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Book Review. Solicitors and the Wider Community by David Podmore

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DAVID PODMORE, *Solicitors and the Wider Community*. London: Heinemann Educational Books, 1980. Pp. xvii + 212.

Reviewed by JOHN FLOOD

This is a short book. Its text is 154 pages long with three appendixes totaling 24 pages. Yet it has a bibliography 15 pages long. Scanning the bibliography, the reader will observe the scarcity of references to the English legal profession. Indeed, I doubt that they amount to 10 percent of the whole. The overwhelming majority are American references. But this is not surprising, for the development of the two societies has not been parallel, and in response to different needs each has produced a diversity of legal institutions. A very basic difference is in the sizes of the two legal professions, and it is reflected in the relative numbers of scholarly studies of each of the professions.

Research on the legal profession in England and Wales is a hotchpotch.¹ There has been no systematic study of the Bar (barristers);² and the study of solicitors fares only slightly better.³ Even the recent report of the Royal Commission on Legal Services said little about what lawyers actually do.⁴ There is a large unmet need for empirical studies of the English legal profession. But David Podmore's monograph (a revision of his doctoral dissertation) offers a glimmer of hope.

In *Solicitors and the Wider Community*, Podmore sets out to test ten hypotheses on the relationship between the size and location of solicitors' practices and their involvement in political and community activities.

The hypotheses are all taken from American literature, and Podmore admits that "variations between the two cultures therefore need to be borne in mind" (p. 83). They are divided into major and minor sets with the emphasis on his first three hypotheses. The empirical meat of the book is contained in the last four of the ten chapters that compose the book. The other chapters whet the appetite with more general background information on the history and social structure of solicitors.

As a result the book is unevenly balanced. The introduction rather oddly tries

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1. My comments are restricted to England and Wales, as Scotland has a different legal system. But see Nan Wilson, *The Sociology of a Profession: The Faculty of Advocates* (Ph.D. diss., Edinburgh University, 1965).

2. The trials that John Baldwin and Michael McConville underwent in attempting to enlist the aid of the bar illustrate the difficulties well. See their *Negotiated Justice: Pressures to Plead Guilty* (London: Martin Robertson & Co., 1977), and *id.*, *Jury Trials* (New York: Oxford University Press, 1979). Cf. note 3.

3. See Mungham and Thomas's apologia of their Cardiff solicitors study: Geoff Mungham and Philip A. Thomas, *Studying Lawyers: Aspects of the Theory, Method, and Politics of Social Research*, 8 *Brit. J.L. & Soc'y* 79 (1981).

4. The Royal Commission on Legal Services (RCLS) missed a golden opportunity to specify and analyze the range of tasks undertaken by lawyers when the City of London Solicitors Company, in its evidence, made the effort to set out in detail what city solicitors did. The RCLS made no use of this valuable information. But the RCLS did analyze the proportion of time spent by solicitors on conveying and the proportion of income it generated for solicitors.

to justify the study within the ambit of the criticisms contained in an article by Colin Campbell and Paul Wiles in which they divide law and society studies into two camps: sociolegal studies and sociology of law.⁵ They deprecate the former for being overly programmatic in favor of the latter, which they praise for being avowedly theoretic. Whether Campbell and Wiles's distinction is worth debating is not at issue here. But Podmore compromises and locates himself firmly in both camps: his theoretical perspective is drawn from Weber's concern with the nature of political leadership in modern society (p. xv); and his claim to the sociolegal element is based on his reliance upon "orthodox empirical methods" (p. xiv).

Podmore, I think, really started out with a study of lawyers in mind, which he ultimately narrowed to a study of solicitors. His reasons for excluding barristers are not entirely convincing. He argues that because barristers have no direct link with their clients, but must receive them through a solicitor, their links with the community will be weak. This is strange, for his later discussion of lawyers in national politics points up the fact that barristers form the majority of lawyer members of Parliament and also figure strongly in the prime minister's cabinet.

In further setting the scene for his study Podmore sketches the social origins of solicitors, the types of work undertaken by them, and the nature of their clients. Much of his discussion unfortunately depends upon early studies, such as Abel-Smith and Stevens's *Lawyers and the Courts*, published in 1967. Two omissions are particularly striking here: first, no use is made of the studies undertaken by the Royal Commission on Legal Services, especially the note on the social background of entrants to the legal profession and the surveys of users and nonusers of legal services in England and Wales. The second omission is in Podmore's choice of American material. He never refers to the major, large-scale study of the bar carried out by John P. Heinz and Edward O. Laumann in Chicago.⁶ Looking once again at the bibliography, I fail to understand why neither of these works was included.⁷ And the gaps show that his data are sadly dated.

