

Appendix A

Solicitor Survey 2010 - Questionnaire

0A	ASK ALL RESPONDENTS What is your job title?	
	Trainee solicitor	Go to C1
	Assistant solicitor	Go to C1
	Senior solicitor	Go to C1
	Associate	Go to C1
	Partner	Go to A1
	Solicitor Advocate	Go to C1
	Solicitor	Go to C1
	Other solicitor	Go to C1
	Other non - solicitor	THANK AND CLOSE INTERVIEW

A. FIRM BACKGROUND (FOR PARTNERS ONLY)

A1 – A11: ASK PARTNERS ONLY, ALL CASE TYPES

A1	ASK PARTNERS ONLY For how long has <u>your firm</u> been carrying out work under legal assistance?	
	under one year	
	1 year up to 3 years	
	over 3 years and up to 5 years	
	over 5 years and up to 10 years	
	over 10 years	
	Don't know/unsure	

A2	ASK PARTNERS ONLY What case types does <u>your firm</u> currently handle?	
	Criminal legal aid	
	-Summary	
	-Solemn	
	-Duty	
	Criminal appeals	
	Don't know	
	Civil legal aid	
	Family cases	
	Non-family cases	
	Other	
	Don't know	
	Children's Legal Aid	
	Legal aid cases	
	Don't know	
	Private	
	Family	
	Commercial	
	Conveyancing	
	Executries	
	Mental Health cases	
	Immigration/Asylum seeker cases	
	Tribunals	
	Other	
	Don't know/unsure	

A3	ASK PARTNERS ONLY Which case type does <u>your firm</u> handle most often under legal assistance?	
	Civil	
	Criminal	
	Children's	
	Equal amount of criminal and civil	Go to A3.5
	Don't know/unsure	

A3.5	ASK ALL RESPONDENTS This survey focuses on either Criminal or Civil assistance. Which type would you prefer to talk about today?	
	Civil	
	Criminal	

A5 ASK PARTNERS ONLY In the last year has your firm's <u>caseload</u> in the following areas increased, decreased or stayed the same?					
	Increased	Stayed the same	Decreased	Don't know	N/A
CRIMINAL RESPONDENTS					
Criminal advice and assistance (A&A)					
Criminal assistance by way of representation (ABWOR)					
Summary criminal legal aid cases					
Summary appeal cases					
Solemn criminal legal aid cases					
CIVIL RESPONDENTS					
Civil advice and assistance (A&A)					
Civil assistance by way of representation (ABWOR)					
Civil legal aid cases					
CHILDREN'S RESPONDENTS					
Children's advice and assistance (A&A)					
Children's legal aid cases					

A4	ASK PARTNERS ONLY What percentage of <u>your firm's</u> work is funded privately?	
	None	
	1-25%	
	26-50%	
	51-75%	
	76-100%	
	Don't know/unsure	

A6	ASK PARTNERS ONLY How many solicitors does your firm employ across Scotland?	
	1 - Sole practitioner	GO TO A9
	2-4	GO TO A7
	5-9	GO TO A7
	10>	GO TO A7
	Don't know	GO TO A8

A7	ASK PARTNERS ONLY How many of these solicitors provide work under CIVIL/CRIMINAL/CHILDREN'S legal assistance?	
	1	
	2-4	
	5-9	
	10>	
	Don't know	

A8	ASK PARTNERS ONLY Which solicitor positions does your firm have working on CIVIL/CRIMINAL/CHILDREN'S legal assistance cases?	
	Trainee solicitor	
	Assistant solicitor	
	Senior solicitor	
	Associate	
	Partner	
	Solicitor Advocate	
	Solicitor	
	Other solicitor	
	Don't know	

A9	ASK PARTNERS ONLY How likely is it that your firm will recruit any trainee solicitors within the next year?	
	Most likely	GO TO A10
	Quite likely	GO TO A10
	Unlikely	GO TO A11
	Very unlikely	GO TO A11
	Don't know	GO TO B1

