

*Matter Mills and London-Lite Offices:*

*Exploring Forms of the Onshoring of Legal Services in an Age of Globalisation*

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**ABSTRACT**

This paper is concerned with exploring professional identity formation and the increasing differentiation and fragmentation of the corporate end of the legal profession through a consideration of onshoring, the opening (for the first time) of satellite offices in the UK (but outside of London) by elite law firms. We situate interviews with 25 lawyers, associates and partners, working in onshored UK law firm offices in work on legal services globalization and the sociology of ‘dirty work’ (tasks and occupations likely to be perceived as disgusting or degrading). In the context of onshoring, globalization has led to sidelining in that onshoring allows entry to elite, global firms both for those (the graduates of ‘good-enough’ law schools) perhaps unable to ‘make it’ in London and for those law firm partners and associates who have already tasted City life and rejected it. That entry is, however, imperfect. It is the ‘dirty [legal] work’ that is done outside of London: seen, in the same instance, as both lesser and also necessary to the law firm’s profitability. As such, we see onshoring as a relatively simple organizational change to the shape of the profession, and also as part of a radical reorientation of a division of labour and what it means to be a professional.

## 1. INTRODUCTION

In an office somewhere outside of London a ‘legal professional’ sits at his desk. A graduate of a top-30 law school, he works for an elite global law firm. For eight hours a day, he reviews document after document disclosed as part of a complex piece of litigation. He is allowed to press only one of two buttons, marked ‘Relevant’ and ‘Not Relevant’. He would like to work in the London office of the firm, to become a solicitor, but that has not happened. The work he does has been unbundled from the main litigation and sent to his office for completion. He is in a team of ten other law graduates; one of five groups all structured in the same way. One supervising associate, or team leader, and eleven ‘legal professionals’ in each group.

In the building next door sits an associate solicitor employed by a different global law firm. She qualified in the City of London, in a ‘magic circle’ law firm, but moved away from London for family reasons. Her day-to-day work varies. Sometimes it is the bulk work that the London office does not want or cannot cope with (processing thousands of certificates of title; engaging in routine due diligence etc), or one discrete part of a matter that they feed to her. Other times, she does exactly the same work as the London office. But gets paid less. She is unsure whether some of her clients know that she is sometimes getting charged out to those clients at London rates for work done at a fraction of the cost. This lawyer, and her neighbouring ‘legal professional’, are not in Mumbai or Warsaw. They are not in Shanghai or Singapore. They are, instead, in Belfast or Birmingham, Manchester or Bristol. They are in the UK, but outside of London, and part of a new phenomenon of ‘onshoring’ by elite global law firms.

In existing scholarship on the sociology of the legal profession, much has been made of globalization (the emergence of large transnational law firms),<sup>1</sup> feminization (the entry of women to the profession), and fragmentation (the breaking up of the profession from its once guild-like origins). This paper continues those themes, but in a rather different direction. We are interested in onshoring, the opening (for the first time) of satellite offices in the UK (but outside of London) by large elite law firms. This is a paper about functional shifts in how elite law firms operate in the UK (the fragmentation of the corporate hemisphere) but also, and perhaps far more importantly, about the shifting identities of the lawyers who work in those firms. While the legal profession, the structure of law firms and the nature of legal work have long attracted scholarly interest,<sup>2</sup> ‘consideration of how law firms, legal work and professional lawyer identities are disciplined discursively remains underdeveloped.’<sup>3</sup>

In this paper, we map out this new world of onshoring: the drivers that have brought about this change; and the perspective of those practising in these offices. We situate interviews we have conducted with 25 lawyers, working in onshored UK law firm offices, in

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<sup>1</sup> John Flood, ‘Institutional Bridging: How Large Law Firms Engage in Globalization’ (2013) 54(3) *Boston College Law Review* 1089

<sup>2</sup> See, for example: Erin Smigel, *The Wall Street Lawyers Professional Organization Man?* (Free Press 1969); Pierre Bourdieu, ‘What Makes a Social Class? On The Theoretical and Practical Existence of Groups’ (1987) 32 *Berkeley Journal of Sociology* 1; Laura Empson (ed), *Managing the Modern Law Firm: New Challenges New Perspectives* (OUP 2007); and Jörgen Sandberg and Ashly Pinnington, ‘Professional competence as ways of being: An existential ontological perspective’ (2009) 46(7) *Journal of Management Studies* 1138

