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Two Essays on the Relationship Between Actors' Field Position, Meaning Construction and Action During Transformational Field Change: The Case of Market-Based Reforms in English Legal Services

DISSERTATION

submitted in partial satisfaction of the requirements
for the degree of

DOCTOR OF PHILOSOPHY

in Management

by

Harsh Kumar Jha

Dissertation Committee:
Professor Gerardo Okhuysen, Co-Chair
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2017

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DEDICATION

I dedicate this dissertation to my family, various teachers and many friends. First of all, to my loving wife, Rebecca Tuck, for her unwavering support and patience through six years of grueling schedule; and to our children, Mithila and Rohan, for being the little bundles of happiness during this process. Without you this dissertation would have been a joyless journey.

To my parents, Mihir and Girija Jha, for supporting my decision to embark on an academic journey and let go of a well-set corporate career; and my brother, Vivek Kumar Jha, for being a constant support for the family in India. Further, special thanks to my father, Mihir Kumar Jha, and uncle, Dr. Rakesh Kumar Jha, for leaving all the history and political science books from their respective university years in various open cupboards in our house. Those books provided the initial academic sparks, which finally culminated in this dissertation, though decades later.

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ABSTRACT OF THE DISSERTATION

Two Essays on the Relationship Between Actors' Field Position, Meaning Construction and Action During Transformational Field Change: The Case of Market-Based Reforms in English Legal Services

By

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Doctor of Philosophy in Management
University of California, Irvine, 2017

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The relationship between actors' field position, meaning construction and action during change is one of the central questions in literature. In my dissertation I examine these relationships in the context of recent market based reforms in English legal services, which led to the enactment of Legal Services Act (LSA) 2007 in England & Wales. I bring together Bourdieu's and Fligstein & McAdam's sociological theories of fields in a novel way to conceptualize actors' field position and categorize four types of legal professional actors – barristers, small law firms, corporate law firms and in-house lawyers – in four distinct field positions, based on their centrality within the legal services field (central or peripheral) and membership of the overlapping client field (public or corporate clients).

In essay 1, I analyze actors' sensemaking of change (through content analysis of legal trade media coverage) and organizational action (based on patterns of formal responses to various regulatory commissions – individual organizations versus associations). My analysis suggests that actors' field position both (1) independently influences sensemaking and actions; and (2) mediates the influence of sensemaking on actions. In essay 2, I undertake frame analysis

of responses submitted by professional actors to various regulatory commissions to examine how frames and framing strategies adopted by actors evolve over time. My analysis suggests that the shifts in frames and framing strategies adopted by actors during contested change are influenced by actors' field position (which influences actors' choice of meta-frames) and perceived threats to interests (which influences the diversity of frames adopted and shifts in framing strategies).

Overall, this dissertation contributes to our understanding of actors' cognition and discursive strategies; specifically, how these processes may be related to actors' contextual embeddedness (field position). Essay 1 examines various mechanisms through which actors' field position, sensemaking and action may be related, and in doing so advances our current understanding of the relationships between actors' context, cognition, and actions. Essay 2 extends our understanding of framing processes by drawing attention to the fact that use of frames and framing strategies by actors is only partially agentic; and actors' frames and framing strategies are influenced by their respective field positions and perceived threats to their interests. This dissertation also makes an overall contribution to the literature on organizational fields, by suggesting that analysis of fields may require a richer specification of actors' position; instead of unidimensional categorizations, such as incumbent or challenger.

CHAPTER 1: INTRODUCTION

How actors construct meaning and act during change is a central question in both management and strategy literatures. The ambiguity and uncertainty actors face during change makes meaning construction a salient issue, as actors must both actively interpret a highly ambiguous situation and, simultaneously, share their respective interpretations with others. Meaning construction during change has been analyzed from various perspectives, to examine (1) how actors make sense of or interpret change (e.g. Maitlis & Christianson, 2014; Sonenshien, 2010; Gioia & Thomas, 1996; Isabella, 1990); and (2) how actors —use discourses agentically, through sensegiving and framing, to achieve their goals (e.g. Gurses & Ozcan, 2015; Fiss & Zajac, 2006; Suddaby & Greenwood, 2005; Benford & Snow, 2000; Gioia & Chttipeddi, 1996). However, despite a plethora of research on meaning construction in various literatures, two important relationships remain under-examined. First, the relationship between actors' meaning construction and actions, and, second, between actors' context and meaning construction. To explore these important gaps in current literature, in my dissertation I examine the influence of (1) actors' field position and sensemaking of change on actions, and (2) actors' field position on frames and framing strategies used by actors during change.

Episodes of field level changes have traditionally been the context of choice to study actors' discourses and actions (e.g. Litrico & David, 2017; Hardy & Maguire, 2010; Hoffman, 1999). Field change provides a particularly rich context for analyzing actors' discourses and actions, as during periods of change the traditional meaning systems underlying a field are constantly challenged and actors engage in active discursive contests to maintain or improve their positions within the field (Fligstein, 2013; Fligstein & McAdam, 2012; Fligstein, 1996). However, prior literature, especially within the institutional entrepreneurship and social

movements traditions, has tended to either examine nascent fields or emphasize the actions of one set of focal actors, typically activists trying to change the field. This has led to an overemphasis on a highly agentic, almost decontextualized, conceptualization of an actor, while ignoring the influence of the actor's context on both discourses and actions (Lockett, Currie, Finn, Martin & Waring, 2014; Aldrich, 2011 & 2010). One of the ways of guarding against these limitations is to study changes in mature fields, with historically established hierarchies of actors representing varying levels of embeddedness of various actors in the field. Analyzing such contexts allows us to examine the influence of the field context, as it is well established; to explicate the role of power, central to all hierarchies; and to be attentive to various shifts in discourses and actions (e.g. Wright & Zammuto, 2013; Greenwood & Suddaby, 2006; Suddaby & Greenwood, 2005; Creed, Langstrat & Scully, 2002). Accordingly, I explore my research questions in the context of market-based reforms in the English legal services field, historically one of the most well-established professional fields.

In October 2007, the British Parliament enacted the Legal Services Act (hereafter LSA 2007) for England and Wales. This law was transformational in many ways as it allowed, for the first time in the long history of English legal services, non-lawyers and non-legal entities to provide legal services and to own law firms. The provision of Alternative Business Structures (ABS) allowed non-lawyers to take up professional, management and ownership roles. For instance, the ABS provision allowed a chartered surveyor firm to merge with a law firm, or a private equity fund to invest and hold stocks in a law firm. Furthermore, LSA 2007 also undermined one of the fundamental assumptions of a profession: professional self-regulation. The law separated the representative and consumer complaints functions of the professional associations, resting all complaint redress functions with a new non-professional body – the

Office of Legal Complaints. The legal profession in England presents a case of a highly structured mature field, which has been highly stable; at least since 1846, when the boundaries between solicitors and barristers were settled. This case presents a compelling instance of fundamental transformation in a mature field. It is not surprising that the process leading up to the enactment of LSA 2007 was long drawn out and fraught with contestation between various actors. I specifically analyze the six-year period prior to the enactment of the law, 2001–2006, with particular emphasis on three key events during the regulatory change process: the three consultative commissions formed during this period to interact with all stakeholders and propose suitable reforms. I chose 2001 as the relevant starting point, as in that year the first concrete proposal for potential market-based reforms in the legal services field was made in a report by the Office of Fair Trading, challenging barriers to entry and practice in legal services. The release of the OFT report initiated a chain of key consultative commissions – the DCA Commission of 2002; the Clementi Commission of 2004; and the Joint Parliamentary Commission of 2006 – which led to LSA 2007. These three consultative commissions both presented important sites and triggers for (re)interpretation of change and, simultaneously, engaged in active discursive struggles, as the commissions solicited responses, both written and oral, from all actors.

As I am particularly interested in examining the influence of actors' field position on sensemaking of change and framing, in this dissertation I include four types of legal professional actors who hold different positions in the legal services field: Barristers, Small Law Firms, Corporate Law Firms, and In-House Lawyers.

Lawyers in England have historically been organized in two groups: barristers and solicitors. Barristers have rights of audience at the courts; that is, they alone can represent clients

at court and carry out advocacy work. Solicitors do all the non-advocacy work, including client meetings, case preparation, initial litigation, and briefing the barrister. Small law firms, corporate law firms, and in-house lawyers represent three distinct groups amongst solicitors. Small law firms mostly comprise local law firms, typically with one to five partners, serving individual clients. Corporate law firms are typically based in large cities (mostly in London), serve large corporate clients and state agencies, and have complete control over international legal transactions. In-house lawyers are typically solicitors employed by non-legal entities, mostly large corporate businesses and government agencies.

Building on and integrating Bourdieu's (1977 & 1984) and Fligstein & McAdam's (2012) conceptualizations of fields, I define actors' field position based on two dimensions – centrality within the legal services profession (central versus peripheral) and membership of the overlapping client field (individual versus corporate clients). Barristers are the oldest and traditionally the most dominant actor within the legal services profession. They enjoy high social, economic, and cultural capital; due to their long history, control over the jurisdiction of advocacy, relatively small numbers, and homogeneous identity. Hence, they hold the central position within the legal services field. Barristers also predominantly serve individual clients. They do also represent corporate clients, but a high proportion of barristers, especially non-QC (Queen's Counsel) barristers, depend on individual clients. Accordingly, I assign barristers to the individual client field. Corporate law firms also hold a central position within the legal services profession, as they are the dominant solicitor law firms, who control the most lucrative professional jurisdictions and enjoy substantial influence within the professional body of solicitors (the Law Society). They almost exclusively serve corporate clients.

Small law firms, in contrast to corporate law firms, hold a comparatively peripheral position within the legal services profession, as they specialize in less lucrative jurisdictions (e.g. family law or will writing) and command little influence within the Law Society. They almost exclusively serve individual clients and small local businesses. In-house lawyers present an interesting case of high economic capital, but low influence within the legal profession. They have substantial numbers, are the fastest-growing group amongst solicitors, and make the highest net contribution to the Law Society's funds. However, they are still peripheral within the legal services profession and have little influence, as they are legally proscribed from providing legal advice to any client other than their employer. Hence, they don't have independent practice rights, the most important professional privilege. Therefore, overall, they hold a peripheral position. They are predominantly employed by private corporations.

Based on the prior rationale, I suggest that the four professional actors occupy four distinct, though partially overlapping, field positions: barristers (central-individual); small law firms (peripheral-individual); corporate law firms (central-corporate); and in-house lawyers (peripheral-corporate).

The English legal services field also includes many other types of actors; such as the judiciary, regulatory institutions, legal executives, licensed conveyancers, patent attorneys and trade-mark attorneys, amongst others. However, in this research I only study legal professional actors; that is, barristers and solicitors, and ignore other quasi-legal actors. This allows for more meaningful comparison across professional actors. This dissertation includes two independent papers addressing the two key research questions discussed earlier: the relationship between actors' field position, sensemaking, and actions; and the relationship between actors' field position and frames and framing strategies used during field change.

In essay 1 of this dissertation I broadly address one of the key issues in strategy literature – the relationship between organizational action, cognition, and the context (Gavetti & Rivkin, 2007). While prior literature has extensively explored interpretations of change over time (e.g. Maitlis & Christianson, 2014; Sonenshein, 2010; Barr, 1998; Isabella, 1990), how interpretations may influence actors' actions (e.g. Barr, 1998) and, to a lesser extent, the influence of actors' context, such as capital or industry type (e.g. Lockett et al., 2014; Nadkarni & Barr, 2008), most of the prior work has either tended to concentrate on the managerial or organizational levels or has undertaken cross-industry comparisons. This is problematic as it has tended to ignore diversity within fields and led to a lack of meaningful comparison across actors uniquely embedded within a field, under-specifying the richness of linkages across actors' interpretation of change, unique context and actions. In this paper I examine these relationships by analyzing actors' sensemaking of change over different time periods (through qualitative analysis of trade media coverage of events and issues); organizational actions (individual versus collective responses to the key commissions); and field position. I explore how actors' sensemaking of change and actions (individual versus collective organizational response) unfolds over time; and the relationship between field position, sensemaking and action. Overall, my analysis suggests that several linkages operate across field position, sensemaking, and action, with field position both directly influencing action and mediating the influence of sensemaking on action.

In essay 2 I explore the influence of actors' field position on another important aspect of meaning construction – how actors use discourse to achieve their goals. Analysis of discursive strategies adopted by actors during field change is important because it greatly informs our understanding of how meaning structures underlying fields are renegotiated and how actors draw from various societal discourses to attain legitimacy for their points of view (Fligstein &

McAdam, 2012; Weber & Glyn, 2006; Lounsbury, Hirsch & Ventresca, 2003). Specifically, I use the lens of frame analysis (see Werner & Cornelissen, 2014; Creed, Langstraat & Scully, 2002; Benford & Snow, 2000) to explore various frames and framing strategies adopted by actors during field change. I examine written and oral responses submitted to the three consultative commissions set up to examine market-based reforms in the English legal services industry, to identify various frames and framing strategies used by four sets of professional actors. My analysis is driven by three orientating questions. First, how do frames and framing strategies evolve? Second, what is the relationship between actors' field position and frames and framing strategies adopted? Third, what is the impact of threats to actors' interests on frames and framing strategies adopted? The analysis suggests that actors' field position influences the particular meta-frames that actors access and their specific choice of frames; and that the level of threats to actors' interests influences both the variety of frames used and the framing strategies adopted.

Through these two studies, this dissertation contributes to our understanding of cognition and framing; specifically, how these processes may be related to actors' contextual embeddedness (field position). Paper 1 examines various mechanisms through which actors' field position, sensemaking and action may be related, and in doing so advances our current understanding of the relationships between actors' context, cognition, and actions. Paper 2 extends our understanding of framing processes by drawing attention to the fact that use of frames and framing strategies by actors is only partially agentic: examining how actors' frames and framing strategies are influenced by their respective field positions and perceived threats to their interests. This dissertation also makes an overall contribution to the literature on organizational fields, by suggesting that analysis of fields may require a richer specification of

actors' position; instead of unidimensional categorizations, such as incumbent–challenger, based on capital or status.

Before turning to these papers, Chapter 2 provides a short narrative of the history of the English legal services profession, especially historical trends prior to the time period included in this research, that is, before 2001. Chapter 3 includes essay 1 – *Actors' Field Position, Sensemaking and Action during Transformational Change in an Established Professional Field.* Chapter 4 includes essay 2 – *Issue Framing during Contested Field Change: The Influence of Actor's Field Position and Interests*. As both the papers are written in journal paper format, the unavoidable repetitions, especially in the context and methods sections, are regretted.

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CHAPTER 2: THE ENGLISH LEGAL SERVICES FIELD – A HISTORICAL NARRATIVE

Along with medicine, the legal services profession is probably the oldest and most well-established modern profession in England. The roots of the English legal profession can be traced back to the *Magna Carta*, which led to an explicit, though very narrowly defined, recognition of certain rights and protections accorded to citizens by the crown, and the issue of access to an independent justice system (independent from the crown). This eventually led to the establishment of courts, judiciary and judicial processes during the sixteenth century. By the end of that century the English legal services field was well established, dominated and led by the barristers and populated by a myriad of other actors. Barristers had exclusive rights to represent clients in the common-law courts, and also dominated the judiciary as almost all judges were selected from amongst the barristers.

While the initial barrister-led process of establishment of the legal services field is consistent with the process of establishment of the medical profession as outlined by Friedson (1970), it also differed in important ways. As with the medical profession in the USA, professionalization of legal services in England went hand in hand with creation of educational institutions (inns of courts), qualifications (call to the Bar and apprenticeship) and a professional association (the Bar Council). However, it also differed in some respects. Barristers in the initial stages were predominantly, if not exclusively, drawn from the aristocracy. Thus, they had strong familial and patronage linkages with the aristocratic power structure. This contributed significantly to barristers' control over the legal profession and the ability to create an independent profession, one that would typically be left alone by the state. Even after civil wars during the period of 1642-1651, which led to complete authority of parliament over the crown

and severe curtailing of the power of the aristocracy, the independent status of the legal profession stayed intact. The new parliament made three reform attempts to control the Inns of Court, a key institutional pillar of the legal profession, but all three attempts failed. They failed primarily because of the cohesion of lawyers, due to the collegial spirit engendered by the Inns, which provided the base for a solidarity which withstood all outside pressure. Also, in addition to their linkages with the landed gentry, barristers formed an important section within Parliament. The independent status of the legal profession was fully accepted by Parliament as the legal profession was part of the "balanced constitution", especially affirmed as "little republics", after the Glorious Revolution of 1688. This effectively allowed the legal profession a highly protected and sheltered market status, at least with respect to state intervention. Both the judiciary (mostly drawn from the barristers) and the legislature opposed royal intervention in the legal profession, contributing to an assumption of immunity from state interference.

This stable state of the legal services field persisted throughout the eighteenth and nineteenth centuries, with barristers continuing to be the dominant actors. During this period there was little effort by the state to directly interfere in the legal profession. This is not to suggest that the state didn't enact laws affecting the legal services industry, or that the profession became static. Many laws were enacted which had profound impacts on provision of legal services and the structure of the legal services field over the long term. For instance, the passage of the County Courts Act 1846, which created local courts in each county, was opposed vehemently by the barristers, the dominant occupational group within the legal profession. However, this Act was strongly supported by the landed gentry, who didn't wish to travel to London or other major cities to resolve every legal dispute. An unintended consequence of this

bill, and similar bills, was an increase in legal work; creating greater opportunities for both barristers and solicitors, though more so for the latter.

Economic factors – specifically the growth of mercantile trade and international transactions – constituted another major external source of change in the legal services field during this period. The seventeenth century was also the beginning of the expansion of British colonization in Asia, Africa and North America, and the related expansion of trade. Britain became the center of global mercantilism, the City of London being the key hub, leading to a massive increase in trade- and business-related legal work. This had a profound impact on the actors within legal services field, as solicitors grew both in numbers and resources during this period. As barristers concentrated on keeping their key jurisdiction - monopoly over appearance in courts - intact, solicitors monopolized almost all other legal work relevant to trade and business, including being the intermediary between barristers and clients. Hence, as barristers concentrated on maintaining professional purity by staying away from all jurisdictions involving interaction with clients or administrative work, the numbers, and resources, of solicitors grew exponentially. While this did not lead to erosion of the social status of barristers or their control over a lucrative jurisdiction, solicitors became the second most important actor within the legal services field, with substantial numbers (more than barristers), control of many lucrative practices and a dedicated professional association, the Law Society.

Introduction of universal suffrage in 1928 and the expansion of the welfare state after World War II led both to increased intervention in the legal services field by the state and, conversely, to expansion of the legal services profession. After World War II the British state made extensive efforts to improve access to justice for all sections of the population, predominantly through the expansion of legal aid: a state subsidy for providing legal

representation to those who cannot afford it. On the one hand expansion of legal aid exponentially increased the amount of legal work available to lawyers, but on the other hand it brought about increased state and public scrutiny of the legal services field. Furthermore, this period, especially from the 1970s onwards, also saw increasing dominance of market ideology within the political sphere. The increasing dominance of market ideology in governance also led to increasing scrutiny of the sheltered status of legal services and lack of competition in this market.

The initial push for market-based reforms in the legal services field came from the Conservative Party in 1970s, culminating in the establishment of the Benson Commission in 1976, albeit under a Labour Party government, to assess the whole legal services field. However, the Benson Commission report of 1979 suggested that maintaining the status quo was in the best interests of the public. Furthermore, due to political issues outside the purview of this dissertation, e.g. increasing confrontation with the trade unions, the Conservative government under Margaret Thatcher ignored the issue of reforms to the legal services field for the time being. However, the increased scrutiny did lead over time to the opening up of the highly exclusivist jurisdiction of advocacy to solicitors. Specifically, the Courts and Legal Services Act 1990 ended the monopoly of barristers in representing clients and allowed solicitors to represent clients in the High Court. Having said that, even this legislation simply expanded the domain of action of one occupational group among lawyers (solicitors), at the expense of another (barristers), and did not lead to the entry of external actors. In addition to the state-related factors – expansion of legal aid and governing market ideology – the massive expansion of private corporations during this period also had long-term effects on the structure of the legal services

field. Increased hiring by corporations, to create in-house legal departments, led to a further increase in the number of solicitors.

The gradual dominance of market ideology in governance reached its peak in the 1990s, as both the leading mainstream parties, the Conservatives and the Labour Party, espoused a pro-market ideology, driven by the notions of competition and choice. Unsurprisingly, the process of market-based challenge to the legal services industry and its autonomy also reached its peak in the 1990s. In addition to the enactment of the Courts and Legal Services Act 1990, this period also saw increasing state regulation of legal aid, public media criticism of lawyers, and calls for better regulation of consumer complaints against lawyers, specifically solicitors. This led to increasing pressure on the state, typically driven by consumer protection groups, to better regulate legal services. Under the "New Labour" of Tony Blair in the late 1990s, the calls for market-based reforms in legal services industry reached their zenith. This culminated in the creation of the Office of Fair Trading (OFT) to suggest to government recommendations for increasing choice and competition in industries, especially the ones considered to have high entry barriers. The legal services industry was one of the professional services to be extensively assessed by the OFT.

In 1999 the OFT started a review of professional services, and in 2001 it published a scathing report on legal services. The report suggested that the industry had very high entry barriers and that many of the professional privileges needed to be removed in order to increase choice and competition within legal services. The recommendations also included a complete overhaul of the self-regulation regime of the profession and the separation of its consumer complaints and professional representation functions. These recommendations were transformational as they essentially suggested that some of the key pillars of the legal services

profession – professional control of the practice and organizations, and self-regulation – should be reformed. The OFT report of 2001 – *Competition in Professions* – led to a chain of events culminating in the enactment of the Legal Services Act 2007. LSA 2007 allowed for many of the market-based reforms suggested in the OFT report of 2001, to an extent at least, including removal of entry barriers to non-professionals to practice and ownership, and restriction of professional self-regulation. In this dissertation I specifically analyze the antecedent events and period prior to the enactment of LSA 2007 – from the OFT report of 2001 to LSA 2007.

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CHAPTER 3: ACTORS' FIELD POSITION, SENSEMAKING AND ACTION DURING TRANSFORMATIONAL CHANGE IN AN ESTABLISHED PROFESSIONAL FIELD

ABSTRACT

The relationship between an actor's context, cognition and action is not well understood. To better specify the mechanisms linking these concepts, I undertake a study of sensemaking of change and actions by four different professional actors in the context of market-based reforms in the English legal services industry during the period 2001–2006: barristers, small law firms, corporate law firms and in-house lawyers. Employing qualitative methods, I examine actors' sensemaking through content analysis of legal trade media coverage and organizational action based on the patterns of responses to various regulatory commissions. The findings suggest that several mechanisms may operate simultaneously: field position may both (1) independently influence actors' sensemaking and actions; and (2) mediate the influence of sensemaking on action.

INTRODUCTION

The question of which factors drive organizational action holds a central position in the management literature. Of specific interest is the relationship between organizational action, cognition, and the context (Gavetti & Rivkin, 2007). The prior literature, both within the cognition and sensemaking traditions, has extensively explored how managerial interpretations of issues and events evolve over time (e.g. Maitlis & Christianson, 2014; Sonenshein, 2010; Barr, 1998; Isabella, 1990), how interpretations may affect choice of strategic actions (e.g. Barr, 1998) and the role played by the environment or the context (e.g. Lockett et al., 2014; Nadkarni & Barr, 2008). However, most of the prior literature has either tended to concentrate on the managerial or organizational levels (especially true for sensemaking literature) or looked at cross-industry comparisons. This has led to three issues. First, broadly, there is a paucity of research examining how interpretations, context and actions are related at the field level. Second, such research has tended to assume the homogeneous nature of industries and ignored the diversity of actors within. This is problematic as both interpretations and actions occur within unique contexts within which actors are embedded. Third, there is a narrow definition of what context means, typically focusing on categorizing industries, such as high velocity versus low velocity industries (e.g. Nadkarni & Narayan, 2007; Nadkarni & Barr, 2008).

Overall, these issues have led to an under-specification of the richness of linkages across interpretation, context and action, and the processes underlying therein. In this paper I explore these relationships – between interpretation (sensemaking), context and action – through a case study of market-based reforms of the legal services industry in England, leading to the enactment of the Legal Services Act (LSA) 2007. However, it needs to be acknowledged that the sensemaking literature, following Weick, predominantly treats sensemaking as a retrospective

process and an individual level phenomenon, whereas the cognition literature treats interpretation as a broader concept, allowing for both prospective interpretations and aggregation of interpretations across individuals, at the collective level. Having said that, some recent work within sensemaking tradition has explored prospective sensemaking (e.g. Gephart, Topal & Zhang, 2010) and aggregation of individual sensemaking (e.g. Balogun, Bartunek & Do, 2015). In this paper I have used the terms sensemaking and interpretations interchangeably, and I am using sensemaking as a broad concept, that both aggregates interpretations across individuals and incorporates prospective sensemaking.

Change has long been a context of choice for examining both sensemaking and organizational action, as temporal studies of change allow us to examine evolution of actors' interpretations and changes in organizational actions. These issues become even more salient during unexpected, or at least ambiguous, changes, especially those leading to field transformation. The empirical context of the market-based regulatory reforms in the English legal services industry, leading to enactment of LSA 2007, presents a rich case of transformational field change, marked by ambiguity and contention. It presents one of the few instances of market-based reforms in a stable exemplar profession like legal services, as LSA 2007 removed three key institutional requirements of an exemplar profession, from the perspective of the sociology of professions: entry barriers against non-professionals; professional control of professional service organizations; and professional self-regulation. This allowed non-professionals both to own legal services organizations and to provide legal services.

Prior literature suggests that such transformative changes, preceded by a long period of ambiguity typical of regulatory changes, lead to extensive sensemaking and strategic action. Accordingly, I examine sensemaking and actions undertaken by four types of legal professional

actors – barristers, small law firms, corporate law firms, and in-house lawyers. These four professional actors broadly represent the diversity within the English legal profession and are unique in terms of the context they are embedded in. I operationalize actors' sensemaking and actions by analyzing the key antecedent events during the period 2001–2006, leading to LSA 2007. I operationalize actors' actions through an analysis of how various professional actors responded to the three consultative commissions set up during this period from 2001 to 2006 – whether through individual responses by firms or individuals, or through their associations or special interest groups. I operationalize actors' sensemaking through extensive qualitative analysis of trade media coverage of events and issues related to proposed market-based reforms, focusing especially on actors' interpretations of change.

Overall, I examine how actors' sensemaking (change interpretations), action (individual or collective), and context (field position) are related. I specifically explore how the sensemaking of various types of professional actors unfolds and shifts over time, how that affects the way organizations engage with change, individually or collectively (that is, whether through direct organizational engagement or mediated through the professional association or special interest group), and how actors' unique field positions affect these processes. My analysis provides an integrated view of actors' context, cognition and action. I identify three sensemaking processes – identity sensemaking, schema of change, and problematization of change. My analysis suggests that several mechanisms may operate simultaneously with respect to the relationship between field position, sensemaking, and organizational action. I specifically identify three such mechanisms. First, field position may independently influence sensemaking. Second, field position may independently influence organizational actions. Third, field position may mediate the influence of sensemaking on organizational action, as I find that shifts in actors' schema of

change and problematization of change coincides with changes in organizational action, but the specific changes in action are influenced by field position.

