

TRENDS IN PUBLIC ATTITUDES ON THE LEGAL PROFESSION

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On at least three occasions prior to the so-called "Watergate era" lawyers have conducted public opinion surveys in an effort to learn what the public thinks of them. In the states of Missouri in 1960, and North Dakota and Texas in 1970 such surveys have been conducted with strikingly similar results.¹ The Florida survey that is the basis for this article was conducted in the fall of 1975.

In the Florida study, as was the case in each of the three earlier surveys, non-lawyers were quizzed about their attitudes concerning lawyers and lawyers were also asked what they thought the public attitude was toward the legal profession.

The Florida survey consisted of a statewide representative response of 468 out of 2200 laymen selected at random and a statewide representative response of 278 out of 650 lawyers selected at random. Both the laymen and lawyers were asked substantially the same questions.

Public Use of Legal Services

Of the population surveyed 71.8% of the laymen had utilized the services of a Florida attorney within the past five years while 28.2% indicated that they had not used an attorney during the past five years.

The following results were tabulated as to frequency of contact with an attorney during the past five years:

Use of an attorney no times in the last five years	= 28.2%
Use of an attorney one time in the last five years	= 25.8%
Use of an attorney 2 to 5 times in the last five years	= 36.9%
Use of an attorney over 5 times in the last five years	= 9.1%

Satisfaction with Legal Services and General Attitude Toward Lawyers

The public was asked, "Were you satisfied with the service you received the last time a Florida lawyer dealt with a legal problem for you?" The responses were rated on a scale of "completely satisfied" (5) to "not at all satisfied" (1). The results are as follows:

Completely satisfied (5 on the scale)	= 32.2%
4 on the scale	= 16.1%
Average (3 on the scale)	= 29.1%
2 on the scale	= 7.5%
Not at all satisfied (1 on the scale)	= 15.1%

When Florida lawyers were asked "Do you believe that your clients are satisfied with your legal services?", the following responses were given:

Completely satisfied (5 on the scale)	= 44.0%
4 on the scale	= 46.0%
Average (3 on the scale)	= 7.6%
2 on the scale	= 0.0%
Not at all satisfied (1 on the scale)	= 2.3%

From a comparison of the responses of laymen and lawyers, it appears that Florida clients are not as satisfied with the performance of their attorneys as the lawyers think they are. The lawyers have indicated that they believe that 90%

of their clients would place their services in the two categories above the position of average whereas the clients placed only 48.3% of the services on the higher end of the rating scale. Likewise, the attorneys only placed 2.3% of their work in the lower two categories of the scale whereas the clients placed 22.6% of the services in the "less than average" service categories.

In response to a request that laymen check each of the favorable characteristics that they attribute to lawyers, the following results were obtained:

48.2% said "they are helpful"
37.1% said "they are qualified"
31.4% said "they are friendly" (personable)
30.6% said "they are good for the community"
38.5% said "they are intelligent"
14.4% said "they are honest"
15.3% said "they are hard working"

By comparison, the attorneys checked the characteristics they think the public attributes to lawyers as follows:

71.4% said "they are helpful"
84.8% said "they are qualified"
26.2% said "they are friendly" (personable)
36.2% said "they are good for the community"
76.2% said "they are intelligent"
16.7% said "they are honest"
28.5% said "they are hard working"

It appears that the lawyers think that the public sees them as highly qualified, intelligent, and helpful. However, the laymen do not concur as to the magnitude of those observations. Both laymen and attorneys generally agree on the questions of honesty, personality, effort, and community service. Unfortunately, both groups are concurring as to low marks for attorneys in those categories.

When asked to check the unfavorable characteristics of lawyers, the public responded as follows:

42.3% said "their fees are too high"
28.1% said "they are too slow"
23.1% said "they do not keep clients informed"
11.7% said "they are dishonest"
8.4% said "they have no ethics"
4.3% said "they are lazy"
11.2% said "they waste the time of clients"

The attorneys surveyed checked the following points as being criticisms held by the public:

38.7% said "their fees are too high"
18.6% said "they are too slow"
14.2% said "they do not keep their clients informed"
12.4% said "they are dishonest"
3.7% said "they are lazy"
5.6% said "they waste the time of clients"

In ranking lawyers with other community members as to honesty, the public responded with an order of ranking as follows:

1. Ministers
2. Medical Doctors
3. Teachers
4. Bankers
5. Businessmen

6. Lawyers

Lawyers saw the laymen as ranking the groups as to honesty as follows:

1. Ministers
2. Teachers
3. Medical Doctors
4. Lawyers
5. Bankers
6. Businessmen

In ranking lawyers with other community members as to prestige and leadership in the community, the public responded with an order of ranking as follows:

1. Medical Doctors
2. Bankers
3. Businessmen
4. Lawyers
5. Ministers
6. Teachers

Lawyers saw the laymen as ranking the groups as to prestige and leadership in the community as follows:

1. Medical Doctors
2. Lawyers
3. Bankers
4. Ministers
5. Businessmen
6. Teachers

In ranking lawyers with other community members as to interest in helping people, the public responded with an order of ranking as follows:

1. Ministers
2. Teachers
3. Medical Doctors
4. Bankers
5. Businessmen
6. Lawyers

Lawyers saw the laymen as ranking the groups as to interest in helping people as follows:

1. Ministers
2. Teachers
3. Lawyers
4. Medical Doctors
5. Businessmen
6. Bankers

In ranking lawyers with other community members as to interest in making money the public responded with an order of ranking as follows:

1. Businessmen
2. Lawyers
3. Medical Doctors
4. Bankers
5. Teachers
6. Ministers

Lawyers saw the laymen as ranking the groups as to interest in making money as follows:

1. Medical Doctors
2. Bankers
3. Businessmen
4. Lawyers
5. Teachers
6. Ministers

In each of the preceding comparison categories the public held the lawyers in lower esteem than the lawyers perceived the public view as being. Furthermore, the more specific questions of high fees, slowness, informing of clients, honesty, effort and respect for the time of clients all showed the general public giving the attorneys more criticism than the attorneys

perceived the public view as being.