<sup>3</sup> Andrew Brown and Michael Lewis, ‘Identities, Discipline and Routines’ (2011) 32(7) *Organization Studies* 871

literature on legal services globalization and the sociology of work, in particular the phenomenon described by Everett Hughes as ‘dirty work’.<sup>4</sup> Friedman considers that there is an inherent convergence between the functions of a lawyer, to the extent that ‘lawyer jobs’ resemble each other across countries and jurisdictions. Further, that although the distinction between legal and non-legal work is not fixed, to label tasks ‘lawyer jobs’ and ‘non-lawyer jobs’ loads these tasks with some significance’.<sup>5</sup> Our argument is that a number of the legal professionals working in the onshored offices are doing work that is perceived as legally ‘lesser’ than that which is undertaken by their colleagues in the London office (lower quality; routinised; less challenging; less prestigious) and therefore perceived by London lawyers as shameful or degrading. As such, we are interested in what Sommerlad calls ‘patterns of inclusion’ in the profession,<sup>6</sup> in where and how those who are allowed entry end up working and the work they are allowed to do. Some of the onshored employees (for example, graduates of local, ‘good-enough’ law schools) are permitted entry to these global elite law firms, but their status, their position, their work is lesser. For others, onshoring is an insight into the move by City law firms to harness the potential of their alumni who, for various reasons, wish to leave London. Thus our work shows that it is not possible to speak of homogeneity in onshoring. Instead, we divide the onshored law firm offices we are interested in into two groups. In the first group are those we call the ‘London Lite’ offices where the onshored lawyers engage in a mix of work: some that

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<sup>4</sup> Everett C Hughes, *Men and their work* (Free Press 1958)

<sup>5</sup> Laurence M Friedman, ‘Lawyers in Cross Cultural Perspective’ in Richard Abel and Philip Lewis (eds) *Lawyers in Society: Comparative Theories* (Beard Books 1989)

<sup>6</sup> Hilary Sommerlad, ‘The New “Professionalism” in England and Wales: Talent, Diversity, and a Legal Precariat’ in Spencer Headworth and others (eds), *Diversity in Practice: Race, Gender, and Class in Legal and Professional Careers* (Cambridge University Press 2016)

our interviewees considered comparable to that undertaken in London (if still not often the ‘best’ quality or most interesting work); and some routinized and lower quality work. This is the ex-City lawyer in our introduction above. In the second group are the ‘Matter Mills’ where the onshored lawyers engage exclusively in more routinized, high volume, ‘lesser’ work operating on a different financial model than ‘eat what you kill’,<sup>7</sup> all of which potentially marks them as ‘lesser’ (the ‘legal professional’ in our example).<sup>8</sup> Each lawyer we spoke with (across the Matter Mill and London Lite offices) drew on their own experiences to offer up the advantages they perceived of onshoring, including a better work/life balance, and being able to live in a local/ regional city whilst undertaking global quality work. Yet each and every Matter Mill interviewee *also* spoke about the subordination of those working in the onshore office in some way. Examples, which we explore further below, of such subordination included: their (lack of) career trajectory and the corollary need to understand that there simply is no career progression available; observations about the disparity in wages between lawyers in London and the onshore offices; lack of visibility; and the sense that their global firm was profiting from their othering.

Our paper unfolds in three parts. We begin in part one by offering up an overview of ‘mega’ law firms in England & Wales, and how these firms have responded to wider trends in, and pressures from, globalisation. Here, we explore the limited work on the geography of law firms and also set out existing work on legal process outsourcing (of

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<sup>7</sup> John Flood ‘Institutional Bridging: How Large Law Firms Engage in Globalization’ (2013) 54(3) *Boston College Law Review* 1090

<sup>8</sup> Here, we borrow and adapt an idea put forward by Nora Engstrom from her work on large personal injury law firms which she calls ‘Settlement Mills’. See: Nora Engstrom, ‘Sunlight and Settlement Mills’ (2011) 86 *NYUL Rev.* 805.

