional market has demonstrated sustainability, due to the strong product and reputation (Hodges, 2013). However, this sustainability is dependent upon the legal market remaining unchanged (legal aid economy). Therefore, the findings are not consistent with existing literature. Masterson *et al.,* (2017) proposed that business would grow in proportion to product improvements suggesting that product development is proportionate to customer feedback.

However, the product within chamber, (case **two**, **four** and **five**) as earlier discussed was considered to be the barrister with knowledge and experience. Cases **two** and **four** develop without interaction to the client, therefore, not capturing feedback from clients. However, case **five** does communicate with all stakeholders which includes the client, continually seeking feedback.

Porter (1980) proposed that customers were heavily influenced by tangible benefits. As the product within chambers is intangible, chambers (case **two** and **four**) frequently found difficulty in expressing the benefits to clients. Fuchs and Schreier (2011) proposed that firms have historically not considered the consumer in the key decisions. However, within the legal market, particularly within the traditional chamber it does not consider consumers in key decisions due to not undertaking direct access (glossary of terms). Therefore, unlike case **five** it is still the norm within cases **two** and **four** not to communicate directly with the client and is suggested a peculiarity of traditional inward facing barristers chamber.

Previous authors have asserted that business orientation continually evolve (Lynch *et al.,* 2012; Beresford *et al.,* 2004; Liu *et al.,* 2003). Conversely, it was noted that within cases **two,** and **four,** an inward facing traditional chamber all change is resisted, retaining the product orientated approach, despite attempts within chamber to create a relationship orientated approach. Traditions within chambers are firmly embedded and all changes are resisted (Roper *et al.,* 2016; Mayson, 2015; Hodges, 2013).

The complementary business orientations found within case **five** supports the views of Lynch *et al.,* 2012; Mavondo and Wong, 2007; Mavondo, *et al.,* 2006*;* Pearson, 1993 and Hayes and Abernathy, 1980. They suggested that two complementary orientations of MO and EO co-exist allowing case **five** to provide both the '*inside out and outside in approach'* (table 5.1) to the market, (Ergrun and Kuscu 2013:510). The EO enabled case **five** to focus upon internal competencies (O'Cass and Ngo, 2007). Whereas, MO allowed the focus to be upon market-based assets (O'Cass and Ngo, 2007). The predominant area for EO within case **five** was founded in the innovation of Direct Access (glossary of terms) or regulatory innovation. Furthermore, the use of regulatory innovation (Roper *et al.,* 2016) was found within this case to simplify the approach taken, removing the traditional judicial shackles (Mayson 2015; Peachy, 2014). For example, case **five** undertakes no work for the CPS, solicitors or the Legal Aid Board, only working directly with the consumer, removing bureaucracy and cost. Moreover, this approach is unlike the business model found within cases **two,** and **four** all of

which do no direct access work. The innovative approach taken by case **five** concurs with Ergrun and Kuscu' (2013:510) definition of innovative approach '*To learn about and track customer needs to develop new products or services accordingly, and to implement internal processes that enhance an understanding of customer needs and product development*'. However, Morgan *et al.,* (2015) posited that by using the MO-EO approach to business it would have a detrimental effect upon product development. Furthermore, Wiklund and Shepherd, (2011) suggested that EO was resource intensive and could have a detrimental affect upon the business. Conversely, in the context of legal service providers the assertion is at odds with the findings within case **five**. The barristers within case **five** have the freedom to pursue the generation of business to the good of themselves, the client and the chamber, whilst developing individual skills and knowledge (Mayson, 2015). Moreover, the traditional legal service provider operates locally, whereas, case **five** through IT innovation operates throughout the country. Furthermore, Bodger *et al.,* (2015:4) suggested the consumer is capable of now re-purposing the product to suit needs or *'user innovator'*. The positive, innovative approach that this chamber has taken to Direct Access means that the consumer will develop litigation in conjunction with the barrister in a process of co-creation (Vargo and Lusch, 2004), excluding the solicitor, fees and paperwork.

Case **five** demonstrated a simplistic approach to the business removing the elements that might inhibit development of the business and the individuals, removing the shackles of the traditional legal firm (Hodges 2013). Furthermore, it clashes with the view of traditional legal firms as suggested by Mayson (2015), Hodges (2013) and Philbin (2000). They suggested a traditional legal firm is a process-driven, administrative organisation weighed down with the traditions as part of the organisational culture (cases **one, two, three** and **four**). However, through innovation case **five** has dispensed with the bureaucracy and traditions other legal service providers may be burdened with. This will be discussed as a separate theme, *heritage and traditions,* (section, 5.2.8). It is relevant to note that the chambers have a CEO who runs the business and is not a barrister or legally trained. However, the CEO has many years' experience as a senior clerk (glossary of terms) therefore, is not burdened with the traditions of the Bar whilst respecting and understanding them. Whereas, cases **one**, **two, three** and **four** are from a professional services background (lawyers and accountants). The major theme which runs throughout case **five** is innovation as part of an entrepreneurial orientation which is supported by an adhocratic organisational culture and an MO-EO business approach.

The partnership of EO and MO supported by an adhocratic culture is providing a positive performance for the chamber and the individuals therein which supports the assertions of Jimenez and Valle (2008) and Hurley and Holt (1998). It can be concluded that the adhocratic organisational culture supports the complementary business orientation of MO and EO within this context.

The norms, and behaviours supporting adhocratic culture in case **five** adheres to the characteristics as suggested by Carrillat *et al.,* (2004). Those characteristics of the business are innovative, not risk averse, willing to embrace new initiatives. The behaviours of the members of chambers who are all self-employed are focused upon new business and furthering the fortunes of the chambers. The values, as McClure, (2010) proposed for an adhocratic culture should be heterogeneous as the members of the set are from diverse backgrounds and experience, with a multitude of approaches skills and knowledge as Handy (1995:14) proposed '*loosely bonded stars*'. Whereas, the approach found within the rest of the cases differ in part due to the organisational cultures observed within these other cases.

5.2.2 Organisational Culture

Organisational culture was earlier defined as deep and complex part of an organisation that can strongly influence organisational members (Choi and Scott, 2008). Case **one** (solicitor) presents an organisation with multiple organisational cultures; adhocratic, clan, market, with an overriding dominant hierarchical culture (Schein, 2010). The paradox of multiple identities within the case has been the antecedent to a number of the other facets within case **one** such as conflicting strategies, innovative tension, solitary individuals and multiple business orientations and organisational cultures. This concurs with the earlier assertion of Choi and Scott, (2008) recognising the influence organisational culture may have upon all facets of the organisation. Furthermore, as observed in case **one** having conflicting multiple organisational cultures and orientations could invite trade-offs amongst the departments and on an individual basis. A trade-off in this context presents multiple stakeholders, different backgrounds, perspectives and needs, '*different people working to different ideas*' (table 4.2). This observation was consistent with the assertions of Groysberg *et al.,* (2018).

Therefore, case **one** demonstrated multiple areas of conflict and competition within the departments and locations. However, the study suggests that hierarchical culture cannot equally coalesce with market culture or adhocratic culture, hierarchical culture must be dominant.

However, market culture and adhocratic culture may co-exist. This concurs with Gao (2017) who stated that more than one culture can co-exist as will be seen with the later cases, however, they should be complementary.

Case **one** has further shown that a dominant hierarchical culture may stifle change, which concurs with Tavare (2017) and Baker (2003). However, case **one** has further shown that a hierarchical dominant culture is not conducive to knowledge transfer, across both individuals and departments, agreeing with Evans *et al.,* (2012). Moreover, it could be suggested that the aim of a hierarchical culture within case **one** is to stem knowledge transfer, to maintain power within the traditional domain. Therefore, the hierarchical culture has shown an impediment to personal development. An example of this has been the refusal of senior management to allow individuals to attain business qualifications, agreeing with the findings of Tseng (2011).

Case **two** is a traditional criminal barristers chamber, one of the oldest in the Midlands. The case presents a clan organisational culture A clan organisational culture is defined as a family-like organisational culture which provides, collaboration, cohesion and teamwork (Deshpandé, *et al.,* 1993). Equally, case **four** (barristers) presents a single organisational culture (clan), which provided a nurturing environment with continuous people development.

Case **four** business orientation and business strategy which are all complementary, demonstrating a consistent approach. However, the findings within case **four** fail to concur with the findings of Lynch *et al.,* (2012) who suggested that organisations benefit from having multiple complementary business orientations. It is proposed that this may not be evident with professional service firms and particularly was not evident within traditional barristers' chamber. Furthermore, case **four** has not undertaken any inorganic growth and presented a very supportive environment with strong leadership which further influenced the clan organisational culture. This finding concurs with Warrick (2017) who suggested the leader's values were a key component to provide a strong organisational culture.

Another characteristic of organisational culture was observed within case **three** (solicitors) that of solitary individuals, defined as individuals working in isolation. Therefore, the opportunity of knowledge transfer is weakened, which further slows the process of positive change (Lee *et al.,* 2017). Further research may consider if this is a characteristic of a professional service firm (PSF) or a traditional organisation. Case **three** employs in-house barristers and employed, as opposed to the normal self-employed, Independent Bar (glossary of terms). Despite this case

three still demonstrate a clan culture of beliefs and behaviours reiterating the claims of Sebastiãoa *et al.,* (2017), in which they stated that a change in employment and being in-house does not affect the deeper beliefs and values that the barristers have instilled within. Furthermore, it questions the three areas that Modaff *et al.,* (2011) proposed: traditionalism of rituals and symbols, interpretivism of shared meanings amongst the members and finally critical interpretivism suggesting that values can still be communicated even in the absence of one or more of the three areas.

Case **one** and case **three** (solicitors) presents numerous organisational cultures which is further magnified by multiple leaders from multiple organisations and from multiple departments, exacerbated further by numerous locations throughout the country. Groysberg *et al.,* (2018) and Kallio *et al.,* (2015) had stated that distance with regional offices further amplify the differences and possible conflict in organisational culture. This was observed within case **three** and noted by the departmental leaders with twenty-five regional offices throughout the country. The other organisational cultures observed within case **three** were noted to be departmental. The solicitors were adhocratic and hierarchical, marketing department had market culture, barristers were clan and the management team were hierarchical, in line with the CEO. Some of the solicitors adhered to hierarchical conservative roles, traditional and safe, not customer focused and averse to all marketing initiatives, showing similiarities with case **two** (barristers). In accordance with Carrillat *et al.,* (2004) and Tseng (2011) who noted that hierarchical culture discourages MO, particularly knowledge transfer. This was further in evidence when a group of solicitors within case **three** were informed that they could work from home or other locations if they chose. This presented a change to the norm which Lait and Wallace (2002) reported would be considered to be a threat to the normal stable environment they had grown accustomed to, which the introduction of multiple organisational cultures had removed. Therefore, the solicitors preferred to work from the office environment and remained so.

Overall, case **three** presented the struggle that was shown within the differing and conflicting organisational cultures and business orientations, with the dominant hierarchical culture, discouraging MO, concurring with Carrillat, *et al.,* (2004).

Not surprisingly the marketing department within case **three** overall presented a market organisational culture. However, it struggled to achieve the aims and objectives against other conflicting cultures. An example is the marketing information system (MkIS) particularly for the use by the call centre which has not been fully adopted by the rest of the business. There

are further similarities with the extensive use of social media and digital marketing. However, the organisational cultures underpinning these initiatives are as discussed earlier in a state of transformation and suggested conflict.

The evidence for an adhocratic culture within case **five** is found on multiple levels (innovation, espoused values, artefacts). The adhocratic culture does as Choi and Scott (2008) had suggested influence the members of the set. Furthermore, the adhocratic culture supports and influences the business orientations found within the set and is congruent with the findings of McClure, (2010). However, McClure, (2010) further stated that an adhocratic organisational culture was found to have the greatest amount of internal conflict. Conversely, within case **five** this was not evident, it is suggested this may be due to the rules of the Bar. Therefore, the independent barristers within the case whilst having empowerment within an adhocratic organisational culture would still adhere to the broader hierarchical rules and regulations of the Bar. Therefore, avoiding any conflict, this is possibly borne out of professional respect. Moreover, as the barristers work remotely it would further avoid conflict as they never go into chamber and work independently. However, this may dilute the culture, as the artefacts, espoused values and underlying assumptions are not communicated regularly.

5.2.3 Artefacts, Underlying Assumptions and Espoused Values

One of the elements that contribute and is an indicator to the organisational culture of a firm according to Schein (2010) is artefacts, underlying assumptions and espoused values, here there are differences within the cases. The visual cues within **case one** (solicitors) were all traditional and adhered to the rules and hierarchical regulations and supported the espoused values and underlying assumptions and concurred with the assertions of Schein, (2010). For example, only the partners being allowed an office with a window, with multiple small offices over a number of floors. Therefore, this suggests the rules and regulations of an hierarchical culture (Deshpandé 1993). However, the findings revealed there was conflict within the organisational culture, which further suggests market culture competing with a multitude of other cultures.

Alternatively, case **three,** (solicitors) on moving to a larger head office decided against any member of staff being allowed an office including the CEO. Therefore, suggesting an outward-looking approach, contrary to the hierarchical approach which case **one** previously suggests. Conversely, the underlying artefacts, assumptions and espoused values within cases of **two** and **four** equally suggest the family traditions of returning to chambers daily after court for

afternoon tea. However, they are still bound by the code of practice in which they have an allegiance to. Furthermore, cases **two** and **four** do not see the need to change the clan culture where they rely on a strong product and reputation. Homberg and Pflesser (2000) argued that artefacts can indicate a higher or lower level of market orientation, however, no correlation was observed within the findings of cases **two** and **four**.

Although case **three** presents a different business structure as an ABS (glossary of terms) there are several commonalities with these two solicitors' firms (case **one** and **three**). They are both striving to become market orientated. For example both have invested in a marketing department, with marketing managers (espoused values). Furthermore, the artefacts within both organisations underline this point with the use of marketing material on display within reception, coinciding with the findings of Homburg and Pflesser (2000), in which they discussed the importance of artefacts guiding employees behaviour.

Case **four** emphasises the simplicity that the chamber has adopted with a universal understanding by the members within the case of the espoused values, underlying assumptions and artefacts. For example each member displays uniformity in attire and adhering to the rules of the Bar (Schein, 2010). Whereas, case **five**, another barristers chambers, demonstrates an adhocratic organisational culture with the artefacts and espoused values reflecting a flexible and informal organisation, an anathema to bureaucracy. This was demonstrated with a functional, minimilistic office and the innovative approach to chambers. The adhocratic organisational culture within case **five** engenders an innovative, entrepreneurial orientation. The negative traditional symbolism that is much in evidence in the earlier cases discussed was not in evidence in case **five**. Homburg Pflesser (2000:458) referred to these as '*dysfunctional artefacts*'. Tiernan *et al.,* (2015:6) concurred in which they stated, '*market orientated behaviour can influence artefacts*'. This was observed within case **one**, **two**, **three** and **four.**

The chamber within case **five** is a misnomer, as there is no chamber, as one is not needed. Case **five** does not adhere to the traditional chamber artefacts, case **five** portrays the adhocratic organisational culture. The artefacts, underlying assumptions and espoused values have also been shown to support and promote the reputation of an organisation (Homburg and Pflesser, 2000).