THEORETICAL BACKGROUND

Sensemaking During Change

Sensemaking is one of the key constructs of choice for scholars of field-level change, especially actors' interpretations (see Isabella, 1990; Suddaby & Greenwood, 2005; Nigam & Ocasio, 2010; Navis & Glynn, 2011; Balogun, Bartunek & Do, 2015). An organizational field refers to a community of organizations that share a common meaning system, whose participants interact more frequently and fatefully with each other than with actors outside the field (Scott, 1995). Fields constitute well-recognized areas of institutional life and includes several actors, such as, key suppliers, consumers, government agencies, critical exchange partners, sources of funding, professional and trade associations, and special interest groups (DiMaggio & Powell, 1983). Fields are socially constructed arenas based on shared meaning systems, wherein actors are at least partially aware of other actors and their points of view, interests and positions, and are constantly competing for advantage (Fligstein, 2001 & 2013). However, they are never "permanently settled" and the exact nature of what is at stake, what the resources are, who occupies which position, and what constitutes reasonable action is constantly challenged and negotiated, as actors are constantly trying to interpret cues from the environment and other actors (Fligstein & McAdam, 2011; Fligstein, 2013). Thus, periods of field change are marked by episodes of intense sensemaking and discursive struggles during renegotiation of meaning structures underlying the field (Lounsbury, Ventresca & Hirsch, 2003; Weber & Glyn, 2006).

These discursive struggles become even more evident during periods of transformative change in established fields (Fligstein, 1996 & 2013; Meyer, Gaba & Colwell, 2005), as actors

struggle to reinterpret the changing field and renegotiate order, albeit to their advantage. Fundamental field transformation includes massive changes, such as redrawing of organizational boundaries, emergence of new meaning systems, introduction of new technologies, emergence of new actors, creation of new field level hierarchies and shifts in value chains (Meyer et al., 2005; Greenwood & Suddaby, 2006). The key features of big field level changes in an established field – multiple points of view, interests and positions, discursive struggles; temporality; opposition and co-option; future orientation – map closely with many recurrent themes within sensemaking literature, such as transience, environmental cues, social process and enactment (see Maitlis & Christianson, 2014; Weick, 1995). Therefore sensemaking is an appropriate tool for studying field level changes, though most sensemaking research has tended to focus on individual and organizational levels.

Sensemaking refers to the process through which actors work to understand novel, unexpected, or confusing events (Maitlis & Christianson, 2014). Faced with ambiguous or uncertain situations, actors make sense of what has occurred, or is occurring, by extracting and interpreting cues from their environment, and creating plausible accounts (Weick, 1995; Maitlis, 2005; Weick, Sutcliffe, & Obstfeld, 2005). However, sensemaking goes beyond retrospective interpretation alone and involves active engagement with events and frameworks, leading actors to construct the very situations they attempt to comprehend (Weick et al., 2005) and to prospective meaning construction (Gephart, Topal & Zhang, 2010; Sonsenshien, 2010). Thus sensemaking is a multidimensional construct and has been variously associated with "meaning construction" (Cornelissen, 2012), "conversational and narrative processes" (Brown, 2000), and "retrospective and prospective thinking in order to construct an interpretation of reality" (Sonenshein, 2010). Despite the plethora of definitions associated with sensemaking, there are a

few recurrent themes: transience (temporal processes), environmental cues (critical events), social process (shared and intersubjective meaning construction), and enactment of the environment (action) (Maitlis & Christianson, 2014). At its core sensemaking is a "social" process, one of Weick's (1995) seven key properties, which unfolds "in a social context of other actors" (Weick et al., 2005: 409). As meaning is negotiated, contested, and mutually co-constructed, the social aspect of sensemaking is especially important as it gives salience to the collective dimension of sensemaking, which suggests that actors interpret their environment in and through interactions with each other, constructing accounts that allow them to comprehend the world and act collectively (Maitlis, 2005). This socially constructed nature of sensemaking, along with transience and environmental sensitivity, suggests that sensemaking can be effectively applied to understand meaning construction at the level of the collective, such as in an established field undergoing transformational change, where actors sharing meaning systems are engaged in discursive political struggles and are constantly watching each other.

However, despite such a clear acknowledgement of sensemaking being a social process, most research in the sensemaking tradition has tended to focus on individual and organizational levels. In contrast, comparatively less is known about the sensemaking process, especially how it is triggered and unfolds, at the field level, with multiple actors (Maitlis & Christianson, 2014). At the individual level, prior research has typically examined how sensemaking is triggered by an experience or event that undermines people's ability to do work that is central to their identity (see Maitlis, 2009; Wainright & Turner, 2004). At the organizational level, such research has variously looked at senior and middle managers' sensemaking of change and how it impacts responses (see Balogun et al., 2015; Balogun & Johnson, 2004) and identity sensemaking (Ravasi & Schulz, 2006). Comparatively little work has explored temporal episodes of

sensemaking by collectives at the field level, which is surprising given the acknowledgement of sensemaking being a social process and the existence of multiple interpretive communities in any field. Though some recent work (e.g. Balogun et al., 2015; Sonenshien, 2010) has looked at collective sensemaking within teams, field level temporal studies are still missing (Maitlis & Christianson, 2014).

The little work that exists on field level sensemaking within management literature has typically looked at the emergence of new categories and markets (see Kennedy, 2008), external challenge to core identity in making some events salient (see Hoffman & Ocasio, 2001), and how new identity challenges trigger sensemaking (see Rao, Monin & Durand, 2003). In his study of emerging markets, Kennedy (2008) shows how news stories and press releases published about "not-yet-legitimate" firms enable the construction of a new market category through "market sensemaking". Specifically, he finds that the media constructed the market for computer workstations through the 1980s by discursively connecting early entrants to a small number of other new entrants. This helped audiences to make sense of what these little-known firms did, creating the impression of a "sensible", emerging category. Furthermore, the new firms themselves then continued to enact the category as it was recognized, reducing references made to their rivals in their press releases. Focusing on the issue of identity violation, Hoffman and Ocasio (2001) examined why some events become critical by exploring the impact of a threat to industry image and identity on organizational attention. They found that events attracted more attention when outsiders held the industry accountable and insiders perceived it as a threat to their industry image. Similarly, Rao, Monin, and Durand (2003) show how the emergence of nouvelle cuisine challenged the classical French cuisine, triggering sensemaking in elite chefs

and leading them to disavow their former identity, and reconfigure their roles in ways consistent with the new.

However, even these studies have not explored the temporal shifts in actors' sensemaking, especially how it unfolds over time, with respect to environmental feedback and responses to actions. As big changes in established fields tend to unfold over long periods of time and in multiple steps, analyzing such change requires exploration of temporal unfolding of sensemaking in fields. Two studies which have done so, and are excepted from the prior criticism, are Hoffman (1999) and Nigam & Ocasio (2010). Nigam and Ocasio's (2010) study of President Clinton's health care reforms explores how this event grabbed attention and triggered "environmental sensemaking", a process in which actors made sense not only of a triggering event (the health care reform proposal), but also of the organizational field at large (US hospitals). Their study shows distinct shifts in how field actors talked about the health care sector between the early- and mid-1990s. Prior to Clinton's election, they argued for political reform to address the systemic breakdown of the sector, but afterwards they constructed a narrative in which these problems had largely been addressed by market-driven reforms and the growth of a managed care system. Similarly, Hoffman (1999) presents a detailed temporal analysis of how the sensemaking of the issue of environmentalism oriented challenges by the US chemical industry, and how the interaction between multiple actors (such as industry, government, and NGOs) led to the evolution of the field through the development of corporate environmentalism.

Overall, literature on sensemaking during change has predominantly explored sensemaking at individual and organizational levels, especially the latter during organizational change initiatives. In contrast, field level analyses of temporal sensemaking by collective actors have been few and far between. Furthermore, there is even less work on the contextual aspect

and effects of sensemaking, that is, how actors' sensemaking may be related to subsequent actions and how actors' unique contexts affect both sensemaking and actions. A few prior studies provide partial exceptions to some of these shortcomings (e.g. Lockett, Currie, Finn, Martin & Waring, 2014; Nadkarni & Barr, 2008; Barr, 1998), though the latter two use the broader concept of interpretation, instead of sensemaking. Building on this line of research, in this paper I explore the relationship between actors' sensemaking, action and context over time. In the following two sections I provide a brief theoretical background on these relationships.

Sensemaking and Organizational Action

As fields are hierarchical structures, wherein actors are constantly vying to improve their position (Fligstein & McAdam, 2012), periods of field change are marked both by meaning construction (e.g. sensemaking) and strategic action. However, the outcomes of actors' sensemaking, specifically the relationship with action, is an under-explored area within sensemaking literature specifically, and organizational cognition generally (for exceptions, see Balogun & Johnson, 2005; Nadkarni & Barr, 2008; Barr, 1998). Within the sensemaking tradition, substantial literature has focused on the sensemaking process itself, paying comparatively less attention to the relationship between actors' sensemaking and subsequent actions. Comparatively more attention has been paid to the relationship between interpretations and action within the cognition literature. For instance, Nadkarni & Barr (2008) found that cognitive representations of top management teams influence the speed of response to environmental events. Specifically, speed of response is faster for those events that occur within the sectors on which cognitive representations of the top managers are focused, and is also influenced by beliefs regarding the causal logic linking firm strategy (action) with the environment. Prior work has also found that organizational response is linked to perception of an

event as an opportunity or a threat (e.g. Thomas, Clark & Gioia, 1993) or as having negative consequences (e.g. Barr & Huff, 1997).

In this paper, I am specifically interested in exploring the relationship between actors' sensemaking and how they respond to a regulatory challenge, whether as individual organizations or as collectives. Prior literature on organizational strategy tends to take a firm-centric approach, asking what actions an organization can take when competing with other similar firms in a market setting, such as cost competition or diversification (see Porter, 1991; Rumelt, 1982). While the applicability of organization-centric strategic actions is well established, organizations also extensively undertake collective action, especially during periods of field change. Collective action, for example through trade associations, political action committees, and advocacy groups, is especially relevant in the context of professional services, which are themselves products of historical collective action. Collective action is critical for gaining socio-political legitimacy and resources (King & Soule, 2007; Wijen & Ansari, 2007) and is integral to mobilization in professional services through associations, which represent members' interests and lobby to influence regulatory changes (David, Sine & Haveman, 2012).

Some of the initial work on the sociology of professions clearly showed that the establishment of professional fields, like law and medicine, is not a *sui generis* process, as argued by functionalist scholars, but rather the product of a very purposive political process (see Friedson, 1970; Larson, 1977). Larson (1977: 50) refers to this process of creation and maintenance of professional autonomies as the "professional project", which is "an attempt to translate one order of scarce resources – special knowledge and skills – into another – social and economic rewards. To maintain scarcity implies a tendency to monopoly – monopoly of expertise in market and monopoly of status in systems of stratification". She emphasizes that

social mobility and market control are not straightforward reflections of skills, expertise and ethical standards. Rather they are outcomes of a professional project, a political process which emphasizes coherence and consistency of a particular course of action and continuous negotiations with the social, economic and political elite to achieve autonomy. For instance, Friedson (1970) provides a detailed commentary on the growth of the medical profession and the antecedents and role of the Flexner Commission in that process. While collective sensemaking and sensegiving are integral to constructing a professional project, collective action mediated by a professional association is critical to negotiating with the state (and its bodies) and competing with other claimants.

Due to the unique relationship between the state and professions, as the former guarantees some type of protection from open competition to the latter, professional actors, including various associations and special interest groups, are very sensitive to state actions which may lead to change, and actively participate in regulatory processes to influence the outcomes to their benefit (see Salisbury, Heinz, Laumann & Nelson, 1987). However, an established professional field differs substantially from one in its early stages in terms of internal fragmentation within the profession, special interest groups, and jurisdictional struggles. During the formation phase of a professional project, professionals stress homogenizing and presenting a common exterior (e.g. identity, sphere of action, qualifications etc.) to legitimate their claims, even though incipient internal divisions may very well exist (see Friedson, 1970). However, once a professional project is well established, centrifugal forces driven by technical specialization (Larson, 1977; Abbott, 1981 & 1988), divergence between the sets of clients served by different professional groups (Johnson, 2016), or both factors operating simultaneously (Heinz & Laumann, 1982) may lead to increasing heterogeneity, competition, and even creation of a

hierarchy of "occupations" within a professional field. Hence established professions, despite the assumption of homogeneity, may be highly stratified based on occupation, specializations and customers (Scott, 2005; Leicht & Fennel, 2008).

The review suggests the need for empirical studies which uncover how sensemaking affects organizational action, especially the shift from individual organizational action to more collective organizational action, and vice versa. In this paper I conceptualize two types of organizational actions: firm-centric (engagement by individual organizations) and collective-centric (engagement through associations). Firm-centric action would imply direct engagement with the regulatory change process by the focal professional actors. On the other hand, collective-centric action refers to engagement predominantly through collective organizations, typically through a professional association or special interest group. For example, an occupational group within a professional field may choose to engage with field change as an individual organization (e.g. a law firm) or as a collective occupational group (e.g. an occupational association, such as the City of London Law Society). Building on the prior literature in the sensemaking and cognition fields, I explore the relationship between actors' sensemaking of change and how they predominantly respond to regulatory changes, whether as individual firms or collectives.

Field Position, Sensemaking and Action

In examining any relationship between sensemaking and action, incorporating the role of context is important because context may affect both actors' sensemaking and actions (e.g. see Lockett et al., 2014; Nadkarni & Barr, 2008). When developing schemas about ongoing complex changes, actors do not sensemake in a vacuum (Weber & Glynn, 2006). Prior research suggests that actors' sensemaking may be based on a variety of individual contextual factors, including

positions, histories and backgrounds, and the social context (Dutton & Dukerich, 1991; Gephart, 1993; Weick, 1995; Maitlis, 2005). At the organizational and macro levels, while prior research has tended to examine the impact of sensemaking on context (e.g. Labianca, Gray & Brass, 2000; Maitlis, 2005; Nigam & Ocasio, 2010), comparatively less work has looked at the impact of context on sensemaking. Even when the impact of context on sensemaking has been analyzed, such as the impact of group membership (e.g. Balogun & Johnson, 2004 & 2005), social interactions (e.g. Maitlis, 2005), and position or capital (e.g. Lockett et al., 2014), the focus of analysis has typically been either individual or specific groups within a particular organization. What is specifically lacking is a focus on higher level collectives across established fields. Furthermore, examining context is important because context may also directly affect organizational actions. For instance, much of the literature on firm strategy suggests that industry structure influences the timing and effectiveness of strategic actions (e.g. see Porter, 1985). In the same vein, some research has also suggested that sensemaking, action and context may also have complex multidirectional relationships. For instance, the study by Nadkarni & Barr (2008) suggests that industry structure (velocity) influences the cognitive representations of managers (interpretations), which in turn influences strategic actions (response to events).

Overall, while prior research has examined some of the relationships between sensemaking, action and context, it typically suffers from two gaps. First, such research predominantly looks at individual and organizational levels, and rarely at the macro level. This has led to consideration of some dimensions of the context (e.g. individual positions and backgrounds), but ignorance of others (e.g. field structure). Second, even in industry level studies, context has been conceptualized as an industry level variable (e.g. high versus low velocity industries). While such an approach may be helpful in making cross-industry

comparisons, it treats industries as homogeneous units, ignoring diversity and hierarchy within industries. This is an important issue for established professional fields, which are hierarchical structures with multiple types of actors. Accordingly, drawing from the sociological theories of field and the sociology of professions, in this paper I conceptualize the context of professional actors in two dimensions – position within the legal services field and membership of the overlapping customer field.

As fields are hierarchical structures with multiple actors and competing interests and world views (Fligstein & McAdam, 2012), it is erroneous to assume that sensemaking will unfold in similar ways for all the actors, even in highly established professional fields. The few studies on field structure and sensemaking have explored the influence of position and capital (e.g. Lockett et al., 2014) and status differentials and hierarchies (e.g. Chreim, 2005; Gioia & Thomas, 1996). Building on this line of research, in this paper I draw on field theories and concepts of field position and structure (see Bourdieu, 1977 & 1993; Fligstein & McAdam, 2012) to examine the relationship between actors' structural position in the legal services field, sensemaking of change and action. However, in contrast to Lockett et al. (2014), I go beyond Bourdieu's notion of capital as defining field position. Instead, while acknowledging the importance of capital, borrowing from Fligstein & McAdam (2012) I present field position as a broader concept, wherein, in addition to their structural position (centrality) within the legal services field, actors' overlapping membership of proximate customer fields is also considered for defining their field position.

From Bourdieu's perspective, a field is a hierarchical structure, exemplifying power relationships, where dominant actors impose control on others. Two key features of a field in this view are field position and habitus. Field position is primarily defined by the capital – physical,

economic, social, human and cultural – that actors possess, which represents power wielded by the actor. Thus, dominant actors have large capital resources, hold the central position in a field and are able to create and maintain rules of the game that are favorable to them. Habitus refers to the generating principle that enables actors to apprehend, navigate and act in the social world. Habitus represents the bundle of cognitive and evaluative capacities that make up perceptions, judgments, tastes, and strategies. However, strategies and actions generated by the habitus are not just products of motivations for future goals, but also products of past experiences. Thus, field position and habitus allow for predictability of actions, and consequent field reproduction (Bourdieu, 1984 & 1993; Bourdieu & Wacquant, 1992). Overall, a field represents a system of social positions, represented by actors' control of capital (economic, cultural and social).

While acknowledging the importance of capital, Fligstein & McAdam (2011 & 2012) propose the Strategic Action Fields (SAF) approach, which suggests in contrast to Bourdieu that the internalization of the norms (rules of the game) is never complete, and that contention is constantly bubbling beneath the surface. Thus, while positions are reflective of capital endowments, other factors also matter. From the SAF perspective, one of the key determinants of an actor's field position is the actor's overlapping membership of another field. Fligstein and McAdam (2012) conceive of fields as embedded in complex, multi-dimensional webs of dependencies with other fields. The SAF approach typically explains changes in one field as driven by changes in proximate fields, due to dependencies across fields. However, by bringing actors' membership of multiple fields to the fore, the SAF perspective also presents an important mechanism for explaining the possibility of multiple world views or meaning systems held by actors. Thus, both actors' capital and the meaning systems held may depend on their position not just in the focal field, but also the proximate field. Building on this approach, I define field

position both in terms of capital – central versus peripheral – and membership of a critical proximate field with a relationship of dependency; that is, the client field (individuals versus corporations).

EMPIRICAL CONTEXT

Market-Based Reforms in the English Legal Services Industry

The legal profession is probably the oldest and most established modern profession in England. Lawyers in England have been historically organized in two distinct groups: barristers and solicitors. The barristers have rights of audience at the courts; that is, they alone can represent clients at court and carry out advocacy work. Solicitors do all the non-advocacy work – case preparation, initial litigation, etc. Historically barristers controlled the profession as they drew members from the aristocracy and formed a dominant portion of court judges. The situation changed dramatically in the twentieth century due to a massive growth in corporations and judicial services, which led to exponential growth in the demand for and status of solicitors. Barristers and solicitors have distinct spheres of action within legal services and are even represented by different associations: the Bar Council and the Law Society. Overall, solicitors form the bigger section of legal service professionals: as of February 2017 there are 136,000 practicing solicitors[1] versus 15,500 barristers.[2] However, solicitors are also the more variegated group, with several distinct occupational jurisdictions and specializations within. The key groups are corporate law firms, represented mostly by the City of London Law Society (CLLS); and small law firms, represented mostly by the Sole Proprietors Group (SPG); and the Legal Aid Practitioners Group (LAPG).

[1] Solicitor Regulation Authority
[2] Bar Standards Board

English lawyers, especially barristers, have a long history of independent governance and a sheltered market. Most attempts to drastically change the status quo were unsuccessful because of the cohesion of lawyers, due to the collegial spirit engendered by the Inns of Court, and also the fact that both the statesmen and lawyers in those times belonged to the landed gentry, with several members of parliament being lawyers (Abel, 1988). The four Inns of Court (Lincoln's Inn, Inner Temple, Middle Temple and Gray's Inn) were historically academic, social and professional centers for barristers. They provided dining and lodging facilities, office space for chambers, and had supervisory and disciplinary functions. Over the last century their social and academic functions have become less important, and the Inns now serve predominantly as barristers' associations. Historically they provided the base for solidarity.

Overall, the legal profession in England, in its current structure, has been particularly stable since the passage of the County Courts Act 1846. This is not to say that changes haven't happened in its professional structure; for example, the Courts and Legal Services Act 1990 allowed solicitors to represent clients in the High Court. However, such changes were more about internal jurisdictional struggles amongst various occupational groups, leading to an expanded domain of actions of one occupational group among lawyers (solicitors), at the expense of another (barristers) (Burrage, 2006; Manchester, 1980). The legal services industry in England very much fits the description of a mature organizational field, in which the legal professionals enjoyed state-sanctioned control of the professional field through entry barriers to non-professionals, control over reproduction of legal professionals, and complete control over self-regulation of the profession. However, more recently, especially since the 1970s, the legal profession in England has been under constant state scrutiny. Primarily driven by the shift in state governing ideology from corporatism to the free market, successive governments since

Margaret Thatcher's have sought to open legal services to market competition. However, most of the initial efforts either failed or merely led to incremental changes. But this process gained significant strength under the New Labour government of Tony Blair, which created a quasi-governmental Office of Fair Trading (OFT) to identify various sheltered markets impeding open competition (Abel, 2003). In 2001, the OFT produced a report – *Competition in Professions* – recommending the removal of various practice barriers and privileges in the legal services industry. This report led to a chain of events finally culminating in the enactment of the Legal Services Act 2007. Please see Table 3.1 for a detailed chronology of events leading to the enactment of LSA 2007.

TABLE 3.1: Timeline of Events Leading to Legal Services Act (LSA) 2007

Year	Event	Details
1999	Office of Fair Trading (OFT) review of competition in professions	OFT mandated to carry out a broad review of the status of competition in various professional fields and identify market restrictions and impact on consumers.
2001	Publication of the OFT Report *Competition in Professions*	Identifies many market restrictions and recommends bringing the legal services industry into line with competition laws.
2002	Department of Constitutional Affairs (DCA) Consultation Committee*	Specific to legal services; Publishes a consultation paper – *In the Public Interest* – and invites written/oral responses to reform proposals; receives 201 responses.
2003 (July)	Publication of *Competition and Regulation in the Legal Services Market*	DCA report published following the consultation committee; identifies specific practices which need to be opened to competition; recommends overhauling professional self-regulation.
2003 (October)	Independent commission to review legal services (Clementi Commission)*	A one-person commission, Sir David Clementi, is announced to conduct an independent review of legal services and recommend changes.
2004 (March)	Clementi Commission releases consultation paper	Clementi commission releases its initial consultation paper – *Review of the Regulatory Framework for Legal Services in England & Wales;* invites responses to proposals; 264 responses.
2004 (December)	Clementi Commission Final Report	Clementi commission submits its final report to the government; presents specific proposals to allow new organizational forms in legal services and overhaul professional self-regulation.
2005	DCA White Paper	DCA publishes the white paper *The Future of Legal Services: Putting Customers First,* which presents the initial details of legal services reforms proposed by the government

2006	Joint Parliamentary Commission (JPC) established*	JPC is established to discuss the *Draft Legal Services Bill 2006,* which is based on the preceding white paper, to invite responses and prepare for parliamentary discussion; 79 responses.
2007	Legal Services Act 2007 enacted	The final bill, after the JPC consultation and changes, is passed through both the House of Commons and the House of Lords, and is signed by the Queen.

*Events considered for temporal bracketing

LSA 2007 drastically transformed the fundamental structure of the legal profession in England as it challenged the three key pillars of an established profession. First, entry barriers to non-professionals to practice; that is, only lawyers could provide legal services. Second, professional control of professional organizations; that is, only lawyers could own law firms (usually through the LLP model). Third, professional self-regulation; that is, only the professional bodies of lawyers could enforce standards and discipline violators. Two key stipulations of LSA 2007 – Alternative Business Structures (ABS) and the Legal Services Board (LSB) – effectively undermined these three pillars of the control of legal professionals over the professional field.

LSA 2007 established the Legal Services Board (LSB) as the legal services super-regulator, to regulate all existing professional bodies, such as the Law Society and the Bar Council. Unlike prior professional regulatory bodies, the LSB has non-professional representatives from government, business and consumer rights groups, effectively ending professional control over self-regulation of the profession and the monopoly of lawyers in the regulatory bodies. Similarly, the provision for Alternative Business Structures (ABS) allowed non-lawyers both to own legal service providers and to provide legal services themselves. For example, the law made it possible for a private equity firm to own a stake in a law firm, and allowed the provision of legal services by non-legal entities, such as retail banks and retail chains. Overall, it effectively ended entry barriers to provision and control of legal services by

non-lawyers. Not surprisingly, the ABS provision attracted a lot of media attention, as ABS firms are neither limited by the services they can offer nor by any stringent criteria. The only relevant requirement from the professional perspective is that at least one of the managers at all times must be either a barrister or a solicitor. All other requirements are similar to those applicable for opening a company. Hence, ABS has also been referred to as the "TESCO law" in the popular press, presumably because it is expected to lead to the near complete annihilation of high-street lawyers (or small local law firms), just as TESCO (and similar retail chains) did the same to small stand-alone retailers.

The context of market-based reforms in the English legal services industry represents an excellent case for exploring the dynamics of professional sensemaking of change, organizational action and field position. As is evident from Table 1, the process from initial suggestion of market-based reforms to the final enactment of law included several steps which present interesting instances to explore the development of the regulatory change process, as they provided sites for intensive sensemaking and organizational action to influence change. These easily identifiable events also allow for temporal bracketing and over-time analysis. Of the various events mentioned in Table 3.1, three are of particular importance: the DCA Consultation (July 2002); the Clementi Commission (March 2004); and the Joint Parliamentary Committee (May 2006). These three events represent instances when the committees publicly presented their proposals in advance through consultation papers (clearly articulating what was at stake), actively solicited feedback from the professional actors (giving actors an opportunity to undertake action) and later released reports based, presumably, on consultations and feedback received (allowing actors to evaluate whether or not they had been successful in getting themselves heard and influencing the changes). These three events fit the description of critical

events (Lampel & Meyer, 2008; Hoffman, 1999) as they presented, very publicly, the issues under discussion, and provided important opportunities to the field participants to actively and publicly engage with, and attempt to influence, the regulatory change process. Hence, these critical events presented important opportunities for actors to engage in both retrospective and prospective sensemaking and to engage with the event by responding to commissions, producing continued cycles of sensemaking and action.

Critical events are contextually dramatic instances that focus the attention of actors and invite the collective definition and redefinition of issues at stake. Analyzing critical events is important because they represent both the arena and the opportunity for field actors to redefine key problems and their solutions, core interests and identities (Hoffman, 1999). Critical events may trigger a political and cultural struggle between actors over meaning systems underpinning the field, wherein actors within the field attempt to either maintain or change existing institutional arrangements, in order to better their respective positions (Fligstein & McAdam, 2011; Fligstein, 2013). The role of critical events in understanding field level change is also important, because fields are formed not just around technologies and markets, but also around issues. Fields may be formed around issues which become important to the interests, objectives, and identities of a specific collective of organizations, as issues define what a field is and organizational membership in a field is defined by its interaction patterns (Hoffman, 1999). Accordingly, these critical events led to recurring episodes of intensive sensemaking and provided opportunities for organizational action, through responses to these commissions.

I use these three critical events for temporal bracketing (setting cut-offs for distinct phases of time). I therefore distinguish three distinct time periods. Phase 1 began with the release of the OFT report in March 2001, which initiated the change, and ended in July 2002, with the

publication of the Department of Constitutional Affairs (DCA) consultation paper. Phase 2 began after the publication of the DCA consultation paper and ended in December 2004 with the publication of the Clementi Commission report. Finally, phase 3 began after the publication of the Clementi Report and ended with the Joint Parliamentary Commission (JPC) on the draft Legal Services Bill in June 2006.

Overall, the legal service industry in England represents a case of a highly stable mature field undergoing fundamental transformation. Such a case, due to the starkness of change and the visible vividness of organizational actions, presents perfect opportunities for exploring previously not well-studied relationships and theory building (Eisenhardt, 1989; Eisenhardt & Graebner, 2007). This process of regulatory reforms in legal services was highly contentious, and was extensively covered by media.