which onshoring is one example). Part two begins with our methodology and then offers up the accounts given to us by onshored lawyers of the work that they do and how they see themselves and their employers. We then use these accounts, in part three, to reflect on what the phenomena of outsourcing and globalization means for the lawyers employed in those offices, drawing on the concept of dirty work and other work on lawyers' identities. This is the first and only empirical work on onshoring to date. While the focus of our paper is on onshored lawyers working in England & Wales, their elite law firm employers and their work are global. As such, we expect that the issues we raise herein will resonate further afield,<sup>9</sup> both in respect of lawyers working in other jurisdictions and for other forms of professional service firms.<sup>10</sup>

## 1. BIG LAW AND GLOBALISATION

Big law firms in England & Wales are getting bigger (if not larger in number) and the number of smaller firms is getting smaller.<sup>11</sup> Flood suggests that, '[l]arge law firms have become institutions driven by their success. The classic ideal of partnership has long been lost

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<sup>9</sup> We note here that onshoring by large law firms has also happened in the US and in Canada. While there has yet to be any academic commentary on this, the following blog provides an interesting overview of practice in North America: Jordan Furlong, 'The new capitals of law' (*Law Twenty One* 16 June 2011).

<sup>10</sup> For a review of what is happening in other fields, see: Mari Sako, 'Outsourcing and offshoring: implications for productivity of business services' (2006) 22.4 *Oxford Review of Economic Policy* 499; Melanie Feakins, 'Offshoring in the core: Russian software firms onshoring in the USA' (2009) 9.1 *Global Networks* 1; and Loyita Worley, 'Outsourcing, Offshoring, Nearshoring, Onshoring—What's Going On?' (2012) 12(1) *Legal Information Management* 9.

<sup>11</sup> The Law Society, *Trends in the Solicitors Profession: Annual Statistics Report 2016* (The Law Society 16 June 2017).

in the large law firm'.<sup>12</sup> Instead, what we have is what Hinings et al call the 'managed professional bureaucracy'.<sup>13</sup> One of the biggest changes is in the decrease in the numbers of partners in law firms and the increase in associate lawyers,<sup>14</sup> those whom Sommerlad calls, 'salaried employees, subject to managerial discourses and disciplines.'<sup>15</sup> Galanter and Palay have written of the 'tournament' of associate lawyers.<sup>16</sup> They argue that law firms operate within an up-or-out pyramid structure with partners at the top. As an associate makes partner, to maintain firm leverage, the firm requires an additional number of associates. The purpose of the tournament is to create greater leverage for the firm's human capital and to prevent shirking by lawyers within the firm. In the tournament model, the most important factor in the transformation of law firms is size expansion of firms in terms of total number of lawyers. This is reflected in research on corporate-finance lawyers in the UK which suggests that instead of a 'legal profession', we now have a 'capitalist service industry'.<sup>17</sup>

Later work speaks to the 'elasticity' of this tournament, in which the model of lawyering in

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<sup>12</sup> John Flood, 'Transactional Lawyering: Clients, Ethics and Regulation' in Leslie Levin and others (eds), *Lawyers in Practice: Ethical Decision Making in Context* (The University of Chicago Press 2012)

<sup>13</sup> Christopher Robin Hinings, Royston Greenwood, and David Cooper, 'The dynamics of change in large accounting firms' (1999) *Restructuring the Professional Organization* 131

<sup>14</sup> Iain Campbell and Sara Charlesworth, 'Salaried lawyers and billable hours: a new perspective from the sociology of work' (2012) 19(1) *International Journal of the Legal Profession* 89

<sup>15</sup> Sommerland (n 6)

<sup>16</sup> Marc Galanter and Thomas Palay, *Tournament of lawyers: The transformation of the big law firm* (The University of Chicago Press 1994)

<sup>17</sup> Emma Oakley and Steven Vaughan, 'In Dependence: The Paradox of Professional Independence and Taking Seriously the Vulnerabilities of Lawyers in Large Corporate Law Firms' (2019) 46(1) *Journal of Law and Society* 101

large firms moves from a pyramid model to a diamond with a bulging middle of associates who will never advance to partnership (either because such is denied to them, and/or because such is not wanted by them).<sup>18</sup> The swelling of associate numbers has been possible because of the entry of non-standard persons to the profession (originally women, and then other outsiders in the form of those whose race, class, education etc. signaled them out as ‘other’). Sommerlad suggests that these outsiders were historically seen as, ‘unintelligible as lawyers, thereby delegitimizing their claims to professional identity.’<sup>19</sup> While the profession opens up to the many, only the few (white men from privileged backgrounds) make it to the top:<sup>20</sup> this leaves those outsiders as ‘flatliners’,<sup>21</sup> undertaking lesser work and unable to ever join the ranks of (equity) partnership and the “fraternity of peers”.<sup>22</sup> More recently (in England & Wales, but also elsewhere), the use of contract lawyers on fixed term contracts,<sup>23</sup> the hiring of