5.2.4 Inorganic and Organic Growth

Inorganic growth, organisational culture, individual development and reputation are inextricably linked (Jogaratnam, 2017; Joseph and Francis, 2015: Yaprak *et al.,*2015; Ramachandran *et al.*, 2011). Inorganic growth has played a major part in shaping the organisational cultures and business orientations in three of the five cases. Inorganic growth can be defined as '*a firm that grows through merger or acquisition*' (Ivasciuc and Gheorghe, 2015:185). The three cases that have experienced inorganic growth are case **one, two** and **three**. Case **two**, (barrister) had a single merger into one office which impacted the business briefly and it retained the same organisational culture (clan) and dominant hierarchical business orientation. It can therefore be suggested that having multiple locations and mergers within this context adds to the complexity of the business approach.

Moreover, the greater the number of mergers the greater the possibility of turmoil. Furthermore, cases **one** and **three** (solicitor) had multiple mergers which has resulted in multiple paradoxical organisational cultures and business orientations, a coalition of cultures and business disorientation (table 5.1). Business disorientation is defined as multiple non-complementary orientations co-existing within the firm in competition. However, case **one** and **three** are not unusual in embarking upon ambitious inorganic growth as it is viewed as a common practice within legal services (Mayson, 2020; Faulconbride and Muzio, 2008), in an attempt to create economies of scale, driven by the micro-environment (Mayson 2015b). A further impact of the inorganic growth of case **one** and **three** is the large number of satellite offices. Multiple contradictory cultures concurs with Pratt and Foreman, (2000). Smith *et al.,* (2010) suggested that this may further damage the identity and image of the business. Damage has occurred in case **one** and **three** through poor communication both internally between departments and externally, the internal identity is damaging the external image and organisational climate, agreeing with the assertions of McMurray and Scott (2013) and Glisson and Lawrence (2002). Moreover, the current dominant hierarchical culture within case **one** and **three** is continually being challenged internally.

The organisational culture within case **four** (barrister) stems from the organic growth, which is the only case that has adhered to this approach. Underlining the possible negative major impact that inorganic growth has on organisational culture and business orientation (Lynch *et al.,* 2012).

Case **four** has demonstrated organic growth is a stable foundation for growth and development (Johnson *et al.,* 2011). This is supported by a strong internal communication process within the case. The organisational climate, the surface layer which impacts on motivation (Mahal, 2009) was both supportive and positive, agreeing with Glisson and Lawrence (2002) and Mahal (2009). A positive impact on the organisational culture which was very evident was the strong positive leadership agreeing with Groysberg *et al.,* (2018). However, this observation is at odds with the assertions of Gainer and Padanyi (2002) who suggested that organisational culture emerges and is influenced by knowledge, not leadership. Case **four** has two complementary leaders (Heads of Chambers) which according to Groysberg *et al.,* (2018) could create conflict and confusion, this was found not to be in this case due in part to strong communication and underlying mutual values. Organic growth within case **four** has been supported by a strong reliance upon individual development of internal knowledge transfer, an example being the pupillages it takes on each year, continuing the virtuous circle.

However, within cases **one** and **three** the research shows the multiple organisational cultures brought about through inorganic growth are inhibiting this transformation, in conjunction with the traditions of the legal sector presenting judicial rubrics. This all concurs with the findings of Carrillat *et al.,* (2014). However, cases **four** and **five** have not undertaken any inorganic growth and as such not suffered the complexities that the other cases have endured. This has shown to impact positively the business approach taken, preserving the original cultures and orientations (Carrillat, *et al.,* 2014).

Inorganic growth introduces new members of staff to the cases (case **one** and **three**) which introduces differing values and beliefs (underlying assumptions and espoused values). Furthermore, it introduces other organisational cultures of adhocracy and market which generates innovation. However, it was noted within the two that it further introduces conflict with the incumbent cultures. Concurring with Schein, (2010), who proposed that new members of staff join the cases and impart fresh values which will eventually change the culture. Therefore, cases **one** and **three** suffered due to the introduction of new staff with differing values and existing members of staff who were resisiting change, which concurs with Carrillat *et al.,* (2004).

5.2.5 Reputation

Bodgers *et al.,* (2015) proposed that as consumers have become more sophisticated, they have moved away from traditional product orientated organisations. However, the assertions it is suggested have not considered certain PSF's, particularly legal service firms, specifically, the traditions of the Bar and the knowledge and skill contained therein. Regardless of the age of chambers the traditions of the Bar were adopted as part of the organisational culture. The evidence is provided by the chamber rules and family traditions, the artefacts and symbols are much in evidence from the buildings, decor and their traditional locations near the courts. Eccles *et al.,* (2007) suggested that *'reputation is perception'*, however, whilst the identity of the chamber internally is strong this is not transferred to the image externally. This observation can be attributed to the organisatuonal culture contained within chamber.

Cases **two** and **four** have built strong positive reputations which is underlined by the awards received, top UK chambers, Head of chambers promoted to QC and High court judges (figures 4:5, 4:11). However, neither case uses reputation marketing to promote the chambers, relying on word of mouth and not using any form of digital marketing to promote the positive feedback they may have had from previous clients to generate new business.

However, case **five,** (barrister) is a newly formed set and does undertake direct access (glossary of terms). Therefore, being a newly formed firm it could be suggested that they do not have a reputation, once again being supported by the adhoctratic culture. Moreover, the reputation within case **five** is demonstrated by the reputation of the experienced barristers within the set (section, 4.7.1), therefore, being reliant on the success of the barrrister. Moreover, case five utilises social media to promote the barristers and their success, working within the judicial constraints. Despite cases **one** and **three** being solicitors, they differ. Case **one** was formed in 1824 and enjoys a reputation formed over many years and as such relies on strong relationships and word of mouth with an older demographic with limited reputation marketing. Whereas, case **three,** formed in 2000 relies upon more direct promotional activity with a call centre, advertising, and sponsorship, and with a younger demographic client base uses reputation marketing.

5.2.6 Myopia

Four of the five cases, cases **one, two, three, and** finally **four** all demonstrated degrees of marketing myopia. Myopia can be defined as blinkered approach to the market and services offered (Levitt, 1960). This was identified in all four cases (section 4.5.5) for varying reasons; In the extreme cases **two** and **four** (barristers), this was due to lack of knowledge, and a belief that it was outside the remit of the barrister and not their role, agreeing with Susskind (2019); Mayson, (2015b); Hodges (2013); Vickerstaff (2000); Hart and Hogg (1998); Wright (1991); Morgan, (1990). Furthermore, cases **two** and **four** refused to engage with the only marketing activity that chambers would use, such as conferences or marketing dinners (relationship marketing). However, for a judges retirement party it would result in a full attendance, it was noted that this was due to the traditions of the Bar which suggests a further reason for *myopia* within these two cases of traditions creating myopia. These shackles will be discussed in the next section as the theme *heritage and strong traditions* (section, 5.2.8). Moreover, the barristers within the cases **two** and **four** focused upon what the product was, rather than what the product could give, focussing upon legal services rather than in extreme cases freedom (solution) for the client.

However, the third barristers, case **five** no such shackles were observed, with no marketing myopia, undertaking numerous marketing activities; sponsorship, advertising and relationship marketing. Furthermore, all marketing activitity was supported by the three components of marketing orientation (Narver and Slater, 1990). Moreover, as this chamber does undertake direct access (glossary of terms) fully recognising the full value of the product directly to the consumer. Whereas, in cases **two** and **four** which do not undertake direct access, it could be argued that the product or brand (barrister) is diluted by going through a third party (solicitor), a judicial shackle, suggesting that processes further create myopia.

Cases **one** and **three** (solicitors) whilst not burdened by the traditions of cases **two** and **four** (barristers) still exhibited elements of myopia specifically '*new marketing myopia*' (Smith *et al.,* 2010:4). New marketing myopia is defined as placing to much emphasis upon the customer to the detriment of other stakeholders. Examples of this within cases **two** and **four** were shown with the isolation of the marketing departments by the rest of the business creating a functional marketing department and market disorientation, with elements of standardisation.

5.2.7 Standardisation of Law

The dominant business orientation within cases **one** and **three** (solicitors) is production orientation in an attempt to standardise law in a turbulent market. However, Guo *et al.,* (2014) stated that organisations should have concurrent, marketing and production functions to establish the needs of the market (Narver and Slater, 1990). Furthermore, there should be in existence a dominant market orientated approach (Gao, 2017). However, the applicability of the assertions in a turbulent, pressured market are brought into question. As observed within cases **one** and **three** there was a proclivity for managers under pressure to be inward facing and lean towards a production orientated, mechanistic approach, (figure, 2.5). Adopting a standardised approach, moving away from any of the other business orientations in existence within the practices, particularly MO and RO. However, it was further noted, agreeing with McClure (2010) that this created tension within the organisation. This creates more of a divide within the departments and thus becoming more production orientated (Lynch *et al.,* 2012).

Paradoxically case **three** presents a firm which invests heavily in the marketing function whilst not being fully market orientated, enjoying a resource rich environment, but failing to fully capitalise on the opportunities it presents and monitor the external environment. For example the marketing department were frequently marginalised (*solitary individuals, silo mentality*) due to the structured, process driven, production orientated approach. These findings are consistent with Guo *et al,* (2014). Moreover, when considering the numerous definitions of organisational culture and business orientation (Gainer and Pedanyi, 2005:855; Narver and Slater, 1990) the premise of '*shared values and beliefs'* is not evident within the cases **one** and **three**.

Furthermore, as earlier stated some solicitors were adept within both cases of standardising law and fulfilling a production orientated approach. Conversely, some other senior solicitors within different areas of law were adhocratic, being more innovative and creating market-driven initiatives. However, production orientated approach and adhocratic culture were found within the research to be incompatible, concurring with Quinn (1988).

Conversely, Cases **two**, **four** and **five** (barristers) did not attempt to standardise, despite cases **two** and **four** being product orientated. It is suggested that this may be due to a number of factors. Firstly, the independence of the barristers to provide an heterogenous legal service, this allows them to stand out from other barristers (competition). It could be suggested that this was

a unique feature of PSF's. Secondly, the organisational cultures found within cases **two**, **four** and **five** are not conducive to a standardised, mechanised approach. Finally, the business orientation found in all three cases did not support a standardised approach, concurring with Schein (1996) Deshpandé (1993) and Quinn (1988), (figure, 2:5).

5.2.8 Heritage and Traditions

The organisational culture which is in evidence within cases **two** and **four** is a clan culture. A clan culture can be described as an organisation of equals in a supportive family, strong relationships, with common goals and values (Deshpandé *et al*., 1993). Case **two** has moved once in one hundred and ten years, which was across the road to a larger building still situated across from the courts, where all the cases for the chamber are heard. Case **four** also demonstrates the traditions of the criminal bar, however, this chamber has, relatve to case **two**, been in existence for a short period of time, (1990). Therefore, despite the age of a firm the traditions of the Bar still influence the firm and the individuals therein.

Conversely, case **five** (barristers) has not fully adhered to all the traditions, for example direct access (glossary of terms) and being market orientated. However, all the members of the chamber are experienced barristers and members of the Bar counsel. It could be suggested that the influence of the CEO, an experienced senior clerk, who is not legally trained has influenced the culture and orientation of the chamber. Moreover, the CEO has a strong business background and is formally trained in business (MBA). The strong influence of the CEO or leader concurs with the findings of Groysberg *et al.,* (2018) and Forte, (2004) who stated the importance of leadership when they posited that leadership, organisational culture and climate cannot be separated, demonstrating the importance of the right leader for the chambers. However, within cases **two** and **four** leadership, or the Head of Chambers is chosen on a yearly basis from the ranks of the senior barristers within Chambers. This is further enhanced with a full intake of pupils every year who are guided by a pupil master, which continues the traditions and the heritage. Therefore, these findings concur with Kim, (2014) who suggested that there was a strong correlation between mentoring and a transformational leader. Conversely, case **five** does not undertake any pupillages, with all staff, which includes the independent barristers having the knowledge and experience. Therefore, no mentoring takes place, with the independence supporting the adhocracy which is found within this case (section, 4.7.1).

The clan culture within cases **two** and **four** supports a product orientation approach, with the product being the barrister. Therefore, the influence of the Bar upon the barrister and their influence supports the traditions and heritage within chamber. Furthermore, the development of independent barristers (glossary of terms) advanced the development of the clan culture and the individuals within, whilst ensuring there was limited change within the chambers. It was noted that during attempts to change the organisational culture from a clan to hierarchical culture it was met with resistance and the organisational climate was disturbed, this concurs with the findings of Gao (2017). Moreover, Wei, *et al.,* (2014) proposed that whilst some cultures may happily co-exist, attempting to subsume clan culture into a hierarchical culture will have a negative effect upon performance, as they were found to be incompatible. It was noted that within cases **two** and **four** a second culture would not be tolerated, with the senior members of the set preserving the existing clan culture and the traditions.

However, cases **one** and **three** (solicitors) have been forced to move away from some of the traditions, (section, 4.5.1). Both cases have become alternative business structures (ABS, glossary of terms). Therefore, not fully adhering to the traditions, despite case **three** having inhouse chamber. This is exacerbated further with inorganic growth which this chamber has experienced on multiple occasions in an attempt to cover other areas of law and capture market share, which had an adverse effect on the organisational climate within the business. This concurs with the findings of McMurray and Scott (2013) who stated that organisational climate and culture changes through context or circumstances, affecting cohesion and values, such as traditions. Organisational culture has been shown to affect the traditions of legal services (section, 4.4.2). Furthermore, it has been shown to give the foundations for business orientation (Jogaratnam, 2017).

5.2.9 Marketing Approach

The two case studies, cases **one** and **three,** (solicitors) recognise the importance of marketing to their respective organisations. For example, both cases, **one** and **three** have invested significant sums into their marketing departments with a marketing manager, departments which ten years previously did not exist. However, they are not market orientated, due to not fulfilling inter-functional coordination, (Narver and Slater, 1990). Subsequently, it can be proposed that the paradoxical cultures within cases **one** and **three** are not conducive to an MO approach. Case **three** has developed a call centre and an intranet which is marketing focused. Both cases, **one** and **three** have used relationship marketing and sponsorship extensively on a

b2b and b2c basis. Cases **one** and **three** have created substantial amounts of point of sale material and demonstrated both pull and push strategies. However, cases **one** and **three** through inorganic growth have paradoxical cultures and multiple orientations, although as discussed case **one** presents an overriding hierarchical culture. This manifest itself with lack of inter-functional coordination and the ability to utilise internal marketing fully.