To return from the general to the particular question, Why do lawyers become involved in political and community activities? Podmore says that for Weber, "political leadership rested on three foundations—*independent judgement, skill in the struggle for power, and economic availability*" (p. xv). From these three foundations Podmore develops five propositions, which together explain law-

5. C. M. Campbell & Paul Wiles, *The Study of Law in Society in Britain*, 10 *Law & Soc'y Rev.* 547 (1976).

6. One example will suffice: Podmore uses Lee Bridges *et al.*, *Legal Services in Birmingham* (Birmingham, Eng.: Institute of Judicial Administration, 1975). Their method breaks down solicitors' work by bills delivered. Heinz and Laumann suggested a more sophisticated and thorough method of analysis, defining fields of law according to a schema which required that to be counted as a specialist the lawyer must spend a minimum of 25 percent of his or her time on a particular field; to be counted active in the field, the respondent only needed to indicate spending 5 to 25 percent of time in a field. See Edward O. Laumann & John P. Heinz, *The Organization of Lawyers' Work: Size, Intensity, and Co-Practice of the Fields of Law*, 1979 A.B.F. Res. J. 217.

7. Furthermore, in his comparative section Podmore excludes Roman Tomasic's work on the New South Wales bar. See, e.g., *Lawyers and the Community* (North Sydney, Austl.: Law Foundation of New South Wales; Hornsby, Austl.: George Allen & Unwin Australia Pty., 1978).

yers' involvement in their extracurricular affairs. They are: that lawyers can make themselves dispensable from the office and easily combine legal and political careers; that lawyers' skills are naturally transferable between law and politics; that the professional socialization of lawyers imposes on them a duty of service to the community; that lawyers have to render themselves visible to their prospective clients; and, finally, that law is a high-status occupation.

From these propositions Podmore derives his hypotheses and tests them on a sample of 128 solicitors in the West Midlands—103 in private practice and 25 in business and statutory bodies (referred to as business solicitors). Only partners were interviewed, his argument for excluding assistant solicitors being that they do not have to attract clients. And no information is provided about ethnic and religious backgrounds. The sample contained only one woman, who refused to be interviewed. Nearly 50 percent of the private practitioners possessed a university degree (Podmore does not say in what discipline) compared with 68 percent of the business solicitors.⁸ The remainder of the respondents qualified through serving articles (apprenticeships) alone.

Within the West Midlands region Podmore selected three areas: central Birmingham, containing the largest firms; medium-sized towns such as Worcester; and small rural towns. Birmingham, I should add, is rapidly acquiring a status similar to that of Chicago: it has become the Second City for researchers studying lawyers. Podmore's is the third study carried out there, following Birmingham University Institute of Judicial Administration's study of Birmingham solicitors and legal services, and Baldwin and McConville's study of jury trials and plea bargaining in the Crown Court.⁹

The size of firms varied from solo practitioners to 18-partner firms. Although Podmore offers no statistics, he found that the firms were largely generalist, with property and conveyancing the most important fields of work. In contrast, there was a large degree of specialization within firms.

Both business and private practice solicitors belong to political parties and community organizations, but private practitioners appear to be more involved in the latter than business solicitors, and they are more convinced than business solicitors that membership in both types of organizations has furthered their careers. Unfortunately, Podmore does not go into detail about which political parties the respondents belong to, nor does he say which community organizations they are involved in, other than to describe them by type. Thus we lose the means of analyzing West Midlands solicitors' networks.¹⁰

8. It should be noted that in England and Wales law is a first degree, and is required for practice at the Bar, but not for practice as a solicitor. In both cases after taking a degree, law or otherwise, a further period of professional instruction is required and is administered and examined by the bar and The Law Society. If no law degree is held, then the secondary stage is extended to take account of that hiatus.

9. See Bridges *et al.*, *supra* note 6; Baldwin & McConville, *supra* note 2.

10. In comparison, Heinz and Laumann did not study the organizations to which lawyers belong, but they have examined lawyers' networks in great detail in their forthcoming book, *Chicago Lawyers: The Professions of the Bar*. Also see John P. Heinz *et al.*, *Diversity, Representation, and Leadership in an Urban Bar: A First Report on a Survey of the Chicago Bar, 1976 A.B.F. Res. J. 717*; and Michael Powell, *Anatomy of a Counter-Bar Association: The Chicago Council of Lawyers, 1979 A.B.F. Res. J. 501*.