A10	ASK PARTNERS ONLY Will the trainee be expected to provide work under any type of legal assistance and if so which ones?	
		GO TO B1
	Yes	GO TO B1
	o Civil	GO TO B1
	o Criminal	GO TO B1
	o Children's	GO TO B1
	No	GO TO B1
	Maybe	GO TO B1
	Don't know	GO TO B1

A11	ASK PARTNERS ONLY Why is your firm not offering traineeships?	
	We never have	
	Can't afford to	
	Don't have the time to train them	
	Don't have the office space	

	Don't have the facilities	
	No need for a trainee	
	Not been successful in filling past trainee vacancies	
	Employ paralegals to cover	
	Other	
	Don't know	
	Do not wish to disclose	

SECTION B: SUPPLY AT FIRM LEVEL (PARTNERS ONLY)

B1	ASK PARTNERS ONLY. In the last 2 years has your firm expanded the type of legal assistance or private cases it works on in to any of the following areas?	
	Criminal legal aid	
	-Summary	
	-Solemn	
	-Duty	
	Criminal appeals	
	Don't know	
	Civil legal aid	
	Family cases	
	Non-family cases	
	Don't know	
	Children's Legal Aid	
	Legal aid cases	
	Don't know	
	Private	
	Family	
	Commercial	
	Conveyancing	
	Executries	
	Don't know	
	Mental Health cases	
	Immigration/Asylum seeker cases	
	Tribunals	
	Any other not mentioned above	
	No expansion in last 2 years	

If YES anywhere at B1 continue to B2, if NO to all at B1 skip to B3.

B2	ASK PARTNERS ONLY Why has your firm expanded its coverage of these work areas?	

B3	ASK PARTNERS ONLY How likely do you think it is that your firm will still be doing any type of legal assistance work in three years time?	
	Certain to	Skip B4
	Likely to	Skip B4
	Not likely to	
	Certain not to	
	Don't know	Skip B4

B4	ASK PARTNERS ONLY Why does your firm not expect to be providing work under legal assistance in the future?	

B5-B7 ASK PARTNERS WHOSE MAIN FIRM TYPE IS CIVIL

B5	CIVIL PARTNERS ONLY Which of the following statements best describes your firm's current status on accepting new <u>civil</u> legal assistance cases?	
	Accepting all clients who are likely to be eligible for civil legal assistance	
	Only accepting pre-existing clients who are likely to be eligible for civil legal assistance	
	Not accepting any new clients on a civil legal assistance basis but will accept them on a private basis	
	Other	

B6	CIVIL PARTNERS ONLY Since the extension of the rules for eligibility for civil legal aid last year has your firm turned away clients who may have qualified for civil legal assistance?	
	Yes	Go to B7
	No	Go to C1
	Don't know/can't remember	Go to C1

B7	ASK CIVIL PARTNERS ONLY Why did your firm not accept this case/cases?	

C1 – C4 PRACTITIONER BACKGROUND

ALL RESPONDENTS, ALL CASE TYPES

Those that are not partners will go straight here after 0A.

C1	ASK ALL RESPONDENTS For how long have you <u>personally</u> been carrying out work under legal assistance?	
	under 1 year	
	1 year up to 3 years	
	over 3 years and up to 5 years	
	over 5 years and up to 10 years	
	over 10 years	
	Don't know/unsure	

C2	ASK ALL RESPONDENTS What case types do you <u>personally</u> handle under legal assistance?	
	Civil	
	Criminal	
	Children's	

IF ONLY ONE OPTION IS CHOSEN GO STRAIGHT TO D1

ONLY ASK C3 IF THE RESPONDENT SAYS YES TO 2 OR MORE IN C2

C3	ASK ALL RESPONDENTS What case type do you <u>personally</u> handle most often under legal assistance?	
	Civil	Follow civil route – GO TO D1
	Criminal	Follow criminal route – GO TO D1
	Children's	Follow Children's route – GO TO D1
	Children's and civil	Follow civil route – GO TO D1
	Children's and criminal	Follow criminal route – GO TO D1
	Hard to say/equal amount of criminal and civil	GO TO C4

C4	ASK ALL RESPONDENTS You say you do an equal amount of both civil and criminal work. Which type would you prefer to talk about today in the survey?	
	Civil	Follow civil route
	Criminal	Follow criminal route