Conversely, case **four** with a complementary organisational culture (clan) and orientation (product) did not undertake any marketing, relying on the success of the product (barristers). Whereas, case **five** also exhibited complementary organisatuional culture (adhocratic) and complementary business orientations (MO-EO). Susequently, as discussed earlier case **five** utilised numerous marketing intiatives (digital, social media (blogs), WOM and sponsorship. This was supported by MO and the importance of interfuctuonal coordination with robust internal marketing.

5.2.10 Solicitors v's Barristers

Previous research has discussed the reticence of legal services to embrace marketing, or see the value of it (Peachy, 2014). Specifically, cases **two** and **four**, (barristers) concur with this previous assertion (Hodges, 2013). Furthermore, it could be suggested from the research within this thesis that this is more in evidence with barristers rather than with solicitors. Solicitors are attempting to utilise marketing tools whilst the organisational culture and business approach is impeding this transformation. Both cases **two** and **four** have a clan organisational culture which has been found to be unsuitable for a market orientated approach, as it was found to be inward-looking (Deshpandé and Farley, 2004). However, unlike the two solicitors' firms neither of these two barristers' firms are in transformation, they do not see the need to change organisational culture or business orientation, preserving the status quo. Within both cases of **two** and **four** it was found there was a misunderstanding as to what marketing is and a reluctance to improve this lack of knowledge. Whereas, case **four** has become undifferentiated moving away from purely criminal law and has become a multi-disciplinary set, advocacy is provided for all areas of law. However, for both case firms the integrity and quality of the product is of paramount importance, both firms demonstrate a product orientated business approach, using tradition and reputation to attract the traditional client, the CPS and solicitors. Neither of these two case firms undertake any market research.

The final barristers' chambers, case **five** demonstrates a consistent, EO/MO approach. The firm has taken advantage of Direct Access, shunned by many barristers' chambers, who are resisting change. This further suggests that case **five** is unlike the other two barristers' chambers as case **five** segments their market, creating a marketing strategy. Therefore, the marketing that case **five** undertakes is all directed towards B2B and B2C. A large amount of business is generated by the barristers personally through word of mouth marketing, something which would not be found within the other barrister's chambers within case **two** and **four**. Case **five's** marketing activity is far reaching with the CEO utilising tv and radio interviews, sponsorship, digital and social media. A marketing approach which is not found within the other barristers chambers of case **two** or **four**. Furthermore, case **five** presents as earlier discussed a higher level of innovation not found in the other case firms, particularly the other barristers of cases **two** and **four**.

Cross case analysis as shown that despite the five case firms occupying the same market their approach to marketing differs. As earlier discussed, cases **two** and **four** (barristers) demonstrate very limited marketing. This is reflected in zero advertising or any promotional activity whatsoever. For example the promotion of case **two** and **four** is limited to small one day event/dinner sponsorship events and articles that may have been written for a legal magazine on the successful promotion of an individual from chambers to the bench (glossary of terms) . This activity is only visible to other barristers or solicitors. Both sets of barristers within cases **two** and **four** have websites which are updated annually. Internal marketing, via email and chambers meetings is an ad hoc process which is via the senior clerk communicating via email to the respective barristers. Due to barristers within case **two** and **four** not engaging with the limited marketing activities, namely evening events they are poorly attended. It could be suggested that this would continue until these two chambers become market orientated.

5.3 Concluding Remarks

The themes identified concur with Jogaratnam, (2017); Joseph and Francis, (2015); Yaprak *et al.,* (2015) and Ramachandran *et al.*, (2011). Furthermore, the influence of organisational culture to the business orientations has been further shown (Gao, 2017). Inorganic growth and the introduction of more staff it is suggested will dilute, dissipate and weaken the culture (Warrick, 2017) making market orientation with some of the cases harder to achieve (Carrillat *et al.,* 2004) (case **one** and **three**). Furthermore, considering a social constructionist stance the

perception of the individuals within the cases, specifically the barristers chambers (case **two** and **four**) may not consider the importance, value or the need of changing the business orientation. Moreover the barristers with in cases **two** and **four** see no benefit in marketing. More specifically when traditions dictate that it is not the role of a barrister to undertake marketing (Hodges, 2013). The solicitor's firms perceive market orientation as a cost to the firm and therefore the perception is one of seeking immediate return on investment in a process of production orientation and measurement. However, as discussed within chapter two standardisation inhibits innovation and change as part of the organisational culture (Martins and Terblanche, 2003). The singular case that presented a dynamic, complementary organisational culture business orientation approach is case **five.** However, this was in conjunction with an adhocratic culture which supports MO and EO. Whereas, cases **two** and **four** may have presented complementary organisational cultures and business orientations they were not dynamic. Furthermore, in the event of further changes to the macro or micro environment both cases will not be best positioned for change, concurring with Dutta, (2013).

Research findings have highlighted the importance of the correct complementary business orientation supported by a conducive organisational culture. Furthermore, findings suggest the process of formulation is both complex and context-dependent.

5.3.1 Limitations

This study like most interpretivist studies, limits the generalisability. However, the findings of the research can be applied to other legal service providers or organisations that may share common attributes, such as other professional service firms (PSF's), or traditional markets. Further limitations of this investigation focus upon the barristers and solicitors divide, with each legal service provider appearing to currently occupying differing roles within the legal system. However, with more changes envisaged (appendix, one) that divide is closing. Therefore, the current limitation are the traditional roles which are slowly being eroded. This introduces another limitation in that findings are time specific, research being conducted at a particular point in time. The legal services market, despite its traditionalism has earlier eluded to further rapid change.

The afforementioned limitations this study makes an important contribution to academic literature by highlighting the interplay of organisational culture and business orientations.

Furthermore, the contribution from a practitioner perspective providing a guide to legal service firms of the complementary business orientations and supportive organisational culture to affect business performance in the legal context. This will be reiterated further within the following conclusion.

Chapter 6 Conclusion

This chapter concludes this thesis and addresses the research objectives which will be discussed in turn and assess to what extent those aims and objectives have been achieved. Furthermore, it will consider the contribution of the study from two standpoints. Firstly, contribution from a theoretical perspective and secondly from a practitioner contribution (Table 6.1). Furthermore, suggestions will be made for future research.

The research objectives were:

RO1:   To explore the business orientations exhibited by legal service providers in England.

RO2:   To examine the contextual factors which influence business orientation.

RO3:   To develop a cultural and business orientation model within the legal context.

Whilst there has been extensive research into the business orientation within numerous markets, (Carpenter, 2017; Zortea-Johnston, 2011; Naustion, *et al.,* 2011; Gainer and Pedanyi, 2004; Jaworski and Kohli, 1993, table 2.1; section, 2.2.5), there has been a paucity of research within professional service firms. Specifically, within legal service providers, with explicit calls for future research using a multi-case approach (Roper *et al.,* 2016; Lettice *et al*., 2014; section 1.5, section 3.4). Particularly, into the impact upon legal service providers within a turbulent and transforming economy (section 1.2; Lettice *et al*., 2014).

The legal service providers within this study have all experienced the same turbulent environment, however, there has been a marked difference in the responses and interpretation from the individuals within the cases. Moreoever, the different responses within the cases has uncovered a number of themes: business orientation and organisational culture being the main themes. However, subthemes; inorganic growth, solitary individuals, myopia, traditions, standardisation and innovative tension. These observations guided the researcher from a social

constructionist perspective to consider the importance and influence of organisational culture and other contextual factors, upon not just the organisation, but individuals therein, shaping their behaviour.

To summarise, existing research has focused upon business orientations within other contexts with explicit calls for research within legal service providers. Moreover, previous research has focused upon a single case approach with calls for multiple cases at various levels within an organisation. Finally, there have been calls for research into the interplay of business orientation and organisational culture. It is proposed that this study has answered these calls and as such served to add to the existing body of knowledge in a transforming market.

6.1 Positionality in Action

From a practitioners and authors perspective this research has sought to invite change to the legal service providers. Through an academic lens the researcher has been motivated to contribute to current thinking. The relationship with the participants was one of collaboration as an outsider collaborating with an insider. As earlier alluded to the relationship with the participant would however, be fluid from a position of compliance when adhering to the rules and regulations for the legal service providers. This relationship may then change to a position of consultation working with the providers to learn and gain knowledge and understanding. Finally, a relationship of co-creation as themes emerged working with the legal service providers more closely as part of the case study approach. Therefore, multiple positionalities were observed to achieve the objectives concurring with Herr and Anderson (2005). The participants were generally successful driven individuals. Therefore, to alleviate bias social hierarchy was respected and although the researcher was working closely with the participants a professional distance was adhered to.

6.2 Business Orientations (*RO1*)

To enable an understanding of the business orientations of legal service providers (*RO1*) within England it was first necessary to have a greater understanding of the marketing practices utilised by legal service providers. Examples within most of the cases demonstrated an overall lack of understanding of marketing and the value to the firms. This agrees with the earlier findings of Hodges (2013). This necessity to consider marketing practices in the first instance

is founded in previous literature with Lynch *et al.,* (2012) and Homberg and Pflesser (2000) in which they proposed that the marketing concept, the antecedent to MO is the foundation to complementary business orientations.

The legal service providers within the study harboured multiple non-complementary orientations, often with one dominant orientation, consistent with previous studies (Hodges, 2013; Pearson, 1993) (section 5.2.1). However, whilst this thesis concurred with previous findings, observing that market orientation was the basis for all business orientations (Abou-Warda, 2014; Lynch *et al.,* 2012; Cadogan, 2012; Movondo and Wong, 2007; Mavondo, *et al.,* 2006; Fodness, 2005; Homberg and Pflesser, 2000; Pearson, 1993; Hayes and Abernathy, 1980), this was not found in all cases.

Moreover, whilst there has been extensive research into market practices and market orientation within other markets (Gao, 2017; section 2.2.4), recent studies within legal service providers is limited (Roper, *et al.,* 2016; Lettice *et al.,* 2014) (section 2.1). Overall, in contrast to other markets it was found there is a resistance to marketing within legal service providers, concurring with the earlier findings of Hodges (2013) and Monk and Moyes (2008); Hughes, (2001), (sections, 2.11 and 4.3.4). This resistance in all but one of the cases is deep-rooted, borne from legal traditions and continues, despite economic pressures (Slingo, 2020; Mayson, 2020; Susskind, 2019).

Studies within all but one of the case firms (case five) suggested that there was little attempt at competitor analysis or inter functional coordination as two of the three components of market orientation. Therefore, market orientation, as defined by Hult *et al.,* (2005), Kohli and Jaworski (1990) and Narver and Slater (1990) was not observed within the majority of cases (table, 5.1; section, 2.2.5).

It was noted that marketing processes within the case firms were not followed, with a tendency for selective elements of marketing to be used, for example, undertaking relationship marketing, or promotional activities without first creating a foundation of market orientation or segmentation and limiting the use of *reputation marketing* all of which were identified as themes (section, 4.3.6). However, newly formed marketing departments within the two solicitors practices (cases one and three) had innovative approaches for the market, for example establishing call centres. Furthermore, targeted marketing campaigns based upon market intelligence were introduced. However, a lack of engagement within the rest of the practice

due in part to the business orientation and organisational culture failed to realise its true potential. Therefore, it can be concluded there is an overall lack of marketing knowledge and acceptance within the majority of case firms, in contrast to marketing developments within other market sectors, despite being forced from a legal aid economy into a market driven economy (section, 1.2).

This study revealed that there was a marked difference in the approaches undertaken by the respective legal service providers, namely barristers and solicitors (section, 5.2.10). Two of the three chambers (barristers) within the study exhibited a product orientation and saw no benefit to marketing and as such concurring with previous studies (Susskind, 2019; Mayson, 2015b; Hodges, 2013; Croft, 2013; Hart and Hogg, 1998). Barristers believed that it was a task outside of their remit and could see no benefit in undertaking or being part of any marketing activity. Moreover, the marketing skills and knowledge within two of the three barristers chambers were negligible. Furthermore, the study suggested that due to the organisational culture within chambers this situation was unlikely to change, as the organisational culture was not conducive to supporting MO (section, 4.4.4). However, an outlier to this assertion has been case five (barristers) which demonstrated an understanding of the value of marketing and the processes involved. It was further noted that other contextual factors have influenced this approach, primary of which is the newness of the chambers, adopting a contemporary approach to the market and an entrepreneurial orientation. An example of this is the use of social media in conjunction with traditional marketing practices and embracing direct access (glossary of terms).

Cases, one and three had a multitude of orientations (table, 5.1), case one exhibited multiple orientations (product, marketing, RO, production) with no dominant orientation. However, within case three there were multiple orientations although a dominant production orientation with standardised processes exhibited, *standardisation* being identified as a key theme. The two solicitors firms (cases one and three) presented the largest number of orientations, the study showed that this was due, in part, to inorganic growth, which demonstrated a negative effect on the business (Agnhotri, 2014) .

It has been proposed that multiple orientations in a turbulent market benefits the business and having a single business orientation *'stifles the ability of organisations to quickly adapt'* (Morgan *et al.,* 2015; Lynch *et al.,* 2012:146) (section, 2.2). However, within the traditional

organisation, such as barristers chambers this study found that a single product orientation, with organic growth, benefitted the business, if still being aligned with the environment. This finding concurs with Carpenter (2017) who stated that market orientation would not benefit every organisation. However, the organisational culture (clan) found in chambers, is inward facing (Deshpandé *et al*., 1993), creating a barrier to market analysis and therefore should change to a complementary organisational culture such as adhocratic or market.

Therefore, it could be proposed from the findings that should a change to the macro/micro environment occur, particularly from further government intervention, then the sustained advantage that this single orientation currently enjoys may change. Therefore, having a single product orientation creates vulnerability for the legal service provider and an inability to adapt. Firstly, by being devoid of the changes to the market and secondly once the firm is aware of change having the inability to react to the change concurring with Pearson (1993).

Furthermore, the success of the product orientation is conditional upon the continued legal knowledge transfer that currently exists within the cases (Kumar *et al.,* 2011; Hodges and Young, 2009; Mucalov, 2006). For example, senior barristers and pupil masters passing their experience and success on to the more junior members of chambers. Therefore, a strong case exists for an interface of market and product orientation within this context which aligns with the assertions of Lynch *et al.,* (2012) and Miles and Russell (1995). Furthermore, despite many of the cases within this study exhibiting multiple orientations and organisational cultures findings have suggested that an organisation cannot focus on more than one business orientation concurrently (section, 4.5.2). This concurs with Pearson, (1993) and Lynch and Whicker, (2008). However, this study does not suggest a single orientation within an organisation. Moreover, a foundation of MO working in conjunction with a complementary orientation. Subsequently, this study proposes, within the context of barristers chambers an interface of market and product orientation, this is supported by the findings.

Earlier research has suggested that business orientations are dynamic and should continually evolve, therefore, the development of the orientation should be evolutionary, not revolutionary, as found within case five (Beresford *et al.,* 2004) (section, 2.2.3). Contrary, to this assertion, findings from this research suggest that in a traditional market which is not dynamic, such as barristers chambers product orientation is an effective business orientation. It was observed that case two (barristers) had a product business orientation, (knowledge). However, the chambers merged with another chambers, introducing a second non-complementary sales

orientation, which had a negative effect upon the business. Subsequently, in time, the dominant product orientation prevailed, in the absence of MO. However, the absence of MO removes the ablity for environmental scanning and having the ability to change with the market (Saxby *et al.,* 2002).