The English legal professional field is highly diverse, with a plethora of actors differentiated on factors such as specialization, customers, and level of professionalization, amongst others. The English legal services professional field is divided into two key professional groups: barristers and solicitors. Solicitors include several jurisdictions and occupational groups, leading to many special interest groups within. Barristers, in contrast, are much more homogeneous and enjoy a more specified identity, both due to the narrowness of their occupational jurisdiction (advocacy), and the common process which all barristers go through during training, especially at the Inns of Courts. The field also includes many quasi-professional actors, such as paralegals, notaries, and legal executives. However, in this paper I am only considering professional actors: actors who are either barristers or solicitors. As in this paper I am specifically interested in examining the relationship between actors' sensemaking and actions, and their context, I draw from sociological theories of field (Bourdieu, 1993; Fligstein &

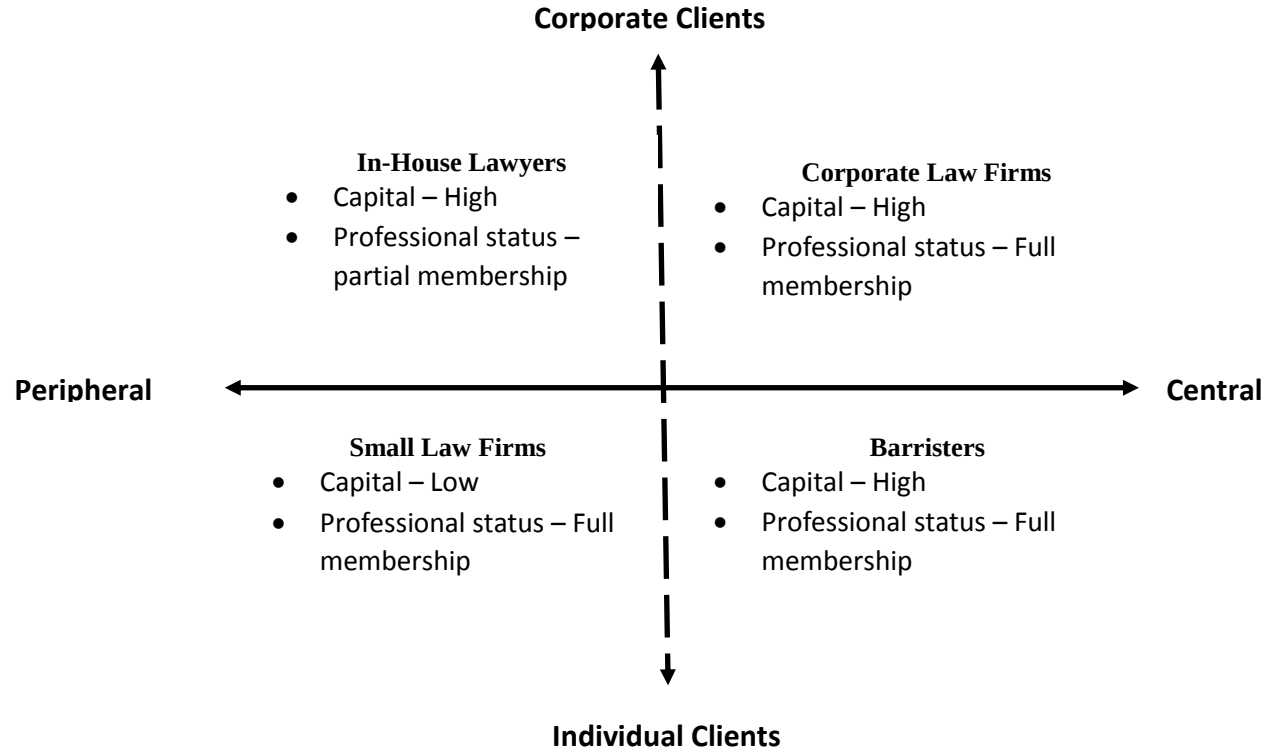
McAdam, 2012) and research on customer-based specialization of professionals within the sociology of professions (see Heinz, Nelson, Sandefur & Laumann, 2005; Heinz & Laumann, 1982) to identify four types of professional actors with distinct positions within the legal services field: barristers, small law firms, corporate law firms, and in-house lawyers; the last three being different type of solicitors.

I define field position in two dimensions: structural position and membership of the proximate client field. Structural position refers to the centrality of the actor within the legal profession and identifies two positions – central and peripheral. A central actor has typically been dominant over time and holds substantial social, economic, and cultural capital. For instance, barristers and corporate law firms are central actors. A peripheral actor, in contrast, lacks substantial social, economic, and cultural capital; examples include small law firms and in-house lawyers. The former lack economic and social capital, whereas the latter lack the full practicing rights of a lawyer, as they are not allowed to advise clients other than their employers. Based on prior research (Heinz, Nelson, Sandefur & Laumann, 2005; Heinz & Laumann, 1982) I also define field position based on actors' membership of the proximate client fields – individual clients or corporate clients. On this dimension, barristers and small law firms predominantly serve individual clients, whereas corporate law firms and in-house lawyers typically serve corporate clients. Please see Figure 3.1 for a schematic representation for the classification of the four actors by their distinct field positions.

Barristers are the historically central actors in the English legal services field, enjoy high levels of social and cultural capital and predominantly deal with individual clients. Corporate law firms, which mostly comprise City of London-based international and national law firms, predominantly deal with corporate clients, enjoy high social, economic, and cultural capital, and

consequently have a central position within the legal services field. In contrast, small law firms, which typically are local law firms with few partners and sole practitioners, are the numerically dominant solicitor organization. Though they may enjoy some cultural capital, due to historical reasons and to the exemplar identity of individual lawyers committed to their community, they typically hold little economic capital and influence within the profession. Overall, they hold a peripheral position in the legal services field and serve individual clients.

FIGURE 3.1: Actors' Field Position & Characteristics



Horizontal Solid Line: Structural position within the professional field (Centrality)
Vertical Broken Line: Overlapping client field (type of clients)

The fourth category of actors includes the in-house lawyers. In-house lawyers predominantly include solicitors working for non-legal organizations, typically corporations.

They are a unique case in some ways, as despite being fully qualified solicitors, they are not allowed to practice legal services outside their employment; that is, they can provide legal advice only to their employers. Hence, while they are one of the largest special interest groups amongst solicitors and enjoy substantial economic capital, they have a peripheral position within the legal services profession.

However, while such a two dimensional categorization of the four professional actors is analytically helpful, as it allows comparison across actors, some caveats apply. First, these distinct field positions are not temporally static and actors' position may indeed change over time. For instance, the centrality of corporate law firms within English legal services has increased substantially since eighteenth century, with the expansion of global trade, corporatization and establishment of London as the global financial capital. Similarly, it can be argued that barristers may not retain their central position for long due to several factors including, schisms within, increased hiring of barristers by state and corporate organizations, over-dependence on legal aid and relative decrease in their numbers. Second, while these four actors are reasonably mutually exclusive, some overlaps are possible. For instance, there are some cases of hiring of barristers as in-houses lawyers by corporations. However, due to the small number of such cases, I don't expect such a minor overlap to be an issue for this analysis. Third, while the four categories of actors are reasonably exhaustive and internally consistent, some of the actors may have more internal diversity than others. For instance, while barristers are probably the most exhaustive and internally consistent category, small law firms show most variation within. One such particular schism lies between the local sole proprietorships (one partner) and larger "high-street" law firms (typically 2-5 partners). The former is almost exclusively geared towards individual clients, the latter may also serve small local businesses.

Having said that, based on my extensive interviews with various professional actors, I argue that the two dimensional categorization of actors' field position is a good representation of professional actors and their relative positions during the time period considered for this analysis.

METHODS

The relationships between field position, sensemaking and action at the field level are not well understood. In this paper I analyze these relationships in the context of market-based reforms in the English legal services industry. I use a multi-event multi-stage case study of legal services reforms to examine mechanisms linking sensemaking, action, and field position. The research strategy predominantly includes a three-step archival data analysis, followed up and supported by retrospective semi-structured interviews with representatives of key participants in the regulatory change process.

In Step One, I examined all the relevant papers and reports released by government (e.g. Department of Constitutional Affairs (DCA) Paper, 2002) and quasi-government agencies (e.g. Office of Fair Trading (OFT) Report, 2001) about the proposed market-based reforms in the legal services industry. Based on these documents, I built a temporal case detail of various milestones of the regulatory change process (see Table 3.1). Based on a clear understanding of the temporal flow of events, I developed a historical narrative of the regulatory change process and chose three critical events for analysis and temporal bracketing: the DCA Commission (2002), the Clementi Commission (2004), and Joint Parliamentary Commission (JPC) on the draft Legal Services Bill (2006).

In the second step, I developed a list of all the organizations or individuals which responded, either through oral or written submissions, to the three commissions considered for this analysis (DCA Consultation 2002, Clementi Commission, 2004, and JPC 2006) by accessing

the appendices listing respondents in the respective final reports. These responses are taken as evidence of direct public engagement with the regulatory change process by these organizations, and provide clear and incontrovertible public evidence of organizational action during field change. Through extensive online search I attempted to identify and code these respondents on various important characteristics, such as professional status (legal or non-legal), solicitor or barrister, collective organization or individual firm, type of firm (corporate versus small law firm), other professional actor (e.g. in-house lawyer) and type of collective organization (national association, regional association or special interest group).

In total, 428 unique respondents submitted written or oral responses to the three commissions, of which 366 (86%) were reliably identified and their details coded. The remaining 62 respondents (14% of all the unique respondents) could not be reliably identified. The 62 respondents who could not be identified were all individual names, with no other indicator, leading to multiple returns during online search. However, it is unlikely that the lack of details about these 62 respondents will have any negative impact the reliability of the results of this analysis. First, it is highly improbable that any of these 62 actors were members of either of the two legal professional groups considered in this research – barristers or solicitors. In order to be sure, I also checked the names of these 62 respondents in the online databases of barristers (maintained by the Bar Council) and solicitors (maintained by the Law Society). It is possible that a large proportion of these respondents consisted of the lay public or individual consumers, with the rest being members either of quasi-legal occupations within the legal services field, such as legal executives or paralegals, or members of other proximate professions, such as accountancy. To summarize, I reliably identified 181 of 201 (90%) respondents to the DCA

Commission, 2002; 214 of 264 (81%) respondents to the Clementi Commission, 2004; and 78 of 79 (98%) respondents to the Joint Parliamentary Commission, 2006.

Based on this detailed dataset identifying various respondents, I examined the types of organizational actions that professional actors undertook to engage with the regulatory change process. As stated earlier in the literature review, I identified two types of organizational actions: individual organizational action and collective organizational action. The former refers to direct engagement by the focal individual firm, whereas the latter refers to engagement by collective organizations, such as special interest groups and various associations. Based on the previously explained coding, I linked the four types of professional actors under consideration (barristers, corporate law firms, small law firms, and in-house lawyers) with appropriate organizational action (individual organization or collective organization). For instance, I coded for corporate law firms by including all global law firms and the top 200 British law firms (using the rankings published by *The Insider* magazine). Similarly, local law firms and sole practitioner firms were coded as small law firms. For collective organizations, coding clearly differentiated between national associations (e.g. the Law Society for solicitors), regional chapters (e.g. the Law Society in the North East), local chapters (e.g. the Law Society of Swansea) and special interest groups (e.g. the City of London Law Society (CLLS) or the Sole Practitioners Group (SPG)). Please see Table 3.2 for a snapshot of the type of organizational action by focal actors over time. Full dataset of engagement by all the actors is available on request.

However, while the type of respondent is an important mode of organizational action, it needs to be acknowledged that the submission of responses by various professional actors to the three consultation commissions only captures the formal engagement of these actors with the change process. As these responses only represent explicit formal submissions by professional

actors, this data does not capture various other informal and formal modes of actions undertaken by actors during field change. These actions may include behind the scene political lobbying and formal or informal collaborations by various actors to formulate joint action (e.g. coordinating their activities). Further, formal public responses also fail to capture the engagement of the three solicitor actors (small and corporate law firms, and in-house lawyers) with their national umbrella professional association, the Law Society. As solicitors are a diverse occupation, attempts by various actors to influence their national umbrella association – the Law Society – are likely to have been undertaken. Some of the interviews did hint at active attempts to lobby the Law Society and attempts by Law Society itself to coordinate with regional chapters, but the data was insufficient to warranty systematic analysis.

TABLE 3.2: Temporal Patterns of Professional Action

Event	DCA Commission	Clementi Commission	Joint Parliamentary Commission
Year	2002	2004	2006
Barristers			
Individual Firms	1	3	2
Collective Organizations	7	10	5
Small Law Firms			
Individual Firms	47	25	2
Collective Organizations	28	27	4
Corporate Law Firms			
Individual Firms	8	14	13
Collective Organizations	4	4	2
In-House Lawyers			
Individual Firms	11	10	5
Collective Organizations	4	5	3

In the third step, I examined professional sensemaking of change using legal trade media articles for the period of analysis (2001 to 2006). I used an expansive set of key words related to

market-based reforms in the legal services industry (e.g. TESCO law, OFT report, Clementi Commission, amongst others) to search for relevant articles through Lexis-Nexis. As I was specifically looking to code for professional sensemaking of change, the following legal trade media outlets were included in the search: *The Counsel* magazine (the official journal of the Bar Council of England); *Law Society Gazette* (the official journal of the solicitors' association – the Law Society of England); *The Lawyer*, and *Legal Weekly* (two independent journals on the legal services industry). From the initial corpus of articles obtained, and after several rounds of removing articles that mentioned the reforms only peripherally, a total of 478 articles (approximately 900 pages in total) were included in the data analysis.

In choosing to use legal trade media articles to examine sensemaking of change at the field level, I follow prior literature on field change (see Nigam & Ocasio, 2010; Hoffman & Ocasio, 2001; Hoffman, 1999). Sensemaking is often understood as being fundamentally concerned with language (Sonenshein, 2006; Taylor & Robichaud, 2004), as it involves converting dynamic and ambiguous situations into situations that are comprehended explicitly in words, which may allow for social processing and coordinated action (Maitlis & Christianson, 2014). Prior research on field level sensemaking around critical events has extensively used trade media articles. For instance, Nigam & Ocasio (2010) analyzed relevant articles in various heath care journals, representing key actors within the health care field to examine how sensemaking around the label of "managed care" led to extensive redefinition of the concept and new theorization of what it means for various actors. In the same vein, Hoffman & Ocasio (2001) analyzed the coverage of oil spills (and similar accidents) in the oil and gas industry journal *Chemical Week* to examine the industry level sensemaking of such events. On a different track, Hoffman (1999) conducted an exhaustive analysis of articles in *Chemical Week* to examine how

fields are formed around an issue (environmentalism) as multiple actors become involved over time. Furthermore, media analysis provides an important source for examining sensemaking as it is one of the key mediums of production, articulation and contestation of meaning systems (Gamson, Croteau, Hoynes & Sasson, 1992).

Examining trade media articles related to past events allows me to tackle the issue of retrospective bias typical of interviews. Retrospective bias in interviews concerning events in the past – almost a decade in this case – is problematic because individual memories are incomplete, events may be misinterpreted, and post-hoc rationalization is applied because of the knowledge of outcomes which became known later. So, for a longitudinal study of events in the past, over-reliance on retrospective interviews is problematic (Langley & Abdullah, 2011). On the other hand, trade media coverage represents a more real-time interpretation of past events. Articles, interviews, and letters carried in the trade media allow us to code as much as possible for actors' sensemaking at the time. For instance, an interview with the president of the Bar Council in 2002 may be a better source of analyzing their sensemaking of impending change, than an interview with the same person fifteen years later. Such an approach, using real time archival data, has been well developed within the cognition literature, especially with respect to the use of the letter to shareholders (LTS) for examining the cognitive structure of top managers (e.g. see Nadkarni & Barr, 2008; Greenwood, Suddaby & Hinings, 2002; Barr, 1998; Barr & Huff, 1997).

However, to supplement the archival data and get a better understanding of some of the mechanisms I had uncovered, I also conducted twelve detailed semi-structured interviews with the representatives of key special interest groups engaged in the regulatory change process, such as the former heads of the SPG and CLLS. The interview lengths varied from thirty minutes to two hours, providing approximately sixteen hours of interviews in total. Following the

retrospective interviewing process suggested by Dutton, Ashford, O'Neill & Lawrence (2001), I used a well-specified interview protocol with multiple probing questions. Overall, interviews form a minor component of the overall dataset and were primarily used to glean the overall perspectives of some of the actors directly involved in the process, get actors' perspectives on some of the preliminary observations, and get some access to behind-the-scenes developments such as political actions and lobbying.

For analysis I predominantly used qualitative methods, especially content analysis of archival data, supported by semi-structured interviews. As I am interested in exploring hitherto underspecified relationships, the use of qualitative data for illustrative purposes, or for "bringing an abstract idea or model to life" is an important advantage (Graebner, Martin & Roundy, 2012). First, I undertook some basic quantitative analysis (count data) of respondents who submitted oral or written submissions to the three commissions, to identify temporal patterns of responses (organizational actions). Next, I undertook content analysis of selected trade media articles, using the qualitative analysis software MAXQDA 2011. I began with fine-grained reading of the data (Charmaz, 2014), inductively creating a list of first-order codes from the trade media articles. Then, I consolidated related first-order codes into second-order categories, and progressively into more general aggregate theoretical dimensions (Corley & Gioia, 2004). In addition to the inductive coding, I also coded for dispositions of various actors while discussing change and instances of relatively explicit support for or opposition to change. (The details of specific first-order codes, second-order categories and aggregate theoretical dimensions are presented in the findings section.) The final step in the analytical process employed both inductive and deductive reasoning, as I traveled back and forth between data (sensemaking and action) and theory, to understand the relationship between sensemaking and action, with respect

to actors' unique field positions. In doing so, I undertook both within- and across-case comparison across four types of actors. Overall, I seek not just to explain "differences between cases", but also to look for "regularities in temporal patterns across cases" (Langley & Abdullah, 2011: 211), leading to a temporal process based analysis of the relationship between sensemaking, action and field position.

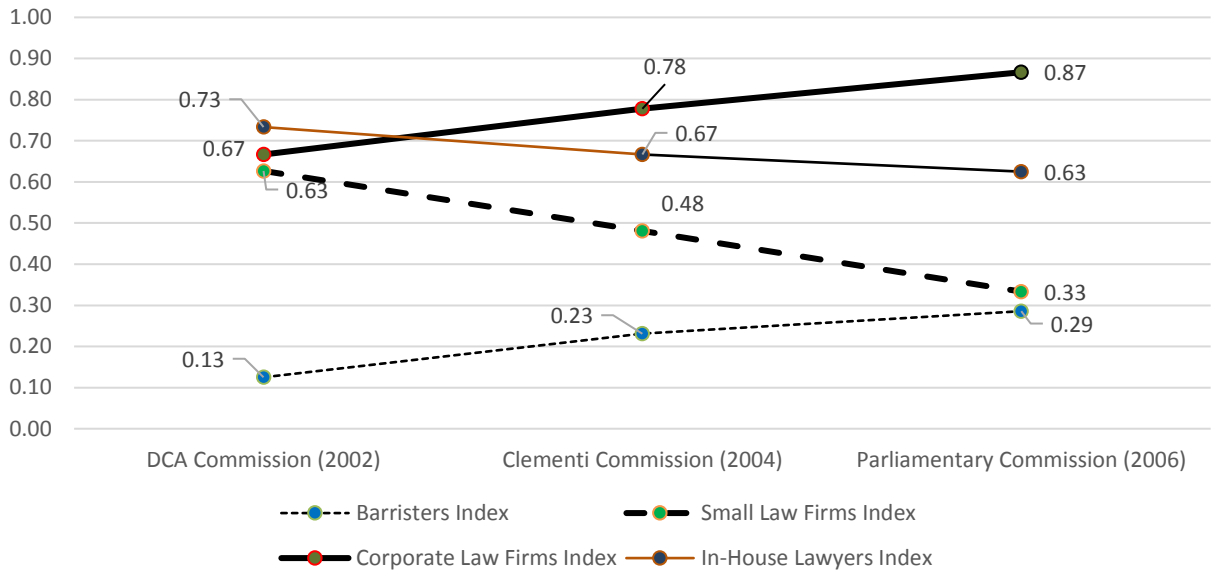
FINDINGS

Organizational Action by Professional Actors

I define organizational action based on the type of actor – individual firm or collective organization. Such a differentiation represents two distinct loci of action, as individual units or collectives. Table 3.2 includes details of organizational responses to the three studied commissions over time. However, as I am interested in the relative dominance of individual or collective action over time by different types of actors, and for ease of thematic representation, I developed an organizational action index: the proportion of individual organizational respondents out of total respondents (including collectives) for each event, for each type of actor. Accordingly, the index can vary from 0 to 1, with 0 signifying that all responses were submitted by collectives and 1 signifying that all responses were submitted by individual organizations. As can be expected, none of the professional actors reached the values of 0 or 1 during any of the three events. Please see Figure 3.2 for temporal trends of the organizational action index: the higher the value, the higher the level of responses by individual organizations. However, some caution has to be exercised while interpreting these trends, as these are proportions, and not numbers. Figure 3.2 should be interpreted in conjunction with Table 3.2. Below I present the

temporal shifts in organizational action by the four types of professional actors: barristers, small law firms, corporate law firms, and in-house lawyers.

FIGURE 3.2: Organizational Action Index Over Time



Barristers: In comparison with the other actors, barristers showed the most stable pattern of organizational engagement with the change over time. Two observations stand out. First, barristers showed a very low level of individual organizational action at all three points of time. Their organizational action index during phase 1, at the onset of the reform process, was way below those of the other three actors. This suggests a predominantly collective engagement through professional associations and very little participation by individual organizations. While the index did increase over time, the increase was marginal, and it remained lower than the other three actors during phases 2 and 3. The second important observation, which emerges from the exact counts of types of respondents (see Appendix F), reveals that barristers had both the lowest number of participants and the least variety of participants, with the occupation represented almost exclusively by the national association, the Bar Council of England, and a few of the

interest groups within the Council (e.g. the Association of Women Barristers and the Bar Association of Commerce, Finance & Industry (BACFI)). Even when their organizational action index was at the highest level (0.29 during phase 3), the total number of respondents was just seven, out of which only two were individual organizations. Accordingly, it seems that the engagement of barristers with field change was overwhelmingly collective centric (mediated by professional bodies), with negligible organizational centric actions (direct engagement by organizations).

Small Law Firms: Small law firms were one of the most engaged actors, both in terms of the number of respondents and diversity in the types of respondents. At the beginning, their organizational action index was close to those of the other two types of solicitors (corporate law firms and in-house lawyers): 0.63 versus 0.67 and 0.73. However, they differed from these two actors in multiple ways. First, they represented the biggest set of respondents. For instance, during phase 1 a total of 75 organizations broadly representing small law firms responded, which was higher than the total of all three other actors put together. Second, they were also represented by an extensive variety of organizations, including, for example special interest groups and regional chapters of the Law Society. Finally, though the three types of actors began at roughly the same point in terms of the organizational action index, they diverged with time, especially small law firms in contrast to corporate law firms. First, the numbers of respondents representing small law firms dropped drastically over time – from 75 in phase 1 to 52 in phase 2, and finally to just 6 respondents in phase 3. Furthermore, as is evident in table 3.2, the biggest proportion of the drop came from organizational respondents – from 47 in phase 1 to 25 in phase 2, to finally just 2 organizational responses in phase 3. Accordingly, the organizational action index dropped from 0.63 (engagement dominated by individual organizations) during phase 1 to 0.33

(engagement dominated by associations) during phase 3. Overall, the data suggest that for small law firms, engagement with change was initially organization centric, but gradually shifted to being predominantly collective centric by the end of the process.

Corporate Law Firms: The pattern of engagement by corporate law firms was almost directly opposite to that of small firms. Corporate law firms' initial organizational action index was very similar to that of small firms (0.73 versus 0.63), though they had much fewer respondents (12 versus 75). So, the engagement of corporate law firms in phase 1 was dominated by individual organizations. However, in contrast to the drastic decline in the index for small law firms, the index for corporate law firms increased further – to 0.78 during phase 2 and 0.87 during phase 3. Furthermore, the increase in the index was not just an artefact of mathematical proportions. In fact, even the number of organizational respondents increased for corporate law firms, from 8 during phase 1 to 14 during phase 2, finally settling at 13 during phase 3. Overall, the representation of corporate law firms was predominantly organizational centric initially, and organizational centricity only increased further over time.

In-House Lawyers: Similar to corporate law firms, in-house lawyers too began with a high organizational action index of 0.73 during phase 1, in fact the highest of any professional actors. However, unlike corporate law firms, the organizational action index for in-house lawyers fell progressively, from 0.73 during phase 1 to 0.67 during phase 2 and finally settling at 0.63 during phase 3. Most of this fall came from a decrease in the number of organizational respondents, which fell from 11 to 5. Overall, engagement of in-house lawyers was predominantly organization centric, as with corporate law firms. However, unlike corporate law firms, their organizational centricity fell over time, though not drastically.

Professional Sensemaking of Change

Data Structure

To gather evidence of collective sensemaking of regulatory changes in the legal services profession, I analyzed applicable articles in the legal services trade media, including the two flagship journals of the two key occupational groups: solicitors and barristers. I employed grounded theory based on open coding to identify first-order codes, second-order categories and aggregate theoretical dimensions (see Charmaz, 2014; Corley & Gioia, 2004). Though the data was coded inductively, I linked my inductive first-order codes with existing concepts and frameworks developed by recent work on sensemaking and change (e.g. Lockett et al., 2014; Maitlis & Sonenshein, 2010). So the labels for some of the second-order categories and aggregate theoretical dimensions overlapped with those constructed in prior research, if my inductive analysis of first-order codes suggested that we were discussing the same processes. The structure of the data is presented in Table 3.3. In addition to the theoretical dimensions which emerged from the data, I also specifically coded for actors' change outlook; that is, the degree to which they supported the change. I found three types of change outlooks: support, qualified support, and opposition.

TABLE 3.3: Data Structure (Sensemaking)

First-order Codes	Second-order Categories	Theoretical Dimensions
Support for change Qualified Support for change Opposition to change		**Change Outlook**
Criticism of consumer complaint handling Professional organizing or governance model outdated Negative image or portrayal	Professional Identity Challenges	**Identity Sensemaking**
Challenging negative image Progress in handling consumer complaints	Defence Against Identity Challenges	

Disappointment with or resignation towards change Acceptance of or conciliation with change Enthusiasm for positive engagement with change	Affective Response to Change	**Schema of Change**
Major challenge Business as usual Reforms as opportunities	Market Opportunity Construction	
Corporatization or marketization Professional conflict of interest	Public Interest	**Problematization of Change**
Maintaining occupational boundaries Professional independence Government control	Professionalism	
Cost of professional governance Efficiency of the system Unfettered bureaucratization	Bureaucratic Inefficiency	
Marshalling support from other sources Drawing attention to other professions Lack of clarity in government reform proposals	External Rationalization	
Current professional firm and governance model appropriate Profession has been reforming itself proactively and gradually	Internal Rationalization	

My inductive analysis presented three aggregate theoretical dimensions of sensemaking of change in the legal profession: identity sensemaking, schema of change, and problematization of change. I induced two main processes of identity sensemaking – identity challenges and defense against identity challenges. The first is the extent to which the profession took cognizance of and discussed direct challenges to the identity of the legal profession or specific professionals. Specifically, identity challenges were represented by discussion of direct challenges to the integrity of the legal profession and negative portrayals, especially in the public media. The second identity challenge was oriented towards the "out-datedness" of the professional organizing model (e.g. partnerships as "dinosaurs"), or self-governance being

inconsistent with modern times. The third type of identity challenge was specific to criticisms of the legal profession for not ensuring the "highest standards of consumer complaint handling". I also find evidence of attempts to defend the profession against identity challenges, both specific ones (consumer complaints) and more generalized negative portrayals of the profession. I identify three types of defenses against identity challenges. First, downplaying the negative image, typically by suggesting that the "image" is a perception from the past and not applicable anymore. Second, specifically addressing the consumer complaint issue by pointing out tangible (numerical) progress made in dealing with this issue. Finally, I also find evidence of the presentation of a broad positive image, especially with respect to the advances made in making the profession more diverse in terms of gender, ethnicity and class.