How a Client Chooses a Lawyer

Members of the general public were asked how they would select an attorney if they had never hired one. The responded as follows: 64.2% said "they would inquire around and check the lawyer's character and reputation in the community"

18.4% said "they would go to a lawyer they know"

2.1% said "they would consult several lawyers and then select one"

14.8% said "they would consult the phone book"

.5% said "they would consult the lawyers' referral service"

Lawyers saw the general public as choosing an attorney as follows:

62.3% said "they would inquire around and check the lawyers character and reputation in the community"

21.7% said "they would go to a lawyer they know"

4.2% said "they would consult several lawyers and then select one"

8.6% said "they would consult the phone book"

3.2% said "they would consult the lawyers' referral service"

Both attorneys and clients saw the reputation of a lawyer in the community as being tantamount for lawyer selection. On the other hand, "shopping around" for an attorney and scrutiny of telephone and referral service aid was not labeled as significant intermediaries by attorneys or clients.

Service and Fees

In response to the request of "check all of the legal services for which you required help," the general public responded as follows:

38.2% sought aid for land and/or title work

39.4% sought aid for estate services

24.7% sought aid for family law problems

11.2% sought aid for the recovery of monies

4.8% received service from insurance counsel

4.7% sought income tax counsel

2.4% sought aid in criminal cases

12.6% sought aid in "other" categories

Attorneys were asked to rank in decreasing order the three areas that comprised most of their practice. They responded as follows:

	% Ranked 1st	% Ranked 2nd	% Ranked 3rd
Land &/or title work	26.8	23.6	16.1
Estate services	14.6	20.5	18.2
Divorce services	6.3	12.2	19.7
Suits to recover monies	2.3	8.7	12.6
Insurance counsel	3.9	2.9	4.2
Income tax counsel	7.3	6.4	4.6
Criminal cases	12.2	10.9	14.3
Others	26.6	14.8	10.3

Laymen were asked to rank the propriety of fees they had been charged by Florida lawyers from "very high" to "very low." The results are as follows:

Very high (5 on the scale) = 38.6%

4 on the scale = 26.9%

Reasonable (3 on the scale) = 28.1%

2 on the scale = 6.4%

Very low (1 on the scale) = 0%

Attorney perceived the public concept of fees as follows:

Very high (5 on the scale) = 15.2%

4 on the scale	= 72.5%
Reasonable (3 on the scale)	= 12.3%
2 on the scale	= 0%
Very low (1 on the scale)	= 0%

Publicity and Specialization

The general public and lawyers were asked if the news media had treated lawyers fairly with the following results:

	<u>Public</u>	<u>Lawyers</u>
Treated fairly	72.4%	66.7%
Treated unfairly	27.6%	33.3%

The question of the impact of the so-called "Watergate Affair" on the public attitude toward the honesty and integrity of the legal profession was presented to both laymen and attorneys with the following results:

	<u>Public</u>	<u>Lawyers</u>
A strong impact (5 on the scale)	38.6%	32.5%
4 on the scale	24.2%	17.2%
Mild impact (3 on the scale)	21.3%	41.5%
2 on the scale	11.6%	6.4%
No impact (1 on the scale)	4.3%	2.4%

To the question of whether attorneys should be allowed to advertise their services the following views were expressed by the general public and lawyers:

	<u>Public</u>	<u>Lawyers</u>
Yes	72.4%	24.3%
No	27.6%	75.7%

With specialization of practice becoming a reality, laymen and attorneys were asked whether the general public would prefer specialization to general practice. The following responses were presented:

	<u>Public</u>	<u>Lawyers</u>
Yes	66.4%	60.5%
No	33.6%	39.5%

Conclusions

The most constant theme of the surveys is that lawyers have a higher opinion of what the public thinks of them than the public responses indicate as the view of the layman. Fees are generally considered too high and less than half of the laymen surveyed rated the legal services rendered by their attorneys as being "above average".

If these views could have been labeled as danger signals after the surveys of 1960 and 1970,² the harsher criticism of 1975 calls for the organized Bar and individual attorneys to assume a more active role in making the nature, necessity and cost of legal services clear to the public.

Perhaps the skeptical view of the public has been temporarily intensified by the impact of the "Watergate Syndrome." However, with or without that impact the Bar has a duty to educate the public, make its services readily available, and provide efficient and quality service. Such a mandate is essential for all attorneys who wish to maintain and strengthen the American system of jurisprudence.

Footnotes

¹For a summary of the Missouri, North Dakota and Texas surveys, see John Thomason, "What the Public Thinks of Lawyers," 46 New York State Bar Journal 151-157 (April, 1974).

²Id., Generally, the Florida surveys indicated somewhat greater criticism of lawyers and their services than did the 1960 Missouri survey and the 1970 North Dakota and Texas surveys.