By undertaking research into marketing practices within the traditional environment of legal services this study has given a detailed insight into current practitioner understanding. Furthermore, the multiple case study approach has given a better, richer understanding and as such contributed to existing academic thinking by revealing the business orientations and the suggested influences of the orientations.

The next section focuses upon research objective two (*RO2*) which was to examine the contextual factors which may influence the business orientation. The two major influencers (section, 5.2.4; 5.2.6) upon business orientation were organisational culture and inorganic growth, other themes discussed were the symptoms of these two influencers (section, 6.5).

6.3 Contextual Factors (*RO2*)

Research objective two (*RO2*) was to examine the contextual factors which influence business orientation. A number of contextual factors as themes were discovered within this study, these were: organisational culture, inorganic growth, standardised law, heritage/reputation and myopia (table 5.1). Inorganic growth was one of the key contextual factors, found in four of the five cases (one, two, three and four). It is defined as '*a firm that doesn't grow from within*' (Ivasciuc and Gheorghe, 2015:185). Within this study inorganic growth is seen to negatively influence the business orientation within those case firms. Examples of this were found within cases one and three (solicitors). The two solicitors firms were encouraged, due to government intervention, to embark upon inorganic growth resulting in multiple orientations; product, production, market, relationship and finally societal orientation (*RO1*). Unfortunately, whilst the benefits of multiple complementary orientations has been confirmed from previous studies (Morgan *et al.,* 2015; Ramachandran *et al.,* 2011; Homburg and Pflesser, 2000; Pearson, 1990), multiple mergers, or inorganic growth within the cases has resulted in multiple incompatible business orientations and cultures, damaging the firms strategy (Larson and Lubatkin, 2001). Moreover, this was found to introduce multiple paradoxical strategies, with internal competition.

This study found that inorganic growth created instability within the people, the organisational culture and finally the processes (section, 4.5.2). These are elements which according to Ivasciuc and Gheorghe (2015) are key elements to provide the basis for customer orientation. Subsequently, it could be suggested that the basis for MO as a dominant but complementary business orientation are not present. Therefore, inorganic growth inhibits the development of MO within the organisation and creates difficulty in the foundation for multiple complementary orientations, evidenced within three of the case firms (one, two and four) (section, 4.5.2). Whilst previous authors have discussed how inorganic growth may impede reputation (Agnihotri, 2014), de-skilling (Ivasciuc, and Gheorghe, 2015) the author believes there is no conclusive research into the affects of inorganic growth upon organisational culture and business orientations within this context. However, this study found clear evidence within the traditions of legal service providers to the impediment that inorganic growth can bring.

This resulted in disharmony within the cases, a lack of cohesion and consistency across departments and a challenge to the future of the businesses (section, 4.3.2). However, findings within case two, (barristers) which experienced a single merger would suggest that in time a dominant business orientation would prevail and complementary business orientations would emerge and co-exist concurring with the findings of Larson and Lubatkin (2001). Therefore, further findings from this study proposes that a period of stability should occur between each individual horizontal merger or acquisition further concurring with Larson and Lubatkin (2001). However, the period of consolidation and acculturation within the newly formed firm is dependent upon the degree of socialisation that occurs within the business. An example of this would be cross-training amongst the departments or social events. This observation further highlights the interplay of organisational culture and business orientation. Specifically, the formative role organisational culture takes in creating a stable platform for the complementary business orientation.

A clear strategy was observed within cases one and three (solicitors) in which both firms increased market share by purchasing competitors to service the business. However, this strategy exacerbated the situation by introducing further conflicting cultures and orientations with a lack of synergy across the larger business. This resulted in demotivation, higher staff turnover and paradoxical cultures. This study has contributed to the understanding of the effects of inorganic growth upon a developed market and further satisfied calls for research in this area (Agnihotri, 2014).

Previous authors have proposed that business orientation is inextricably linked with organisational culture (Warrick, 2017; Lynch *et al.,* 2012; Liu *et al.,* 2003; section, 2.2). Furthermore, that organisational culture is a major contributor to the success of an organisation (Warrick, 2017; Gao, 2017; Morgan *et al*., 2015; Cadogan, 2012; Schein, 2010; section, 2.5). Moreover, previous authors have further proffered that market orientation is an organisational culture (Gebhardt *et al.,* 2006; Homburg and Pflesser, 2000:450; Narver and Slater, 1990), (section, 2.5), referring to *'market orientated organisational culture'*. Whilst there is little doubt that business orientations and organisational cultures have a connection, however, this study argues that the two are distinct concepts. This thesis has identified the complexity of organisational culture within the context of legal service providers as a separate entity (section, 5.2.2, 5.2.3). Furthermore, this study argues that whilst there may be market orientated behaviours this does not necessarily support the notion of market orientation being an organisational culture. Moreover, to do so would simplify a complex area and further increase the constructs of market orientation, concurring with Jogaratnam (2017), McClure (2010) Gainer and Pedanyi (2005) and Hurley and Hult, (1998). Moreover, an organisational culture according to Schein (2010) will be formed from artefacts, underlying assumptions and espoused values. However, a business orientation will not, according to the seminal definitions of Narver and Slater and Kohli and Jaworski (1990) contain these constructs, further highlighting the differences between the two concepts. Choi and Scott, (2008:34) defined organisational culture as a *'deep and complex part of an organisation that can strongly influence organisational members'*. Contrary to this assertion this study has found that the people can equally influence the organisation and the business orientation, concurring with Handy, (1995) who stated that the people made the culture and then the orientation. Therefore, suggesting that the organisational culture precedes business orientation and contributes to its formation. This research suggests that the definition of MO which Narver and Slater (1990:20) stated was '*The organisational culture that most effectively and efficiently creates the necessary behaviours for the creation of superior value for the buyers and, thus, continuous superior performance for the business'* should be amended to *'a business orientation that most effectively and efficiently creates the necessary approach for the creation of superior value'*

To explore the business orientations and organisational cultures of legal service providers a conceptual framework was developed grounded on the seminal work of Scheins' (1996) and Deshpandé *et al.,(*1993) models of organisational culture (section, 2.8, figure 2.5). This enabled the researcher to identify the key characteristics of organisational culture within the cases and

focus upon the four organisational culture types (Deshpandé, *et al.,* 1993). Furthermore, the identified limitations of the two models, namely an inability to consider the influence of external analysis (Saxby *et al.,* 2002) and the inability to consider the influence of underlying assumptions (Martins and Terblanche, 2003) were considered as part of this study. This provided input for a more comprehensive model and contributing to academic thinking (figure 2.5). Further justification for the conflation of the two models was proposed by Carpenter, (2017:16) in which he stated that existing models *'offered conflicting and incompatible explanations',* lacking the coherence and concluding that a suitable model did not exist.

Earlier it was discussed that some of the case firms had paradoxical conflicting business orientations, however, the case firms further presented conflicting organisational cultures. These organisational cultures were initially found to be borne from inorganic growth and being department specific (section, 5.2.2). For example, within case two the marketing department, not surprisingly had a market culture, seeking competitive advantage and outward facing. However, the recoveries department demonstrated a consistent hierarchical culture seeking standardisation, regulations, stability and inward facing. Therefore, suggesting that despite being within the same organisation the cultures within case one changed from department to department, with no dominant organisational culture, which in turn would influence the multiple business orientations exhibited, (section, 5.2.2, 5.2.3). However, further insight into organisational culture noted that the same department within a satellite office displayed a different culture, (section, 5.2.2). This further supports the earlier assertion made within this study suggesting that it is the people that create the organisational culture that further influences the business orientation, concurring with Handy (1995).

Artefacts, espoused values and underlying assumptions were consistent with these cultures and supported the assertions made, concurring with Deshpandé *et al,* (1993). However, this study observed that within case one (solicitors) which displayed paradoxical business orientations and cultures the artefacts displayed were similarly paradoxical (section, 4.3.2). This observation concurs with Homburg and Pflesser (2000:458) who referred to these as *'dysfunctional artefacts'*. Tiernan *et al.,* (2015:6) stated, *'market orientated behaviour can influence artefacts'*. However, building on the work of Tiernan *et al*., (2015) this thesis suggests that equally artefacts as part of the organisational culture can influence the business orientation and the internal and external customer. Within figure 6.1 within the next section it

will show how organisational culture and business orientations do influence each other and is demonstrated as an overlap.

Furthermore, it was noted that barristers in chambers exhibited a clan culture with artefacts, espoused values and underlying assumptions supporting the clan culture, which is inward facing (section, 5.2.3). However, when in court the barrister changes, becoming outward facing and exhibited a market organisational culture, this was common amongst all the barristers that were observed in that environment. This further emphasised the impact organisational culture and climate has on the internal and external customer (section, 4.6.5). A number of contextual factors as subthemes were explored in pursuant of *RO2,* namely inorganic growth, organisational culture, solitary individuals, silo mentality, marketing myopia and standardising law. Each factor generated a deeper understanding of the influence upon the organisational culture and business orientation.

Marketing myopia as a theme of the study was observed within four of the five case firms providing a resistance to marketing initiatives such as *reputation marketing* and an inhibitor to MO (section, 4.5.5), this observation concurs with Smith *et al.,* (2010) and Levitt (1960). Moreover, it was noted that three of the five cases focused upon one dominant orientation, despite that in some of the cases other orientations may have been present. It was noted in this study that this further exacerbates the myopic approach by the firms and agrees with the earlier findings of Lynch *et al.,* (2012).

A resistance to marketing and marketing myopia was not observed with case five, with a CEO who is not legally trained, however, he has a business background. Moreover, any marketing activities witnessed within the other cases (one, two, three and four) were generated by non-legal members of staff brought into case firms to undertake such activity, (section, 4.3.4). In such circumstances the responsibility of marketing was usually undertaken in isolation without the support of the legal departments, with a lack of collective responsibility, which was identified as a theme within the research of *solitary individuals* across all but one of the cases, (case five).

Solitary individuals and *silo mentality* was an identified symptom of the case firms having multiple organisational cultures and business orientations, the result of inorganic growth, concurring with Pearson (1993). It was further noted that a lack of engagement was a symptom of multiple non-complementary orientations, or business disorientation. Subsequently, any

attempts to become market orientated within the majority of case firms were met with further reluctance and as such were not fully utilised.

The final objective of this study was to contribute to academic and practitioner thinking within the legal services context (*RO3*), the combined outcome of *RO1* and *RO2*. Those contributions will now be discussed focusing upon the cultural and business orientation framework (figure 6.1).

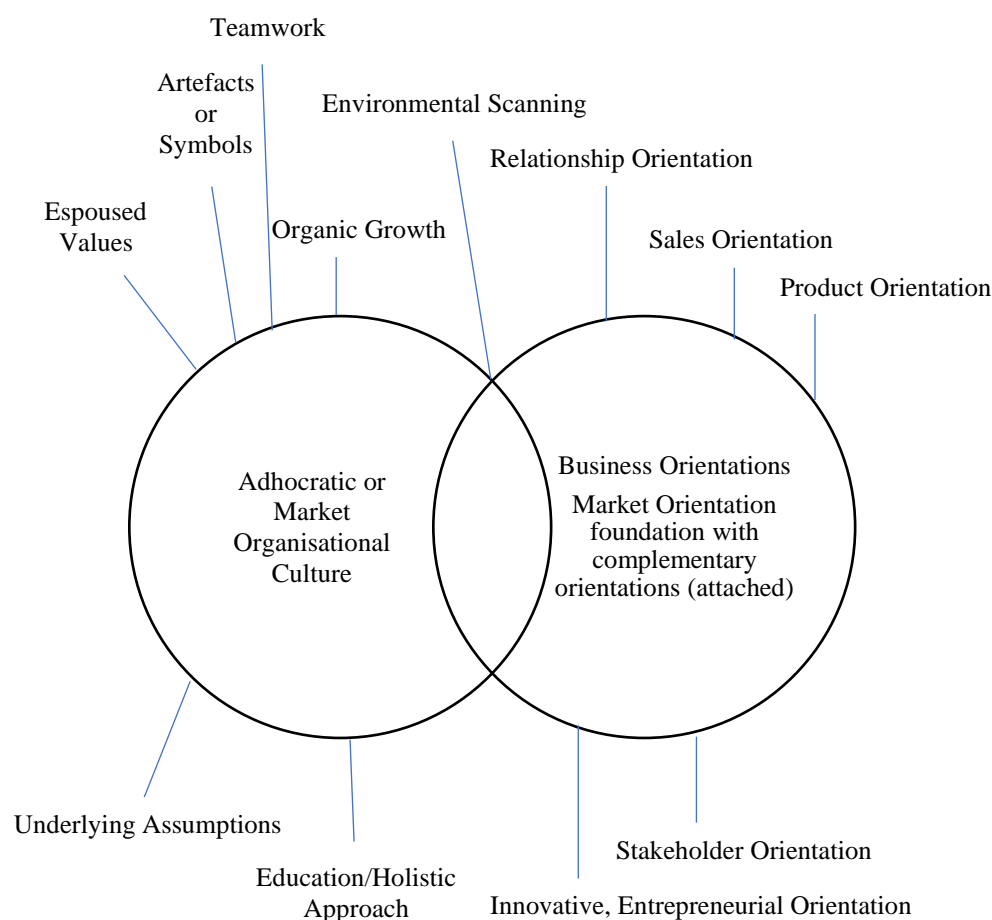## 6.5 Cultural and Business Orientation Framework (RO3)

A framework as an underlying nuanced model to guide legal service providers can be seen in figure 6.1 above. Previous research confirmed that no framework or model was available to guide legal service providers as to the correct combination of organisational culture or business

orientation, whilst applying the contextual factors. Moreover, Schein (1996) and Kendra and Taplin (2004) proposed that organisations without the complementary components of organisational culture would not be effective. Therefore, the cultural and business orientation framework (figure 6.1) was developed from the findings from this study, building on the work of Gao (2017); Schein, 1996; 2010; Kendra and Taplin (2004); Martins and Terblanche (2003); Deshpandé *et al.,* (1993); Saxby *et al.,* 2002 and Quinn, (1988).

The framework initially shows the two inextricably linked, complementary spheres that have emerged: adhocratic and market culture influenced and influencing market orientation as it is a two way process. Market orientation is a foundation for the other complementary business orientations, namely relationship, innovation, stakeholder and sales orientation. The foundation business orientation it is suggested should be market orientation. However, secondary supportive orientations as earlier mentioned (relationship, stakeholder and innovative) should be present. The organisational culture shown within the framework shows the influence the elements that make up the culture; espoused values, underlying assumptions and artefacts or symbols (Schein, 2010). The artefacts or symbols within the legal context should present a contemporary, open approach. The espoused values should be open and readily communicated to all stakeholders. The culture should encourage underlying assumptions and beliefs to be communicated, all of which should present a synergy with the staff. As Douglas, Davidson and Schwartz (2001:103) proposed *'a system of common values'*. This assertion concurs and supports the findings of Deshpande and Webster (1989:4) in which they stated that the culture should have '*shared values and beliefs'*. This further supports the proposed aforementioned framework (figure 6.1) in which it shows the importance of reducing solitary individuals, myopia and increasing shared values and underlying assumptions, presenting a cohesive structure and alleviating intraorganizational barriers (Jin and Robey, 2008).