The second theoretical dimension, schema of change, is oriented towards the perceptions of actors with respect to the unfolding change. Schemas refer to actors' cognitive assessment of challenges, such as, change, and are defined as knowledge structures that contain categories of information and relationships among them (Bingham & Kahl, 2013; Elsbach, Barr & Hargadon, 2005). I find two different mechanisms through which the schema of change is articulated: affective response to change and market opportunity construction. Though this dimension is predominantly prospective, it is also retrospective, as analytically, perception of the future is very much grounded in recent history and feedback from the environment. Affective response is oriented towards how actors feel about the change or their emotional representation of it. I find three different types of affective responses to unfolding change: disappointment with or resignation about change, acceptance or conciliation with change, and enthusiasm for a positive engagement with change. The second mechanism, market opportunity construction, is oriented towards how actors perceive that these changes will affect their market, services or business. I

find three different types of opportunity construction: an existential challenge to some types of organizations and practices (e.g. small "high street" law firms), suggestions that it will be "business as usual", and finally, opportunities which can be exploited (e.g. new sources of funding or new business opportunities).

The third theoretical dimension, problematization of change, includes codes about why the proposed changes may not be effective, feasible, appropriate or necessary. Problematization is predominantly, though not exclusively, associated with either opposition to or qualified support for change. I induce five different mechanisms through which change is problematized. First, invoking the "public interest" to argue that the corporatization and marketization of legal services driving the reform proposals will not serve the public, as it will lead to dominance of the "profit motive" and various "conflicts of interests", typically between professional and commercial interests. The second mechanism, professional independence, draws attention to the high levels of legitimacy, especially international recognition, enjoyed by the British legal profession due to its historical autonomy and independence, especially from direct governmental influence. Third, bureaucratic inefficiency refers to the possibility that the proposed changes to professional self-governance privileges will lead to increasing cost of handling complaints, decreasing efficiency due to dominance by generalists, and burgeoning bureaucracy due to civil service control or multiple layers of governance. Fourth, professional actors also attempt to support their positions by leaning on sources "external" to the legal services field. The most common mechanisms are marshalling supporting evidence from outside sources, such as public and business media, think tank reports, and academics; drawing attention to other "unregulated" professions, especially how the lack of regulation in that field needs to be tackled first; and pointing out how lack of clarity in government proposals is inhibiting the profession from

responding constructively. Finally, the fifth mechanism, internal rationalization, is oriented towards directly challenging proposed reforms and state intervention by articulating how the current professional model is the most appropriate for both the public and the professionals, and also underlining how the legal profession has been "ahead of the curve" and continuously reforming itself. Please see Appendix A for the illustrative evidence supporting the data structure.

Sensemaking of Change by Professional Actors

In this section I present the narrative of professional sensemaking of change by the four types of professional actors under consideration – barristers, small law firms, corporate law firms, and in-house lawyers – and how their respective sensemaking evolved over time. Please see Table 3.4 for a snapshot of sensemaking of change by the four types of professional actors and Table 3.5 for more detailed temporal patterns of change in sensemaking.

Barristers: Barristers predominantly had a negative change outlook, and mostly opposed change or, at best, provided qualified support. However, their sensemaking also shifted substantially over time. During phase 1, they vociferously opposed any change or state intervention in either professional self-regulation or professional privileges (e.g. the QC system) and change to occupational boundaries through the introduction of multi-disciplinary practices (MDPs). They pledged to "fight MDPs tooth and claw", argued that the current specialist-led and time-tested governance model underscored "the virtues of regulatory regimes being founded on notions of professionalism and professional ethics", and suggested that professional privileges (e.g. the QC system) represented the highest level of quality and distinction. They argued that change was problematic because MDPs would lead to "Enronization" due to "fusion" of professions with conflicting interests (e.g. accounting and law), damaging the public interest

over time. Furthermore, any attempt to meddle with professional self-regulation by non-professionals is bound to be highly inefficient and costly.

However, in phase 2 barristers softened their opposition to the self-regulation reforms, and offered qualified support, suggesting that a "light touch" super-regulator was acceptable, while front line regulators (the Law Society and Bar Council) remained the first level of regulators. This softening of position may have been due to the decreased threat of such changes affecting barristers, as the DCA Commission report focused heavily on "consumer complaints", an issue associated with solicitors, and not barristers. They offered qualified support for such reforms, but kept warning against state control, prohibitive cost, and bureaucratization "by stealth".

However, their opposition to MDPs continued, as they argued that breaking down of professional boundaries would simply lead to conflicts of interest ("Enronization") and "the system isn't broke and so it doesn't need fixing". Barristers' position changed further in phase 3, as they offered qualified support for MDPs too. This shift can be partly attributed to the jurisdictional struggle within the legal services field, as the Law Society had consistently supported MDPs. Responding to the pressures from the Law Society, barristers offered qualified support for the MDP model proposed in the Clementi Commission report: legal profession dominated MDPs (also called "LDPs") were acceptable, to the extent that they were controlled by lawyers and regulated by the Law Society. However, they still completely opposed any "fusion" of barristers and solicitors, and suggested that "if a barrister wants to start an MDP, he can qualify and become a solicitor". Barristers also extensively indulged in identity sensemaking, especially with reference to the need for preserving historical quality and status markers, like the QC, and the unique identity of barristers as an independent "referral" profession, untainted by

interaction with clients and independent in the face of other institutional forces (e.g. the government and the market). They were especially responsive to the negative portrayal of their identity in the public media, and regularly pointed out that the allegations of deep-seated racism and nepotism – "there is a belief among some people that the Bar is only for public school and Oxbridge types" – were highly misplaced: "perception, rather than reality". However, I find substantial evidence of identity sensemaking by barristers only during phases 1 and 2, and very little evidence during phase 3. Please see Appendix B for illustrative evidence of sensemaking by barristers.

Small Law Firms: this occupational group consistently opposed proposed changes in legal services, especially the introduction of MDPs, but also self-regulation reforms. Their change sensemaking was predominantly oriented towards the existential challenge posed by the "TESCO law" to "high-street firms" working with communities. Though they consistently opposed market-based reforms, both their schema of change and the way change was problematized evolved over time. During phase 1 there was a sense of outrage at the OFT proposals and a concomitant cognizance of the threat posed by MDPs. They problematized such proposals by emphasizing how "TESCO law" would erode access to quality legal services for local communities as "big commercial organizations will come and take the most profitable work, and high street firms will be left with legal aid and the least profitable work, which won't make for a viable business", eventually leading to lack of access to justice for the poor.

TABLE 3.4: Professional Sensemaking – Cross Case Comparison

	Barristers	Small Law Firms	Corporate Law Firms	In-House Lawyers
Change Outlook	*Qualified support* for MDPs – those with other professions and solicitors are acceptable, if regulated by the legal profession; *Complete opposition* to "fusion" of solicitors and barristers.	*Opposition* to MDPs – it does not serve "community interest" and will lead to "corporatization" & "profiteering"	*Support* for MDPs – more for "convenience" and "options", rather than any intention of entering one in the near future.	*Constant support* for MDPs, driven mostly by the desire to attain status equivalent to practicing solicitors.
	Opposition to changes in self-regulation – the current model is "exemplary" and a super-regulator would lead to "burgeoning bureaucracy"	*Opposition* to changes in self-regulation – legal profession should have a greater stature than an "ordinary trade union".	*Qualified support* for changes in in self-governance – wanted separation of representative and complaint functions; but opposition to overt state role in regular professional functions, as it would damage "international image".	*Support* for professional self-governance reform initially; Shifted to *opposition* to overt government control and stress on "reform" within self-regulation paradigm.
Identity Sensemaking	Oriented towards defending "historical" privileges and "quality markers" (the QC systems) and unique status as an "independent referral" profession; sensitive to class oriented identity challenges	Visualizes itself as the quintessential legal professional – at the "centre of local "communities" and providing "public service"; Very sensitive to media portrayal as "greedy" and "unscrupulous"		Oriented towards criticising "intimidating" nature of current lawyer-client relationship (negative image) and how the "supermarket" approach will make the interaction more accessible and friendly
Schema of Change	Disagrees "profoundly" with proposed changes in legal privileges (QC system) and self-regulation; Foresaw major negative consequences of "Enronization" and "supermarket law" for both the professionals and the public.	Disappointed with and resigned to changes; Expects major negative impact of "TESCO law" and "corporatisation" on the market, which might be existential threat to small law firms.	Enthusiasm for MDPs ("pleased" about having an "option"); no "clearly voiced" intent for using MDPs – Expects "business as usual"; Wary of too much government interference in professional regulation	*Very enthusiastic* about MDPs and the "huge change and shake-up" in the profession; visualizes this as a major opportunity
Problematization of Change	Change is problematic due to the "conflict of interest" inherent in MDP-related reforms and "creeping bureaucratization" leading to government control.	Corporatization will lead to conflicts of interest – lack of impartial advice and non-availability of advice for the poor; Why so much focus on legal services, when most monopolistic professions, like estate agents, are not regulated at all?	The current partnership model is best suited for resolving conflicts of interests and attracting talent; External control or state intervention may erode global credibility	Corporatization will lead to changes in business models and provision of more "customer oriented" legal services; some concerns about highly bureaucratic "super-regulator"

However, during phase 2 their emotional response changed to that of resignation to market reforms, though without any conciliation. Interestingly, unlike any other group, they directly held the government and its market-based ideology responsible, and argued that assurances given by the Lord Chancellor were "hollow words", and that "if government has to weaken regulation to mollify corporates because they have invested so much in legal services, it will do so at the drop of a hat." In this phase their locus of problematization of change shifted from community orientation towards the negative effects of corporatization, especially the conflict of interest it would engender between legal professionals and others in an MDP, as a "solicitor would be placed in a difficult commercial position if, for example, he knew his estate agent partner was not the right person to whom he should refer a particular client selling his house". During phase 3, they also increasingly drew attention to several unregulated professions, typically those which small local law firms regularly interact with, such as estate agents and surveyors. In contrast to their constant opposition to MDPs, small law firms discussed self-regulation reforms sporadically, though they still opposed them. Their opposition to self-regulation reforms was typically expressed by drawing attention to the apparent failure of a non-professional external regulator, the FSA, in the financial services industry, and the damage to public interest it might cause. Small law firms also engaged in extensive identity sensemaking during phases 1 and 2. In phase 1 they were particularly sensitive to the negative portrayal of lawyers by external actors, especially the public media; there were several instances of discussions of how solicitors had lost the high status they enjoyed in public perception.

Small law firms were very cognizant of the ideological moorings of the proposed reforms, and as discussed in earlier sections, felt especially threatened by the possibility of corporatization unleashed by the "TESCO law". In both Phases 1 and 2, especially after the

formation of the Clementi Commission was announced, they engaged in extensive affective sensemaking, suggesting strong disappointment with the way reforms were progressing, and foresaw an existential threat due to the convergence of multiple factors, including political ideology and divisions within the legal profession. As a solicitor in a local law firm observed in a letter to the editor:

> "I am so grateful that Sir David Clementi has chosen to suggest driving solicitors off the high street and abolishing the right to self-regulation. The financial services industry and the banking and insurance industries are, after all, exemplary acts to follow. Now I can work within a commission-driven culture with insufficient duty of care to my clients and make billions into the bargain out of selling poor-quality financial products my clients don't need."

Similarly, there was strong dissatisfaction with the way corporate law firms were operating. As a partner at a local small law firm in the North East of England mentioned:

> "The moment Clementi commission was announced; we knew the way the wind was blowing. Who was Mr. Clementi? a former banker!...who did they appoint to help Lord Carter in the review of legal aid procurement – a partner of Allen & Overy! What exactly did they even know about legal aid? (*strong sarcasm*)." Please see Appendix C for illustrative evidence of sensemaking by small law firms.

TABLE 3.5: Professional Sensemaking Over Time

Actor	Processes	PHASE 1	PHASE 2	PHASE 3
BARRISTERS	Change Outlook	**Opposition** to both MDPs and self-governance reforms	**Opposition** to MDPs; **Qualified support** for self-governance reforms	**Qualified support** for both MDPs and self-governance reforms
	Identity Sensemaking	**Extensive** – sensitive to negative portrayal and challenges to professional model	**Extensive** – oriented towards defence of professional privileges	
	Schema of Change	**Outrage –** expects major changes (Enronization); existential challenge to small firms	**Disappointment** (with Law Society)	**Conciliation** (with Law Society)
	Problematization of Change	Conflict of interest; professional independence	Professional independence; state control; bureaucratization; cost; lack of clarity in proposals	"burgeoning" bureaucratization
SMALL LAW FIRMS	Change Outlook	**Oppose**	**Oppose**	**Oppose**
	Identity Sensemaking	**Extensive** – negative portrayal of lawyers	**Extensive** – negative portrayal of lawyers	
	Schema of Change	**Outrage**; existential Challenge	**Resignation**; existential Challenge	**Resignation;** existential Challenge
	Problematization of Change	**Public interest** – "TESCO law" will erode provision of community level legal services	Corporatization; conflict of interest	Corporatization; conflict of interest; drawing attention to other professions
CORPORATE LAW FIRMS	Change Outlook		**Support** for MDPs; **Qualified support** for self-regulation reforms	**Support** for MDPs; **Opposition** to self-regulation reforms
	Identity Sensemaking			
	Schema of Change		Business as usual	Enthusiastic and open to MDPs, but expect business as usual
	Problematization of Change		Bureaucratic inefficiency – Increase in "cost" of governance	Cost of governance; bureaucratization; overt government control
IN-HOUSE LAWYERS	Change Outlook	**Support** for MDPs and self-governance reforms	**Support** for MDPs and self-governance reforms	**Support** for MDPs, but questions raised about their applicability; **Qualified support** for self-regulation reforms
	Identity Sensemaking			
	Schema of Change	**Enthusiastic** about an "open debate about legal services" and the opportunity provided by "revolutionary changes"	**Enthusiastic** about "inevitable" and "massive" changes	**Mostly enthusiastic** about reforms and the potential opportunities; but some concerns that it may still be business as usual for most

Problematization of Change	Cognizant of the professional independence issue, but argue how is their case different from a law firm dependent on a few clients	Cognizant of the professional independence issue – especially "protection of public" and "danger to smaller solicitor firms"	Concerned about the impact of MDPs on international clients and the impact of overt state control on regulatory inconsistencies in other professions (external rationalization)

Corporate Law Firms: Corporate law firms predominantly supported change, both the introduction of MDPs and reform of professional self-regulation, though the latter to a lesser extent. Interestingly, their support for MDPs was driven more by availability of "options" and "flexibility" for future business models and external funding, rather than any immediate plan for restructuring. My analysis suggests that the support for MDPs was also driven by two sensemaking processes. First, I found very little evidence of any identity sensemaking and affective response by corporate law firms, as they indulged in "highly complex bespoke transactions… can't be commoditized by a TESCO". Second, they didn't consider MDPs as a threat and rather constructed future market opportunities as "business as usual", and argued that "partnership is a feature that makes the firm good, giving the lawyers the motivation that comes from being owners. That correlation of workers and owners works best for us." So, it seems that corporate law firms didn't see MDPs as a threat to their identity as lawyers (unlike the barristers and small law firms) or to their occupational jurisdiction (unlike small law firms), leading them to consider MDPs as a peripheral issue at worst, or a future option at best. In contrast, the outlook of corporate law firms towards changes in professional self-regulation was much more complex. Though they initially supported self-regulation reforms, the support became more and more qualified over time.

The most interesting aspect of temporal sensemaking of change by corporate law firms was that they indulged in very little sensemaking in the trade media during phase 1. I found very little evidence of any discussion related to change attributable to corporate law firms. They contributed a lot more to sensemaking during phases 2 and 3. During phase 2 they showed substantial support for self-governance reforms, especially the need for "clear separation between representational and regulatory" functions of the Law Society, to achieve "separation of regulation from the 'trade union' people".

Their only real concern during this phase was about the putative cost of separating these functions and creating a separate regulator, especially for handling consumer complaints. However, the release of the government white paper and the draft legal services bill, which proposed a much more state-controlled and bureaucratized super-regulator, along with the opposition to such reforms by European legal professional bodies, led to increased "qualification" of their support. They became concerned about government control: "the reforms would give the government – and/or civil servants – the tools to control the profession if it wanted to" and the effect it would have on the global perception of the "independence" of English legal profession. Due to the global ambit of their occupational jurisdiction, especially the City of London Law Society was worried that "lack of independence from government in the appointments process would be an 'own goal' affecting the international standing of City firms", and would be a hindrance in obtaining access in other countries for English law firms as it would "play into the hands of overprotective foreign Bar associations that did not want to grant solicitors practice rights." Hence, in contrast to other occupational groups, corporate law firms saw jurisdictional threats from changes in self-regulation, and not MDPs. Please see Appendix D for illustrative evidence of sensemaking by corporate law firms.

In-House Lawyers: In-house lawyers occupy a unique position amongst English solicitors. As solicitors employed by non-legal organizations, through the Rule 4 they were barred from providing legal services to any entity other than their employers. For instance, a solicitor working for a bank could only provide legal services internally to the bank which employs her, and to no other individual or organization. Hence, despite being fully trained and licensed solicitors, they were barred from practicing on a par with other solicitors. Such low status within the profession seems to have been the primary driver of their sensemaking during change. Overall, in-house lawyers were supportive of market-based reforms and were enthusiastic about such "revolutionary" changes, which led to open debate regarding the current state of the legal profession. During phase 1 they actively supported both the provision of MDPs and changes in professional self-regulation, and visualized it as an opportunity for engaging and being heard. Again, during phase 2, the dominant sensemaking was about the inevitability of this "massive" change. However, in this phase they showed more cognizance of issues raised by the Law Society and small law firms – related to the issue of consumer protection and professional independence, though without agreeing with them.

The biggest shift in their sensemaking happened in phase 3. In this phase, while they still supported MDPs, many concerns were raised about their applicability; especially whether most of the organizations employing in-house lawyers would have any interest in entering the legal market place at all. For instance, a legal counsel at a national travel agency muses if his company would have any interest in legal work, and, if yes, how exactly are they going to compete with the corporate law firms. Another major issue was raised about the challenge to professional independence from a highly bureaucratic super-regulator, and their support for self-regulation reforms was a lot more qualified in this phase. Throughout the three phases, in-house lawyers

indulged in negligible identity sensemaking and did so only when discussing the negative public image of "high street lawyers". Interestingly, the shift from complete support for the market-based reforms to a more circumspect qualified support also coincided with the negotiations they had with the Law Society about removal of Rule 4. Please see Appendix E for illustrative evidence for sensemaking by in-house lawyers.

ANALYSIS AND DISCUSSION

In this paper, I examine the relationship between actors' field position, sensemaking and action through a temporal case study of regulatory change process leading to market-based reforms in English legal services. Specifically, I undertake comparative analysis of sensemaking of change and organizational actions (individual firm versus collective) by four types of professional actors – barristers, small law firms, corporate law firms and in-house lawyers – each respectively holding a distinct field position. Actors' distinct field positions were defined based on structural position within the legal services field (central versus peripheral) and membership of the overlapping client field (individual versus corporate clients). My findings suggest both similarities and differences in patterns of sensemaking and organizational actions across these actors, leading to several distinct pathways across field position, sensemaking, and actions. Overall, my findings suggest that: (1) field position may have distinct and independent influence on both sensemaking and action; and (2) field position may have a mediating influence on the relationship between sensemaking and action. Following I present discussion of these relationships.

Field Position and Sensemaking

I now examine how actors' field position and sensemaking were related in the case of market-based reforms in English legal services. A key dimension of field position which

emerged as the differentiation factor in sensemaking by actors is membership of the overlapping client field – individual or corporate. I find that despite being considered one of the most important raw materials for sensemaking, identity issues were not considered by all the actors. Instead, identity sensemaking, the theoretical dimension of sensemaking discussing professional identity, was almost exclusively undertaken by actors in the individual client field – barristers and small law firms. In contrast, actors in the corporate client field – corporate law firms and in-house lawyers – took negligible cognizance of identity issues. In fact, they didn't undertake any identity related sensemaking in any of the three time phases under consideration.

Both barristers and small law firms engaged in extensive identity related sensemaking. They were especially sensitive to negative portrayal of the legal profession – whether by the media or government proposals – and to challenges to professional privileges, and put forth defenses against such assertions. As a former president of the Bar Council, referring to the elitist public image of the Bar, said: "There is a belief among some people that the Bar is only for public school and Oxbridge types, who call each other by their surnames, wear striped trousers and throw bread rolls, before challenging each other to games where the forfeit is a bottle of port….This image of young barristers, which has been fostered by television programmes over the years; has done the Bar no end of harm…there are now some impressive ethnic minority and women barristers as role models at the top of the profession." Similarly, while discussing the status challenge facing legal profession, a former head of the solicitors' Sole Practitioners Group (SPG) said: "if the FSA model were to be adopted, then the Law Society would be left with the role of a trade union. The law should have *greater stature than an ordinary trade association*" (emphasis mine).

Identity related sensemaking by both barristers and small law firms suggests deep commitment to presenting a positive image of the legal profession and the special status of the legal profession vis-à-vis other professions and occupational groups. In contrast, I find negligible evidence of identity related sensemaking by the two corporate actors – corporate law firms and in-house lawyers. Prior literature suggests that identity commitments of actors are rooted in both historical and contextual factors. This may partially explain the difference in identity related sensemaking across the two groups, as barristers are one of the oldest, most cohesive and most homogeneous groups. Similarly, small law firms as a group are dominated by firms with less than five partners, highly consistent with the ideal typical image of a lawyer as an exemplar independent professional. However, professional identity or cohesion may not fully explain this difference in sensemaking, as London-based corporate law firms are also one of the oldest actors in the English legal services profession, going back to mercantile expansion in the eighteenth century, and are very much central to the profession. My analysis suggests that the difference in sensemaking, at least partially, can also be explained by the distinct field positions of these actors. It seems that membership of the corporate client field directly influences the identity related sensemaking of these actors (or the lack of it). This assessment is consistent with prior work on differentiation within the legal services profession in the USA, which argues that one of the key differentiators is the type of client which firms serve, as over time this leads to distinct identities and specializations, culminating in the creation of two distinct "hemispheres" within the legal profession – individual and corporate (see Heinz & Laumann, 1982).

The distinction across actors in these two hemispheres, in terms of identity commitment, is also supported by patterns of schema of change adopted by barristers and small law firms, in contrast to corporate actors (corporate law firms and in-house lawyers). I find that the former

groups interpreted the market-based reforms as an existential challenge and portrayed them in terms of strong negative emotions, typically outrage and disappointment. As a former chairman of the Bar Council said: "Bar disagrees profoundly with the report's conclusions, which included a recommendation to scrap the QC system." In contrast, corporate law firms and in-house lawyers saw these changes either as just continuation of business as usual (the former) or an opportunity to be exploited (the latter). Accordingly, I suggest that specific ways in which actors are embedded in a field (field position), may independently influence actors' sensemaking of change.

Field Position and Action

Actors' choice of organizational action – individual or collective – or at least the proclivity towards one or the other, may also be influenced by actors' field position independently of sensemaking. My findings show that the corporate actors indulged in high levels of individual organizational action across all three events, substantially more than barristers and small law firms. Even when faced with similar environmental feedback, these actors behaved differently. For instance, faced with continued environmental challenges – the reports of the DCA and Clementi Commissions supporting and proposing market-based reforms, considered highly challenging for small law firms – individual organizational action by small law firms dropped drastically across events. During the final event, the JPC of 2006, their individual organizational participation was similar to barristers; that is, very low. In contrast, when faced with environmental challenges, especially suggestions of stronger government control over professional self-regulation during the Clementi Commission, and the proposal to completely remove self-regulation in the DCA white paper of 2005, corporate law firms increased their levels of individual organizational action. While high individual participation by

in-house lawyers can be explained through many other contextual factors, it is the different trajectories of organizational action by small and corporate law firms which suggests some influence of field position. In-house lawyers were peripheral actors within the Law Society, struggling to attain full practice rights, equivalent to other solicitors. They also lacked many influential collective special interest groups or associations. Hence, for them to engage in individual action is expected. They contrast meaningfully with barristers, who are the opposite of in-house lawyers in terms of field position, and engaged in highly collective organizational action, predominantly through their associations. In the same vein, small law firms and corporate law firms gravitated towards more collective and more individual organizational action, respectively, over time; even though they both began at the same level and faced environmental challenges.

Overall, these differential patterns of organizational action across actors in the individual and corporate client fields suggest that field position may independently influence actors' actions. A plausible alternative explanation may rest on actors' capital, especially economic capital. It can be argued that actors with high economic capital – typically corporate actors in this study – indulge in more individual organizational action as they have the resources to do so: the expertise and professionalism to study government proposals and prepare appropriate responses to submit or present in person during commission hearings. However, economic capital is unlikely to be the prime factor in explaining the differences in organizational actions discussed previously. First, the regulatory commissions didn't require in-person oral submission, which is more capital intensive. Submission could be made through email or sent by post. Second, resource issues may not explain why the individual organizational responses by small law firms fell from 47 to 25 to 2 over the three events, especially when a response prepared for a prior

event could be easily used, with some changes, for the current event. Furthermore, it doesn't explain why barristers as group saw such low levels of individual organizational action, even though most senior barristers enjoy both the expertise and the resources to respond to regulatory commissions. Accordingly, I suggest that the field position of an actor may also have independent influence on the actor's actions.

Field position, Sensemaking and Action

In addition to the two distinct independent relationships that actors' field position has with sensemaking and action, my analysis also suggests a more complex relationship integrating all three. My results show that field position may mediate the relationship between actors' sensemaking of change and choice of organizational action. Specifically, it seems that environmental cues influence actors' sensemaking of change. However, the impact of episodes of sensemaking on action depends on actors' field position. This mechanism is best exemplified by the contrast between small law firms and corporate law firms.

During phase 1, subsequent to the publication of the OFT report in 2001, small law firms present evidence of extensive affective response to change and market opportunity construction. They predominantly interpreted proposals of market-based reforms as an existential challenge and responded with outrage. For instance, a former president of the Legal Aid Practitioners Group said: "The real risk is that big commercial organizations will come and take the most profitable work, and high street firms will be left with legal aid and the least profitable work, which won't make for a viable business." Similarly, consistent with interpreting market-based reforms as existential challenge, representatives of small law firms also responded with outrage initially, as a solicitor running a small practice mentioned: "the government doesn't seem to care about the community or the values driving the legal profession." Such an existential challenge-

oriented sensemaking may have initially driven high levels of individual organizational participation. However, over time, and in the face of continued challenges from the Clementi Report in 2004 and the DCA white paper in 2005, the affective sensemaking of small law firms shifted from outrage to disappointment and resignation, even though they consistently viewed the reforms as an existential challenge. As a former head of the Sole Practitioners Group said: "unless you have altruistic reasons to continue the service you are providing, you should be looking for a different, more remunerative form of practice." Simultaneously, I also find evidence of increasing problematization of change in terms of inherent issues related to corporatization and conflict of interest, as a former office bearer of the Law Society mentioned: "the solicitor would be placed in a difficult commercial position if, for example, he knew his estate agent partner was not the right person to whom he should refer a particular client selling his house." This shift in sensemaking, especially affective schema and increasing prolematization of change, also coincided with decreasing individual organizational action, dropping to almost negligible levels during the third event, JPC 2006.

