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The papers published here are largely in the form that they were presented in September 2007. ●

Professor David Sugarman

Director, Centre for Law and Society Lancaster University Law School

Lawyers and legal services in North West England

by David Sugarman

The diversity and fragmentation that tends to characterise contemporary legal practice is demonstrated within the North West.

One of the factors that makes the North West distinctive is its geographical, cultural and economic diversity and the way this is reflected in the character of its legal services. The North West is the second largest legal centre in the UK, with around 1800 legal service companies in the region. But such figures conceal a legal services industry and market that is highly fragmented, segmented, variegated and multi-layered.

The north of the region is largely rural, and characterised by some of the smallest legal practices and voluntary legal advice centres in England and Wales (Cf K Economides and M Blacksell (1987). "Access to Justice in Rural Britain: Final Report," *Anglo-American Law Review* 16). Current Law Society statistics show that of the 1133 firms of solicitors in the North West – defined as covering Cumbria, Lancashire, Cheshire, Manchester and Merseyside – 38.9 per cent are solo practitioners and another 44 per cent have fewer than five partners.

At the southern end of the region, two large urban conurbations centred on the cities of Manchester and

Liverpool are dominant. In terms of ethnicity, cities like Manchester and Liverpool, and towns such as Blackburn, are amongst the most diverse in Europe. And it is Manchester and Liverpool, along with Preston, that have seen the largest increase in the number, size and turnover of legal practices – sustained in part by mergers with niche firms, diversification and creating new departments. These firms may not have the muscle to take over and form partnerships in other countries in the way that London's magic circle firms are able to, but the larger regional firms undertake substantial domestic deals for PLC's.

As Manchester and Liverpool have attracted an increasing number of high-value clients, so the business end of the legal profession has generally flourished within and beyond the large conurbations. This would be true of firms such as DWF, Irwin Mitchell and Pannone's – all of which were represented at the September 2007 conference. Notable innovation includes the efforts of the Manchester based Co-operative Insurance to develop a quality legal advice and assistance business with an outreach that extends beyond the usual private client base. Moreover local and regional legal practices have proved themselves adept at developing and responding to the volume services market

– including conveyancing, wills etc – sometimes through the medium of a bank or a building society.

The North West legal services industry has undoubtedly benefited from a flurry of major regeneration projects, notably in Manchester and Liverpool, and from the growth of airports at Manchester, Liverpool and Blackpool all generating work for developers, planners and lawyers – despite a problematic transportation infrastructure. Public regeneration strategy has in crucial respects been taken forward by the North West Development Agency, also represented at the conference. The lucrative real estate market and the expansion of the private client market have also fuelled the growth of law firms in the region.

Things look rather different, however, in those practices that have depended on legal aid and allied state-funded work. These concerns have experienced especially turbulent times. In some cases, profitability and partnerships have been pruned, and pressure to refocus firm strategy has mounted. Many experienced practitioners are ceasing to represent legal-aid clients. Legal-aid work is increasingly undertaken by junior, or, new or less experienced practitioners – indicative of the so-called “juniorisation” of legal aid work.

The law centre sector in the North West is, despite considerable problems of funding, busy and flourishing – with housing, employment and welfare benefits often the biggest areas of work. Law centres, like that in Bury, have become nationally recognised leaders in the field. Innovation in developing and sustaining legal services outreach reaching the people that other legal advisors cannot reach is evident on several fronts. For example, the Community Law Centre in Carlisle developed a National Lottery Award Winning mobile legal office and a Cumbria Law Bus service to reach people in rural areas. And the North West is the first region outside London to attract a LawWorks regional office. LawWorks, the UK’s main *pro bono* body, works to increase *pro bono* opportunities in local law firms, in-house legal teams, the voluntary sector and local authorities. It is very pleasing that representatives from both the Community Law Centre in Carlisle and LawWorks North West attended the September 2007 conference.

RELATIONSHIP WITH LONDON

The relationship with London continues to be problematic. Some work gravitates to the North West because of the lower fees charged by local practitioners – typically about two-thirds of the London rates. On the other hand, London is the financial capital of the world, and the home of international business lawyering and PLC London. It has been widely noted that the North West-based law firm, Cobbetts, which formerly argued that it could be a national player with no London practice, recently opened a corporate finance office in London. As one partner explained:

“You cannot be taken seriously at the level of corporate work we do unless you have a major presence in the City.

International clients look for a presence in the capital city and see it as a sign of a successful and established firm that has the capabilities to deal with a wide range of issues”

(“Cobbetts set to launch London corporate practice”. The Lawyer, February 19, 2007).

Others, however, speak of a productive division of labour between the region and London – one that sustains rather than threatens the development of law firms in the North West.

While the larger law firms and barristers’ chambers tend to assert that they have built up strong and varied portfolios of business, and are therefore better equipped than in the past to survive tough market conditions, sceptics claim that in some cases soaring profits stem just as much from unsustainable cost-cutting and rising charges to clients.

Despite the generally healthy state of the legal profession in the North West, many lawyers I have interviewed are apprehensive about the future. There is increasing aggregation, as people jostle for position in the market. There is a fear that consolidation may lead to casualties as fewer senior people are required.