Finally, for an SME law firm the other themes that have emerged include having an holistic view rather than being myopic, improving teamwork to alleviate solitary individuals and providing a niche tailored approach to avoid standardised law. The importance of continuous development and being dynamically aware of market changes informing the internal environment of the practice or chambers.

It initially shows the themes that have emerged from the study. It presents the two beneficial organisational cultures, adhocratic and market (Gao, 2017; Deshpandé *et al.,* 1993).

Furthermore, it shows the artefacts, espoused values and the underlying assumptions which help create the cultures. Subsequently, the framework shows the contemporary artefacts contributing to the adhocratic or market organisational culture. These are modern artefacts which correspond to the culture and emphasise it. For example modern furniture, building, or visible promotional material. These findings concur with Kallio *et al.,* (2015) who discussed the importance of complementary artefacts to emphasis the culture of the organisation. Equally, it was further noted that the artefacts within the traditional cultures (barristers) presented security and comfort to the staff, however, demonstrating a resistance to change. For example, the oak desks, traditional buildings and no marketing material available (section, 4.4.2). It should be noted that feedback from market intelligence further developing the organisational culture (artefacts, underlying assumptiions and espoused values). However, to facilitate an 'inward' and 'outward' approach to the firm it necessitates the existence of a foundation of MO.

The framework developed by the author shows the cultures corresponding to the business orientations it supports. Subsequently, it fulfils research objective three (*RO3*) of the research, based upon the findings of the study. It was ascertained that MO as the dominant orientation formed the basis of multiple complementary orientations, for example MO-EO or MO-RO. It was noted that multiple complementary orientations should be used with MO being the dominant orientation. Exceeding this number of business orientations, it is suggested creates conflict and possible paradoxes. However, in a static traditional market, which the legal services market previously enjoyed, a clan culture supporting a product or production orientation has existed. However, this culture and corresponding orientation has been shown to have an inability to change to market conditions and removes market ambidexterity (Dutta, 2013; Lynch *et al*., 2012). Therefore, it is suggested that changing the culture and the orientation to adhocratic or market to support a corresponding orientation is beneficial in a turbulent changeable market. MO allows to identify the changes in the market and expedite a suitable response, therefore, being an ambidexterous organisation (Dutta, 2013), as shown within figure 6.1.

Moreover, this study has identified the symptoms of adopting an unsuitable culture and business orientation. These symptoms were identified as the subthemes of the study: inorganic growth, solitary individuals, innovative tension, market myopia and standardised law paradoxical cultures and orientations. Therefore, should a legal firm adopt the correct

organisational culture and corresponding complementray business orientations it would alleviate these symptoms. Whilst this study concurs with Slingo (2020) who warned against these symptoms, her research failed to identify that incompatible organisational culture and business orientation as the root cause. This study provides originality in providing a framework for legal service providers to avoid these pitfalls and focus on being innovative and niche in the market, satisfying the need for a joint examination of organisational culture and business orientations (Gao 2017).

6.6 Theoretical Contribution

Previous research has focused upon organisational culture and complementary business orientation independently. This research has provided a clear contribution and originality by discussing the interplay of these two constructs simultaneously. Prior to this study no framework was available to enable this. Furthermore, in creating a cultural and business orientation model theoretical contribution has been realised by prescribing elements to provide the correct mix of supportive organisational culture and multiple business orientations. Further contribution has been made by demonstrating how contextual factors, such as inorganic growth my influence the organisational culture and business orientations, once again demonstrated through the model.

There are clear gaps with previous studies as to the relationships between these two concepts. There have been explicit calls for research within the context of legal service providers, (Mayson, 2020; Peachy, 2014; Lettice *et al.,* 2014; Hodges, 2013). Furthermore, there has been calls for research into the interplay of organisational culture and business orientation with a multi case study approach (Gao, 2017; Lettice *et al.,* 2014). Recent qualitative studies have focused upon areas of marketing within law firms; sales orientation, (Croft, 2013), relationship marketing, (Woo and Leelapanyalert, 2014; Lettice *et al.,* 2014; Hodges, 2013; Cutler *et al.,* 2003) and entrepreneurial orientation (Slingo, 2020; Roper *et al.,* 2016).

However, unbeknown to the author there has not been any recent qualitative research which has sought to examine and understand the types of business orientation with legal service and the influencers of these orientations (Mayson, 2015). One such influencer of business orientation is inorganic growth with calls for research in this area (Agnihotri, 2014). Therefore, it can be concluded that there were gaps within the current academic thinking within the legal services context which this study it is suggested has addressed.

Areas of Research	Previous authors	Findings/Contribution
Calls for more research for business orientations within legal service providers and a combination of Organisational culture and business orientation in one framework	Roper *et al* 2016; Lettice *et al* 2014; Martins and Terblanche, 2003	This research has provided the combination of business orientations for legal service providers. Moreover, the combination of organisational culture and complementary business orientations
Organisational Culture	Carpenter, 2017; Roper *et al.,* 2016; Schein, 2010; Deshpande *et al.,* 1993	Proposed organisational cultures which are conducive to supporting the correct combination of business orientations within legal service providers
Market Orientation (MO)	Abou-Warda, 2014; Lynch *et al.,* 2012; Cadogan, 2012; Movondo and Wong, 2007; Mavondo, *et al.,* 2006; Fodness, 2005; Homberg and Pflesser, 2000; Pearson, 1993; Hayes and Abernathy, 1980	This research established within legal service providers the importance of MO as a foundational orientation for other complementary orientations
Standardisation	Gao, 2017; Lynch *et al.,* 2012; McClure, 2010; Mucalov, 2006	Standardised law was found to exacerbate silo mentality and solitary individuals within the legal service providers, having an impact upon MO and ultimately business performance
Inorganic growth	Agnihotri 2014; Pearson, 1993	The detrimental affects of inorganic growth to legal service providers by introducing incompatible cultures and business orientations in evidence
Silo Mentality/Solitary individuals	Cilliers and Greyvenstein, 2012	This research found that standardisation and inorganic growth created silo mentality and solitary individuals within legal service providers affecting incompatible organisational cultures and business orientations incompatible to MO
Myopia	Levitt 1960; Slingo, 2020; Mayson, 2020; Susskind, 2020	Legal service providers resistance to marketing due to business orientation and organisational culture not conducive to market orientation
Complementary Business Orientations	Morgan, 2015; Abou-Warda, 2014; Lynch *et al.,* 2012; Naustion et al., 2011; Homberg and Pflesser, 2000; Miles and Arnold, 1991	This research concurs with previous authors on the need for complementary business orientations However, the author has further proposed complementary business orientations for legal service providers
External Analysis	Saxby *et al.,* 2002	The importance of external analysis for legal service providers was highlighted within the research which is not currently undertaken by legal service providers

Table 6.1 Theoretical and Practitioner Contribution (Source Author)

To explore the business orientations and organisational cultures of legal service providers a conceptual framework was developed grounded on the work of Carpenter, (2017); Roper *et al*., (2016); Lynch *et al.,* 2012; Schein, (1996); Deshpandé *et al.,* (1993); Narver and Slater, (1990); and Quinn, (1988) (section, 2.8, figure 2.5). This enabled the researcher to identify the key characteristics of organisational culture and business orientation within the cases. This allowed the researcher to focus upon the four organisational culture types (Deshpandé *et al.,* 1993) and the business orientations. Furthermore, the identified limitations of the two models, namely an inability to consider the influence of external analysis (Saxby *et al.,* 2002), the inability to consider the influence of underlying assumptions and finally the business orientations (Martins and Terblanche, 2003) were considered as part of this study and included within the conceptual framework. Furthermore, previous studies and models have focused upon organisational culture or business orientation, however, not both simultaneously. Therefore, this provided the basis for an original comprehensive model focusing upon business orientation, and organisational culture (figure 2.5).

Further justification for the conflation of the two models as discussed earlier was proposed by Carpenter (2017:16) in which he stated that existing models *'offered conflicting and incompatible explanations',* lacking the coherence and concluding that a suitable model did not exist. Therefore, this study has provided a model contributing to both academic and practitioner thinking, satisfying the calls from Carpenter (2017) and Saxby *et al.,* (2002).

This research was the first study in the context of legal service providers to explore the relationship of organisational culture and inorganic growth as the two key influencers of business orientations. Moreover, these two key influencers were found to create a number of other symptoms within the cases. Namely; solitary individuals, standardised law, myopia and innovative tension. Further insight has been provided to academic theory of the use of multiple complementary business orientations and the supportive organisational cultures.

This thesis makes a further contribution by utilising a multiple case study approach, which has not previously been undertaken within this context. Furthermore, responding to calls for more research within this area (Lettice *et al.*, 2014) The multiple case study approach provided a rich source of data to explore the phenomena.

6.7 Practitioner Contribution/Managerial Implications (*RO3*)

This thesis through the cultural and business orientation framework (table 5.2) has made a contribution to practitioner knowledge in providing legal practitioners guidance in the interplay of organisational culture and business orientation. The prescribed framework (figure 6.1) has given clarity to the influence of artefacts, espoused values and underlying assumptions. Furthermore, a framw to understand the interplay of the correct organisational culture influencing the correct complementary multiple business orientations within the context of legal service providers. Moreover, the study has given an insight as to the caveats of inorganic growth particularly with regard to multiple mergers and the impact upon culture and the business approach. Subsequently, the other themes within this study: *solitary individuals, standardised law, marketing myopia* where shown to influence the effectiveness of the business, all these themes are included within this framework. Therefore, this prescribed framework will be used by practitioners to reveal current business orientation and organisational strategy. Further allowing them to reflect on their current strategy and make necessary adaptations to the strategy. It is further suggested that this framework may be used outside of the context of the legal arena for other service organisations.

6.8 Areas for Future Research

One of the unique areas of this study has been the transforming nature of a traditional market which is found within legal service firms. Therefore, areas for future research should include further studies into other traditional markets, such as other professional service firms (PSF's (accountancy, health, and banking) who have had to previously adapt to a transforming market. Whilst there may be similarities, each professional service firm may present uniqueness in terms of knowledge-based services (Hodges and Young, 2009). Moreover, as government intervention in these other PSF's occurred earlier, their development and coping mechanisms would give further insight adding to the existing body of knowledge.

Furthermore, another potential avenue for future research may consider the applicability of the cultural and business orientation framework (figure 6.1) within larger legal service providers, for example international law firms, building on the earlier work of Muzio and Faulconbridge (2013). Whereas, their research focused upon Italian international law firms future research may consider the interplay of organisational culture and business orientation for English law

firms in an international context. Furthermore, future research may consider the applicability of the cultural and business orientation model outside the context of legal service providers. Moreover, to assess if any changes are required to the current model within a different context.

This study was initiated by the transformation of legal service providers within a turbulent market. Therefore, future research may consider the long-term effects upon the case firms with a longitudinal, multiple case study approach.

Finally, this study was concerned with identifying the most desirable fit of organisational culture and corresponding complementary multiple business orientations in a turbulent market. This study has identified that in certain circumstances cultures and orientations need to change. Future research may consider the steps involved in making that positive change and the transference of this cultural orientation model as a business tool in other business contexts. Therefore, highlighting the tactical and strategic role that the model may take in making that positive change to an organisation.

This thesis was started in February 2015, after the government intervention within the legal services industry and the 2007 Legal Services Act was having an effect on the legal service providers with England, as discussed within the introduction of this thesis (section, 1.2). Findings from this thesis suggests that Legal service providers were ill-prepared for the changes within the micro-environment which ensued, transforming the environment from a legal aid economy to the market economy which is in existence today, (Mayson, 2011).

The author believes that the response from the legal service providers within this thesis has given a representative sample of the responses from the market. Findings from this study suggest that the response from the legal service providers has been mixed with some providers, whilst acknowledging the existence of marketing, fail to see the benefit, concurring with Hodges (2008). However, other providers see the benefit but lack the knowledge to implement marketing successfully. Moreover, with the exception of one case all the other cases through influences that have been discussed, failed to understand and implement market orientation. This study has demonstrated the importance of multiple complementary business orientations with a foundation of market orientation. Furthermore, the importance of a supportive overriding organisational culture has also been established. An organisational culture, as a separate concept from business orientation, which complements the existing business orientations and removes the organisational constraints.

A strong case exists for guidance to legal service providers in the achievement of suitable multiple business orientations and supportive organisational cultures. However, it has been further established within the study that there is a requirement for marketing education within this sector to recognise the value of marketing and market orientation to a transforming business in a turbulent market and in doing contribute to creating a sustainable market. The implementation of the cultural business orientation framework may present a structure for that sustainable growth.

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Appendix
Appendix One: Blogs, other sources of research data
A Barristers Perspective.

<u>PRESERVING THE INNS OF COURT</u>

The spectre of fusion of the legal professions is no longer the illusionary nightmare that many have feared for a long time. In our view it is a real and palpable prospect and if the fusion train is indeed on the tracks, then to avoid the wreck we need to consider the best and most efficacious way of preserving vital services and essential institutions that represent the Bar, namely the standards of advocacy provided for the public and the Inns of Court which are now so integral to this provision.

Some while back the then Treasurer of Gray's Inn expressed his concern to us in relation to the future of the Inns of Court in consequence of the seemingly inevitable fusion of the two legal professions in England and Wales. Most, if not all, Judges and Barristers would we trust regard it as a tragedy if the traditions, camaraderie and teaching, particularly in the field of advocacy, of the Inns were to be lost.

The basic propositions in this article were set out in a discussion paper which has been seen by a number of Judges and senior Barristers but we consider it important that all members of the Bar should see what we have in mind and hopefully provide their own input into the discussions which we trust will take place at all levels before any fusion is actually implemented.

Since the Legal Services Act 2007 came into force, we have already seen the changing landscape all unthinkable when we were called to the Bar: direct access; commercial bidding for work; conditional fee agreements; soon contingency arrangements; advertising and alternative business structures. The legislation for full-blown fusion exists for some time and could be swiftly implemented. Time is not on our side and we think that pre-emptive action by the Bar is not merely desirable but essential.

Our propositions below are based upon the premise that fusion will happen. Our experience of the US system has allowed us to take the best of what works there and seek to harness this with what we already have in place in England and Wales.

Education

It is fundamental that all new entrants to a fused legal system should have passed the same professional examinations and satisfactorily completed the same period of practical training. This practical training will comprise a period of internship or a training contract provided by whichever legal organisation or firm to which the newly qualified student becomes attached. This will have no impact on University students with a law degree nor on graduates in some other subject, who will in all probability undertake a conversion course, before studying for the professional examinations.