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<sup>18</sup> Marc Galanter and William Henderson, ‘The elastic tournament: A second transformation of the big law firm’ (2008) *Stanford Law Review* 1867

<sup>19</sup> Hilary Sommerlad, ‘The Professional Precariat: the Case of Law’ In keynote to *Propel Inaugural Conference: Professions and Professional Learning in Turbulent Times: Emergent Practices and Transgressive Knowledges* (Stirling University, May 2012, Volume 11)

<sup>20</sup> See, for example, recent empirical work by Louise Ashley: Louise Ashley and Laura Empson, ‘Understanding Social Exclusion in Elite Professional Service Firms: Field Level Dynamics and the “Professional Project”’ (2016) *Work, Employment and Society* 1. In the largest law firms, only 29% of partners are women <http://www.sra.org.uk/solicitors/diversity-toolkit/diverse-law-firms.page> accessed 29 November 2018

<sup>21</sup> David Wilkins and G Mitu Gulati, ‘Why are there so few black lawyers in corporate law firms? An institutional analysis’ (1996) *California Law Review* 565

<sup>22</sup> Galanter and Palay (n 16)

<sup>23</sup> Robert A Brooks, *Cheaper by the Hour: Temporary Lawyers and the DeProfessionalization of the Law* (Temple University Press 2011)



paralegals on the promise (or hope) of advancement (to training to be a solicitor),<sup>24</sup> and interns (paid and unpaid),<sup>25</sup> add further dynamism. Our work suggests a development in the legal hierarchy, through the birth of the onshored lawyer whose outsider status is complex and nuanced.

If we step back, we can either see the introduction of outsiders (women, minorities, non-salaried partners, paralegals etc.) as a relatively simple organizational change to the shape of the profession, or, and perhaps more importantly, we can see that change as part of a radical reorientation of a division of labour and of what it means to be a profession and a professional. Sommerlad argues that:

‘In addition to eroding its pre-capitalist structure and ‘gentlemanly’ character, marketisation has fuelled a dramatic expansion, and diversification of its supply base. The new, non-normative professionals comprise the salaried workers required by the capitalist firms resulting from marketisation. Yet they also threaten core elements of the profession. For instance, their ‘difference’ potentially devalues its elite status.’<sup>26</sup>

Since the 1970s commentators have spoken of the ‘de-professionalization’,<sup>27</sup> deskilling and

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<sup>24</sup> Sommerlad (n 6)

<sup>25</sup> Andrew Cook, James R Faulconbridge, and Daniel Muzio, ‘London’s Legal Elite: Recruitment through Cultural Capital and the Reproduction of Social Exclusivity in City Professional Service Fields’(2012) 44(7) *Environment and Planning A: Economy and Space* 1756

<sup>26</sup> Sommerlad (n 6)

<sup>27</sup> Marie Haug, ‘Deprofessionalization: An alternative hypothesis for the future’ (1973) 20 *Sociological Review Monographs* 195

the ideological and technical proletarianisation of lawyers.<sup>28</sup> This is wrapped in other scholarship on the neoliberal corporatization of legal work in these firms,<sup>29</sup> as part of a race towards ever expanding profitability of the partner-owner elites.<sup>30</sup> One of the consequences of this corporatization, and the corollary race to increase partnership profits, is that a good deal of legal work in the largest firms (and, indeed, elsewhere) becomes routinized and commodified: corporate-finance deals and litigation broken down (unbundled) into discrete packages which can be undertaken by a variety of (skilled, semi-skilled and relatively unskilled) workers within and without the law firm.<sup>31</sup> This unbundling allows, in theory, the partners to focus on the high end, complex work and/or on client service, while others undertake the more routine work which cannot be charged out at partnership rates.<sup>32</sup> Ross labels these models (of subcontracting, outsourcing, and relying on a transient workforce of salaried solicitors, paralegals and interns) as