However, this was not a straightforward case of independent influence of sensemaking on action. In the case of corporate law firms, continued challenges from the environment – the proposal for some state control of professional self-regulation by the Clementi Commission in 2004, and the proposal for complete separation of regulation from the profession in the DCA white paper of 2005 – led to some shifts in the schema of change and increasing problematization of change. Initially they considered proposed reforms as "business as usual": "The worldwide operations of our firms are funded entirely by our partners. We like this arrangement and do not intend to change it. The provision of legal services is not a very capital-intensive business. I doubt if there is a very significant demand for external funding" (Partner,

Allen & Overy). But this shifted to an explicit problematization of state control: "The reforms would give the government – and/or civil servants – the tools to control the profession if it wanted to. The powers of the LSB meant that lawyers would have 'supervised self-regulation' at best. With a heavy hand on the rudder, it could soon turn into an FSA-type body" (Chairman, City of London Law Society). While in the cases of small law firms and corporate law firms, continued challenges from the environment led to shifts in sensemaking, especially increased problematization of change, their respective patterns of organizational action were the reverse of each other. For small law firms, individual organizational action decreased from 47 to 2 responses, for corporate law firms it increased from 8 to 14. This comparison shows that though sensemaking may lead to change in organizational action, the field position of an actor may influence how the actions will change specifically, mediating the relationship between sensemaking and action.

Another case of the field position mediating the relationship between sensemaking and action is presented by the in-house lawyers. As a peripheral actor with partial membership of the field, in-house lawyers lacked practice rights equivalent to other solicitors. Hence, their key goal was the repeal of practice Rule 4, which forbade them from advising any client other than their employer. Not surprisingly, they saw market-based reforms as an opportunity, as they provided an opening for gaining these rights either through government action or through internal negotiations with the Law Society. So initially their schema of change was predominantly that of an opportunity to be exploited. As a prominent office bearer of their interest group mentioned:

> "It will bring about a huge change and shake-up in the profession. You will get the big supermarkets entering the field, and once one or two get in there, the others will have no choice but to follow. It won't happen immediately, but if you are looking between five to

ten years ahead, then I think the whole structure of the legal profession will have changed."

However, over time, especially after the Law Society agreed to meet their key demand, repeal of practice Rule 4, both their sensemaking of change and organizational action shifted. During later stages of the reform period, after agreement with the Law Society, in-house lawyers increasingly engaged in problematization of the market-based reforms, especially with respect to self-regulation and government intervention. As a counsel with a major corporation mentioned:

"There are undoubtedly problems with the way things are at the moment, but I do not think a super-regulator would work, it would be the wrong way of going about it…such a system often leads to the introduction of a greater number of rules and bureaucratic processes, such as audit trails, and creates extra costs without clear benefits to the consumer. If self-regulation needs to be improved, then improve it."

This shift in sensemaking also coincided with decreasing participation of individual organizations, though not to the same extent as small law firms. Overall, my analysis suggests that several mechanisms may operate simultaneously with respect to the relationship between field position, sensemaking and organizational action. I specifically identify three such mechanisms. First, field position independently influences sensemaking. I find that actors in the individual client sphere engaged in extensive identity related sensemaking, whereas actors in the corporate sphere engaged in negligible identity related sensemaking. Second, field position may independently influence organizational actions. I find that actors in the corporate sphere show distinct proclivity for individual organizational action. Third, field position may mediate the

influence of sensemaking on organizational action. I find that shifts in actors' schema of change and problematization of change coincide with changes in organizational action, but the specific changes in action are influenced by field position. For instance, when faced with a perceived threat of increasing government control of the legal profession, corporate law firms undertook more individual organizational action; that is, the responses by individual law firms increased over time. In contrast, small law firms, who hold the opposite field position to corporate law firms, peripheral-individual versus central-corporate, reduced their level of individual organizational responses, despite the persistence of the threat.

CONTRIBUTIONS AND IMPLICATIONS

The primary contribution of this study is to the cognition related literature. Specifically, this study examines various mechanisms through which actors' field position, sensemaking and action may be related. In doing so, it advances our current understanding of context, cognition and action. Prior literature in sensemaking has tended to predominantly analyze sensemaking at the individual level, and how an individual's context, typically background, affects their sensemaking (e.g. see Maitlis, 2005 & 2009). Some recent work has also looked at the influence of positional variables, such as capital, from Bourdieu's field perspective, on sensemaking by individuals (see Lockett et al., 2014). However, studies of sensemaking at the macro, or collective, level are typically missing (Maitlis & Christianson, 2014). This study fills that gap by undertaking a field level analysis of sensemaking by four different types of actors in a professional field. Furthermore, by employing a more holistic definition of field position, using both structural position (see Bourdieu, 1993) and the notion of overlapping and proximate fields

(see Fligstein & McAdam, 2011), this study advances our current understanding of the influence of context on sensemaking.

Consistent with Lockett et al. (2014), I find that that capital related attributes of field position may indeed influence sensemaking. However, my analysis suggests that capital, understood from Bourdieu's perspective, may be one of the determinants of field position. Other attributes of field position (e.g. level of membership in the focal field or overlapping field) may also strongly influence actors' sensemaking. Defining field position purely in terms of capital is problematic, especially for field level studies, as it force-fits actors on a single dimension – either incumbents or challengers. Such an approach assumes that incumbents share a common world view, suggesting similar sensemaking of change by incumbents. But my analysis suggests that incumbent actors may not share common world views. They might even have contradictory views regarding the field (what should be defended and what shouldn't), and consequently, distinctly different trajectories of sensemaking (and action). Hence, it is important to conceptualize field positions more holistically, bringing together Bourdieu's conception of position and Fligstein & McAdam's (2012) notion of strategic action fields to fully realize the explanatory potential of field position as a variable.

Within the wider cognition literature, prior work has looked at environmental or change interpretation at the level of collectives, typically industry. It has variously analyzed the evolution of interpretations (e.g. see Barr, 1998; Isabella, 1990); the relationship between actors' interpretation and action (see Gavetti & Rivkin, 2007; Barr, 1998); and, to a lesser extent, the relationship across context, cognition, and action (e.g. see Nadkarni & Barr, 2008). However, in spite of a few sporadic studies, an integrative view with respect to actors' context, cognition and actions is typically lacking. Even when such an integrated approach is taken (e.g. see Nadkarni &

Barr, 2008), it is the industry, and not the actor, which is the unit of analyses. Hence, such an approach ends up treating industries as homogeneous entities and using industry level variables (e.g. high versus low velocity). While important in its own right, such an approach fails to do justice to diversity across actors within an industry, such as differential levels of embeddedness, situated cognition (Elsbach, Barr & Hargadon, 2005; Lant, 2002), and the interaction of cognitive schemas and contexts. Considering the diversity within an industry is important because it allows the variation in schemas across actors to emerge. By differentiating actors based on the nature of field embeddedness, this study allows us to analyze how cognition is situational, and strongly linked to actors' field position. Furthermore, it also allows us to explicate various mechanisms linking context, cognition and action. For instance, I find that field position may independently influence certain types of sensemaking and actions. Most importantly, my study suggests that field position may also be a mediating factor, influencing the relationship between sensemaking and action. This issue is important as it suggests that (1) the same type of sensemaking by two different actors may still lead to different actions; and (2) actions may be products of more complex situated cognitions – a coming together of cognition and context.

This study also makes a secondary contribution to the organization attention literature (see Ocasio, 2011 for a review). Prior literature on organizational attention suggests that identity is one of the key factors directing organizational attention. Identity threats, especially negative portrayal of core industry identity by external actors, are presented as one of the key triggers of extensive sensemaking of critical events by industry incumbents (e.g. see Hoffman & Ocasio, 2001; Hoffman, 1999) and subsequent actions (e.g. see Elsbach & Kramer, 1996). While the centrality of core identity attributes, especially their violation, in triggering sensemaking is well

established, my study suggests that identity may not be central to the sensemaking of all incumbents (or core actors). Acknowledging this issue is important, especially in research concerning professional fields, because this suggests that multiple context-sensemaking-action pathways may operate simultaneously. Thus, while identity may be an important trigger for some actors, identity-independent processes may also operate. This has important implications for professions literature as identity, both construction and violation, is considered central to cognition and action in professions (e.g. Pratt, Rockmann & Kaufmann, 2006). Examining how the role of identity varies within even an established profession may help us explicate the process underlying the relationship between actors' position, sensemaking and action in finer details.

LIMITATIONS AND FUTURE RESEARCH

This study examines the processes linking actors' field position, sensemaking and actions using publicly available archival data. However, the two dimensional categorization of actors' field position and use of publically available archival data also presents important limitations. First, the two dimensional categorization of the relative field positions of professional actors represents an analytical construct for comparisons across actors during a particular time period, 2001 – 2007, and is neither frozen in time, nor completely exclusive. The relative positions of actors may indeed change over time due to increase or decrease in numbers, resources, jurisdictions and other politico-economic factors. Future research may explore how and why field positions of professional actors in historically well-established professions shift over time. Further, some of these categories may be more coherent and mutually exclusive than others. For instance, small law firms include both sole proprietorships and comparatively bigger high-street law firms. It can indeed be argued that high-street law firms are both more central and more corporate than sole proprietorships, though still more peripheral and individual than corporate

law firms. Future research can contribute greatly to the sociology of professions, especially our current understanding of how established professions fracture over time, by analyzing various organizational forms within categories suggested in this paper.

Second, this study considers organizational action within the narrow confines of formal responses to regulatory consultation commissions by individual organizations versus those by collective organizations (associations and special interest groups). While this distinction is important, especially for professional fields, where collective organizations have a historical legacy and are established representatives and modes of action, such a definition of action precludes other important actions, both formal and informal, which organizations may undertake to engage with and influence regulatory change processes. For instance, this paper does not include one of the key modes of action – political lobbying. Regulatory change processes, as they directly involve government agencies, are important sites for lobbying by actors. Similarly, the paper also doesn't include internal collaborations across actors, whether formal or informal. As various actors vary in terms of their support for market reforms, collaborations and coordination between actors over time is a distinct possibility. Future research can explore different types of actions undertaken by actors (e.g. submission of formal response, political lobbying, lobbying within the umbrella professional association, collaborating and coordinating with other actors, and creating new special interest groups) and how the salience of these actions vary over time with respect to actors' sensemaking of change.

Third, the media coverage of actors' thinking and positions with respect to salient issues, even including interviews and opinion pieces by participating actors, is at best a partial representation of sensemaking. While prior literature using LTS suggests that even public resources may be appropriate representations of actors' deeply held schemas, and using trade

media may provide a more applicable vehicle, a fuller account of sensemaking can emerge from an analysis of private correspondence by actors (within the group or with important others). Access to such real-time data will help examine the sensemaking processes, especially with respect to feedback, with the levels of granularity which archival data combined over longer time periods of months and years may not achieve.

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APPENDIX A: Illustrative evidence supporting data structure

Second-order Categories	First-order Codes	Evidence
Professional Identity Challenges	Criticism of consumer complaint handling	The Legal Services Ombudsman kept up the pressure on the Office for the Supervision of Solicitors (OSS) this week by issuing an unprecedented and largely critical interim report into its operation. Zahida Manzoor said that although there have recently been some signs of modest improvement, 'it saddens me to report that, as I had feared, the complaints-handling performance of the OSS has continued to deteriorate'.
	Professional organizing or governance model outdated	The legal profession should wish to be and to be seen as forward-looking and modern. The maintenance of time-honoured quaint traditions needs close scrutiny to ensure that they do not merely become another form of restrictive practice, stifling equality of opportunity, innovation and progress and in the final analysis harming the legal profession.
	Negative image or portrayal	The Times, throwing in quotation marks liberally, said that the rates will 'mean barristers earning as "little" as £20 an hour' and 'Queen's Counsel will earn "only" £48 an hour' (5 April). A Bar Council spokesman was quoted as saying 'I pay my cleaner £12 an hour.' Maybe the time will come when the rates converge and we will see the makers of Toilet Duck set up an advocacy arm.
Defence against Identity Challenges	Challenging negative image	He says: 'It's all perception rather than reality. There is a belief among some people that the bar is only for public school and Oxbridge types, who call each other by their surnames, wear striped trousers and throw bread rolls, before challenging each other to games where the forfeit is a bottle of port.' Mr Bean says this image of young barristers, which has been fostered by television programmes over the years; has done the bar no end of harm.

	Progress in handling consumer complaints	Three years ago, the Society recovered from an all-time low, reducing its backlog of complaints from almost 20,000 to around 5,000. The backlog had caused the then Lord Chancellor to set targets for the Society's complaints handling and to take reserve powers to appoint a Legal Services Commissioner who would fine the Society if those targets were not reached. The Law Society Council is committed to improving its complaints handling and has invested heavily on behalf of the profession to try to improve things.
Affective Response to Change	Dissapointment with or resignation towards change	Mr Mathews acknowledges. 'If they can abolish the office of Lord Chancellor overnight with no consultation, anything is possible,' he reflects. / 'When Margaret Thatcher was prime minister, it was said to have set back the cause of women's rights no end. In the same way, having so many lawyers in the Government hasn't actually helped lawyers in any way,' reflects Mark Harvey, the secretary of the Association of Personal Injury Lawyers (APIL) and a partner at south Wales law firm Hugh James.
	Acceptance of or conciliation with change	The future of self-regulation in all professions has been questioned worldwide, and the involvement of the consumer in the governing bodies of regulatory authorities is an important development in securing a more open and transparent process. The Society itself now involves lay people on both its standards board and its compliance board -- 25% and 50% respectively. The governing council also now includes lay people.
	Enthusiasm for positive engagement with change	But the Law Society was ahead of the game. Its own governance review group had recommended the establishment of a regulatory board ring-fenced from the elected representative council, a model Sir David complimented in his report.
Market Opportunity Construction	Major Change	By contrast, Richard Miller, director of the Legal Aid Practitioners Group, said that allowing LDPs could spell severe problems for high street firms. Mr Miller said: 'The real risk is that big commercial organisations will come and take the most profitable work, and high street firms will be left with legal aid and the least profitable work, which won't make for a viable business.'
	Business as Usual	The fact is, accountancy-tied law firms still have a lot of work to do before they can present themselves as a serious alternative in key global markets such as mergers and acquisitions (M&A), and finance. KPMG firm KLegal's UK managing partner Nick Holt estimates it will take his firm two to three years to build the necessary critical mass and track record, but says the main battle with traditional law firms is for lawyers, rather than clients. He adds: 'We are not going to be Clifford Chance or Linklaters. We work alongside KPMG and offer a multi-disciplinary approach. Clifford Chance cannot do that.'
	Reforms as opportunities	Alison Crawley, set to assume the title of director of regulation/policy at the Law Society this week, says: 'The question of reforms is based on how far solicitors themselves want to go. On investment from external players into firms, this development could give smaller and mid-sized firms a chance to compete with the larger firms in investing in IT systems and the like.'

Public Interest	Corporatization or marketization	I am so grateful that Sir David Clementi has chosen to suggest driving solicitors off the high street and abolishing the right to self-regulation. The financial services industry and the banking and insurance industries are, after all, Now I can work within a commission-driven culture with insufficient duty of care to my clients and make billions into the bargain out of selling poor- quality financial products my clients don't need exemplary acts to follow.
	Professional conflict of interest	Clive Sutton strongly opposes 'supermarket law' and says the interests of both the legal profession and the public meet at this point. 'If you start to get people giving legal advice under the umbrella of a corporate employer, it is inevitable that the corporate employer will seek more and more control over the way that legal advice is given, whatever lip service is paid to regulation,' he asserts.
Professionalism	Maintaining occupational boundaries	But he is against fusion of the professions. In the first place, says, 'the·system ain't broke and so it doesn't need fixing: but he adds that lawyers themselves do not want to perform each others roles, otherwise the rates of solicitors becoming barristers and vice versa would be much greater. In addition, he says that countries that the countries with fused professions do not have lawyers with better reputations: 'Look at the US -- more lawyers, more litigation, more anti-lawyer jokes, higher fees.
	Government control	The independence of the legal profession itself in any future regulatory framework is essential for the well-being of society. The profession must be fearless in its defence of individuals against the state and to do this the profession must remain independent of the executive, a fact recognised internationally by both the EU and the UN.
	Professional independence	The Bar Council has no interest in either MDPs or SDPs. A spokesman argues that it is in everyone's interest to retain an independent, self-employed referral profession - self-employment, the bar maintains, is more competitive, while independence would be constrained by partnership. 'If a barrister wants to practise in partnership, he or she can become a solicitor,' he says.
Bureaucratic Inefficiency	Cost of professional governance	Paradoxically, he says, the City is unlikely to be happy with many alternatives, 'which could be substantially more expensive'. An alternative regulator might be funded on the basis of an income tax, he suggests. 'And there could be a double whammy, with even more regulation,' he fears. 'For many firms, better the devil you know.'
	Effciency of the system	But New South Wales has a much smaller legal profession and therefore far fewer complaints than the profession in England and Wales. There is a danger that, in a much larger environment, a gateway model, disconnected from the professional bodies, could lead to delay or difficulties in diagnosis, especially when there are hybrid complaints, combining both poor service and misconduct.
	Unfettered bureaucratization	He suggested the structure could easily be turned into an 'interventionist and bossy' regulator like the Financial Services Authority (FSA). Describing it as 'supervised self-regulation', he said that because the LSB could call in the professional bodies' rules, it could become an FSA-type body 'if a heavy hand is placed on the rudder'.

	Marshalling support from other sources	The clash between the government and the House of Lords over the fate of Lord Falconer's constitutional reforms felled more than an acre or two of trees over the last week. The Daily Mail (10 March) attacked the government for its 'constitutional vandalism in tearing down institutions that have protected our freedoms for centuries. This was a back of the envelope job, hastily scribbled down as part of his (Tony Blair's) last botched Cabinet reshuffle.'
External rationalization	Drawing attention to other professions	While criticising much about the estate agency market in England and Wales, the OFT stopped short of calling for a licensing scheme for operators, despite the demands of the National Association of Estate Agents, which wants to set up a scheme of self-regulation. Many other commentators joined in the attack on the OFT for not going far enough. Denis Cameron, chairman of the Law Society's land law and conveyancing committee, says it is 'quite remarkable', especially in the light of the Clementi review of legal services, that the OFT shied away from the compulsory self-regulation of estate agents.
	Lack of clarity in government reform proposals	However, council members expressed concern that the report contained insufficient reasoning to make such a major decision. They overwhelmingly passed an amendment put by lay member Huw Thomas, which endorsed the principle of greater separation but called on the group to consult and produce in December a final set of detailed recommendations on how to achieve this.
	Current professional firm and governance model appropriate	Not everyone in the City is enamoured of the idea of firms turning to public company models to raise external capital. Nigel Boardman, head of corporate with Slaughter and May, says: 'We have no intention of so doing. We believe that partnership is a feature that makes the firm good, giving the lawyers the motivation that comes from being owners. That correlation of workers and owners works best for us.'
Internal Rationalization	Profession has been reforming itself proactively and gradually	The Law Society has championed the concept of MDPs for some years. As long ago as 1987, a consultation revealed that 54% of solicitors backed them, and following another consultation showing strong support a decade or so later, the council adopted a policy in favour in 1999.

APPENDIX B: ILLUSTRATIVE EVIDENCE - BARRISTERS

Processes	Codes	Evidence
Change Outlook	Opposition (MDPs)	Bar Council chairman Matthias Kelly QC ……. pledged to 'fight MDPs tooth and claw'. They would lead to the 'Enronisation of the legal profession',
	Qualified Support (MDPs)	Mr Mansfield told the conference that the Bar had 'no problem' with the concept, provided LDPs were completely lawyer-owned and did not ultimately evolve into multi-disciplinary partnerships involving non-legal professionals.
	Opposition (Self-regulation)	The Bar Council stressed …... 'the virtues of regulatory regimes being founded on notions of professionalism and professional ethics'.

	Qualified Support (Self-regulation)	Mr Mansfield also warned the conference that the Clementi-proposed legal services board and the office of legal complaints (OLC) could evolve into bureaucratic behemoths. 'We are concerned that the board must be prevented from creeping out beyond what Parliament intends,' he said. 'This is what many regulators end up doing.'
Identity Sensemaking	Negative Portrayal	'Despite the wigs and the gowns and the widespread idea that barristers live the kind of well-cushioned life the rest of us can only dream of, the Bar Council claims the reality is far more humdrum.' He says: 'It's all perception rather than reality. There is a belief among some people that the Bar is only for public school and Oxbridge types, who call each other by their surnames, wear striped trousers and throw bread rolls, before challenging each other to games where the forfeit is a bottle of port.' Mr Bean says this image of young barristers, which has been fostered by television programmes over the years; has done the Bar no end of harm. He says there now some impressive ethnic minority and women barristers as role models at the top of the profession.
	Professional Privileges	The Bar Council stoutly defends its traditional selection process and takes comfort from the fact that in its consultation paper, the LCD alludes to it as 'a mark of quality and distinction in relation to legal expertise and experience including advocacy'.
Schema of Change	Outrage	Roy Amlot, chairman of the Bar Council, was less conciliatory. He said the Bar disagreed profoundly with the report's conclusions, which included a recommendation to scrap the QC system.
	Conciliation	Mr Hockman said: 'Since the Bar sets out to be principally a referral profession, the existence of other strong and thriving professional groupings is very much in our best interests -- these are prospective clients.' Mr Hockman added that the Bar Council had not ruled out applying to act as an ABS regulator.
	Major Changes	Bar Council chairman Stephen Irwin QC welcomed the decision not to promote MDPs. He said: 'We have argued against the 'Enronisation' of multi-disciplinary partnerships.'
Problematization of Change	Bureaucratization & State Control	The Bar Council response says the LSB must not turn into an all-powerful Financial Services Authority-style body by stealth: 'There is always a danger that such bodies will wish to take an ambitious and extensive view of their powers ... We are concerned that the proposals in the White Paper do not provide sufficient checks against the LSB developing into a costly mechanism for second-guessing FLRs.'
	Cost	Bar Council chairman David Bean said the cost of regulating barristers to conduct litigation would be prohibitive
	Professional Independence	'I am amazed that after the Enron debacle, which demonstrated the importance of professional independence, the OFT is still promoting the idea that barristers should be allowed to join MDPs; But he is against fusion of the professions. In the first place, says, 'the·system ain't broke and so it doesn't need fixing: but he adds that lawyers themselves do not want to perform each others roles, otherwise the rates of solicitors becoming barristers and vice versa would be much greater.

APPENDIX C: ILLUSTRATIVE EVIDENCE - SMALL LAW FIRMS

Processes	Codes	Evidence
Change Outlook	Opposition	By contrast, Richard Miller, director of the Legal Aid Practitioners Group, said that allowing LDPs could spell severe problems for high street firms. Mr Miller said: 'The real risk is that big commercial organisations will come and take the most profitable work, and high street firms will be left with legal aid and the least profitable work, which won't make for a viable business.'
	Opposition	Meanwhile, Clive Sutton, chairman of the Sole Practitioners Group, was adamant that the main professional bodies must be left to regulate their own members. 'It would be ridiculous if we had to have an FSA-style system,' he claimed. Mr Sutton said that, if the FSA model were to be adopted, then the Law Society would be left with the role of a trade union. 'The law should have greater stature than an ordinary trade association,' he argued.
Identity Sensemaking	Professional Independence	Mr Sutton said that, if the FSA model were to be adopted, then the Law Society would be left with the role of a trade union. 'The law should have greater stature than an ordinary trade association,' he argued.
	Negative Portrayal	Mr Spector says the public's perception of solicitors is one of the biggest changes he has seen over the years. Today's press may portray the profession as greedy and unscrupulous, but the image of the 1920s and 1930s solicitor was that of a knowledgeable man of integrity. He says: 'Solicitors were considered with great respect, and what they said carried weight. Clients may have complained or disagreed, but they did so respectfully.'
Schema of Change	Disappointment & Resignation	Speaking at the group's annual conference in Oxford, Clive Sutton told SPG delegates still involved in legal aid that 'unless you have altruistic reasons to continue the service you are providing, you should be looking for a different, more remunerative form of practice'. Mr Sutton said legal aid lawyers are currently 'providing a service more to the public and the government than an income for themselves'.
	Major Change	By contrast, Richard Miller, director of the Legal Aid Practitioners Group, said that allowing LDPs could spell severe problems for high street firms. Mr Miller said: 'The real risk is that big commercial organisations will come and take the most profitable work, and high street firms will be left with legal aid and the least profitable work, which won't make for a viable business.'
Problematization of Change	Corporatization	I am so grateful that Sir David Clementi has chosen to suggest driving solicitors off the high street and abolishing the right to self-regulation (see [2004] Gazette, 11 March, 1). The financial services industry and the banking and insurance industries are, after all, exemplary acts to follow. Now I can work within a commission-driven culture with insufficient duty of care to my clients and make billions into the bargain out of selling poor-quality financial products my clients don't need. The only problem is, I suppose, that competition - as any small firm trying to get deeds from a building society or a legal expenses insurance policy that isn't designed to indemnify, to pay out, will tell you - only goes one way.

	Conflict of Interest	However, Mr Sutton opposes MDPs on principle, saying the solicitor would be placed in a difficult commercial position if, for example, he knew his estate agent partner was not the right person to whom he should refer a particular client selling his house.
	Drawing Attention to Other Professions	Kerry Underwood, a partner in the home counties firm Underwoods and a leading expert on no-win, no-fee work in both personal injury and employment work, says anything less than equivalent regulation for all these unregulated providers constitutes a continuing danger to the public. He argues that greater transparency- a health warning on the unregulated - simply does not offer enough protection. 'There are certain things in society so important they do need to be regulated,' he says.

APPENDIX D: ILLUSTRATIVE EVIDENCE - CORPORATE LAW FIRMS

Processes	Codes	Evidence
Change Outlook	Support	Clifford Chance director of public policy Hilary Plattern said: 'We are likely to recommend the model B+, but it needs to have change at its heart and not be a fudged separation. The separation could be achieved by ring-fencing, with the Law Society doing everything but being very clear in its own mind where the separation is internally.'
	Qualified Support	In a draft response to the Clementi review consultation, the City of London Law Society (CLLS) said only model B+ (see left) would improve the promotion of public and consumer interest, while keeping strong professional input into the regulatory standards and rules. It rejected model A, arguing that such a move would risk the independence of the profession. CLLS chairman David Wyld said: 'We will probably recommend model B+, which achieves separation of regulation from the "trade union" people. But it will depend on how it is done - it should not be too heavily regulated from above.' The CLLS submission said the separation could be achieved within a single professional body, so long as regulatory decisions could not be influenced by the representation side.
	Opposition	In an earlier evidence session last week, David McIntosh, chairman of the City of London Law Society, warned that the lack of independence from government in the appointments process would be an 'own goal' affecting the international standing of City firms, and would 'play into the hands of overprotective foreign bar associations' that did not want to grant solicitors practice rights.
Identity Sensemaking		NO EVIDENCE
Schema of Change	Enthusiasm	From a City perspective, Stuart Popham, senior partner of Clifford Chance, says: 'Although we have no current plans to change the current ownership structure of the firm, we are pleased with the flexibility that the recommendations offer for all law firms in the UK.'
	Business as usual	Nigel Boardman, head of corporate with Slaughter and May, says: 'We have no intention of so doing. We believe that partnership is a feature that makes the firm good, giving the lawyers the motivation that comes from being owners. That correlation of workers and owners works best

		for us.' He says that Slaughters does not have a significant need for capital expenditure, and forecasts that those firms that would want external investments might not be the ones that such investors would be interested in. 'I don't see it as attractive. There is a danger that law partnerships going public would be receiving a one-off payment for future earnings,' Mr Boardman says.
	Business as usual	However, Stephen Denyer, regional managing partner for Europe at magic circle firm Allen & Overy, said the City giant is happy as it is. He said: 'The worldwide operations of our firms are funded entirely by our partners. We like this arrangement and do not intend to change it. The provision of legal services is not a very capital-intensive business. I doubt if there is a very significant demand for external funding.'
Problematization of Change	State Control	City of London Law Society chairman David McIntosh told delegates that he had found Lord Falconer's words 'soothing', yet 'unconvincing and worrying'. The reforms would give the government - and/or civil servants - the tools to control the profession if it wanted to, he said. The powers of the LSB meant that lawyers would have 'supervised self-regulation' at best. With a heavy hand on the rudder, it could soon turn into an FSA-type body, he cautioned.
	Professional Independence	Margaret Robertson, joint managing director of leading London private client firm Withers, said one problem with external investment would be conflicts, as there is not enough money in law firms to offer a decent return. The appeal to external owners, she suggested, could be the access they would get to the firm's clients. Ms Robertson explained that some of her firm's private clients run major concerns and are constantly being chased by banks and others for their business. 'They value the independence of a law firm,' she said.