Nomenclature

All new entrants to the fused legal system shall be designated "Attorneys". We feel that the term "Solicitor" should no longer be used.

An attorney shall be entitled to practise on his/her own or become an officially designated partner in a legal firm after an appropriate period of practice following admission to the legal profession, perhaps two years.

An attorney will be entitled to appear in the lower criminal courts or conduct routine matters in the civil courts using such advocacy skills as would have been imparted to them during their initial training period.

If an attorney, after an appropriate period in full time practice, perhaps three years, wishes to conduct trials in the higher criminal courts or in the civil courts, he/she must first have satisfactorily completed advocacy courses run by the Inns of Court and then join one of the Inns at which point he/she shall be designated "Counsel".

At first sight this might appear to be maintaining the status quo or a two-tier legal system. This is not the case. Counsel under the proposed new system is very much akin to the American "Trial Lawyer". In the United States, any lawyer is entitled to conduct litigation, criminal or civil, and no further qualification or training is required in order for them to do so. What we are seeking to ensure is that those lawyers who are required to conduct substantial or difficult cases in court have been properly trained to do so and have demonstrated the appropriate competence.

No attorney or counsel shall be entitled to practice without possession of the appropriate practising certificate.

Supervision

We believe that the Law Society is well able to supervise, control and investigate the conduct of attorneys under the new system and take such action as may be considered appropriate without further intervention by any other authority.

Once an attorney changed his/her status the Law Society's authority will cease and counsel will then be subject in all respects to the Inn of Court of which he/she is now a member. It seems to us that the Bar Council, as presently constituted could probably continue to function in relation to counsel under the new system as it now does in relation to barristers.

Our proposals will not even interfere with QASA,the new scheme of judicial monitoring of advocacy competence now being implemented. In fact our proposals will not interfere with any supervisory functions that some believe essential for maintaining standards in the courts and the legal profession generally.

Interim Measures

Once fusion takes effect all qualified barristers, whether or not in practice, shall automatically be designated "Counsel". An interim period will provide for barristers who have commenced but not yet completed their period of practical training (pupillage) to be designated "Counsel" once their pupillage has been satisfactorily completed. Likewise, those students who have passed the Law Society's examinations at the date of fusion but not yet completed their requisite training period shall be admitted as attorneys upon satisfactory completion of that period.

All solicitors who have been granted higher rights of audience at the date of fusion shall be designated "Counsel" once they have joined one of the Inns of Court. All other admitted solicitors shall be designated "Attorneys".

Any barrister who has not undertaken pupillage will be entitled to designate an attorney.

There would seem to be every reason to retain the title "Queen's Counsel" as a mark of excellence as an advocate. Only "Counsel" under the new system would be entitled to apply for this title.

Employed Lawyers

Any attorney or counsel who is employed and in possession of a current practising certificate shall be entitled to represent his/her employer in accordance with the designation reached by him/her; thus if "attorney" status the individual may appear in the lower courts and if "counsel" he/she may enjoy higher rights of audience.

Law Firms

It follows from the above that under our envisaged fused system a firm may consist of attorneys or counsel or a mixture of both. A sole practitioner may be one or the other. Any member of the firm may be approached directly; inroads in the respects have already been implemented in relation to barristers.

One objection to the proposals which we have outlined is that the specialised skill or knowledge of certain sets of barristers will cease to generally available. This is not so. Any law firm or organisation will have the facility to join with or obtain the services of another firm or individual whose skillset is required for any particular matter, upon such terms, financial or otherwise, as the parties may agree. This is what happens frequently in the United States.

It is by no means a prerequisite of the fused professions to even have 'partnerships' with all that that implies. There are more and more 'firms' in the US that operate as Chambers with the members being under one roof, sharing the costs of space and staff and being designated 'Of Counsel' with financial arrangements made for some profit sharing and fee splitting on a case by case basis. (Sounds familiar?).

Conclusion

Whilst we understand the reluctance of many barristers to face up to the prospect of fusion we feel that it is inevitable and may possibly be in the public interest. Our remit has been to address the inevitable whether this is or is not a desirable event and to ensure that the Inns of Court do not disappear but indeed become stronger by playing a pivotal role in our new regime. The point being made here is that the world need not turn on its head if fusion happens but we can prepare for it by ensuring the better elements that make up both professions are utilized in a practical and cost-effective way.

Jacqueline A. Perry QC   **Victor Levene**

Appendix Two: Example of interview transcript, case four stage one thematic analysis

Interview number (2) 14th June 2017 <mark>_____</mark> Emerging themes highlighted

	Interviewer (I)	Respondent (R)
1	*Thank-you for agreeing to take part in the interview*	
2		*My pleasure.*
3	*I am talking with you today about marketing, how chambers market themselves, how you get business… Marketing is?*	
4		*Providing a good service, aiming to improve on the service you have already provided (pause) advertising yourself…obviously.*
5	*But that doesn't happen in chambers does it? Do you actually advertise yourself?*	
6		*Hm.. in a round-about way there is a publication called Counsel Magazine and if we have the good fortune to have an appointment, you know one of our members have been made a judge we will put a half page announcement in Counsel Magazine at great expense. Congratulations to so-and-so to his/her appointment to circuit judge.*
7	*So, you are actually paying for that space for the editorial?*	
8		*Paying for that space, basically, it all depends on the forces at the time, but we will say chambers is actively recruiting new members. Basically, we can offer very comparable rates in terms of expenditure you know being a member of chambers rent. We pride ourselves on being a low-budget organisation in terms of the running of it.*
9	*Low costs?*	
10		*Low costs. We will say this is what we can offer. We are very busy. You can come to chambers with nothing in your diary at all because we will basically nurture your practice for you. That is the most positive form of marketing that we are doing in terms of advertising, apart from keeping the website as up to date*

		as we can. Again, <mark>just announcing that we have an appointment as a recorder or a circuit Judge or a QC, very rarely, obviously. But yes, that is our sort of marketing.</mark>
11	*Who or what is the market?*	
12		<mark>*Solicitors.*</mark>
13	*Purely solicitors?*	
14		*Purely solicitors in what we do yeah.*
15	*In the East Midlands?*	
16		*We do go as far afield as South Yorkshire. One of our number who travels extensively. We basically cover Leicester, Derby, Nottinghamshire, Lincoln, Northampton, occasionally Stafford. That is our core business, but as I say one of our number will travel as far North as Carlisle as far South west as Truro and that is in the last year and he will as I say he sits as a Recorder as well. Shall we just say he has got some contacts within the Asian community and he has forged his reputation accordingly.*
17	*So, he has got this business himself?*	
18		*Yes, basically, it is Asian solicitors who come to… (barristers name) basically because he gets results, he is charismatic, puts a lot of time and effort in. Consequently, he gets a lot of work, but basically those solicitors will brief him and him alone. Sometimes they have to accept an alternative if one of his cases gets put into a far-flung land and we have to provide someone to cover him because he is another court. But basically, it is solicitors confined to the East Midlands.*
19	*Is he typical?*	
20		<mark>*No. No. He is a one-off within these chambers basically.*</mark> *If I get him in (name of city) for a week or two it's a rarity as I say because at the moment he is doing a long case in Wolverhampton and I know in his diary over the next few weeks he has got cases in Bolton, Manchester, Birmingham, Stafford, in fact he has got listed in Stafford Monday*

		coming he can't do, so we do have to find an alternative.
21	So how far ahead is a barrister's diary booked in this instance?	
22		It depends on the barrister on how busy he/she is, it also depends on the type of work. If for instance it is a two, three-month fraud as the two of them get. It tends to get fixed well in advance. In terms of general run of the mill stuff we are running now well into the autumn. Again, it depends on the nature of the offence and the length of the trial and how much space in terms of court rooms each individual court got because they might say we haven't got space for this case until say November. Or if it is a one-and-half day case we can squeeze it in next week almost. There is no hard or fast rule.
23	Okay...what do you think the product is for chambers?	
24		The product?
25	Yes	
26		==The product is providing good quality advocacy==, both prosecution and defence and there is also the aftercare in terms of providing the CPS and defence solicitors with details of what has happened in the court room because the CPS is subject to the financial cuts it used to be, because I used to be in the CPS until twenty-three years ago and for every court room you would be a case worker from the CPS and they would have their papers and they would be endorsing those papers. They can no longer afford one-to-one coverage. Now the onus is upon barristers to email the results and to get it right and get it done very quickly because they are soon on to us saying so and so did this case yesterday and we have not had a hearing record sheet.
27	That quick?	
28		Oh yes it can be. Yes, they are very, very impatient. Because you feel like saying 'hang on you can have someone in that court room you know', but you don't. So yes it is providing ==good quality==

		advocacy and also it's the work you put in before you actually get into the courtroom we encourage, we actively encourage if you have been briefed in a case, even if it just to send an email to whoever has briefed you individually just to say thank-you for the instructions in this matter I've had a look at the case nothing further needed at the moment. It shows that (a) you are appreciative of the work that has been provided and (b) you have looked at it. I try and drill that into them. *This is a very important marketing tool in a way because that is our best way of marketing* built on a good solid reputation. And in terms of the appointments we've had you know I think that is justified to say we do have a good reputation, certainly with a provincial set.
29	*You therefore have to have a strong relationship with solicitors, keeping the relationship. How long, typically would you have a relationship with a solicitor, is it quite long-term?*	
30		*Yes, a couple of solicitors, obviously yes again as you have eluded to before, larger firms have sort of swallowed up smaller firms, because of legal aid of course. So, we now probably when I started here in 1994, we probably be in terms of briefing us say for the Nottingham crown court there could be fifteen, twenty forms of solicitors, now half a dozen. Now that's not because they have deserted us it is because you know they've been swallowed up by larger firms.*
31	*Or they have closed?*	
32		*Or they have closed. Yes, which is very sad. A lot of good people, especially in the outskirts of the county there was some good firms and they've just gone. There were some good people we used to deal with, very loyal to us as well but they've just been swallowed up by bigger firms. But there are a couple of firms they have been briefing us now for*

		in excess of twenty years and they continue to brief us.
33	*Because?*	
34		*Because they like who they like they have a good working relationship with them and would like to think that my team in the clerks room we are helpful, we are efficient of course we make mistakes everybody makes mistakes and sometimes you have to go cap in hand and say I am really sorry, ==I will say it personally there has been a mistake it is my responsibility I am sorry because I think that is the best policy, don't try and fudge it just say I'm sorry I've made a mistake I've let you down.==*
36	*Is the size of your clerk's team typical?*	
37		*Fairly, yes, I've got six in my team, six and one that works from home primarily, that's typical.*
38	*Far more paperwork and bureaucracy or less?*	
39		*Than how long ago?*
	Whatever timescale you want to put on it?	
40		*Far more in terms of time limits and I suppose no in terms of red tape that is more applicable to government departments, but it does have a slight knock on affect so like in judges imposing strict time limits, whether it is bureaucracy or not I don't suppose it is really that it is just the nature of the game.*
41	*One assumes there is a question mark about court costs, court time and to cut down on court time, court costs and might that then cascade out to as you say you've got to get paperwork in some cases less than twenty-four hours after the case. As it always been the way?*	
42		*No because as I say ==traditionally== you would have either a defence solicitor's clerk or the CPS clerk would be in court, so they would actually make a note of it and they would take it back to their*

		respective office. Anything they needed to do in terms of preparation for the forthcoming case they would do it they would get to the office and do it immediately. Now they are relying on my barristers to tell them accurately the judge says he wants this doing in fourteen days, he wants this in twenty-one days, he wants services papers in twenty-eight days etc. etc. I suppose it is stricter in terms of time limits. Also, in terms of the continuity of cases throughout the summer. It used to be in (name of city) that it was accepted that barristers are human beings who have families so therefore they have got kids. ==The kids are on holiday primarily== in August so in (name of city) alone we perhaps have two courts sitting in August and it gave everybody the chance to just recharge their batteries to take a step back enjoy a good holiday whereas, nowadays certainly for the first week of the school holidays there are nine courts sitting. Nine courts in (name of city) alone. I think they are scaling it down to perhaps six for the rest of the period but even then you see if you have more than six courts sitting that's more cases listed more barristers needed I am having to say to my governors I am sorry but we have a business to run I cannot let you all have any of you have kids you cannot all be off in August anymore, therefore, you've got to have one week or two weeks but I can no longer say to all and sundry yes have all of the summer off. I cannot do it, otherwise it will mean losing a lot of work.
43	Which may not come back?	
44		Which may not come back.
45	That could result in losing a solicitors practice?	
46		Could well do, if they really lose patience with us. We have to lose some work fairly recently because we have too much on, in some ways that is a good thing but ==we have simply not been able to cope with the volume of work and what we try and do is== identify those

		cases in good time and not let solicitors down and not ringing them the night before and saying you know this case of yours I can't do it. We are going to have to send it somewhere else. So, we try and identify it well in advance.
47	*Can you outsource it?*	
48		*To other chambers? That is what we do. We will ring round sometimes and say* <mark>*look we have got a three-day case starting in (name of city) on the 19th June have you got somebody who can do it?*</mark> *But we are expected to make those calls, because obviously we have had that work in the first place.*
49	*Do they take a cut for that?*	
50		*No once it goes, it goes.*
51	*That barrister says thanks very much?*	
52		*Yes, we don't like to do it I don't like to lose any work I've always said basic principle every case that comes into chambers we ensure that we can cover every single hearing even those hearings that are at 2.30pm on a Wednesday afternoon they will put it in for some sort of hearing tomorrow and if it's in Birmingham or you know if it's one of our cases you try and cover it but sometimes it is just not possible, one of the problems is late listing, publication of lists again it is getting later and later. So we have less time to react to it and to action them and as I say sometimes we get a call at 4:00pm, 4:15pm from a firm of solicitors 'This case at Stafford it is for a mention tomorrow' so suddenly we have to down tools and find someone to go to Stafford tomorrow.*
53	*Relationships sounds key it is important. Are you going out there and developing relationships?*	
54		<mark>*Yes, without going too far, because I take the view sometimes that people get bit fed up pushing.*</mark> *I will fairly frequently go down to the crown court, certainly in (name of city) and I sometimes go to Leicester as well, I've been to Lincoln. My aim is to get to*