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<sup>28</sup> Charles Derber, *Professionals as workers: mental labor in advanced capitalism* ( GK Hall 1982); and Sommerlad (n 6)

<sup>29</sup> David Brock, Michael Powell and Christopher Robin Hinings, (eds) *Restructuring the professional organization: Accounting, health care and law* (Routledge 1999)

<sup>30</sup> David Cooper, Bob Hinings, Royston Greenwood and John Brown, 'Sedimentation and transformation in organizational change: The case of Canadian law firms' (1996) 17(4) *Organization Studies* 623

<sup>31</sup> Rebecca Sandefur, 'Lawyers' Pro Bono Service and American-Style Civil Legal Assistance' (2007) 41(1) *Law & Society Review* 79; James R Faulconbridge and Daniel Muzio, 'The financialization of large law firms: situated discourses and practices of reorganization' (2009) 9(5) *Journal of Economic Geography* 641; Richard Susskind, 'Legal informatics - a personal appraisal of context and progress' (2010) 1(1) *European Journal of Law and Technology*; and Sommerlad (n 6)

<sup>32</sup> A recent report in the UK found that charge out rates among the top elite law firms have reached £1,000 per hour. See Jim Diamond 'The Price of Law' Centre for Policy Studies (5 February 2016) <https://www.cps.org.uk/publications/the-price-of-law/>

‘flexploitation’.<sup>33</sup> Sommerlad speaks of a legal ‘precariat.’<sup>34</sup> Alongside these changes in who works for large law firms, and what work they do, there are also geographic shifts in where and how large law firms do business.

### **(a) The Globalisation of ‘Big Law’, Legal Process Outsourcing and Onshoring**

There is a robust literature on ‘big law’ and the expansion of global law firms.<sup>35</sup> Much of the work is concerned with expansion *beyond* the home jurisdiction and how firms, and their lawyers, react and adapt to different legal markets.<sup>36</sup> As such, our paper (on ‘native’ expansion, via a new model of satellite ‘onshored’ office) represents some new ground. There are various accounts which set out the many and multiple ways in which law firms have globalised and responded to globalisation.<sup>37</sup> Rather than replicate them all here, we

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<sup>33</sup> Andrew Ross, *Nice work if you can get it* (NYU Press 2009)

<sup>34</sup> Sommerlad (n 6)

<sup>35</sup> See, for example: Carole Silver, ‘Globalisation and the Business of Law’ (2008) 29 *Northwestern Journal of International Law and Business* 399; John A Flood, ‘Lawyers as sanctifiers: The role of elite law firms in international business transactions’ (2007) 14.1 *Indiana Journal of Global Legal Studies* 35; Eli Wald, ‘Smart growth: The large law firm in the twenty-first century’ (2011) 80 *Fordham L. Rev.* 2867; and Robert K. Vischer, ‘Big Law and the Marginalization of Trust’ (2012) 25 *Geo. J. Legal Ethics* 165.

<sup>36</sup> See by way of example: Carole Silver, ‘Local Matters: Internationalizing Strategies for U.S. Law Firms’ (2007) 14 *Indiana University Journal of Global Legal Studies* 67

<sup>37</sup> Useful starting points here are: Silver (n35); Terence C Halliday and Pavel Osinsky, ‘Globalization of law’ [2006] *Annual Review of Sociology* 447; Terrence C Halliday and Bruce G Carruthers, ‘The Recursivity of Law: Global Norm Making and National Lawmaking in the Globalization of Corporate Insolvency Regimes’ (2007) 112(4) *American Journal of Sociology* 1135; Sida Liu, ‘The Legal Profession as a Social Process: A Theory on Lawyers and Globalization’ (2013) 38(3) *Law & Social Inquiry* 677; Carole Silver, ‘Globalization and the US market in legal services: Shifting identities’ (2000) 31 *Law and Policy*

draw out elements of growth which have resonance with our work on ‘onshoring’.