APPENDIX E: ILLUSTRATIVE EVIDENCE - IN-HOUSE LAWYERS

Processes	Codes	Evidence
Change Outlook	Support	My gut reaction is that we would be very happy if the RAC was allowed to own a practice managed by lawyers,' he said. 'However, we would want to be able to draw on the general management experience that exists in a plc like ours.
	Support	The Commerce & Industry Group, while not responding in detail to that part of his consultation, told Sir David that its members also 'expressed a clear preference' for model A - a legal services authority that would take on regulation in place of the professional bodies.
	Qualified Support	There are undoubtedly problems with the way things are at the moment, but I do not think a super-regulator would work, it would be the wrong way of going about it," he says. Nardi argues that such a system often leads to the introduction of a greater number of rules and bureaucratic processes, such as audit trails, and creates extra costs without clear benefits to the consumer. "If self-regulation needs to be improved, then improve it,"
Schema of Change	Major Change	It will bring about a huge change and shake-up in the profession. You will get the big supermarkets entering the field, and once one or two get in there, the others will have no choice but to follow. It won't happen immediately, but if you are looking between five to ten years ahead, then I think the whole structure of the legal profession will have changed.

	Business as usual	However, one in-house lawyer in the travel industry said he could not envisage competing with City law firms to provide legal services to the company's business clients. He added that he was 'struggling with the concept' of why his company would want to provide legal services to the public, which would be 'a completely new type of business, completely separate from the travel industry.'
	Opportunity	It will bring about a huge change and shake-up in the profession. You will get the big supermarkets entering the field, and once one or two get in there, the others will have no choice but to follow. It won't happen immediately, but if you are looking between five to ten years ahead, then I think the whole structure of the legal profession will have changed.
Dimensions of Change	Corporatization	Jonathan Gulliford, the RAC's head of legal practice, says: 'The business models have to change to provide customers with customer-oriented legal provision. Some areas of legal work can be commoditised and our customers will benefit ... our members tell us they're happy to use us and the customer ethos we bring to them.'
	Professional Independence	'If I lose my practising certificate because I have been in breach of the professional rules, then I don't have a career. If I have a row with my employer about my status and my independence, I can always go to another job with my PC and my morals intact.'
	Bureaucratization	There are undoubtedly problems with the way things are at the moment, but I do not think a super-regulator would work, it would be the wrong way of going about it," he says. Nardi argues that such a system often leads to the introduction of a greater number of rules and bureaucratic processes, such as audit trails, and creates extra costs without clear benefits to the consumer. "If self-regulation needs to be improved, then improve it,"

CHAPTER 4: ISSUE FRAMING DURING CONTESTED FIELD CHANGE – THE INFLUENCE OF ACTORS' FIELD POSITION AND INTERESTS

ABSTRACT

Analysis of frames and framing strategies adopted by actors during discursive struggles has been studied extensively in the literature. As fields are based on socially constructed, intersubjective shared meaning systems, such discursive analysis allows scholars to analyze several dimensions of the field change process, especially discursive contests and issues of politics and power. However, the literature has typically not taken into account structural constraints on actors' usage of frames and their perceived interests. Accordingly, in the context of market-based reforms in English legal services (2001-2007), I examine the frames and framing strategies adopted by four types of legal service professionals – barristers, small law firms, corporate law firms and in-house lawyers – holding distinct field positions. My analysis suggests that frames and framing strategies used by actors during contested change evolve over time, depending on actors' field position (which influences preferred choice of macro discourses or meta-frames) and their perceived interests, especially threats from the environment (which influences the diversity of frames adopted and shifts in framing strategies).

INTRODUCTION

Analysis of discursive strategies adopted by actors during field change is one of the key mediums for exploring actors' agency in a field (e.g. see Litrico & David, 2017; Hardy & Maguire, 2010; Suddaby & Greenwood, 2005). What is said matters because fields are socially constructed, based on intersubjective shared meaning systems. Furthermore, an analysis of actors' discourse also allows scholars to situate various discourses in actor-specific field contexts and to bring the issues of politics and power to the fore (Creed, Langstraat & Scully, 2002). Field change has been the context of choice for exploring discursive strategies by actors for several reasons. First, periods of field change are marked by extensive discursive struggles as renegotiation of meaning structures underlying the field may be necessary for reordering the power arrangements and interaction patterns (Fligstein & McAdam, 2012; Weber & Glyn, 2006; Lounsbury, Hirsch & Ventresca, 2003;). Second, episodes of discursive struggles make the distinction between, and comparisons across, contesting actors empirically observable. Third, episodes of change typically lead to identification of winners and losers. This allows scholars to attribute "causality" to the discourse, for example though the notion of frame resonance (see Benford & Snow, 2000).

However, despite the robust history of prior research, current literature on discursive strategies adopted by actors during field change suffers from several limitations. First, the literature has typically looked at nascent fields or the process of establishment of new fields (e.g. see Maguire, Hardy & Lawrence, 2004), and comparatively less at change processes in established fields (see Gurses & Ozcan, 2015 for a recent exception). Second, there has been a tendency to apply an overly agentic conception of an actor when it comes to usage of discursive strategies, especially in the framing literature within the social movement tradition (see Benford

& Snow, 2000; Werner & Cornelissen, 2014 for reviews). This literature has typically not taken account of structural constraints on actors' vocabulary usage. Despite calls for more research situating actors' usage of frames in contextual factors, especially with respect to the issue of power (e.g. see Creed et al., 2002), such analyses are few and far between. Third, most research has tended to either focus on a focal actor, especially true for nascent fields, or to analyze the contest between insiders and outsiders, especially that between incumbent organizations and activists. Such research considers industry insiders as a relatively homogeneous group, assuming a common world view. However, industries are also hierarchical structures, with various types of actors occupying distinct structural positions and with an unequal distribution of power. Hence, insiders may not share common world views or undertake similar discursive strategies. Overall, prior literature on actors' discursive strategies during field change suffers from decontextualization of actors' agency from field structure, and an overemphasis on either nascent fields or successful social movements, leading to an over-agentic conception of actorhood and overemphasis on the challenges from outsiders (ignoring challengers from within).

In this paper I address these limitations of the current literature through a temporal case study of market-based reforms in the English legal services industry, one of the most well-established professional fields. The process of market-based reforms in English legal services was primarily driven by the state, and progressed in several steps during the period 2001–2007, culminating in the passage of the Legal Services Act 2007. These reforms provide an interesting context to explore evolving framing contests during field change, as the reform proposals were highly contentious and the issues and interests at stake were extensively discussed in professional media. The contentious nature of reforms and multiplicity of proposals led to situations wherein various professional actors were at cross-purposes with respect to some

proposals, while in alignment with respect to some others. This allowed for a more nuanced exploration of actors' usage of frames and framing strategies, as different professional actors held different positions in the legal services field. Accordingly, I examine the frames and framing strategies adopted by four types of legal service professionals – barristers, small law firms (local high-street firms with few partners or sole proprietorships), corporate law firms (typically big law firms based in London or other major cities), and in-house lawyers (lawyers employed with corporations or state agencies). As the regulatory change process progressed in several steps, following prior literature (e.g. see Suddaby & Greenwood, 2005; Hoffamn, 1999) I identify three key events – regulatory commissions formed in 2002, 2004 and 2006 – and undertake frame analysis of the responses (written or oral) submitted by these four types of professional actors. My analysis is driven by three questions. First, how did frames and framing strategies used by actors evolve over time (across events)? Second, what is the relationship between actors' structural position in the legal services field (power) and the frames and framing strategies adopted? Third, what is the relationship between threats to actors' interests and the frames and framing strategies adopted? I use frame analysis as a lens for this inductive study for three reasons: frames present one of the few constructs that coherently connect macro cognitive schemas to local contexts of discursive interaction (Scott, 2003); they present both the "background structure of shared reality" and "tools for strategic and creative behavior" (Diehl & McFarland, 2010: 1719); and they draw out the contextual and political dimensions of discursive struggles (Creed, Langstraat & Scully, 2002).

My analysis suggests that (1) frames and framing strategies used by actors during contested change evolve over time; (2) actors' field position influences the discourses or meta-frames actors' access and the choice of frames; and (3) actors' interests (or threats to them)

influence both the variety of frames used and framing strategies. Following I provide a detailed introduction to the theoretical constructs underpinning this study, including core concepts such as field, frames and framing strategies.

THEORETICAL BACKGROUND

Theories of Field

The classical roots of sociological field theories can be traced to Weber, who emphasized the symbolic in addition to the material dimension of relations, and Kurt Lewin, who explicitly used the field metaphor and emphasized the co-constitution of fields and actors. Contemporary sociological field theories have three distinct variants: Bourdieu's field theory, the Neo-Institutional theory of fields, and Strategic Action Fields (SAF). The fundamental insight in various theories of field is that actors operate in social arenas, wherein they take one another into account in their actions. From this perspective, a field is a meso-level stable order which allows for the reproduction of the actors and their social positions over time. The primary unit of analysis is neither a macro social process that contains some underlying structural logic operating independently of the actor (e.g. social class), nor is it a micro social process that focuses on the idiosyncratic preferences and motivations of individual actors. Thus, actors operate in a socially constructed context in which they are oriented towards one another over common practices, institutions and issues. Being oriented towards one another, field actors frame their actions and identities vis-à-vis one another and recognize shared meanings, values and norms that guide their interactions, though neither completely nor to an equal extent. Prominent field theories typically engage with two fundamental questions: (1) how social fields emerge, reproduce and change, and (2) how to conceive of agency and actors. The actors may be

individuals, but can as easily be organizations, subunits of organizations, special interest groups, professions, and states (Kluttz & Fligstein, 2015; Fligstein, 2013; Fligstein & McAdam, 2011).

The traditional neo-institutional account of fields is drawn primarily from the phenomenology of Berger & Luckmann (1967) and the structuration theory of Giddens (1979), but is also influenced by White (1992). The neo-institutional view of fields is essentially based on theorizing the relationship between organizations and their environment. Most of this literature tended to be juxtaposed against the population ecology approach (see Hannan & Freeman, 1993), which stressed examining the diversity of forms and identities within a population. Against this background, neo-institutional scholars reversed the focus on diversity and instead concentrated on explaining similarity across organizations in a field. From this perspective, a field refers to the "totality of relevant actors in an institutionally defined arena"; that is, a set of organizations which constitute a recognized area of institutional life, such as key suppliers, resource and product consumers, regulatory agencies, and other organizations that produce similar services or products (DiMaggio & Powell, 1983: 148). An established field is created by two processes. First, construction of field boundaries and internal hierarchy or "sharply defined inter-organizational structures of domination and patterns of coalition" (DiMaggio & Powell, 1983: 148). Second, reification of a widely-shared meaning system wherein actors are aware of other members of the field and their respective positions, identities, and interests (Berger & Luckman, 1967; DiMaggio & Powell, 1983).

The neo-institutional view of fields suggests that organizations within a field tend to look similar because they are driven primarily by institutional concerns, especially legitimacy. As predictable institutional patterns (e.g. visible organizational features) confer legitimacy as it can be recognized and categorized, over time self-sustaining patterns become more legitimate and

stable, leading to shared meaning and cultural models for organizing and acting (Zucker, 1977; Suchman, 1995). As the field undergoes structuration, organizations within the field tend to become isomorphic, through the coercive force of resource dependencies, normative sanctioning from experts and professional associations, and mimetic pressure to copy what others are doing (given uncertainty). Hence, over time fields become "taken for granted", leading to near seamless reproduction.

While many aspects of the neo-institutional view of fields are consistent with Bourdieu's perspective on fields, including legitimacy concerns and reproduction, Bourdieu's view diverges significantly in terms of an explicit incorporation of power in explaining field dynamics and presenting more detailed mechanisms of field reproduction (through position/capital and habitus). From Bourdieu's perspective too, all social life takes place in fields. But, unlike the neo-institutional view, fields are arenas of struggles where the "game" is played by actors, who compete with one another over resources, status and, most importantly, the "rules of the game". Thus, Bourdieu's field is a hierarchical structure, exemplifying power relationships, where dominant actors impose control on others. While this is consistent with a role for legitimacy concerns leading to isomorphism, actors are very much aware of the power differentials, may not take them for granted and may undertake attempts to improve their position. Two key features of a field, according to Bourdieu, are field position and habitus. Field position is primarily defined by the capital – physical, economic, social, human and cultural – actors possess, which basically represents power wielded by the actor. Thus, dominant actors have large capital resources, hold the central position in a field and are able to create and maintain rules of the game favorable to them. Habitus refers to the generating principle that enables actors to apprehend, navigate and act in social world. Habitus represents the bundle of cognitive and evaluative capacities that make

up perceptions, judgements, tastes and strategies. However, strategies and actions generated by the habitus are not just products of motivations for future goals, as much as products of past experiences. Thus, field position and habitus allow for predictability of actions, and consequent field reproduction (Bourdieu, 1984 & 1993; Bourdieu & Wacquant, 1992).

The most recent elaboration of field theory is the Strategic Action Fields (SAF) approach proposed by Fligstein & McAdam (2011 & 2012). The SAF approach seeks to bring together both the neo-institutionalist insights regarding fields – that actors operate in highly ambiguous situations, are cognizant of relevant others and seek legitimacy – and Bourdieu's perspective, that contestations within fields reflect power structures. An SAF is "a constructed meso-level social order in which actors, individual or collective, are attuned to and interact with one another on the basis of shared, not consensual, understanding about the purpose of the field (including who has power and why) and the rules governing legitimate action within the field" (Fligstein & McAdam, 2012). Thus, (1) actors occupy different positions within a socially constructed order and relate to one another with respect to the relative position (e.g. recognition of field position and power); (2) actors share a sense of what is at stake in the field (e.g. the central issues, what others are vying for) and rules of the game (e.g. legitimate actions); and (3) multiple fields may overlap; that is, actors may be members of multiple fields. From the SAF perspective, a field is never really "established", in contrast to the neo-institutionalist view, and internalization of the norms (rules of the game) is never complete, in contrast to Bourdieu. Hence, contention is constantly bubbling beneath the surface, even in well-established fields, and regularly spills over during periods of crisis, especially crisis engendered by exogenous shocks. Similar to Bourdieu, SAF also presents field membership as structured along the incumbent–challenger dynamics, with actors possessing varying resources and vying for advantage. Incumbents dominate material

and symbolic resources, and their interests and views are reflected in the "rules of the game". In contrast, challengers usually confirm to the prevailing order of the field, though they may have an alternative vision of the field. Overall, both Bourdieu's and the SAF perspectives of fields draw attention to hierarchical nature of fields, populated by a diversity of actors with different positions (capital and power), world views and interests.

Frames and Framing Strategies

Discursive struggles are integral to contested field change. As a field is predominantly a "meaning structure", all threats and opportunities require articulation and contestation of those meanings, especially as actors struggle to reinterpret the changing field and renegotiate order, albeit to their advantage (Fligstein, 1996 & 2013; Meyer, Gaba & Colwell, 2005). Frames play an important role for actors during discursive struggles as they can perform both sensemaking and sensegiving functions. When the basic meaning of a market is up for grabs and key assumptions of the field are being challenged, information signals are fuzzy and contradictory, and can't be easily comprehended or assessed (Fligstein, 2013). In such ambiguous situations, frames help organizations make sense of the ambiguity (Walsh, 1995). Actors' perceptions and actions depend on how they notice and interpret signals from the environment and translate them into actions (Daft & Weick, 1984). Frames enable actors to manage complexity by locating, perceiving, identifying, and labeling events and occurrences; and guide social action by rendering events and occurrences meaningful and organizing prior experiences (Goffman, 1974). However, in addition to the interpretive function, framing is also about sensegiving, a highly strategic process which involves deploying vocabulary to gain legitimacy and material resources and to form coalitions. This line of enquiry has been particularly well explored by the social movement approach (see Werner & Cornelissen, 2014; Benford & Snow, 2000 for reviews),

which explores how movement activists use frames to get the supporters "from the balconies to the barricades" (e.g. see Corrigall-Brown, 2012). Within the management literature too framing has been extensively used as an analytical tool for exploring discursive strategies (e.g. see Gurses & Ozcan, 2015; Weber, Heinz & Desoucey2008; Kaplan, 2008). The construct of frames is particularly helpful in examining field level discursive struggles over meaning systems. Institutions are products of inter-subjectively shared meanings, thereby being almost indistinguishable from frames (Beckert, 2010), and frames present both the "background structure of shared reality" and "tools for strategic and creative behavior" (Diehl & McFarland, 2010: 1719).

Within management and organizational theory the concepts of frames and framing strategies have been used at all levels of analysis: at the individual level to conceptualize and explain managerial cognition and decision-making; at meso level to explain processes of meaning construction, mobilizing support and gaining legitimacy; and at macro level for explaining field level frames and institutional change (Werner & Cornelissen, 2014). At the individual level of analysis, frames have typically been used to explore the issue of priming and activation of knowledge schemas, or baseline "frames of reference" (March & Simon, 1958), which guide individual perception, preferences and actions (Werner & Cornelissen, 2014). On the other hand, meso- and macro-level analyses conceptualize framing as an act of active social construction and negotiation of meanings. Consistent with the interactionist tradition of sociology (Goffman, 1974), most research at meso level tends to conceptualize framing as a "bottom-up" process of meaning construction, in which human behavior is thought to result from how people interact and use language and other symbols to create meaning. In this tradition research has typically looked at the process of strategic framing; that is, how actors, mostly

through language and symbolic gestures, frame courses of actions, identities and interests in order to mobilize others and gain resources and legitimacy (e.g. Kaplan, 2008). In this case, language is not just a prime to a cognitive process; rather language and cognition are seen as linked in a recursive process, wherein actors draw on broader cognitive frames and constantly extend and combine them, though the priming function is not completely ruled out. For instance, in the case studied by Kaplan (2008), the proponents of the multi-service project initially used an engineering culture-based technological "competitive threat" frame. But this frame failed to elicit broader resonance across the board. Based on the feedback mechanism, especially the resistance from marketing, the proponents reframed the project as based on "customer need", which still meant developing the same technology, but the framing was transformed from what competition might develop to how this product can help customers. In the strategy literature, the emphasis on social construction by actors has led to an elaboration of micro-level research on cognitive frames, specifically strategic frames.

It is important to underscore here that frame-based analysis typically distinguishes between two important aspects of frames. First, frames as labels. Second, strategic framing; that is, agentic deployment of frames for certain ends (e.g. countering another frame) or in certain combinations (e.g. use of multiple frames). Thus, frames (labels) are interpretive principles of organizing and assigning meaning, whereas framing (strategic) refers to active involvement of actors in using language to either reinforce or reinterpret current meaning systems. For instance, the case of "grass-fed" meat in Weber et al. (2008) suggests how a frame (grass-fed meat) can be agentically used to frame all other meat in negative light, by associating grass-fed with many other societal meaning systems (e.g. sustainability). This issue is important as in contested fields, usage of frames may not be just about use of particular labels, but also about how, when and why

they are deployed; that is, to what ends and in which combinations. Strategic deployment of frames depends both on actors' sensemaking of the cues from the environment (social psychological and epistemological processes by which actors form an understanding of the situation they find themselves in), and the meanings they want to explicitly share with others, with reference to their interests and aims (e.g. counter or cooperate).

The notion of strategic framing as an agentic ends-driven strategic action has been extensively developed in the social movement literature. Empirical work inspired by this literature tends to explore how actors, typically movement activists, deploy frames by constantly repackaging them in order to make their frames resonant: to gain wider legitimacy, rally others around their cause and gain access to resources (see Corrigall-Brown, 2012; Meyer, 2004; Benford & Snow, 2000). From this perspective, strategic framing is deliberate, utilitarian and goal directed, geared towards linking activists' interests and frames with those of prospective constituents and resource providers (Snow, Rochford, Worden & Benford, 1986; Benford & Snow, 2000). However, the specific mechanisms for accomplishing strategic framing, especially the terminology, varies within the literature. Benford & Snow (2000) suggest that strategic framing is accomplished through four processes of frame alignment. First, frame bridging: the linking of two or more ideologically congruent but previously unconnected frames. Second, frame amplification: invigorating and emphasizing specific cultural values and beliefs as part of a frame. Third, frame extension: enlarging a frame's reach, wherein activists extend the boundaries of their primary framework so as to include interests or points of view of potential adherents, even if they are incidental to its primary objective. Fourth, frame transformation: counter-factual framing, changing old understandings and meanings or generating new ones.

The most prevalent strategic framing processes are frame bridging and counter framing. For instance, Weber, Thomas & Rao (2009) found that anti-biotech movement activists in Germany framed biotechnology as not just a threat to the environment, but also a threat to societal morality, by tapping into the widespread suspicion of eugenics. They used frames such as "emission control" (mostly by environmental activists), referring to the outcomes of nuclear disasters, and "risk to dignity of life" (mostly by religious conservatives), referring to the possibility of gene transfer across species. Werner & Cornelissen (2014) suggest two different, though related, conceptualizations of strategic framing by actors: frame shifting and frame blending. Frame shifting suggests a semantic rewriting of existing information and conventions associated with prior schema into that of a new frame, through the disjunctive language that modifies the understanding of prior schema. For instance, the usage of the word "unspoiled" suggests a new frame for distinguishing grass-fed meat and poultry production from traditional meat (Weber et al., 2008). Frame blending represents a discursive combination of two separate schemas; that is, incorporation of words and elements of one schema into another, leading to a hybrid frame. So, contrary to frame shifting, which explicitly seeks to contrast the new with the incumbent, frame blending involves alignment and integration. For instance, framing of a new organizational form as "commercial microfinance" blends elements from development and banking schemas, but without contrasting the two (Battilana & Dorado, 2010).

Contemporary research on frames at the field level has tended to focus on how institutions and broader institutional fields are constructed, sustained, and altered in political struggles over frames (e.g. see Maguire, Hardy & Lawrence, 2004; Weber et al, 2008; Ansari, Wijen & Gray, 2013). Actors may use several mechanisms of strategic framing during these struggles, especially when fields go through critical periods of upheaval and change in which the

previous frames and meanings are questioned, and in some cases are seen no longer to apply (Fligstein, 2001). These include framing contests, (see Gurses & Ozcan, 2015), counter framing (see Weber et al., 2008), frame blending (see Maguire et al., 2004), and construction of societal meta-frames (see Ansari et al, 2013). For instance, Maguire, Hardy & Lawrence (2004) found that AIDS activists blended multiple frames and presented a less coherent, but more inclusive, rationale for action. They argue that in a highly diverse field populated by multiple actors, it is important that proffered frames resonate with multiple stakeholders. On the other hand, Ansari, Wijen & Gray (2013) trace the construction of climate change logic. They argue that multiple actor level field changes, at national and transnational levels, led to the emergence of transnational commons logic. Based on the changes within and interaction across these multiple actors during the period 1969–2009, they observed the development of a hybrid common logic through multiple instances of climate change frame shifting: carbon emission as a global problem, national emission control problem, carbon market problem, and emission control without obligation. The specific frame labels also shifted, for example from the framing of the atmosphere as a "dump" with unlimited capacity to a fragile global commons during the first shift. Overall, most current research on frames has tended to concentrate on some type of contest of frames, typically representing competing actors or construction of a field level or societal frame. Some of this work can also be found within the institutional logics approach, especially relating to the contest of logics and the ascendency of one logic over another across time (e.g. logics of care and science in Dunn & Jones, 2010). However, this emphasis on frames and framing strategies, including outcomes, has led to a key unintended consequence. The literature on framing contests gives the impression of highly agentic actors who can use different frames and framing strategies at will. Conversely, some work also gives the impression that contesting

actors are wedded to specific frames. However, what is left unexplained is which factors act as constraints on a free-for-all use of frames. Social movement literature has tended to explain differential usage of frames through frame resonance, in which actors switch over many frames till they find the one which resonates with the dominant discourse in the context.

However, such a portrayal of strategic framing as a "use and throw" process, wherein actors deploy different frames till one of them is found to be resonant, is deeply problematic. First, the choice of frames and framing strategy is not a purely instrumental activity, wherein actors may simply select the most useful or "resonant" frame. As bounded rationality perspective suggests, actors can't be expected to fully understand all the potential scenarios and decide what the most "resonant" frame would be. Second, "resonance" ends up becoming the black-box, as the success of actors is conflated with the success of their usage of frames, and hence resonance. Consequently, the mechanisms of resonance are typically not specified. Third, even when the sources of resonant frames are specified (e.g. dominant societal discourses in McCammon, Newman, Muse & Terrell, 2007), why and how actors shift from any frame to a societal frame is not specified.

The fact that actors may tap into the dominant societal discourses or the discursive opportunity structure as a source of new frames is not surprising and is very consistent with institutional theories' stress on the search for legitimacy. Discursive opportunity structure refers to the opportunity provided by salient societal discourses that are dominant and have momentum at a particular point in time. Using the right discourse at the right time may lead to a frame being seen as "sensible", "realistic", and "legitimate". Frames which are consistent with the dominant societal discourses may be more resonant and effective in mobilizing (Benford & Snow, 2000; McCammon et al., 2007). For instance, Rao (1998) charted the historical emergence of consumer

watchdog organizations as an organizational form that arose as a result of framing contests between entrepreneurs and movements. He argued that the frame of impartial testing that provided the basis for the watchdog organizations prevailed in large part because of the way in which the initial movement deftly aligned it with common societal discourses of science, objectivity, and professionalization. However, the availability (and knowledge) of dominant discourses will suggest that all the competing actors should tap into dominant societal discourses, leading to a largely homogeneous use of frames across actors. But empirical research shows that competing actors use a variety of frames and stick to some frames more than others (e.g. see Gurses & Ozcan, 2015 Dunn & Jones, 2010; Kaplan, 2008).

Overall, prior literature on frames and framing tends to suffer from three limitations. First, actors are typically presented as overly agentic and as having more or less complete freedom in using frames, which contradicts prior research in culture studies and institutional theory. The latter suggests that this simply can't be the case: there may be structural constraints on using frames. Frames are not just labels which can be deployed at will, but also represent particular identities and worldviews, which need to be consistent with the actor using them. Second, framing literature typically takes the sources of frames for granted. They get subsumed into resonant frames (or sometimes master frames). The assumption is that actors keep trying frames till one proves to be resonant. However, this may be empirically tautological, as frames used by successful actors may be assumed to be resonant. Third, even though the notion of a highly agentic actor assumes that the actor is driven by interests, the relationship between framing and interests (both perception of and challenge to interests) is not explicitly treated.

In this paper I address these limitations by undertaking a temporal case study of how different actors with different levels of embeddedness (and power) in the field used frames, how

their frames shifted over time, and which meta-frames (level of abstraction) they drew upon. In doing so, I explicitly examine the relationship between actors' structural position (power) and interests (threat or opportunity perception), and their usage of frames and framing strategies. Following Creed, Langstraat & Scully (2002) and Creed, Scully & Austin (2002), I use frames and framing as the primary orientating tools for analyzing actors' discourse in order to explicate issues related to both the power aspect (field structure and position) and perception of threats to interests (cognition). By frames I refer to specific labels (e.g. grass-fed meat in Weber et al., 2008), whereas framing (or strategic framing) refers to the usage of frames by actors; that is, how the frames are deployed. Through an analysis of frames used by professional actors during market-based reforms to the English legal services industry in the period 2001–2007, I attempt to explore three important questions linking actors' field position and interests to their usage of frames and framing strategies: (1) How do frames and framing strategies adopted by actors evolve over time during field change process? (2) What is the relationship between actors' position in a field and their use of frames and framing strategies? (3) What is the role of actors' perceived interests in their use of frames and framing strategies?