		Derby a little more often, but basically four of my old governors are now sitting as permanent judges, full time judges down at(name of city). Without trying to ingratiate myself with them I like to keep in with them just in case I need a favour. So, I sometimes ring one of them up, I'm coming down to court are you in? They will always say yes come and have a coffee with them, just you know to keep in with them. But once I finish with them, I will always have a walk around the court, if there are any solicitors I know I will just have a word, how are you just spend a bit of time with them.
55	*So, is that generating a new relationship or reinforcing an old one?*	
56		*Preserve it. But also, to say look we appreciate the work that you give us, continue to do so.*
57	*Presumably there are others like you from other chambers who have a similar sort of approach?*	
58		*Yes. Without sounding complacent I don't really it need at the moment to go out drumming up new business, we are absolutely snowed under. Certainly, we are very fortunate to have a very good relationship with the CPS as well. I've got some very big hitters in terms of junior barristers as opposed to the QC's and those junior barristers are frequently briefed on real big stuff. A lot of sex cases, we absolutely inundated with sex cases at the moment, it's frightening.*
59	*So, you are getting a lot of those cases?*	
60		*Yes, and a lot of offences where the injured party or the complainant is children, it is so worrying.*
61	*One assumes you have briefs who are specialist in those areas?*	
62		*Yes, but certainly with the prosecution they have what they call a RASO team (Rape and sexual offences team). It is our seniors who are briefed to deal with those. But with those cases (a) comes a lot of emotional involvement and b)*

		there is a lot of work in terms of preparation. A lot of hoops to jump through in terms of sometimes you will have a victim meeting. the barrister will meet the victim beforehand under very strict conditions. Again, I wouldn't say it was red tape but there is so much more preparation needed before you get to the court door on these types of cases.
63	*These tend to be prosecution rather than defence?*	
64		*Both. But we do do a lot of the real heavy prosecution work. We are lucky in that respect. But I do get barristers and they are only human beings. They will come and say to me 'can you try and wean me off a diet of constant sex cases. It is an emotional thing and when they have children themselves, they are going home in the evening they have an hour with the kids then have to start preparing for the following day. They say please find me a robbery find me a shop theft something like that. Proper crime. A bit of a fight in a pub. Can you find me something just to break the mould for a little while? It isn't easy because again they forge the reputation in running these cases very well and they just get fed more and more of them.*
65	*If you lost an advocate in doing so you could lose a solicitors practice?*	
66		*Could do, yeah. Fortunately, we've not. We have had ==three appointments to the circuit bench== in the last eighteen months alone. Fortunately, one was a heavy prosecutor, or two were heavy prosecutors so that work carried on. The other one was primarily a defender but those solicitors that tended to brief him they brief us as chambers it wasn't just him. Whereas ………. Who I referred to earlier it could be that if he went elsewhere a lot of that work would go.*
67	*Is that rare?*	
69		*Not here.*
70	*Why not?*	
71		*==I would like to think that this is not a bad place to work here==. I mean they will*

		have a go at me, moan, chunter about things. Not many have left here. ……(barristers name) did, but he left for certain reasons.
72	*The right reasons?*	
73		*Yeah, but apart from him (pause) ==very few have left.== We have had more coming in than going out. One or two have retired, unfortunately, one or two have died, one was badly injured in a road accident. ==We have just taken on three new tenants,== one in February one in April one at the beginning of this month, but it takes a bit of time. One of them is a very experienced prosecutor, so that is okay. One of them is a fairly experienced defender, and he is quite well known, we are gradually getting him some work. But what we try and do, and I have said to both of them. You defender I don't want you just coming here defending, you might as well have stayed where you were, we will also try and get you some prosecution work, which we are doing. Conversely, the prosecutor we have got him on two defence briefs as well.*
74	*You prefer to have that mix?*	
75		*Yeah. Some do not want to prosecute at all, I have got some who steadfastly refuse to prosecute. They will not go on the list as you have to apply to go on the prosecution panel, they just say I'm not doing it, because deep down they can see all the hassle. It is a lot easier just to turn up. There is pressure in defending people especially if you are convinced, they are innocent, but you don't have the same pressures than you do when you are prosecuting. It is the prosecutors who come to me saying I need some time out, I need a bit of breathing space.*
76	*But there is more money in prosecuting?*	
		Hm.. it depends on the type of case. Yes, if you are prosecuting heavy stuff you are making a fairly good living, but by the same token the defence stuff does pay pretty well.
77	*So, it suggests to me that chambers are successful?*	

78		*I would like to think so.*
79	*Why do you think it is?*	
80		*Good barristers, it may seem simplistic. We tend to, yes there have been one or two who have not been quite so successful, but we struck lucky in terms of recruitment. The ones we have taken on by and large are top notch and if they weren't when they got here the quality of the work we can provide them it does mean that it's you know it is sink or swim with a lot of them. They are doing stuff that they never considered within their remit before, but all of a sudden it takes off.*
81	*Are you suggesting to me again that it is the strong product you have got?*	
82		*Yes.*
83	*That is causing this repeat business?*	
84		*Yes.*
85	*Strong relationship with solicitors?*	
86		*Yes, However I am not complacent enough to say right that work will just keep pouring in. You have to work hard at it.*
87	*What do you do to work hard at it?*	
88		*Just make my presence known and show appreciation and try and get the team to provide a good service this in terms of providing the right barrister on each case. I have always said I want every barrister to do every hearing through every one of their cases, because if they did it would make my life very very easy (laughter). Unfortunately, we are not living in that sort of utopian world. So therefore, you have got to do the acid test is when you are looking after your solicitors is when you have to ring them and say I'm really sorry, but I know you are expecting barrister x on this case tomorrow he/she can't do it because their trial has over run we didn't expect it to. This morning when we came to work it was every intention that they would be doing your case tomorrow but unfortunately there are all manner of*

		reasons why these cases get dragged on. They never used to but for some reason nowadays I don't know what it is but as ==I say the acid test is to tell those solicitors really sorry, but we have got somebody== *who can easily step into barrister x's shoes.*
89	*So currently you are saying to me you don't need to go out and recruit more solicitors' practices because you have…?*	
90		==Not at the moment no, not the way we because as I've said two of the firms of solicitors who brief us locally are two of the biggest in the country (solicitors firms named).== *They are huge, and we are fortunate enough, yes some of their work they keep in-house, they have their own advocates, who are salaried advocates in the firm, we have to accept that now a days* ==because solicitors have been given the right of audience.== *We have to accept they are going to exercise those rights, so we haven't got the divine right to all of their work, but what they do tend to do is give us the better-quality stuff. They see a case and say no this isn't for one of our boys and girls this is going out to the independent bar at (senior clerks chambers mentioned).*
91	*Do you get the 'messy' work, work which is less profitable maybe?*	
92		*Yes, yes, yeah there is a lot and prosecution sometimes say we can't be doing with this, far too messy, send it out to counsel. Now you are tempted to say we don't want this crap, but you can't.*
93	*Because?*	
94		==Because you are biting the hand that feeds you.== *They could quite easily turn-round and say sorry if you don't want to do this kind of work, we can always go elsewhere with it. It is a fine line.*
95	*Frustrating as well?*	
96		*Frustrating, the barristers when they come back to chambers and say I ended up with this sentence that was originally a guilty plea that was originally done by the CPS advocate that he or she haven't got a presence in that court room they*

		knew that we were in that court, 'oh can you take this sentence on'? we say yes okay we will take it on. They will come back and say why did I end up with two crappy sentences and a bail application when in the same court room, or in the next-door court room was a CPS advocate that he or she had got eight or nine cases all pleading guilty, but that is the way of the world. It never used to be like that.
97	So, what has caused the change?	
98		==Financial.==
99	Purely down to money?	
100		The ==CPS budget is reduced== therefore, don't spend so much money on counsel fees keep it in-house.
101	So, if you are suggesting to me that you will cut down on counsel fees does that also suggest there might be a ==dumbing down with regard to quality of advocacy?==	
102		Yes, Yes, you can ask any of the judges.
103	What?	
104		That very question.
105	What would the answer be?	
106		The answer would be that in general terms the standard of advocacy it has been really ==dumbed down== over the years. Again, it is sweeping generalisation to say that ==the lack of quality now a days is down to the solicitors who have rights of audience.== It isn't there are some poor members of the independent bar as well. I would like to think that we are not in that category as well but there are some. Again, barristers will say 'I was against so and so from whichever chambers he is absolutely dreadful'. It is not the independent bar is brilliant ACA's in either the CPS or defence firms are rubbish there is a crossover to a certain extent, but I would say in general you can ask any circuit judge and they would say in terms of the lesser able advocates are they independent bar or in-house advocates.
107	How do they keep getting briefs?	

108		*I don't know. Just because… hm.. again, certainly with the CPS one would have thought with the ==reduction of their budget== they say we've got to keep them; we have to keep a certain proportion in-house otherwise it isn't cost productive.*
109	*Those in-house do not have to be good quality?*	
		Again, they will do the more easy, the easier cases, but you see those easy cases my juniors would love to take those on you see, ==they can cut their teeth on them and win them or just even== if it is a guilty plea, this is the sort of stuff they cut their teeth on. It is a lot more difficult getting work for the real juniors, but we are managing it. Again, I do not want to criticise the CPS in any way shape or form but certainly in relation to, we have a second six pupil, obviously first six you can't turn, second six you can. She has taken off superbly and she came to us from a defence solicitor, but the CPS have been kind enough to give her little sentence and appeals and she has done really well, and she has forged a reputation and she has really taken off. ==It is getting more difficult to get the babies the work that we could do in the past because there is not that work around to cut their teeth on.==
110	*Less pupillage?*	
111		*==Not for us== We have got her now she has started her second six beginning of April at which time we take on a first six pupil, she will finish in September. So, she will be on her feet we will take another first six on. Again, we've tried to recruit but for some reason I don't know why there is not the movement that there has been fairly recently. I think that barristers are either settled where they are, or they are ==a bit reluctant to move==, could be a combination of the two. So, we have tried to do it ==organically==, apart from the three we have taken on fairly recently ==we have decided to grow our own, so to speak but that takes time.==*

112	*So, could it be insecurity that might create this inability to change?*	
113		*Possibly, possibly, we put the feelers out, we send the troops out down to court say is there anybody who is unhappy where they are, as long as you think they are alright. At the moment it is a little stale, it is a bit disappointing. ==There is something nice about growing your own and doing it that way, but again it just takes time.==*
114	*Organic growth would give greater skill to chambers, whereas inorganic growth in the longer term might create a de-skilling within chambers?*	
115		*Yes and also we ==take pupils on with a view to give them tenancy==, there are certain chambers in London whom ==perhaps might take on six or eight on at once and all they are doing is sitting them in rooms like this and saying do some legal research and then they've served their purposes at the end of the six or twelve months and they just get rid.== We take one sometimes two in the past, but I don't think we would go down the route of taking two on at once again. When you get two on their feet at the start of their second six it is difficult enough to get one the work but two people on their feet it would be very difficult.*
116	*Is that where you come in, to generate that work for them?*	
117		*Yes, Yes.*
118	*Is that where your focus is at the moment?*	
119		*Without ignoring the demand and they are demanding for the seniors. It is a bit like being manager of a football team, or any sport team. Some need a kick up the backside, some need ==an arm around the shoulder.== Some are quite happy to be let loose and you don't hear a lot from them. Some of them you will hear from them far more regularly. It is just a question of how to deal with people. Fortunately, ==I have been here twenty-==*

		three years so (a) I've got to know them very well and (b) I'm now older than most of them. I'm not saying that gives you a position of power, not at all, but I am older than them, I've been around the block a bit working in the legal field on and off in (name of city) for forty years now.
120	*They know they need you?*	
121		*Yes, deep down they do but they will never admit it. I always say when we get these kids doing mini pupillage, basically it is a law student who wants to attach themselves to chambers for a week, where it is unpaid and what we do is send them down to court point them in the right direction. I have dealt with so many in the past that I will always say 'Are you a good actor?' Why? Because it is akin to the acting profession, this is where you learn your lines in chambers but you have to go and put a costume on stage and you've got an audience that you have got to convince, jury or a judge, and you will change you get that costume on and you change beyond recognition. I used to work at the prosecution service and I did twelve and a half years sitting behind a lot of the ones from here, or a lot of the ones I used to sit behind have gone for whatever reason. When I was about to join here my then boss sat me down and he said you will notice a big difference between the barrister down at court and the barrister in chambers they will be charm personified because they want more work from you, but when you work for them, and never a truer word has been said. So, there is that aspect to it and I also say just remember if you become a criminal barrister if you are successful it is down to you the barrister, but if you are unsuccessful it is because you have a crap clerk (laughter) If there is something wrong it is the clerk's fault. You develop a thicker skin, although I am still sensitive to certain criticisms as anybody would be, I am not flippant enough to say I don't care what you say,*

		because you do sometimes and sometimes when they come back here to let off steam, they will say things they might regret, but sometimes I have to bite my tongue.
122	*What about your team, how do manage them autocratically or ..?*	
123		<mark>*No democratically. I ask their opinions*</mark>*; I give positive feedback I always say to them as long as everything is going well it is down to you* <mark>*but the moment anything goes wrong it is my fault*</mark>*. I will always be there, and I always say to them in order to get to you people have got to get passed me and they don't get passed me.* <mark>*Because I will shield you all.*</mark> *If you make a mistake I forgive it because nobody wants to make a mistake and you don't make it deliberately. If you make the same mistake over and over again then we will have to address it. But basically, I try and be positive and give positive feedback whenever I can.* <mark>*I always praise in public and bollock in private. I try and keep it simple.*</mark> *It was a little difficult my team now I have been here* <mark>*twenty-three years, three of the others out of that small team, no four of the others they have been here around about twenty years, so it is not a big turnover of staff.*</mark>
124	*Why not?*	
125		*I don't know (laughter) I don't know.*
126	*It must be luck? (laughter)*	
127		*I think so, I think because it is not a bad place to work. But it is very pressurised at times. There is a lot of shouting and screaming, it is not a bad job to have.*
128	*How would you describe the culture of the place?*	
129		*(pause)...It varies sometimes it is very* <mark>*collegiate. Sometimes we say we have to pull together more*</mark>*. But with the advent and the continuation of digital working unfortunately, or fortunately dependent on how you look at it* <mark>*I don't see many of the barristers at all these days, as they have no cause to come into chambers*</mark>*. When everything was in paper form*

		obviously they had to come to chambers to pick up paperwork. Now they just get an email brief, so it is in their tablet or pc. Some of them in fact, I had one today who I get on very well with. ==*I have not seen him since February.*== *So, I had said right I will come and meet you. I will take you for breakfast and have a chat, which we did. We both said that it had been really good and let's do it again. Four months down the line we have not got around to doing it, mainly because his practice is not in (name of city). As I say there is no need to come into chambers anymore. But we try and encourage, you know. We don't have many social gatherings, unfortunately. Because again when you are dealing with forty self-employed people, they have got their own lives and when they don't need to come into chambers, in the good old days we would have twelve or fifteen of them in the basement which we glamorously called the library just because it had a few books in it, but sometimes we would have twelve or fifteen down there and we in the clerks room, the clerks room is immediately above that room in the basement and you could actually hear them laughing and that is sad now that we don't get that because they don't need to come into chambers anymore.*
130	*They are like loosely bonded stars?*	
131		*Yes, they are. Last September we had not had a Christmas do for quite a while now in the past we would have quite, not a grand Christmas parties but it would be at it use to be called the………… Club., it is now called………We would go there and it would be quite stuffy any subsequent do we have always invited our old Judges along. Even though they* ==*are still mates they are Judges and it is difficult to let your hair down.*== *So, I hit upon the idea last September of having it at the golf club. I sent an email to everyone asking if they fancied a Christmas party, it has been a while.*