Since the rise of the modern legal profession in England and continental Europe, lawyers have become increasingly mobile professionals. The scope of their practice has expanded across provincial, national, and regional boundaries, culminating in the internationalization of business law firms,<sup>38</sup> and the adoption of global legal institutions,<sup>39</sup> with corresponding academic interest and critique. Despite this volume of work, as Liu observes, ‘the spatial mobility of lawyers and the demographic dynamics of the legal profession, though frequently observed in everyday law practice, have rarely been theorized by sociolegal researchers.’<sup>40</sup> What is, for us, particularly interesting in this space are two arguments put forward by Silver: first, that the ‘location of the law firm molds identity in important ways. Client relationships remain strongly connected to

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*in International Business* 1093

<sup>38</sup> See: Richard Abel, *English lawyers between market and state: The politics of professionalism* (Oxford University Press on Demand 2003); Richard Abel and Philip Lewis, *Lawyers in society: comparative theories*, vol. 3. (Beard Books 1989); Gerard Hanlon, *Lawyers, the State and the Market: Professionalism Revisited* (Palgrave Macmillan 1999); Yves Dezalay and Bryant Garth, *The Internationalization of Palace Wars: Lawyers, Economists, and the Contest to Transform Latin American States* (University of Chicago Press 2002); Sida Liu, ‘Globalization as Boundary-Blurring: International and Local Law Firms in China's Corporate Law Market’ (2008) 42(4) *Law & Society Review* 771

<sup>39</sup> Yves Dezalay and Bryant Garth, *Dealing in Virtue: International Commercial Arbitration And The Construction Of A Transnational Legal Order* (University of Chicago Press 1996); John Braithwaite and Peter Drahos, *Global Business Regulation* (Cambridge University Press 2000); Terence C Halliday and Pavel Osinsky, ‘Globalization of law’ (2006) *Annual Review of Sociology* 447; Terrence C Halliday and Bruce G Carruthers, ‘The Recursivity of Law: Global Norm Making and National Lawmaking in the Globalization of Corporate Insolvency Regimes’ (2007) 112(4) *American Journal of Sociology* 1135

<sup>40</sup> Liu (n37)

location even for relatively large law firms’;<sup>41</sup> and second, her suggestions that, ‘law today remains stubbornly local despite the importance of economic globalisation.’<sup>42</sup> We come back to these ideas below.

Legal Process Outsourcing (LPO) is the disaggregation or disassembly of legal services.<sup>43</sup> Such may capitalize, ‘on the efficiencies of sending work to lower cost service providers situated overseas’<sup>44</sup>. It is this undoing and compartmentalising of legal services that marks, ‘the shift from domestic to global economy’.<sup>45</sup> LPO providers target, ‘the more mundane but nonetheless time-intensive tasks associated with legal practice’,<sup>46</sup> and at the same time, ‘without taking responsibility for the entire matter’.<sup>47</sup> While historically LPO has seen legal work sent to third party overseas providers of legal services (e.g. a document review centre based in India), concerns about quality, and what is and is not able to be outsourced,<sup>48</sup> may partly explain the move towards onshoring as an alternative

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<sup>41</sup> Silver (n37)

<sup>42</sup> Silver (n36)

<sup>43</sup> Anthony Notaras, ‘Here be Monsters: Will LPOs help clients find the threats in the data jungle?’ *Legal Business* (London, 28 January 2014)

<sup>44</sup> Mary C Daly and Carole Silver, ‘Flattening the World of Legal Services? The Ethical and Liability Minefields of Offshoring Legal and Law-Related Services’ (2007) 38 *Georgetown Journal of International Law* 401

<sup>45</sup> Douglas Brown and Scott Wilson, *The Black Books of Outsourcing: How to Manage the Changes, Challenges, and Opportunities* (John Wiley & Sons 2007)

<sup>46</sup> Laurel S Terry, ‘The Legal World is Flat: Globalization and its Effect on Lawyers Practicing in Non-Global Law Firms’ (2008) 28 *Northwestern Journal of International Law & Business* 527

<sup>47</sup> Daly (n44)

<sup>48</sup> Edward Gill, ‘Knowledge Process Outsourcing and the Legal Sector: the Evalueserve Approach’ (2012) *Legal Information Management* 12

form of LPO. The ‘onshoring’ of legal work, known also as ‘north shoring’ or ‘near shoring’, is the latest trend in the UK market for the provision of legal services. Whilst over the past three decades legal services have been outsourced to offshore locations, this new onshoring trend sees law firms (which historically only had offices inside London) outsource work out of London to UK regional cities and satellite offices they have set up as part of their own firm, ‘to save costs’.<sup>49</sup> Below, we review this new phenomenon through press reports by law firms and commentary in the legal media given the lack of other work in this field. We then turn, in the section that follows, to our own data, to the voices of the lawyers working in onshored offices.