D. Supply (for all practitioners)

D1 – D2 – All RESPONDENTS, ALL CASE TYPES

D1	ASK ALL RESPONDENTS Which of the following statements applies to the number of <u>CRIMINAL/CIVIL/CHILDREN'S</u> legal assistance solicitors in your local area?	
	Too many	
	About right	
	Too few	
	Don't know	

D2	ASK ALL RESPONDENTS Do you think there is an unmet demand for any of the following areas of work in your local area?	
	Criminal legal aid	
	-Summary	
	-Solemn	
	-Duty	
	Criminal appeals	
	None	
	Don't know	
	Civil legal aid	
	Family cases	
	Non-family cases	
	Other	
	None	
	Don't know	
	Children's Legal Aid	
	Legal aid cases	
	None	
	Don't know	
	Private	
	Family	
	Commercial	
	Conveyancing	
	Executries	
	Mental Health cases	
	Immigration/Asylum seeker cases	
	Tribunals	
	Other	
	No unmet demands	

E. Forms and Processes

E1 – E5: ALL RESPONDENTS, ALL CASE TYPES

E1	ASK ALL RESPONDENTS Do you submit your legal assistance applications to the Legal Aid Board using paper forms or via legal aid online?	
	All via legal aid online	
	Mostly via legal aid online	
	Mostly using paper forms	
	All via paper forms	
	About half and half	
	Do not submit applications	
	Don't know/unsure	

AT E2 ONLY ASK CIVIL OR CRIMINAL SECTION AND CHILDREN'S IF RELEVANT

E2 ASK ALL RESPONDENTS To what extent are you satisfied with the application process you use for each of the following types of legal assistance?						
	Very satisfied	Mostly satisfied	Neutral /no opinion	Mostly dissatisfied	Very dissatisfied	Don't know/ Don't use
CRIMINAL RESPONDENTS						
Criminal Advice and Assistance/ABWOR Summary						
Solemn Post certificate applications (sanctions)						
CIVIL RESPONDENTS						
Civil advice and assistance/ABWOR						
Civil legal aid						
Special urgency Sanction						
For those that also do Children's:						
Application to the court for Children's legal aid						
Application to the board for appeal proceedings						
Sanction						

E3	ASK ALL RESPONDENTS For all those elements above that you are not satisfied with, please state why?	
	Forms are too time consuming to complete	
	Too many unnecessary questions to answer	
	Form is too complex	
	Turnaround time is too long	
	Difficult to get through to the right person at the Board to talk to.	
	Other	

AT E4 ONLY ASK CIVIL OR CRIMINAL SECTION

E4 ASK ALL RESPONDENTS						
To what extent are you satisfied with the accounts process for each of the following types of CRIMINAL/CIVIL legal assistance?						
	Very satisfied	Mostly satisfied	Neutral /no opinion	Mostly dissatisfied	Very dissatisfied	Don't know/Do n't use
CRIMINAL RESPONDENTS						
Criminal Advice and Assistance/ABWOR						
Criminal legal aid Solemn						
CIVIL RESPONDENTS						
Civil advice and assistance/ABWOR						
Civil legal aid						

E5	ASK ALL RESPONDENTS
	For all those elements above that you are not satisfied with, please state why? MULTICODE, NO PROMPT UNLESS REQUIRED
	Too time consuming
	Too many unnecessary questions
	Form is too complex
	Turnaround time is too long
	Difficult to get through to the right person at the Board to talk to.
	Other

E6 – E8: CIVIL RESPONDENTS ONLY, ALL POSITIONS

E6 ALL CIVIL RESPONDENTS						
The Board has made changes to some of its civil forms. How strongly do you agree or disagree with the following statements relating to the changes:						
	Strongly Agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know/ Don't use
Introducing separate forms for family and non family cases has been helpful to me						
The inclusion of a section dealing with special urgency and the mandate has been helpful to me						
The changes made to the stage reporting process have reduced the need for unnecessary form filling						
The introduction of templates for civil sanctions has been helpful						

E7	ALL CIVIL RESPONDENTS
	Do you use the templates that are available in civil legal assistance cases?
	Yes
	No