		What I was proposing to do was just have a Friday night two Fridays before Christmas, hot beef cobs, chips and plenty to drink, bit of music and nothing else. More to the point no old judges going, no speeches, because there has always been speeches and what we are going to do is just have a laugh and it was one of the best social dos out. Because everybody said it was the format coupled with the fact that we hadn't done it for a while and why don't we do it more often. We are going to try and do that again this year. It was nice to get everybody together because we just don't do it anymore.
132	What does the future hold?	
133		Retirement for me, the profession has been under threat for so long from various angles, but we are still standing, and we continue to thrive here as well, in some ways I would say it is remarkable, but because of the hard work and dedication that is put in both in terms of the staff and the barristers I shouldn't really be so surprised. There is a lot of dedication especially in my team they go the extra mile won't leave the job until we have bottomed it for the following day. Because of late lists and problems. I would like everyone to leave at 5.30p.m. it is frequently 6:00pm before they leave but they do, as I say ==there is a lot of dedication and hard work goes into it.==
134	==Is there a lot of internal communication?==	
135		==Yes.==
136	Where does this emit from?	
137		I send a lot of emails out that is with the barristers on a variety of topics. ==We, by nature, again because of the digital age we are in.== There is a hell of a lot of emailed stuff comes into us that we send off to the relevant barrister who has been briefed. By the same token we are dealing with a lot of emails from barristers. They now email their fee notes in for us to process their fees. Whereas, they used to have to come in

		and put it into paper format in the in-tray downstairs. Same with cases that adjourned the barristers should email the instructing solicitors but also, we need to know as well because the barrister could go on a case today, so this has been adjourned to trial 4th October we need to put that in their diary. There is a lot of communication that way.
138	*That is functional communication?*	
139		*That is ==functional communication== one or two again depending on the nature of the beast one or two like to ring and have a chat, some they just don't need it, and that is not a criticism that is just the way they are one or two are quite solitary individuals, one or two just need that interaction., both with us and their colleagues.*
140	*Much communication from head of chambers?*	
141		*Yes, with me and we have ==joint Heads of Chambers, that works well==. A lot of chambers is just one Head of Chambers. But for a variety of reasons we have decided to have two because it shares their workload because it is a massive responsibility being Head of Chambers and they can bounce ideas of each other. No, I tend to get most of that communication.*
142	*Then it is for you to filter it out?*	
143		*Filter it out or……. Who is joint Head of Chambers will come in ==and say let's go and have a cup of tea. Come on tell me is everything alright?== What's being going wrong, what's been going right? Not has frequently has either of us would like to because he is very busy. He does a lot of work for QC appointments, he does a lot of work in London and he has his own practice, it is quite a thriving one, but whenever we can it will be come on let's have a cup of tea, or even if it is just to sit in the front room.*
144	*So how often is that, average?*	
145		*Every six weeks. But they are both there if I need them. You know like today the barrister that went missing he was due*

		to be in Derby, well (name of Head of Chambers) was in Derby. It got to the stage where honestly, I thought 'shall I ring the police?' I was just worried, but I thought no I am going to put it past (name of Heads of Chambers) first. I didn't want to go in gung ho, you know but you have to take a step back. I was so frantic, all's well that ends well. Anything that concerns me they are ==always there for me, they are fantastic.== They want to know the good and the bad, if there is anything very bad I will tell them immediately. (name of Head of chambers) will say come on lets go and have a cup of tea. Half an hour three quarters of an hour just get out of chambers. He will just come on what's going on. ==Whose got marital problems? It happens especially in this profession and we are no exception.==
146	So you are all ears, you know what is going on in the place?	
147		==I am disappointed if I get to find something out last (laughter).==
148	From a professional perspective?	
149		No, no, no I'm not a gossip or anything, if someone tells me something in confidence it stays. I know a lot of things that other people don't, but certain things I can tell head of chambers I will do because it makes my life easier, just to share it with them and if I've made a decision I sometimes like that reassurance so I run it past them to see if I did right and if I did wrong then I will hold my hand up and say sorry but that was the decision I took but I do like to have a good close working relationship with those two.
150	It sounds like the basis is about good relationships externally and internally, which leads me on to the next question which is how do you know what is going on in the market? How do you hear what's going on?	
151		==Word of mouth==, I mean our market it is self-evident I just have to look in my governors' diaries and see how many

		cases we've got. That market is still there, if that is what you mean?
152	*Yes, but at the same time that might be too late in that it might be better to find out what's happening in the market before it affects the governor's diary?*	
153		*True*
154	*Is there any mechanism for discovering that?*	
155		*No, but as I say we are fortunate enough to have the local CPS and two of the big firms, they are known nationally as the big firms and as I say we have two of those that brief us almost exclusively. ==You become a bit insular but because of the amount of work we have got you become a bit possessive and say I== have to look after this before I start reaching out. We do tend to get yeah, we do get solicitors from far afield that we've never heard of before who want us to do and sometimes you have to do a little digging because again experience because I become a little experienced to these solicitors trying to pull a fast one. 'Oh we have a sentence tomorrow in Nottingham' or so and so and you say well where was the brief, and you think I'm not touching that, you just don't say no I don't want your work you say I'm really, really sorry but I don't think I'm going to have anyone in that court or that court room or something like that, or all my gaffers are busy tomorrow, I just don't think I'm going to take any more work on, that's sort of thing.*
156	*That is down to your experience and expertise?*	
157		*Yeah and the ability to bullshit (laughter).*
158	*You might consider that to be emotional intelligence?*	
159		*Yeah probably (laughter) You become hardened to certain wily ways of certain solicitors.*
160	*So the future?*	
161		*The future? Again, the last fifteen years or more it's always been 'you know the future is uncertain ==it won't be long==*

		<mark>*before there isn't an independent bar'*</mark> *Yet we are still here. There is always government threats, depending on who is in charge only as recently as the start of the year, this year start of last year they were talking about revising the defence fee system courtesy of the current Minister of Justice (MOJ).*
162	*I assume (the name of a past (MOJ) as a special place in your heart? (laughter)*	
163		*Oh yeah (laughter) lovely, but (previous MOJ) he turned out to be quite a friend, in the end. He had a reputation for being not the most popular, but he turned out to be quite an ally, because he is an ex advocate. A lot of people were sorry to see him go actually, and the last one was sacked there was a lot of scepticism about her. I think the new bloke he is, he could be a bit of a friend, hopefully anyway. They are always going to try and <mark>cut barristers fees,</mark> they resist it strongly and they fight back and fight back very articulately they had until very early in March to respond to the consultation paper and it just went very quiet after they responded to it and they responded to it in force and very convincingly as well. So we always going to be under attack because nobody really likes lawyers until you need one and even then you don't like them if they don't get the right result, we are very very <mark>unpopular profession compared to nurses and teachers</mark> and the police, the army. We are an unpopular profession because there is a misconception that every single lawyer is a fat cat lawyer, and nothing could be further from the truth.*
164	*And of course, with this concern of the dumbing down of advocacy, that is not going to help the situation?*	
165		*Not at all not all having said that again the CPS have had to withdraw some of their HCA's from the Crown Court, so we are getting more work.*

166	Are you suggesting it might come around, it might come back, you are very busy at the moment, if they are withdrawing HCA's then?	
167		More work, more work. We will get a call say perhaps this afternoon in whichever court it is, we have got four cases we would like to brief out, yes by all means so we take that case on and it isn't just that first hearing if he pleads guilty fine but invariably they go off for trial o e keep those and all donations gratefully received so as I say we have a good relationship with the CPS, the person who actually briefs cases out, and we get more than our fair share of murders for the silks. Though even with silk work now it always used to be you would have a junior sitting doing all the work for you, very very really with the brief silk and junior unless it is a really complicated and very involved case.
168	Cutting costs?	
169		Cutting cost, so now the silk is expected to do all the preparation.
170	They must be very happy about that?	
171		==Yes, they are delighted, especially the old-fashioned ones, who have been used to.== He (referring to a QC) has had some fantastic junior one of which went on to the circuit bench last year, they did some fantastic cases together, but again save for some exceptional circumstances now it is silk only. I don't think that will ever change now.
172	What about LiP's is that going to create a problem? Is that increasing litigants in person?	
173		There isn't very many of them, coincidentally we have one this week. One of my governors she is prosecuting. I think it is a racially aggravated harassment type case. He in his infinite wisdom he decided that no lawyer was good enough, so he is going to defend himself.
174	Even though he can afford it?	
175		You do get the odd occasional one but there isn't many now days and a lot will

		say no, no I am sacking you and I am defending myself and the judge will say okay go on then defend yourself. Then they will stand there and think shit I've made a mistake. They will then invariably get counsel back on board when they've realised they've made a mistake. No, they are very few and far between now days.
176	*There is no increase of people who cannot afford, and they are not getting legal aid?*	
177		*==No, I am having to do more and more quotes for private work, again because of legal aid cuts in terms of individuals being granted legal aid and sometimes they have to make contributions==. Those contributions are so prohibitive it is cheaper or economical shall we say to pay the barrister privately I am quoting more than my old boss used to in terms of frequency.*
178	*What percentage of time are you out there finding out what is going on in the market place and relationship marketing and how much is spent doing paperwork, admin, writing, quotes, billing?*	
179		*80/20 in terms of actually being in the clerk's room at the coalface. I'm not a natural schmoozer. ==I always think because of the product that we are selling and what it is based on, the foundations that it is based on I think I don't need to go 'pushing it' but that is without being complacent==. If I see a senior partner from a firm of solicitors who brief us then I will obviously go and have a chat, but I am not a natural salesman. If I need to I can do, but I like to think that the reputation we have forged and what it's based on good hard work and talent more than anything.*
180	*Is that your unique sales point?*	

181		*Yes, and* ==*not promising anything you cannot deliver.*== *If a solicitor said we will say doesn't matter how domineering they are on the phone, I need this barrister to do every case, every hearing I'm sorry I can't promise that what about if your barrister is in the middle of a trial and this case gets put into another court I am not prepared to say to you have my promise that that barrister will do every hearing.*
182	*You have to manage expectations?*	
183		*Yes, I want them to do every hearing because it will make my life a lot easier, but I can't, I will never try to promise what I can't deliver. It is just be reasonable and honest with people, if I make a mistake, I would rather just say I've made a mistake, don't try and cover it up because you will be found out.*
184	*Thank you.*	

Appendix Three: Examples of diary of observations for interviews

8th, June 2017: Case four

Traditional large Victorian barrister's chamber in one of the oldest parts of the city centre with a large imposing black solid wood door. On the wall outside were the names of all the barristers with the QC's and Head of Chambers at the top. Head clerk at the bottom. Inside the chamber was a sparse décor, with old traditional furniture. Met by the Head Clerk who was dressed in a dark pinstriped suit white shirt dark tie, as were all the clerks even though it was a warm day. He asked me to wait in small waiting room at the front of the chamber. Head of Chamber came to collect me to take me to the library, which didn't have any books. A functional room with high ceilings. There with no pictures or ornaments just a large table and four chairs. There were a number of empty bookshelves with the exception of two briefs on a shelf, scrolls with red ribbon around. Head of Chambers was dressed very casually although he apologised and explained he had 'popped' into chamber just to see me on his day off. He was very relaxed and open in the discussion. During the interview he seemed relaxed and questioned the context when he was unsure of the question.

26th June 2017: Case two

Barrister chamber in Birmingham conventionally across the road from the courts. A very large old chamber on many floors. I was greeted at reception by two security guards and eventually one of the clerks led me to a very small reception. The barristers occupied the top floors, the six clerks on the ground floor with small functional desks. There was a kitchen in the basement where several of the barristers prefer to sit. The barrister's offices were a large open plan office with twenty identical solid oak, leather topped old fashioned desks, with leather chairs. Only two of the desks were occupied, the rest of the barristers were in court until 4:00pm. The Director of the Chambers was very well-informed having been a part author of the Carter report. He was equally very outspoken and candid in his approach. He was very supportive of the need for research and as a key informant enthusiastic to see the research completed.

10th August 2017: Case three

A modern purpose-built solicitors office on three floors close to the courts. A large open plan well-lit office with modern furniture. There were no individual offices and all the staff shared the same space including directors, solicitors, barristers and administration. There were four offices on the edge of the main office which were used for client meetings only. The reception desk was adorned with achievements and trophies for the staff and the practice. There was a large display of marketing literature which covered every area of law. There was a coffee table and modern comfortable chairs. The table had a large selection of newspapers and more marketing literature. Greeted by one of two receptions, the other was permanently answering the telephone with a headset. The receptionists were very professional and appeared efficient whilst warm and welcoming to all visitors. In the short time that I waited (10 mins) seven visitors (clients) arrived. This suggested that the practice is very busy with a steady stream of potential clients. The interviewee was a Practice Director and an HCA (glossary of terms) he also was a key informant and proved very helpful to the research. However, he further proved to be very difficult to interview and was very challenging by questioning the validity of questions and the structure of the interview. The interviewer remained resolute and true to the aims and questions. It was noted that as the concerns were allayed the interviewee became more supportive and enthusiastic.

19th September 2017: Case one

The solicitor's practice is in one of the oldest parts of the city. The building which is a converted nineteenth century warehouse is on three floors. The reception is dimly lit and there are a series of visitor's rooms off the main reception. All offices are on the first, second and third floors. They are very cramped offices with lots of piles of paper everywhere. All the solicitors that

were interviewed plus the marketing manager always took me to one of the visitor's rooms. It was only the collections manager who took me to her office. This was frowned upon by partners within the practice, who complained.

11th September 2018: Case five

A very difficult chamber to find on the fifth floor, with no signage or reception, just one small office amongst lots of other small organisations. The office or chamber was just large enough to accommodate a single desk and two chairs. It had no windows, ornaments or pictures. It became apparent that no one visited the chamber not clients (direct access) or barristers. This is an office for the CEO with the Head of Chambers in Manchester and the Head Clerk in Peterborough. All the barristers work from home getting their daily briefs electronically the night before the case. The chambers rely heavily upon IT. The CEO arrived thirty minutes late, I had to wait in the corridor for him to arrive. He was very apologetic and welcoming, being very forthcoming with information. Interestingly all the barristers within chambers were very similar in being friendly and loquacious, some interviews lasted over two hours. The CEO was very smartly dressed in a double-breasted pin striped suit. Whilst he was not a barrister, he looked like one.

Appendix Four: Respondent Validation, part of stage one of thematic analysis

Hi Stuart
I have read through the transcript and I am happy with it.
Good luck with the rest of your research.
Kind regards

From: Carnell, Stuart [mailto:stuart.carnell@ntu.ac.uk]
Sent: 22 September 2017 14:23
To
Subject: Transcript
Hi
May I first take this opportunity to express my gratitude for not just the time you set aside for what I felt was a very productive but also an insightful interview. Furthermore, a big thank-you for prompting your colleagues to contact me, which is duly underway.
Please find a transcript of your interview for your perusal. Please let me know if you are happy with the content. I look forward to hearing from you.
Many thanks again.
Kind regards,
Stuart

Appendix Five: Mind map, case four, stages two, four and six, of thematic analysis