CONTRADICTIONARY REPUTATION

It is hardly surprising that this highly diverse industry and market has spawned a contradictory reputation – at least beyond the region. The region has produced many an “eminent practitioner” – building respectability for themselves and their professions (See Michael Miles, “Eminent practitioners: the new visage of country attorneys c. 1750 – 1800,” in *Law, Economy and Society, 1750-1914: Essays in the History of English Law*, G R Rubin and D Sugarman, Eds, Abingdon, Professional Books, 1984, 470-503). It might be recalled that the lawyer, Bryan Holme, who played a leading role in the establishment of the Law Society, and whose portrait has place of honour in the Law Society’s Hall, was born just a couple of miles north of Lancaster, and worked in Lancaster before moving to London (David Sugarman, *A Brief History of the Law Society* (London: The Law Society, 1995) and “Bourgeois Collectivism, Professional Power and the Boundaries of the State: The Private and Public Life of the Law Society, 1825-1914.” *International Journal of the Legal Profession* 3: (1996) 81-135).

The region has also produced great legal entrepreneurs and innovators. Nonetheless, controversy surrounds some aspects of both past and present legal work in the region, as P H Williams recounts in *A Gentleman’s Calling – the Liverpool Attorney-at-Law* (Liverpool, Incorporated Law Society of Liverpool, 1980). “Mr Loophole”, for example, is indicative of a wider regional tendency – namely, that what London might not do is done in the North West. Under this optic, the North West is the Wild West of legal services (see “Meet Mr Loophole: Britain’s most

controversial lawyer opens up," *The Independent*, February 19, 2008).

It is hardly surprising that the region that nurtured Alfred Wainwright and Tony Wilson, Sir Stanley Mathews and John Lennon, should also exhibit a wide-ranging variety in its legal services and legal services market.

Indeed, what I think is clear is that there is no such thing as a typical law firm or barristers' chamber in the North West. The divisions between local and regional players, private client and corporate work have given way to much finer distinctions. There has been a trend towards a more occupationally diverse and functionally specialised profession – identified by segmentation, fragmentation, specialisation, corporatization and commodification of legal practice, legal culture and legal institutions. The process whereby clients have become customers, and advice and assistance have been redefined as products, is all consistent with this process.

BRITAIN'S SELF-IMAGE

At an Anglo-French Summit in London, Britain's then Prime Minister, Tony Blair, was at pains to stress that, like a commercial company, Britain needs to recreate its image. He and his advisors were quite explicit about dismantling that image of Britain beloved by his predecessor, John Major: an image of bowler hats and pin stripe trousers, warm beer, cricket and afternoon tea. It was emphasised that these images were misleading. Instead, Mr Blair was concerned to put forward the modern face of the country. The venue of the summit was moved away from the dusty Victorian armchairs of Whitehall to the London equivalent of *Paris's La Défense*, Canary Wharf, with its huge post-modern skyscrapers. Participants sat on designer chairs and fed on designer food. As the headline in an article on November 9, 1997 by Patrice de Beer in *The Observer* put it: "Blair dances chic to chic with the French".

The re-branding of Britain in order to symbolise a more dynamic, open and forward-looking nation highlights the multi-dimensional, socially-constructed character of national identity and the nation state. It also illustrates the important role played by symbols, invented traditions and history in the manufacture of common identity and community (see further David Sugarman, "Legal History, the Common Law and 'Englishness'", in: *Legal History in Change*, K Modeer, Lund, Tryck: Bloms i Lund AB, 2002, 213-26 and "Images of Law. Legal Buildings, 'Englishness' and the Reproduction of Power", in R Schulze (ed), *Rechtssymbolik und Wertevermittlung*. (Berlin: Duncker & Humblot, 2004) 194-225).

The attempt to modernise Britain's self-image, initiated by Margaret Thatcher and continued by Tony Blair, is accompanied by significant changes to English legal institutions and practices. Just as we are witnessing the belated de-Victorianisation and de-traditionalisation of the British state to keep it in step with the progressive de-Victorianisation of the British nation, so we are also witnessing the construction of a post-Victorian legal system. More rational, cosmopolitan, outward-looking and transparent than of old, a system that aspires to offer appropriate procedures at reasonable cost and speed, is understandable to those who use it and is designed to meet the needs of those who use the law (see further Lord Woolf, *Access to Justice: Final Report*, London: HMSO, 1996; A A S Zuckerman, and R Cranston, eds, *Reform of Civil Procedure: Essays on "Access to Justice"*, Oxford: Oxford University Press, 1996.

What more appropriate place to embody the new values of the common law than in Manchester's new and spectacular Civil Justice Centre – the biggest court complex to be built in the UK since the Royal Courts of Justice in London 1868-82? The centre enjoys the largest glass wall in Europe: emblematic of transparency, openness and accessibility. Its cladding comes from Germany, the concrete is from France and the glass was made in Japan – indicative of our more global society rather than English insularity and isolationism. Moreover, its space is neither intimidating nor arcane. As the headline of an article by Stephen Bayley on October 21, 2007 in *The Observer* commented: "What a perfect place to get divorced."

Some at least in the North West hope that the Civil Justice Centre, and the 21st legal culture it reflects, will foster a closer interplay between legal services, and social justice in contemporary society (see further Hazel Genn, *Paths to Justice. What People Do and Think about Going to Law*, Oxford: Hart, 1999; Pascoe Pleasence and Alexy Buck, Nigel Balmer, Aoife O'Grady, Hazel Genn, Marisol Smith, *Causes of Action: Civil Law and Social Justice*, London: Legal Services Commission, 2004). The essays in this special feature are a small but necessary step towards achieving this worthy objective. ☺

Professor David Sugarman

Director, Centre for Law and Society, Lancaster University Law School