EMPIRICAL CONTEXT

I explore my research questions in the context of recent market-based reforms in the English legal services industry. To answer these questions, I conduct an inductive study (Eisenhardt, 1989) as this method is especially well suited for exploring process-based questions (Eisenhardt & Graebner, 2007). My empirical context is the multistage regulatory change process leading to transformational market-based reforms in the English legal services industry, one of the most well-established historical professional fields in the world. Transformational

changes in established fields are excellent contexts for exploring discursive struggles, as competing actors engage in active, and often public, battles of ideas and meaning systems, especially to establish or challenge legitimacy (Fligstein, 2013; Suddaby & Greenwood, 2005).

The legal profession is probably the oldest and most established modern profession in England. English lawyers have a long history of independent governance and sheltered market status, and the profession has been particularly stable since the passage of the County Courts Act 1846. This is not to say that changes haven't happened in professional structure; for example, the Courts and Legal Services Act 1990 allowed solicitors to represent clients in the High Court. However, such changes were more about internal jurisdictional struggles amongst various occupational groups, leading to expanded domain of actions of one occupational group among lawyers (solicitors) at the expense of another (barristers) (Burrage, 2006; Manchester, 1980). The legal services industry in England very much fits the description of a mature organizational field, in which the legal professionals enjoyed state sanctioned control of the professional field through entry barriers to non-professionals, control over reproduction of legal professionals and complete control over self-regulation of the profession. However, primarily driven by the shift in state governing ideology from corporatism to the free market, successive governments since Margaret Thatcher's have sought to open legal services to market competition. This process gained significant strength under the New Labour movement of Tony Blair, which created a quasi-governmental Office of Fair Trading (OFT) to identify various sheltered markets impeding open competition. In 2001, the OFT produced a report – *Competition in Professions* – recommending the removal of various practice barriers and privileges in the legal services industry. This report led to a chain of events finally culminating in the Legal Services Act (LSA) 2007.

LSA 2007 drastically transformed the fundamental structure and sheltered status of the legal profession in England, as it allowed (1) non-professional ownership of legal service providers; (2) non-professionals to provide legal services; and (3) direct non-professional oversight of professional self-regulation. The new bill included a provision for Alternative Business Structures (ABS), opening the doors to ownership of law firms by non-lawyers (e.g. private equity funds) and provision of legal service by non-legal entities (e.g. banks and retail chains). Furthermore, it also stipulated the creation of the Legal Services Board (LSB) to regulate all existing professional bodies like the Law Society and the Bar Council. Not surprisingly, the regulatory process leading up to the passage of LSA 2007 was highly contentious and riddled with discursive struggles. In this paper, I specifically analyze three instances of discursive struggles, in the form of three public commissions established as part of the regulatory change process: the Department of Constitutional Affairs (DCA) consultation of 2002; the Royal Commission of 2004; and the Joint Parliamentary Commission of 2006. These various commissions were established as part of the regulatory change process to discuss proposed changes with various interested actors, both within the profession and outside, to take their feedback and views, and to present policy proposals to the government. Due to the public and contentious nature of the proposed changes, these commissions saw extensive participation, both through written and oral submissions, from various professional actors. Prior research suggests that public regulatory commissions are important sites for extensive discursive struggles and that responses submitted to these commissions are excellent sources for examining discursive strategies adopted by actors. For example, see Suddaby & Greenwood (2005) for an analysis of professional actors' use of rhetoric in submissions made to the ABA Commission in

1999; and Creed, Scully & Austin (2002) for the construction of "legitimating accounts" in public testimonies during the hearings on the Employment Non-Discrimination Act 1996.

As I am particularly interested in the impact of field position on discursive strategies, I specifically compare four professional groups of lawyers within the legal services field: barristers, small law firms, corporate law firms and in-house lawyers. Lawyers in England have historically been organized in two distinct groups: barristers and solicitors. The former have nearly exclusive rights of audience in court, and the latter conduct the non-advocacy work, including client interaction, case preparation, and initial litigation. However, solicitors are also the much bigger and more variegated group, with several distinct occupational jurisdictions and specializations within. My historical reading of the legal services industry and interviews with various current members of the profession suggest that three important and distinct groups of solicitors should be included in this analysis: large corporate law firms, or "City" law firms (as they are mostly based in London); small local law firms, or "high street" firms; and the "in-house" lawyers, who are employed in corporations and other non-professional organizations. The case of market-based reforms in the English legal service industry represents an excellent instance of transformational changes in a highly stable mature field, providing opportunities for exploring both linguistic and structural aspects of discursive strategies used by actors. Through a temporal and comparative case analysis, I explore the process of how discursive struggles evolve and the impact of field position on the process.

Conceptualizing Professional Actors' Field Position

In this paper I examine the relationship between actors' field position and their usage of frames and framing strategies. Considering actors' field position is important as it may influence the repertoire of meanings which actors can access to understand and influence change.

Specifically, I consider four distinct types of professional actors – barristers and three types of solicitors (small law firms, corporate law firms, and in-house lawyers) – who occupy unique positions within the legal services field. Drawing from various theories of field, especially Bourdieu's and the SAF approach, I define actors' field position based on two dimensions. First, the degree of the actor's centrality within legal services (central versus peripheral). Second, the actor's membership of the overlapping client field – individual versus corporate clients.

The first dimension, degree of centrality within a field, refers to actors' structural position within the focal field. From both Bourdieu's and the SAF perspective, an actor's position is defined by their capital – cultural, social and economic. Typically two types of actors are identified – incumbents and challengers. Incumbents enjoy disproportionate levels of capital and resources, including both symbolic and material resources. In contrast, challengers have lower levels of capital. Similarly, incumbents are considered to be highly committed to field stability and reproduction; whereas challengers, facing the dominance of incumbent actors, either lack an alternative world view of the field, due to habitus constraints (Bourdieu's perspective), or may have an alternative world view, but lack resources. However, such a differentiation of field actors into incumbents and challengers is problematic as it assumes a homogeneous field in which incumbents share similar capital and world views and challengers are typically less resourced outsiders. In fact, as much prior research has suggested, fields are highly variegated and even incumbent actors have hierarchies of power and resources. Furthermore, such a view discounts the possibility of challenges from within and challenges from highly resourced outsiders. Accordingly, as the terminology of incumbent–challenger does not capture the richness of field positions, I suggest that it might be fruitful to articulate actors' structural position in a field in terms of their centrality in the field. Traditionally in management literature

scholars have differentiated between the actors at the core and those at the periphery of a field (e.g. see Battilana, Leca & Boxenbaum, 2009), especially with respect to status (e.g. see Battilana, 2011; Philips & Zuckerman, 2001). In the same vein, the literature on global value chains also identifies actors as central or peripheral with respect to governance and control. Centrality in the value chain represents several factors; including the control of key activities (e.g. design), disproportionate access to profits, status (brand), and overall ability to govern the change (see Gereffi, Humphrey & Sturgeon, 2005 for a review). Hence, drawing from these literature streams, I define actors' structural position in the legal services field in terms of their centrality – central versus peripheral actors. In a professional field, central actors are those who control profitable jurisdictions, have a dominant say in professional governance through associations, and have access to key symbolic resources. In contrast, peripheral actors will lack one or more of these attributes. In my typology barristers and corporate law firms are the central actors, whereas small law firms and in-house lawyers are peripheral actors.

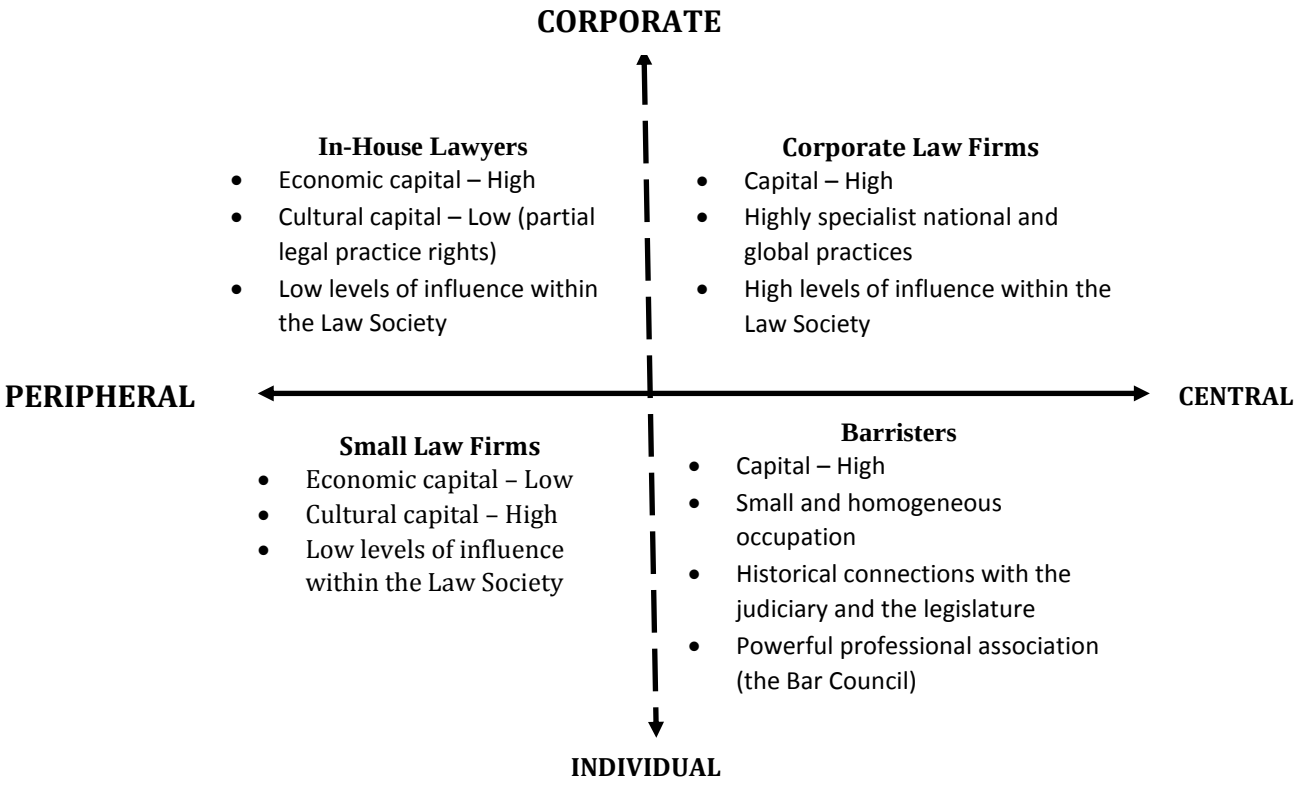
The second dimension on which I define actors' field position is the membership of an overlapping field. The SAF approach posits that established fields are not isolated structures. Rather, they may overlap or even have a modular relationship (following the analogy of Russian dolls). Hence, actors may be members of several fields, which are in relationships of dependency. One of the key dependencies professional actors in an established field have is with respect to their clients: those who provide material resources by using services and paying for them. Prior studies have shown that that even established professions are very diverse in terms of the tasks they perform (specialties) and the type of clients they serve. In fact, an actor's economic capital and status is closely related to the type of clientele it predominantly serves (Friedson, 1970; Johnson; 2016). Within the legal services profession, prior research suggests

that the legal services field is divided into two hemispheres: public and corporate. The public hemisphere includes legal specialties geared towards individual personal clients, and the corporate hemisphere includes specialties geared towards big corporations (Heinz, Nelson, Sandefur & Laumann, 2005; Heinz & Laumann, 1982). Due to such strong contrast between the types of clientele (individual versus corporate) and functional division in terms of dedicated specialties across these hemispheres (e.g. family law versus corporate law), it can be argued that firms in these two hemispheres are effectively straddling two overlapping fields: the legal professional field and the applicable client field. Accordingly, in my typology, barristers and small law firms overlap the public client field, whereas corporate law firms and in-house lawyers overlap the corporate client field.

Overall, by simultaneously drawing on Bourdieu's concept of capital and the SAF conceptualization of actors' membership of overlapping fields, I suggest that actors' field position should take into account two concurrent positions: (1) level of centrality within the focal field (core versus peripheral), and (2) membership of the relevant proximate field. In English legal services this would translate into centrality within the legal services field and membership of the proximate client field (public versus corporate). In Figure 4.1 I present this two-dimensional categorization, with the four professional actors of interest – barristers, small law firms, corporate law firms, and in-house lawyers – holding distinct positions.

In this typology of field structure and actors' position, the unique positions held by different professional actors allows for richer cross-case comparison. Barristers are one of the oldest occupational groups within English legal services, enjoy both high societal and professional status, occupy a very well-protected jurisdiction, and have a dedicated, and presumably politically most well-connected, professional association (the Bar Council).

FIGURE 4.1: Actors' Field Position in English Legal Services



Barristers typically deal with individuals. Even when their clients are corporations, they have little interaction with the client as solicitors are the client's representatives. Accordingly, barristers hold the core position within English legal services and overlap with the individual client sphere. City law firms represent the other core actor in the legal profession. They are one of the most well-resourced actors, enjoy a global reputation, have high societal status, and are represented by the highly influential City of London Law Society. Simultaneously, they overlap with the corporate client sphere; corporations being their predominant clients. Sole proprietors and in-house lawyers present contrasting unique cases. Sole proprietors are also one of the oldest groups within legal services within English legal services, and in terms of identity symbolism are

probably second only to the barristers with respect to the exalted imagery of an independent professional. However, they lack substantial control of any specialist jurisdiction, suffer from lack of resources (both in terms of declining numbers over time and material resources), and enjoy little influence within their professional association (the Law Society). They primarily cater to individual clients on personal and family matters. In-house lawyers represent an almost reverse situation. They are one of the well-resourced professional actors within the Law Society, and represent a big, and continuously growing, section of solicitors: those who work for non-professional employers (typically corporations). However, despite available material resources, they have a peripheral position in English legal services, as they don't enjoy full legal professional status (they are not allowed to provide legal services outside their employment) and also have little influence within the Law Society. As is evident, especially with respect to sole proprietors and in-house lawyers, the categorization of incumbent–challenger will fail to do justice to the complexity of their field position.

METHODS

Data Sources

In this paper, I explore the process of evolution of frames used by contesting actors during transformational field change, and how that process if affected by the actors' field position. I analyze these processes in the context of market-based reforms in the English legal services industry. These reforms were extremely contentious, with proponents and opponents both within legal services and outside. As part of the regulatory change process, three commissions were created at various stages to draw out reform proposals, invite feedback from interested actors and develop reports: the Department of Constitutional Affairs (DCA) Consultation Commission, 2002; the Clementi Commission, 2004; and the Joint Parliamentary

Commission (JPC), 2006. These forums received extensive representations, both written and oral, from representatives of a variety of actors, including the main professional bodies of lawyers (the Law Society and the Bar Council), other professional bodies (e.g. chartered accountants), global law firms (e.g. Clifford Chance), small local law firms, sole proprietorships, state institutions, and corporate businesses (e.g. the Automobile Association).

My primary data consists of transcripts of oral or written testimonies by the representatives of the four legal professional actors – barristers, small law firms, corporate law firms, and in-house lawyers – to the three commissions. The first commission, the DCA consultation, released its consultation paper in July 2002 and admitted oral and written submissions until November 2002. The second commission, the Royal Commission headed by Sir David Clementi, released its consultation paper in March 2004 and admitted submissions until June 2004. The third and final commission, the Joint Parliamentary Commission (JPC) admitted responses on the Draft Legal Services Bill 2006 during the period of May–June 2006. By analyzing the appendices containing the lists of respondents to the three consultation papers, I identified and built a detailed database of unique respondents to these commissions. As I am interested in exploring how actors' field position affects evolution of framing strategies over time, I identified legal professional actors and distributed them in various occupational or special interest groups (e.g. barrister's chambers, small law firms, national law firms and global law firms). After identifying the key occupational groups of interest, I undertook an extensive archival search to collect responses submitted by actors of interest. As many of the responses were not available in online (or physical) archives, especially for the DCA consultation 2002 and the Clementi Commission 2004, I approached these organizations directly and requested a copy

of their submission. The responses to the Joint Parliamentary Commission 2006 were made available by the House of Lords Library, UK Parliament.

TABLE 4.1: Submission (written and oral) used for analysis

Event	DCA Commission	Clementi Commission	Joint Parliamentary Commission	Overall Coverage
Year	**2002**	**2004**	**2006**	
Barristers				
Submissions Included	2	3	7	**43%**
Total Barristers	*8*	*13*	*7*	
Small Law Firms				
Submissions Included	3	11	6	**15%**
Total Small Law Firms	*75*	*52*	*6*	
Corporate Law Firms				
Submissions Included	4	6	10	**44%**
Total Corporate Law Firms	*12*	*18*	*15*	
In-House Lawyers				
Submissions Included	2	5	6	**34%**
Total In-House Lawyers	*15*	*15*	*8*	
Overall Coverage	**10%**	**26%**	**81%**	

In this paper, I use a total of 65 responses of interest, generating approximately 600 pages of documents. The response length varies from one page to sixty eight pages, with median length of twelve pages. Overall, my data collection strategy was driven by two factors: collecting multiple responses within each professional group to check for internal variation (or lack of it) and a representative sample within each group for each commission, to allow comparison over time. However, the data collection strategy was heavily influenced by the availability issues. As the responses to DCA 2002 and Clementi 2004 were collected individually from each organization, access was a major issue, as in most cases either my enquiries elicited no response or submissions were not available anymore. In such cases, I included the responses from

exemplars representing these occupational groups, typically the special interest group's professional association, such as the Law Society Sole Practitioner's Group (representative of small law firms) and the City of London Law Society (representative of corporate law firms based in London). In the case of JPC 2006, some responses, though available, were not included in this analysis as the responses themselves were too short (two to three sentences supporting the position of the professional association concerned), to allow any meaningful frame analysis. Attempts were made to ensure that collectively these responses provide a comprehensive account of the language used by various actors to support or contest the proposed reforms. Please see Table 4.1 for a snapshot of responses and testimonies used for this analysis.

However, despite several efforts to mitigate data availability issues, the data included in this analysis suffers several important limitations. First, small law firms as a category are under-represented. This analysis includes only 20 out of 133 (15%) responses submitted by organizations categorized as small law firms. In contrast, the coverage for the other three actors is more than 33%. Second, there is strong temporal variation in coverage as only 10% responses for the DCA Consultation 2002 were found. The coverages increases to 26% for Clementi Commission 2004 and, finally, 81% for the JPC 2006. Third, the data has a dominant representation of responses by national associations and special interest groups, in comparison to responses by regional chapters and individual organizations, especially for DCA Consultation 2002 and Clementi Commission 2004. Overall, it seems that more formal and well-resourced organized actors, such as associations and corporate actors, are better represented, whereas smaller less-resourced actors (individual small law firms) are less well represented.

Data Analysis

In this paper I predominantly use qualitative methods, specifically content analysis of archival data, supported by interviews. I begin by building a narrative of the change, especially specific turning points and issues under discussion, to identify appropriate regulatory commissions for consideration. Next, guided by interest in exploring the discursive strategies adopted by various professional actors over time, I undertake content analysis of a relevant sample of responses submitted to the three commissions. My sample included 65 responses from four occupational groups – barristers, small law firms, corporate law firms, and in-house lawyers. As I am interested in exploring framing strategies of various types of actors, I use theory and empirical evidence from prior studies to code for frames and framing strategies in a three-step process, iterating between the data and empirical evidence from prior studies.

The first stage focused on the "manifest content" (Suddaby & Greenwood, 2005). Using the qualitative content analysis software MAXQDA 11, I read through all the responses and identified explicit arguments supporting or opposing the two key reform proposals – the new organizational form of ABS and non-professional oversight of professional self-governance. This process produced 356 data segments, ranging from two sentences to several paragraphs. In step two, I open coded (Charmaz, 2006) data segments to identify various frames used in the arguments. Here my primary concern was to capture the frame labels verbatim, as far as possible, and to have a preliminary understanding of "institutional vocabulary", represented by the recurrence of frames used by various actors. I identified 18 different frames used by actors, such as public interest, professional independence, and competition. In step three, I undertook theory-driven coding of data segments, based on prior empirical work (e.g. Gurses & Ozcan, 2015; Guerard, Bode & Gustafsson, 2013; Suddaby & Greenwood, 2005; Hargadon & Douglas, 2001;

Kaplan, 2008) to code for various framing strategies. I specifically coded for four framing strategies: frame contesting (directly contesting or challenging a frame with another frame); frame bridging (alignment of two frames); multiple frame alignment (using several frames together to support or oppose); and frame amplification (problematizing or supporting a frame with an example or analogy). Though I made a conscious attempt to include only prominent codes for each data segment, I avoided any forced coding (using only one code even if multiple codes were prominent). Finally, once the coding exercise was completed, I analyzed various relationships and patterns, including identifying master frames, variation across actors, and evolution over time.

FINDINGS

In this section I first present an overview of the various frames actors used in their responses and oral testimonies to the three commissions. Then I provide a narrative of the usage of frames and framing strategies adopted by the four types of professional occupational groups – barristers, small law firms, corporate law firms, and in-house lawyers – during the field change process.

Collective Action Frames

The open coding of responses submitted to the three commissions revealed 18 unique frames used by actors. Following the grounded theory process, but guided by extant research on master frames in social movements literature, I placed these frames in three groups linked to three societal master frames – Interest, Professionalism, and Market. Please see Table 4.2 for a snapshot of frames identified and illustrative evidence.

TABLE 4.2: COLLECTIVE ACTION FRAMES

Master Frame	Frames	Illustrative Evidence
Interest	Public Interest	It must not be possible for solicitors to avoid burdens or restrictions which are imposed on their colleagues by the Law Society in the **public interest** simply by choosing to practice in non-traditional structures.
	Consumer Interest	Model A will be more independent in representing the public in **consumer interest** but less independent of government.
	Consumer / Client Protection	We are opposed to the introduction of authorised probate practitioners because – as the Government has itself indicated – it will not be possible through that route to provide the full range of **consumer protections** needed for this work.
	Community Access to Justice	A fundamental worry was that new business models would put rural firms out of business and mean less choice and less **access to justice** for those living in the countryside.
	Transparency	The award of that rank will remain central, both as a mark of achievement and as a step towards an enhanced level of practice. Given that belief, it becomes more important than ever that the system for appointments is fair, even-handed and **transparent**.
	Conflict of Interest	We have expressed concerns, however, that there is a danger that organisations in which non-lawyer owners or managers work with lawyers may give rise to **conflicts of interest** or to conflicts of rules which may adversely affect consumers.
Professionalism	Traditions & Ethos	What is needed is a strong sense of **professionalism and ethics** which practitioners take pride in because they are providing advisory services relating to legal rights and obligations.
	Professional Independence	The CLLS's primary concern is that any reform to the legal system must establish beyond doubt that the UK will continue to have a strong **independent** legal profession whose regulator is neither the creature of Government nor unduly influenced by particular interest groups.
	Government Control	It is that responsibility to the independent judiciary, rather than to a **government-controlled** authority, which is the bedrock of our legal system and enables the individual to be protected from the State.
	Professional Control	If the Law Society is to regulate solicitors effectively it will need to have some form of **control** over those who employ, or go into partnership with, solicitors who advise the public.

	Bureaucratization	We think, however, that there is a real danger that the LSB will become a **heavy-handed** regulator micro-managing the FLRs. / Regulatory **micro-management** and highly **prescriptive** regulatory rules stifle competition, innovation and efficiency and become costly to the service provider and the consumer.
	International Status	The City has a strong interest in being able to establish its credibility as being regulated by a professional body in order to achieve the **international recognition** that it needs from other law societies, Bar associations and governments outside the UK.
	Expertise & Qualifications	It is also anomalous that legal practices which employ **highly qualified members of other professions** in either an executive or a client service capacity (for example as directors of finance, marketing or human resources or as economic consultants) are unable to offer such professionals the status of partnership within the practice. Regulating legal services demands considerable dynamic technical **expertise** that reflects the way in which legal services are provided, taking into account the vast number of variables that are involved.
Market	Level Playing Field	It is also vital that UK law firms be able to compete on a **level playing field** with international law firms with offices in the City and be as free as possible to establish themselves in other jurisdictions.
	Cost Efficiency	The CLLS is not convinced that a separate regime is necessary or **cost-effective**, and thinks that it will be confusing for consumers to have to deal with a regulator carrying out two different roles.
	Diverse Needs	We have a **diverse** legal system in which the various branches of the wider legal profession act in divergent ways to meet the **needs** of their various consumers. The proposal for FLRs to continue to regulate individual branches of the profession seeks to retain this **diversity**.
	Competition	Deregulation is the most wonderful opportunity to throw open the whole mechanism of **competition** within the legal services profession, bring in franchised law firms and joint venture arrangements and put new technology at the forefront of the legal market

Specialisation	The general consensus was that new business models would lead to increasing **specialisation** as firms concentrate on particular areas of work. A number of respondents said that firms would focus on profitable areas, such as commercial work, to the detriment of less profitable areas. Specialisation might mean a narrower focus and could reduce the level of personal service people obtained.

The interest master frame included six related frames. Three frames – public interest, consumer interest, and consumer/client protection – refer to the entity whose "interest" is to be considered salient. The Public Interest frame has the broadest coverage of these three frames and treats interest as a society level artefact, à la the greater common good. Consumer Interest is a more specific legal services field level application of this master frame, which concentrates on the interest of the user of legal services. Consumer/Client Protection represents a specific application of the interest master frame to the requirement for protection of the content of the communication and interactions between a lawyer and her client, as being completely private and protected by law. The fourth frame, Community Access to Justice, is similar to the Public Interest frame in its scope, but is applied to "local communities" instead of society, and is specific to the availability of professional legal services locally. The fifth frame, Conflict of Interest, considers various interests of the provider of legal services, not the consumer, and makes salient the "conflict" between various, presumably contradictory, interests; typically referring to the professional ethical interest in giving impartial advice versus the commercial interest in finding a customer or new business. Finally, the Transparency frame is applied specifically to the opaqueness of the QC selection process and is used to challenge the opaqueness of current practice by some professional actors, portraying it as being unfair to the profession.

The Professionalism master frame included seven related frames. Four of them directly address some of the fundamental assumptions and issues in creating a profession. First, the Traditions & Ethos frame refers directly to the fundamental identity of "professionals" and the "ethics" and "pride" associated with the service they provide. Second, the Expertise & Qualifications frame refers to the technical core of a profession: qualifications gained and expertise achieved in practice, which makes the professional unique. Third, the Professional Independence frame refers to one the most fundamental assumptions of a profession – professional self-regulation and freedom from day-to-day state control. Fourth, the International Status frame refers to the status considerations implicit in a profession, specifically applied to the high international recognition enjoyed by the English legal services. Three other frames are linked to a specific aspect of professionalism: control; that is, who should control (regulate) the profession. First, the Government Control frame was used to refer to the undesirability of state control of the legal profession. Second, the Professional Control frame was used to direct attention to the need to ensure proper regulation of professionals by professional bodies. Third, the Bureaucratization frame was used predominantly to direct attention to all the negative aspects of state control of the legal services profession (e.g. lack of expertise, micro-management and spiraling costs).

The Market master frame was the third prominent discourse, as it may be considered integral to any market-based reform effort in a professional setting; it included five distinct frames. First, the Competition frame was the most often used, typically to draw attention to either the existing barriers and the need for more competition (i.e., new entrants) or other assumed positive effects (e.g. innovation). Second, the Diverse Needs frame drew attention to the types of consumers which legal service providers catered to, typically individual versus

corporate clients. Third, the Level Playing Field frame was used to represent the need for maintaining operational equality between various legal service providers (applying the same rules and regulations to all the providers). Fourth, the Cost Efficiency frame drew attention to the financial implications of regulatory changes, typically in terms of the cost of increased regulations. Finally, the fifth frame, Specialization, drew attention to firms' concentration on specific areas of work, leading to a narrower focus.