One of the largest challenges facing global law firms is the pressure from their clients to become more cost efficient. London law firms have struggled to deliver the cost savings that clients are demanding due, in part, to the higher levels of wages and property prices in London.<sup>50</sup> Law firms have responded to this appetite for change amongst their clients in a variety of ways and have faced the challenging question of how to ‘reduce costs whilst maintaining quality’.<sup>51</sup> One answer (as part of a complex of reduced hourly rates or discounts, and increasing use of paralegals and contract lawyers in London on non-

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<sup>49</sup> Tabby Kinder, ‘Outsourcing: Out and About’ *The Lawyer* (London, 16 December 2014)

<sup>50</sup> The NASDAQ listed real estate company Colliers International Group Inc provides annual rent maps for all major towns in the UK. This shows that in 2018, for example, commercial rents in the City of London were £68.50 per square foot, £21.50 psf in Belfast and £33 psf in Birmingham. See:

<https://www.colliers.com/en-gb/uk/insights/offices-rents-map>. We discuss salary differences later on in this paper.

<sup>51</sup> Allen & Overy, ‘Unbundling a Market: The appetite for new legal services models’ (London, May 2014). See: [www.allenoverly.com/SiteCollectionDocuments/Unbundling\\_a\\_market.PDF](http://www.allenoverly.com/SiteCollectionDocuments/Unbundling_a_market.PDF)> accessed 14 June 2018

permanent contracts) has been to restructure the delivery of their legal services so that ‘some of the routine or less complex elements of work’<sup>52</sup> are delivered by a new onshore office instead of by the London (or other global) office, all with the aim of offering ‘clients a greater range of options’ and ‘better value for money’.<sup>53</sup>

Legal services onshoring in the UK began in 2011 and has gathered momentum in the past eighteen months. In total, between 2011 and 2018 ten global law firms, each previously with a sole UK office in London, have all opened a second legal centre in the UK. The forerunners of this movement, Herbert Smith Freehills and Allen & Overy, both opened a Belfast office in 2011 and received development funding for this from the government in Northern Ireland.<sup>54</sup> In 2013-2014, four further law firms opened a second UK site: (i) Ashurst opened a Glasgow office in 2013; (ii) Baker & McKenzie opened a Belfast office in 2014; (iii) Berwin Leighton Paisner opened its Manchester office in 2014; and (iv) Hogan Lovells opened a ‘legal services centre’ in Birmingham in 2014. Freshfields and Latham & Watkins both subsequently opened sites in Manchester in 2015,<sup>55</sup> and both Norton Rose Fulbright and Clifford Chance opened onshore centres in

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<sup>52</sup> ‘Allen & Overy launches office in Belfast’ (Allen & Overy Press Release, London, 2 February 2011)

<sup>53</sup> Anna Reynolds, ‘BLP to open low cost legal services centre in Manchester as part of wider client offering’ *Legal Week* (London, 11 March 2014)

<sup>54</sup> Lesley Houston, ‘Why legal eagles love roosting in Northern Ireland’ *Belfast Telegraph* (14 August 2014)

<sup>55</sup> Jamie Campbell, ‘IVG secure Latham & Watkins for 1 Marsden Street’ *CoStar* (14 April 2015); and Jaishree Kalia ‘Nearshoring: Freshfields plans Manchester low-cost hub’ *Legal Business* (London, 9 February 2015)

in Newcastle in 2016, and 2018, respectively.<sup>56</sup>

The law firm press releases on the opening of these offices provide an interesting insight into how and why onshoring is thought to be better than, or at least different to, offshore LPO. For example, we are told that one ‘critical differentiator between Belfast and Manilla’ is Belfast’s ability to produce ‘higher-level services’ and therefore better integrate into the global firm’s core practices<sup>57</sup>, which is also better aligned with these firms’ marketing of ‘themselves as high-end advisers’.<sup>58</sup> The global firms involved are keen to emphasise not just lower cost, but value (i.e. an assurance as to quality). Assurances as to quality in this new onshoring model roughly fall into three arguments, which we explore in more depth below: first, the proximity of the onshored office to London (i.e. quality via control); second, a reassurance that only low-value, low-quality work will be sent to the onshored office; and third, a promise that only high-quality employees will work in the new offices.