G3 – G8: ALL RESPONDENTS, ALL CASE TYPES

G3	ASK ALL RESPONDENTS The Board regularly sends Mailshots to solicitors. Do you read these Mailshots?
	Yes, always
	Yes, sometimes
	Very rarely
	No, never
	Other

G4	ASK ALL RESPONDENTS Do you use email and/or the internet in your role?
	Yes, I use both
	I use the internet only
	I use email only
	No, I do not use either internet or email

G5	ASK ALL RESPONDENTS How often do you visit the Board's website?
	At least once a week
	At least once a month
	Once every 3-6 months
	Once every 7-12 months
	Never

G6	ASK ALL RESPONDENTS The Board is developing a new website. Is there anything you would suggest putting on the website that would be particularly useful to you or your clients? WRITE IN

G7	ASK ALL RESPONDENTS Overall, how strongly do you agree that the Board provides you with sufficient guidance on how to submit an application for CRIMINAL/CIVIL legal assistance?
	Strongly agree
	Tend to agree
	Neither agree nor disagree
	Tend to disagree
	Strongly disagree
	Don't know

G8	ASK ALL RESPONDENTS Overall, how strongly do you agree that the Board provides you with sufficient guidance regarding account issues ?
	Strongly agree
	Tend to agree
	Neither agree nor disagree
	Tend to disagree
	Strongly disagree
	Don't know

G9 – G11: CIVIL RESPONDENTS ONLY

G9	ALL CIVIL RESPONDENTS How strongly do you agree that the information and guidance the Board provided on clawback, is sufficient?	
	Strongly agree	
	Tend agree	
	Neither agree nor disagree	
	Tend to disagree	
	Strongly disagree	
	Don't know	

G10	ALL CIVIL RESPONDENTS Have any of your clients come to you to seek advice because they are an opponent in a civil legal aid application?	
	Yes	
	No	
	Don't know	

G11	ALL CIVIL RESPONDENTS Do you think that there is enough guidance for those opposing cases on how and when to make representations to the Board?	
	Yes	
	No	
	Don't know	

G12: ALL RESPONDENTS

G12	ASK ALL RESPONDENTS Are there any areas where you would like additional guidance from the Board or where you would like to see changes in the way the Board communicates with you?	
	None	

H. Summary Justice Reforms CRIMINAL RESPONDENTS ONLY

H1	ALL CRIMINAL RESPONDENTS Since the Reforms are you undertaking more or less criminal legal assistance work?	
	Doing more	
	Doing less	
	No change	
	Don't know/Don't use	
	Too early to say	

H2 – H9 CRIMINAL RESPONDENTS ONLY, ALL POSITIONS

H2	ALL CRIMINAL RESPONDENTS In general, how informative do you find the disclosable summary?	
	Very informative	
	Fairly informative	
	Not very informative	
	Never informative	
	Don't know/don't use	

H3	ALL CRIMINAL RESPONDENTS How helpful do you find the <u>earlier availability</u> of the disclosable summary when initially advising clients on how to proceed?	
	Very helpful	
	Fairly helpful	
	Neither helpful nor unhelpful	
	Fairly unhelpful	
	Very unhelpful	
	It depends on the nature of the alleged offence	
	I haven't received it any earlier	
	Don't know/don't use	

H4	ALL CRIMINAL RESPONDENTS Would you find it helpful if the Board obtained electronic copies of previous convictions and disclosable summaries direct from the Crown?	
	Yes	
	No	
	Wouldn't make a difference	
	Don't know	

H5	ALL CRIMINAL RESPONDENTS To what extent do you agree that following the Summary Justice Reforms it is now easier to discuss a potential plea with the Procurator Fiscal <u>prior to the pleading diet</u> ?	
	Strongly agree	
	Tend to agree	
	Neither agree nor disagree	
	Tend to disagree	
	Strongly disagree	
	Haven't tried/don't know	

H6	ALL CRIMINAL RESPONDENTS Why do you say that?	