Frames and Framing Strategies by Actors

Barristers

Barristers are one of the oldest and most cohesive occupational groups within the English legal services profession. Overall, they tended to predominantly use professionalism-based frames to defend their position, while also drawing on interest- and market-based frames. During phase 1, they predominantly used the professional independence and consumer interest frames to challenge professional self-regulation reform proposals. Their most prominent framing strategies were frame bridging (using two frames simultaneously), and frame contesting. The most typical framing contest was challenging the competition frame by bridging the professional independence and consumer interest frames. For instance, in the following extract, we see evidence of bridging the level playing field and consumer protection frames, in order to oppose the new ABS organizational form:

> "there should be one set of safeguards; there should not be different levels of consumer protection applied in different models of business. One respondent believed that any advantage given to new providers by offering different standards would prejudice existing providers."

During phase 2, barristers predominantly used the conflict of interest frames to challenge market-based reforms, especially to oppose ABS. Interestingly, the second most common frame, traditions and ethos, was used by the minority of barristers who supported reforms to negatively frame the traditional ways of barristers to argue for change. However, this was very much a minority view, as I found these views in only two responses. The dominant framing strategy continued to be frame bridging.

> "multi-disciplinary practices (MDPs) should not be permitted, given the issues of conflict that they raise -not only as between the competing aspirations of their potential members, but also because the regulatory framework presents issues which are presently highly complex, and to which there are presently no realistically achievable solutions."

During phase 3, barristers reverted to using professionalism-related frames of expertise & qualifications and bureaucratization, while continuing with the conflict of interest frame, to challenge market-based reforms. Furthermore, the preferred framing strategy shifted to amplification. The following segment is a clear instance of using the conflict of interest frame, while amplifying the frame through a hypothetical example.

> "The estate agent, a forceful character, secures a customer for a business lease and the agent's commission is considerable. The potential purchaser is persuaded to use the agent's legal services. The solicitor notices that the lease is wonky and says the customer should be told. The agent, fearing the sale will fall through, tells the solicitor without the sale the firm may not be able to pay its rent or "I will have to find a new solicitor as you have no concept of commerce" or "you can forget your bonus". The solicitor knows that without the job s/he will not be able to pay his/her mortgage on the flat s/he has recently purchased."

Small Law Firms

Small law firms typically refer to small local law firms, with the number of partners ranging from one to five; they cater to individual clients from local communities. Like barristers, overall they tended to predominantly use interest- and professionalism-based frames; however they used a much wider array of frames, especially during phase 1. During phase 1 they extensively used frames from all three categories, especially using multiple frame alignment of conflict of interest, access to justice, and consumer protection to contest the key frame used by advocates of the reform proposals: competition. For instance, the following data segment aligns three different frames – conflict of interest, consumer interest and community access to justice – to contest the legitimacy of the competition frame.

> "Opening the market" for conveyancing and for probate services would be likely to undermine the viability of smaller firms of solicitors if banks or building societies succeeded in attracting away work. The problems of conflict and regulation will have to be overcome. The consumer would be the loser through the restriction that would be brought about in the local availability of legal advice as a result of the loss of smaller firms. The loss of smaller firms would be likely to impede the development of the Community Legal Service because smaller firms are essential members of the Community Legal Service Partnerships (CLSPs)."

During phase 2, small law firms drastically reduced the number of frames, predominantly using access to justice, conflict of interest, and traditions & ethos frames, using frame bridging and amplification strategies. For instance, in the following segment, conflict of interest and

traditions & ethos frames are bridged and amplified with a detailed explanation. However, there is no evidence of direct contestation of the competition frame.

> "The conflict that would inevitably arise between the commercial interests of the owners and the ethical duties on which the practice of law is based. An owner of a law firm who was not a lawyer therefore not subject to those duties would be perfectly entitled to pursue his own financial interests, even in circumstances where those conflicted with the best interests of clients of the firm or with other core values of the legal profession."

During phase 3, I found that small law firms further focused their framing actions – predominantly bridging access to justice and conflict of interest frames to oppose ABS and using the professional independence frame to oppose changes in professional self-regulation, with the preferred framing strategy being amplification. For instance, in the following segment, the conflict of interest frame is amplified by relating it to the example of claims farmers, a highly stigmatized occupational group.

> "An example of the difficulties created by the imposition of commercial pressures on legal work has been the example of the Claims Farmers. It seems to be generally accepted that the experience of claims farmers is not being good and some of the worst examples of commercial pressures and commercial practice have resulted from them. The public perception of them is not good."

Corporate Law Firms

Corporate law firms are typically based in the City of London, with presence across many global centers of trade and commerce, especially in Europe. Their clients typically include corporations, and not individuals, and they are specialists in cross-border transactions. Overall

they tended to use professionalism- and market-based frames, interspersed with interest-based frames. During phase 1 they used a diverse variety of frames, related to all three master frames, the most prominent being client protection and transparency (interest-based), level playing field and cost efficiency (market-based), and expertise & skills and professional independence (professionalism-based). Corporate law firms present an interesting case of use of frames, as they used professionalism-based frames to challenge current professional structures and indulge in jurisdictional struggles. For instance, the following segment undertakes bridging of transparency and professional independence frames to challenge the current process of QC selection by the government, something which barristers support.

> "The appointment system could be made more fair and transparent. If the system is to continue, we believe that the appointment process should be conducted independently of Government. There is no other professional body in the country whose senior appointments are made by a senior minister within the Government. If there is to be a QC system, appointments should be made by the professional body of the profession itself."

Similarly, they used the expertise & skills frame, seemingly central to all established professions, to challenge the current restrictions on non-solicitors becoming partners in law firms. Using motivational framing and frame amplification they argued that such a system is unfair to highly skilled non-lawyers working in law firms. This suggests jurisdictional struggle within the solicitor occupational group. Simultaneously, they also deployed the same frame, while bridging it with the consumer protection frame, to oppose opening up the solicitor market in an uncontrolled manner by contesting the expertise & skills and competition frames.

> "If, as would seem likely, any authorised Conveyancing Practitioners scheme was set up primarily to serve the residential conveyancing market, it would also seem likely that its training requirements would not result in those authorised acquiring sufficient skills in relation to commercial conveyancing to protect commercial consumers of their services. It is essential that, if there is to be competition beyond that which already exists between solicitors' firms, those authorised to compete should be competently qualified and properly policed."

During phase 2, corporate law firms curtailed the use of many frames used during phase 1. Instead, they relied on a combination of professionalism- and market-based frames, the most prominent being professional independence and expertise & skills (professionalism-based) and diverse needs and cost efficiency (market-based). The preferred strategies were frame bridging and multiple frame alignment. I found very little evidence of explicit framing contests during this phase. For instance, the following segment represents frame bridging of diverse needs and protection frames for prognosis.

> "We would welcome clarification as to what is meant by "protection for consumers" – in our areas of practice the "protection" required (or indeed expected) by our clients will be of a very different nature from that required by the average "man on the street". We assume that a distinction will be made between the sophisticated and the non-sophisticated consumer of legal services."

During phase 3, corporate law firms turned their attention to the international aspect of their work, especially as regulatory reforms become more clear and imminent. They brought together professional independence, global status and level playing field frames to argue that

direct government control of the legal profession would only lead to erosion of the high status enjoyed by English law firms internationally and issues with regulatory regimes in other countries, especially EU members and the USA. For instance, the following segment aligns professional independence, public interest and global status frames to challenge proposed government control.

> "The CLLS remains concerned to ensure that the legal profession must be (and be seen to be) independent from Government. If it is not, public confidence in the legal process may be undermined and there is a risk of damage to the reputation of English law, its key role in international business and the ability of the UK law firms to practise internationally. A perception of lack of independence arises as a result of the many powers given to the LSB which give the LSB the appearance of a primary regulator (rather than the supervisory regulator envisaged by Clementi) with disproportionate powers."

In-House Lawyers

In-house lawyers are those lawyers working within existing corporations or government agencies as employees. They are predominantly solicitors, though they also include a small number of barristers, mostly in government agencies (e.g. the Crown Prosecution Service). As professionals employed by non-professional organizations, they do not have the right to provide legal advice to external clients (that is, clients other than their employer). However, they are fully qualified professionals, and this issue of not being treated as "equal" to lawyers practicing in law firms and chambers has been a major issue for this group. As challengers in the field, they used market based frames – competition and level playing field – to challenge the status quo, using the opportunity provided by the reform proposals in two ways. First, to negotiate with the Law Society to remove Rule 4 and gain equal rights to practice. Second, to support market-based

reforms in their responses as these could provide another avenue for expanding their practice, for example through the creation of new legal service providers. For instance, the following segment aligns multiple frames with the competition frame to support ABS.

> "There were some commentators who did not view a decrease in the number of firms as a bad thing. They asserted that changes might mean unprofitable firms would be driven out of business but they saw this as good in terms of increasing efficiency and giving the client a better deal. It was stated by one respondent that the increased competition new models would provide would lower costs and widen access to justice. One respondent thought that the number of firms would decrease but that publicly funded services might increase."

This use of predominantly market-based frames to support regulatory reforms and indulge in jurisdictional struggle continued consistently through all three phases, which may be a reflection of their challenger status. However, during phase 3 their position on professional self-governance reforms was more consistent with the Law Society and the City of London Law Society. Interviews and other empirical evidence suggest that this shift was predominantly driven by the Law Society's support for removing Rule 4, which restricted in-house lawyers from providing legal services. This represents a partial co-option of internal challenge by the Law Society.

ANALYSIS AND DISCUSSION

In this paper I undertake frame analysis of responses and testimonies submitted to various regulatory commissions during market-based reforms to English legal services. My analysis is driven by three orientating questions. First, how do frames and framing strategies adopted by actors evolve over time during field change process? Second, what is the relationship between

actors' structural position in a field (power) and their use of frames and framing strategies? Third, what is the role of actors' perceived interests (or threats to interests) in the use of frames and framing strategies? In this section I discuss how variation in frames and framing strategies across actors and over time can be explained through actors' field position and perceptions of interests. Three distinct patterns of framing can be induced from the data: variation in the variety of frames used by actors, variation in the source of frame or the master frames drawn upon, and shifts in framing strategies. My analysis suggests that diversity of frames used and shifts in framing strategies may be driven by actors' perceptions: of their interests, and of threats from proposals and reports released by various regulatory commissions. Furthermore, analysis also suggests that actors' choice of which master frames to predominantly draw upon depends on their field position. Please see Table 4.3 for a snapshot of shifts in frames and framing strategies used by actors over time.

The two most prolific users of frames were the small law firms and corporate law firms; the former even more so than the latter. During phase 1 small law firms used eight different frames, drawing upon all the three different master frames. Corporate law firms used six different frames, also spread across all three master frames. While the number of frames used by these two actors did fall over time, they still used more frames than the other two actors. In contrast, the other two actors, barristers and in-house lawyers, used a much lesser variety of frames, typically three, and drew upon fewer master frames.

An analysis of reform proposals, subsequent trade media coverage and retrospective interviews suggest that actors' perception of threats to interests may have an important role in influencing the diversity of frames used. The highest threat to interests was perceived by small law firms, who considered the proposal of alternative business structures (ABS) to be an

"existential threat" that would wipe out the "high street firms". A representative association of small law firms mentioned in its testimony that

> "existing providers would not be able to compete with large institutional providers and that this would have a significant impact on solicitors' firms, particularly smaller practices and those in rural areas, and that this could have implications for access to justice…lawyers from ethnic minorities would suffer disproportionately as a result of this, given that most tend to be employed in smaller practices."

Similarly, corporate law firms also perceived some threat, though to a lesser extent; but not from ABS. They were more concerned about the reforms in professional self-regulation and the possibility that English legal services might not be considered "independent" enough by other countries. As the City of London Law Society mentioned in its submission to the Clementi Commission:

> "The most fundamental of these is the need to preserve the independence of the legal profession from State control, so to ensure that clients can be assured of independent and uncompromised legal representation in order to assert and protect their rights against the State in all its emanations. This need for independence, which is as important to the corporate as to the private client, is also important in order to maintain the international recognition of the UK legal profession and creates particular difficulties in designing the appropriate regulatory structures."

In contrast, barristers did not consider these reforms to be a major threat to themselves and typically opposed them "in principle". There were two main reasons for their low threat perception. First, the DCA commission of 2002 had agreed with the Bar Council that barristers

did not need any changes in their self-regulation structure and proposed to keep barristers' legal privileges, including the status of the Queen's Counsel, intact. Second, the provision of ABS was not considered a challenge to the Bar. Hence, even when barristers opposed market-based reforms, they did so from the perspective of small law firms, even giving examples drawn from the latter practices:

> "The estate agent, a forceful character, secures a customer for a business lease and the agent's commission is considerable. The potential purchaser is persuaded to use the agent's legal services. The solicitor notices that the lease is wonky and says the customer should be told. The agent, fearing the sale will fall through, tells the solicitor without the sale the firm may not be able to pay its rent or 'I will have to find a new solicitor as you have no concept of commerce' or 'you can forget your bonus'. The solicitor knows that without the job s/he will not be able to pay his/her mortgage on the flat s/he has recently purchased."

This quote from a response by the Bar Council uses frame amplification strategy, using the conflict of interest frame. However, interestingly, the example given is not of a barristers' chamber, but rather a small law firm of solicitors.

In-house lawyers are a unique case, as they didn't see these reforms as threats but as opportunities. As a representative of the Law Society's in-house lawyers group said: "Deregulation is the most wonderful opportunity to throw open the whole mechanism of competition within the legal services profession, bring in franchised law firms and joint venture arrangements and put new technology at the forefront of the legal market."

Furthermore, it also seems that threat to interests also influences the choice of framing strategies by actors. The actors facing the most threat – small law firms and corporate law firms – indulged in extensive framing contests using multiple frame alignment and frame amplification strategies. In contrast, actors facing little threat – barristers and in-house lawyers – predominantly used counter-framing and frame bridging. Overall, actors' interests (especially threats to interests) seem to influence both the choice of frames and framing strategies.

The second important factor influencing actors' usage of frames is field position. I find that both the dimensions of field position – centrality within legal services and membership of the overlapping client field – may affect actors' choice of master frames to draw upon and intensity of using frames within master frames. I find that membership of the proximate client field influences which master frames actors predominantly draw upon. Thus, actors overlapping the corporate client field – corporate law firms and in-house lawyers – predominantly used professionalism-based (e.g. professional independence) and market-based (e.g. level playing field) frames. In contrast, actors overlapping the individual client field – barristers and small law firms – predominately drew upon interest-based (e.g. conflict of interest) and profession based (traditions & ethos) frames. This distinction across client fields also become salient in usage of specific frames. For instance, the conflict of interest frame, one of the most widely used frames during the market-based reforms, was not used even once by the market-based actors – corporate law firms and in-house lawyers. However, membership of the client field is not the only field position-related factor which affects frame usage. Frame usage, especially intensity of frame usage within the profession master frame, varies according to level of centrality within legal services. Thus, I find that the central actors – barristers and corporate law firms – extensively used professionalism-based frames. In contrast, both the peripheral actors – small law firms and

in-house lawyers – made more extensive use of interest-based and market-based frames, respectively. However, small law firms did use professionalism-based frames more than the in-house lawyers.

TABLE 4.3: Frames and Framing Strategies over Times

		Barristers	Small Law Firms	Corporate Law Firms	In-House Lawyers
Field Position		Central / Public	Peripheral / Public	Central /Corporate	Peripheral / Corporate
OFT Report 2001	**Threat**	**HIGH** (challenge to self-regulation, QC system and professional jurisdiction)	**VERY HIGH** (Existential challenge; potential competition from corporations)	**LOW**	**Opportunity**
DCA Commission 2002 (Episode 1)	Dominant Frames	Professional Independence; Consumer Interest	Conflict of interest; Access to justice; Consumer interest	Professional independence; Expertise & skills; Diverse needs	Competition; Cost efficiency; Access to justice; Level playing field
	Framing Strategies	Frame Bridging	Multiple Frame Alignment; Frame Contesting	Frame bridging; Frame contesting	Multiple frame alignment
DCA Report 2002	**Threat**	**LOW**	**Very High**	**LOW**	**Opportunity**
Clementi Commission 2004 (Episode 2)	Dominant Frames	Conflict of interest; Consumer interest	Conflict of interest; Access to justice	Transparency; Professional independence; Expertise & skills	Competition; Cost efficiency
	Framing Strategies	Frame Bridging	Frame Bridging; Frame Amplification	Frame bridging; Multiple frame alignment	Frame bridging
Clementi report 2004; DCA White paper 2005	**Threat**	**LOW**	**Very High**	**HIGH** (threat from government control)	**LOW**
Joint Parliamentary Commission 2006 (Episode 3)	Dominant Frames	Conflict of interest; Bureaucratization	Conflict of interest; Access to justice	Professional independence; Government control; Level playing field	Competition; Cost efficiency; Professional independence
	Framing Strategies	Frame Amplification	Frame Bridging; Frame Amplification	Multiple frame alignment	Frame bridging

Overall, my analysis suggests that actors' frames and framing strategies evolve over time in two ways. First, in terms of the diversity of frames used, and second, in terms of the dominance of framing strategies used (frame contesting, frame bridging, multiple frame alignment and frame amplification). The specific shifts in frames and framing strategies used by actors over time was influenced by perceived threats to their interests and respective field positions. Those actors whose interests were most directly challenged (small law firms and corporate law firms) used the most diverse set of frames initially, but narrowed the diversity of frames over time. Furthermore, continued threat to interests was also accompanied by a shift in framing strategy – typically from frame contesting to multiple frame alignment and frame amplification.

The shift towards using multiple frames and amplifying frames by using examples may be an indication of the perceived lack of resonance of just using a frame label or single frame for contesting an evidently state-supported market reform effort employing highly resonant frames of competition and choice. With respect to field position, I find that actors' field position may influence the specific master frames they choose to draw upon. For instance, actors central to the legal services profession (barristers and corporate law firms) were more likely to adopt professionalism-based frames. Similarly, actors serving corporate clients (membership of the overlapping corporate field) were more likely to adopt market-based frames.

CONTRIBUTIONS AND IMPLICATIONS

The primary contribution of this study is to the literature on framing (Werner & Cornelissen, 2014; Benford & Snow, 2000). Through frame analysis of testimonies made to regulatory commissions by different types of professional actors, this study examines how actors' frames and framing strategies shift over time and how actors' frames and framing strategies are influenced their respective field positions and interests. The study also makes a secondary contribution to the literature on fields, especially with reference to professional fields. My analysis suggests that analysis of fields may require a richer specification of actors' position, instead of unidimensional categorizations, such as incumbent–challenger.

Prior literature on framing, especially within the social movement tradition, has tended to give a very high level of agency to the actor. The core argument here is that actors would attempt to use "resonant" frames, those drawing upon highly legitimate societal discourses. For instance, McCammon et al. (2007) explained the success of the women's jury movement in terms of its ability to tap into dominant societal discourses – the traditional dominant gender-based discursive structure and the short-lived war time dominant discourse. Similarly, Kaplan (2008) also suggests that actors are able to use and discard frames based on their perceived success. However, such a use-and-throw conceptualization of frame usage is problematic because it assumes that all actors have same proclivities towards and access to different discourses.

While there is some acknowledgement of the effect of actors' background on frames used (see Meyer & Boucher, 2007), movement actors are typically conceptualized as overtly agentic actors. This limitation might also be a result of an empirical emphasis on challenger social movements, wherein actors are typically outsiders with respect to the field they are trying to change, allowing them to access a wider variety of frames. Kaplan (2008: 741) also hints at the

importance of context in framing, as she was told by one of her respondents that the organization being studied "is an engineering organization with engineering values and engineering analysis. You have to persuade people analytically." But, despite these acknowledgement, rigorous examination of the influence of actors' unique field positions on usage of frames and framing strategies is lacking. This shows that field position may directly influence the use of frames in important ways.

First, field position may directly influence the choice of master frames (or societal discourses) accessed by actors for framing (e.g. market discourse or public interest discourse). Centrality within the professional field and the overlapping field membership seems to provide access to distinct sets of discursive toolkits. Actors holding central positions within the legal services field – barristers and corporate law firms – use professionalism-based frames extensively. However, they differ in terms of the other sets of frames they use. Barristers typically use interest-based frames (consistent with the individual nature of their clientele), whereas City law firms use market-based frames. As with barristers, small law firms use professionalism- and interest-based firms. In-house lawyers are a unique case as they act like exemplar challengers and predominantly use market-based frames. Beyond the toolkit approach, another way to look at such frame usage may be the "home" or "non-home" logics typology (see McPherson & Sauder, 2013). However, while this might be helpful to analyze cases where actors use frames from seemingly "non-home" sources (e.g. small law firms using market frames, except when frame contesting), the notion of overlapping fields goes beyond a home or non-home typification. For corporate law firms, both the legal profession and the corporate world may be home, primarily because all their legal specializations are explicitly geared towards corporate clients.

As with the issue of field position, the issue of interest is also important. While almost all framing literature, especially with reference to strategic framing, implicitly acknowledges the importance of interests, more explicit incorporation of interests in frame analysis is comparatively lacking. Although direct challenges to interests (or perceptions of threats and opportunities) are considered important for framing (e.g. "grass-fed meat" to counter-frame other meat in Weber et al., 2008), research is lacking on the influence of continued threats to interests on how frames and framing strategies evolve over time. The direct challenge to material interest or perception of threat seems to be particularly important in explaining the variety of frames used and evolution of framing strategies over time as change progresses. This study suggests that threats to interests may influence both the variety of frames used and shifts in framing strategies over time.

For instance, barristers held a core position within the legal services field and had very low threat perception, because of little direct challenge to their interests from the reform proposals. While they still opposed the reforms "in principle", they used a lower variety of frames than small law firms. Small law firms, like barristers, also predominantly used professionalism- and interest-based frames, but they started off with a much wider variety of frames. Though they had a similar set of symbolic resources to barristers, sharing the status of the exemplar independent professional, they had a much higher, in fact the highest, level of threat perception from the reforms. It seems that threat to interests was a key driver of the use of the initial plethora of frames. But over time, as the threat to interests persisted, the diversity of frames used decreased. While this is consistent with the frame resonance argument, small law firms' use of framing strategies also changed concurrently, as their approach shifted from frame contesting to frame bridging and frame amplification. This observation is important as it suggests

that continued threats to interests may not just lead to shifts in frames used, but also how they are used. The frame resonance argument, by being specific to the frame labels used, can't incorporate this dynamic. For instance, the conflict of interest frame can be used to directly contest the market competition frame. But it can also be used effectively with an example (amplification) which brings out the limitations of market competition, without directly using the competition frame.

In addition to the framing literature, this study also contributes to the fields literature, especially with respect to professional fields. Current literature on fields assumes that established fields are reasonably homogeneous, and conceptualizes two types of actors – incumbents and challengers (see Bourdieu, 1993; Fligstein & McAdam, 2012). The dynamics of structure and agency in fields is typically explained through the mechanisms inherent in the field-capital-habitus relationships by Bourdieu, and to a lesser extent by the SAF approach (Fligstein & McAdam, 2012). However, the emphasis on a finite game, where actors' agency is defined by the position they hold (their capital), and limitation to strategic action is posed by widely internalized habitus, ends up predominantly explaining field reproduction rather than change. Actors' interests are also defined by the position they hold in the field (their capital). As rules of the game are considered to be widely internalized and capital is disproportionately cornered by dominant groups (incumbents), contestation is only partial and usually doesn't lead to change. Thus, field actors "know their place" and they mostly compete with those closest to them in the social space (Bourdieu, 1993). Even from the SAF perspective, while actors may not completely internalize dominant norms and contestation is always simmering beneath the surface, challengers have limited ability to enforce change, due to resource constraints.

However, there are two reasons why such a conceptualization of field structure – defining actors in terms of incumbents and challengers – may be problematic. First, it assumes that incumbent actors share common world views and interests. In contrast, my study suggests that even highly central incumbent actors may not share interests, world views, or vocabularies. For instance, barristers and corporate law firms had different threat perceptions, the former from the new organizational form (ABS), and the latter from government control of the profession. Furthermore, they drew upon distinct sets of master frames, which did overlap (professionalism-based frames), but also differed (interest-based versus market-based). Second, the assumption that challengers are always less-well-resourced outsiders is also problematic. My study suggests challengers may not necessarily be less resourced or outsiders (see the example of in-house lawyers). Furthermore, consistent with the SAF approach, situations of exogenous regulatory changes may provide some challengers with opportunities for improving their position. For instance, state-driven legal service reforms provided in-house lawyers with an opportunity.

Thus, consistent with Battilana (2011) and Philips & Zuckerman (2001), this study suggests that defining field actors based on unidimensional categories (e.g. status or incumbency) may be problematic as such categorization may gloss over the diversity within the field, leading to loss of the explanatory power inherent in the concept of field position. To counter this issue, I suggest a two-dimensional conceptualization of field position, one which takes into account both actors' centrality within the focal field, and membership of another important field which may influence their discourse and actions. The former dimension, structural position within the focal field, leverages Bourdieu's conception of capital and position; the latter dimension, membership of overlapping fields, leverages the SAF conception of actors' membership of multiple fields.

Overall, this study suggests that actors' usage of frames and framing strategies is driven by their distinct patterns of embeddedness in the field, and that it is partially agentic, due to constant observation of and interaction with the environment. Actors may have an a priori understanding of how the market works, what the key issues are and who the key actors are. Based on this understanding they develop their own set of preferred frames, which they predominantly use to understand the situation. But during a field change process different actors may perceive different levels of threats to their interests or opportunities, which may influence their choice of frames, especially as frames evolves over time. Furthermore, over time actors may realize that the frames they use are not congruent with the external environment, as they might fail to explain unfolding change or may elicit aggressive counter-mobilization by opposing actors.

Thus, especially when faced with continuous failures and counter-mobilization, actors must rethink their initial frames and involve themselves in a re-framing process to make sense of the world, as "frames are not just instrumental tools for ex poste justification, but rather are an ex ante part of a political process" (Kaplan, 2008:729). As actors constantly observe each other in a market setting (Fligstein, 2013), they may indulge in an iterative process of trial and error, simultaneously trying to make sense of the situation themselves and targeting potential supporters, media, and other targets. However, there are two caveats to be made. First, the process of trial and error is not completely agentic: actors may draw upon certain sources of frames, depending on their field position and interests. Second, this may not necessarily lead to change in frames (labels) themselves, but rather shifts in framing strategies. To conclude, this study suggests that actors are partially agentic; that is, they can figure out what is not working

and what might work, but their choice of frames and framing strategies is constrained by their respective field positions and interests (threats and opportunities).

LIMITATIONS AND FUTURE RESEARCH

This study examines the frames and framing strategies used by professional actors during field change process, specifically how frames and framing strategies are related to actors' respective field positions and interests. The study suffers from three major limitations which provide openings for future research.

First, building on the sociological theories of fields postulated by Bourdieu and Fligstein & McAdam, this study conceptualizes a two-dimensional categorization of actors' field position – centrality in the focal field and membership of another field. However, such an approach necessarily leads to ignorance of actors who may not fit the categorization neatly, but may be important and interesting for studying fields and the emergence of new actors. To incorporate such actors, future research may consider other dimensions for defining field position; for example, the level of collectivization of actors, in terms of professional associations or interest groups.

The second limitation is regarding the data included in this paper, specifically an over-representation of more organized and well-resourced actors (e.g. associations and special interest groups). While inclusion of the formal representatives of a category of actors is not problematic in itself, and overemphasis on associations can raise issues regarding the ability of the data to capture the diversity of voices within a group. The formal responses from an association are inevitably products of internal negotiations and might be more representative of the dominant groups within. To counter this limitation, future research can explore the representativeness of formal responses by associations by analyzing the commonalities and differences in frame usage

across formal representative associations and individual organizations. Such an analysis can specifically help explicate power related issues.

The third limitation is specific to archival data collection method. While the case of market-based reforms in English legal services provides a rich and interesting case for examining actors' use of frames and framing strategies, the relationship between actors' interests and frames has been induced from limited data sources: primarily proposals and reports published by regulatory commissions. Future research may contribute to this lacuna by either examining better sources of data representing actors' perceptions of threat; that is, their sensemaking (for archival cases), or by conducting a study of an ongoing field change process, allowing for real-time interviewing. Such approaches may provide us with a better explanation linking interests and framing.

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