Podmore's three major hypotheses are concerned with the relationships between a solicitor's involvement in community and political affairs and whether the solicitor is in private practice or is employed in a business organization, the size of practice, and whether the practice is situated in an urban or rural area.¹¹ In most instances the relationships tested were never very strong. Rather, Podmore prefers to rely upon Claus Moser's distinction between "the *statistical* significance of data and its *substantive* significance" (p. 167) (emphasis in original), which puts the emphasis on the indication of trends where none may exist in the statistical sense. Thus Podmore can say solicitors in practice are more involved in community and professional activities than business solicitors but the relationship is not as strong for political activities. No positive relationship was found between firm size and political activities, except for a bare hint. In professional and political activities large firms were more involved than small ones. And he found that solicitors in medium-sized and small towns were more active in community and (less strongly) in political life than solicitors in central Birmingham.

Podmore's remaining hypotheses concern, *inter alia*, the relationship of different types of practice (e.g., criminal and civil) and the degree of involvement in political and community affairs; the impact of the prestige of the practice; and the effect of legal education on politics and firm size. None of the tests resulted in strong associations, and, indeed, Podmore found it impossible to construct an indicator of prestige or status of a private practice. Again the work of Heinz and Laumann would have, perhaps, assisted in overcoming that obstacle. In sum, Podmore's explanatory propositions outlined earlier do seem to show that solicitors get involved in politics and community affairs, that their legal skills assist them in this, and that their careers and practices also benefit from involvement.

It is a pity Podmore could not have provided more information about the or-

11. To test the hypotheses, Podmore developed a set of indicators (app. III, at 168). For community activities data were collected on number of clubs, organizations, and associations of which a solicitor was a member; number of clubs, etc., in which solicitor was on a committee; whether he was a member of a public board or committee; whether he attends a voluntary law clinic (i.e., gives occasional free legal advice at a local social welfare center, but why, since this is a direct extension of a lawyer's work, did Podmore include it in this list?); the extent to which he believed that participation in community activities had helped his legal career; the extent to which he regarded partners' extramural activities as a source of clients in the practice; and whether he mentioned "getting known and making contacts" as a factor making for successful practice. A general indicator of "involvement in community activities" was derived by combining responses to the first two items above.

The second set of indicators concerned political activities. Each respondent was asked the extent of his interest in politics; whether he was a member of a political party; whether he was a committee member or an officer of a political party; whether he had been a candidate at a general or local election; had been a local councillor; had helped a candidate in a general or local election campaign; and the extent to which he believed that participation in politics had helped his legal career. A general indicator of involvement in political activities was derived by using a Guttman scaling technique with the data from those responses.

The final set of indicators involved professional activities. Each was asked whether he was a member of the national Law Society; member of a local law society; member of other lawyers' associations and groups; committee member of Law Society; member of a local legal aid committee; and frequency of his attendance at national and local law society meetings. A general indicator of professional involvement was created by using a Guttman scaling technique with information from those responses.

ganizations lawyers join. I would have been interested in discovering what role the organizations played in the community and how the lawyer members helped in fulfilling that role. In part, it is a question of method. Podmore chose the survey method and it has produced sets of hard, quantifiable data. But perhaps more could have been achieved if other methods had been employed as well, such as some form of participant observation. When Geoffrey Hazard reviewed four studies of the legal profession in 1965, he noted that the authors brought certain misconceptions with them. Chief among them was one that was summed up thus: "To consider the study of lawyers as the study of one of 'the professions' is to assume that the most distinctive feature of 'lawyers' is that they are lawyers, and this assumes the answer to probably the most interesting questions about 'lawyers.'"¹² No single method can supply a sufficiently wide range of answers for all the questions. And British legal profession research is only beginning to come to terms with these strictures.

David Podmore has written a useful study. It is the first of its kind in England, and Podmore recognizes most of its consequent limitations. He suffered through having to rely overmuch on the American literature, but as a result, he provides some useful comparative insights. In compensation, Podmore offers a final section of necessary pointers for future research upon which I hope he and others will act.

12. Geoffrey C. Hazard, Jr., *Reflections on Four Studies of the Legal Profession*, 12 *Soc. Problems* (Summer Supp.: Law and Society) 46, 50 (1965).