H7	ALL CRIMINAL RESPONDENTS To what extent do you agree that it has become easier to discuss a potential plea with a Procurator Fiscal <u>at all other stages of a case</u> ?	
	Strongly agree	
	Tend to agree	
	Neither agree nor disagree	
	Tend to disagree	
	Strongly disagree	
	Haven't tried/don't know	

H8	ALL CRIMINAL RESPONDENTS Do you think that allowing appointed solicitors to grant criminal ABWOR in custody cases has succeeded in helping to bring about the earlier resolution of cases?	
	Yes	
	No	
	Don't know	
	Too early to say	

H9	ALL CRIMINAL RESPONDENTS What changes, if any, would you like to see made to the appointed solicitor arrangements?	

H10	ALL CRIMINAL RESPONDENTS Do you think the changes in remuneration, introduced as part of the changes to Summary Criminal Legal Assistance, are assisting in the earlier resolution of cases?	
	Yes	
	No	
	Don't know	
	Too early to say	

H11	ALL CRIMINAL RESPONDENTS In your opinion is Summary Criminal Legal Assistance work now more profitable than it was before the reforms?	
	Yes	
	No	
	Not noticed any difference	
	Don't know	
	Too early to say	

H12	ALL CRIMINAL RESPONDENTS Have the changes in criminal legal assistance fees impacted on services delivered to clients?	
	Yes	Go to H13
	No	Go to H14
	Don't know	Go to H14
	Too early to say	Go to H14

H13	ALL CRIMINAL RESPONDENTS How have the changes impacted?	

H14	ALL CRIMINAL RESPONDENTS Do you think that the Summary Justice Reforms are on course to achieving a fairer justice system for all?	
	Yes	
	No	
	Don't know	
	Too early to say	

H15	ALL CRIMINAL RESPONDENTS Are there any areas of the Summary Justice Reforms that you have particular concerns about and if so, why?	

I. Communication of the Reforms

THIS SECTION FOR CRIMINAL RESPONDENTS ONLY, ALL POSITIONS

I1	ALL CRIMINAL RESPONDENTS In 2008 the Board held a number of roadshows designed to inform solicitors about the changes to legal assistance as a result of the Summary Justice Reforms. Did you attend any of the roadshows?	
	Yes	Go to I2
	No	Go to I3
	Unsure/Can't remember	Go to I4

I2	ALL CRIMINAL RESPONDENTS Did you find the roadshow useful?	
	Yes	GO TO I4
	No	GO TO I4
	Can not remember	GO TO I4

I3	ALL CRIMINAL RESPONDENTS Why did you not attend a roadshow?	
	Someone else from the firm attended and passed on the information	
	Location was not convenient	
	Time was not convenient	
	Didn't know about it	
	Did not think it would be useful	
	Didn't have the time	
	Received information through other means	
	Other	
	Don't know/can't remember	

I4	ALL CRIMINAL RESPONDENTS Overall, how well informed did you feel about the changes being made to legal assistance as a result of the Summary Justice Reforms?	
	Very well informed	
	Reasonably well informed	
	Not very well informed	
	I received no information	
	Not applicable	

I5	ALL CRIMINAL RESPONDENTS Is there any way the communication of the changes to legal assistance as a result of Summary Justice Reforms could have been improved?	

J. Civil Simplification Roadshows

WHOLE SECTION FOR CIVIL RESPONDENTS ONLY, ALL POSITIONS

J1	ALL CIVIL RESPONDENTS Are you aware of the Scottish Legal Aid Board's Simplification Programme?	
	Yes	
	No	
	Unsure	

J2	ALL CIVIL RESPONDENTS In 2009 the Board held a number of roadshows designed to inform solicitors about the changes happening as a result of Simplification. Did you attend any of the roadshows?	
	Yes	Go to J3
	No	Go to J4
	Don't know/Can't remember	Go to J5

J3	ALL CIVIL RESPONDENTS Did you find the roadshow useful?	
	Yes	GO TO J5
	No	GO TO J5
	Can not remember	GO TO J5

J4	ALL CIVIL RESPONDENTS Why did you not attend a roadshow?	
	Someone else from the firm attended and passed on the information	
	Location was not convenient	
	Time was not convenient	
	Didn't know about it	
	Did not think it would be useful	
	Didn't have the time	
	Received information on the subject through other means	
	Other	
	Don't know/can't remember	

J5	ALL CIVIL RESPONDENTS Overall, do you think the Board kept you well informed about the changes being made to the civil legal assistance application forms and processes?	
	Very well informed	
	Reasonably well informed	
	Not very well informed	
	Very poorly informed	

J6	ALL CIVIL RESPONDENTS Is there any way the communication of the changes could have been improved?	

K Civil Quality Assurance Scheme

WHOLE SECTION FOR CIVIL RESPONDENTS ONLY, ALL POSITIONS

K1	ALL CIVIL RESPONDENTS Has your work been subject to a peer review as part of the Civil Quality Assurance Scheme?	
	Yes	
	No	
	Don't know/unsure	

Please tell me how strongly you agree or disagree with the following statements:

K2 ALL CIVIL RESPONDENTS	Strongly Agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't use
I feel knowledgeable about the civil quality assurance scheme						
I am mostly satisfied with the civil quality assurance scheme						
The civil quality assurance scheme is an effective means of ensuring the quality of the work conducted by a firm						

K3	ALL CIVIL RESPONDENTS For all those elements above that you are not satisfied with, please state why?

L. Closing

ALL RESPONDENTS

L1	ASK ALL RESPONDENTS How strongly do you agree or disagree that the Scottish Legal Aid Board is helpful in supporting you to provide work under legal assistance?
	Strongly agree
	Tend to agree
	Neither agree nor disagree
	Tend to disagree
	Strongly disagree
	Don't know/no opinion

L2	ASK ALL RESPONDENTS Do you have any suggestions on how to improve the way the legal aid scheme operates?
	No

M Equalities

M1	respondent is...
	Male
	Female

M2	ASK ALL RESPONDENTS Which age category are you in?
	18-24
	25-34
	35-44
	45-54
	55 or above
	Prefer not to say

M3	ASK ALL RESPONDENTS What is your ethnic group?
	A. WHITE
	Scottish
	English
	Welsh
	Northern Irish
	British
	Irish
	Gypsy/Traveller
	Polish
	Any other white ethnic group (please specify below) -----
	B. MIXED OR MULTIPLE ETHNIC GROUPS
	Any mixed or multiple ethnic groups (please specify below)

	C. ASIAN, ASIAN SCOTTISH OR ASIAN BRITISH	
	Pakistani, Pakistani Scottish or Pakistani British	
	Indian, Indian Scottish or Indian British	
	Bangladeshi, Bangladeshi Scottish or Bangladeshi British	
	Chinese, Chinese Scottish or Chinese British	
	Other (please specify below) -----	
	D. AFRICAN, CARIBBEAN OR BLACK	
	African, African Scottish or African British	
	Caribbean, Caribbean Scottish, or Caribbean British	
	Black, Black Scottish or Black British	
	Other (please specify below) -----	
	E. OTHER ETHNIC GROUP	
	Arab	
	Other (please specify below) -----	
	Prefer not to say	

M4	ASK ALL RESPONDENTS Do you consider yourself to have a disability? The Disability Discrimination Act sets out the circumstances in which a person is considered "disabled". It says you are disabled if you have: <ul style="list-style-type: none"> • a mental or physical impairment • this has an adverse effect on your ability to carry out normal day-to-day activities • the adverse effect is substantial -the adverse effect is long-term (meaning it has lasted for 12 months, or is likely to last for more than 12 months or for the rest of your life). 	
	Yes	Go to M5
	No	Thank and close
	Prefer not to say	Thank and close

M5	ALL RESPONDENTS How would you describe your disability?	
	Hearing impairment	
	Visual impairment (not corrected by spectacles or contact lenses)	
	Speech impairment	
	Physical co-ordination difficulties (includes problems of manual dexterity and of muscular control e.g. incontinence, epilepsy)	
	Reduced physical capacity (includes debilitating pain and lack of strength, breath, energy or stamina e.g. from asthma, angina or diabetes)	
	Severe disfigurement	
	Learning Disabilities	
	Mental illness	
	Other (please tell us about this)	
	Prefer not to say	

Thank and Close.