Each firm that opened an onshored office was keen to emphasize in their public statements the proximity to London of a second UK location (over an offshore alternative). Belfast is said to be ideally placed to ‘support’ a ‘range of cross-border transactions, projects and disputes around the world thanks to Northern Ireland being a common law jurisdiction and

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<sup>56</sup> Alexandra Rogers, ‘Norton Rose to create 100 jobs in Newcastle with legal hub launch’ *The Lawyer* (London, 7 September 2017); and Hamish McNicol, ‘CC hits Newcastle for surprise takeover of Carillion’s volume legal arm’ *Legal Business* (London, 14 February 2018)

<sup>57</sup> Matt Byrne ‘Baker & McKenzie chooses Belfast for second global services centre’ *The Lawyer* (London, 27 August 2014)

<sup>58</sup> *ibid*



English law being the law of choice for most large cross-border matters'.<sup>59</sup> Similarly, Manchester has 'emerged as one of Europe's leading shared services hubs resulting in a highly developed industry infrastructure'.<sup>60</sup> It is this infrastructure that will assist with 'delivering integrated services to clients'.<sup>61</sup> The physical proximity of these regional offices makes it 'much easier' for London lawyers to engage with staff in that office by 'simply getting on a train to go the Manchester' rather than 'getting on a plane'.<sup>62</sup> This conveys the impression that the regional hubs are within arm's reach (and firm grip) of the London office. Hogan Lovells push this concept further by describing their new Legal Services Centre as 'an extension of the London office',<sup>63</sup> inviting gibes from the legal press that this extension 'stretching 100 miles alongside the M40 would indeed be Britain's longest and dullest building'.<sup>64</sup> On its opening, Hogan Lovells confirmed that no clients will 'go through' Birmingham.<sup>65</sup> This office extension was invisible on the firm's website until late 2017, despite the office opening in January 2015.<sup>66</sup> As such, these outposts extend or compress to suit demand.

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<sup>59</sup> *ibid*

<sup>60</sup> Neville Eisenberg, 'BLP announces its intention to launch a new Integrated Client Service Model in 2014' (BLP Press Release, London, 11 March 2014)

<sup>61</sup> *ibid*

<sup>62</sup> Justin Cash, 'As Freshfields looks to Manchester, can top law firms ignore the nearshoring stampede?' *Legal Week* (London, 16 February 2015)

<sup>63</sup> Roll on Friday, 'HogLove plans budget office in Birmingham' *Roll on Friday* (7 March 2014)

<sup>64</sup> *ibid*

<sup>65</sup> Lucy Barton, 'Hogan Lovells to launch onshore low-cost centre in Birmingham' *The Lawyer* (3 March 2014)

<sup>66</sup> In working on drafts of this paper, we realised that the firm had added Birmingham to its website when the onshore office had been previously invisible. We used the internet application 'labnol.org' to work out when the following web page was created: <https://www.hoganlovells.com/en/locations/birmingham>

When law firms speak publicly of the quality and complexity of the work to be onshored, the tasks said by them to be undertaken in the onshored offices include ‘some of the routine or less complex elements of work’,<sup>67</sup> primarily consisting of ‘managing document-intensive and volume tasks’.<sup>68</sup> The legal work focuses on ‘recurring activity’,<sup>69</sup> and is limited to ‘lower cost legal work’,<sup>70</sup> including ‘minor contract amendments’.<sup>71</sup> Or, as the legal press comment, onshore lawyers will be undertaking a ‘carefully chosen selection of its [the firm’s] least interesting work’.<sup>72</sup> This is important when we come to interrogate our data below. While the firms are at pains to stress the very low complexity of the legal work undertaken within their onshore offices, they are also keen to emphasise the very high quality of the lawyers (and graduates) working in their offices.<sup>73</sup> As such, the message to clients is one of routine work, done cheaper than could be done in London, but by high quality employees. As onshoring increasingly gains credibility ‘an ever increasing number of law firms seek to capitalize on the efficiency improvements’, but these efficiencies can only be achieved if

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<sup>67</sup> Allen & Overy, ‘Allen & Overy launches office in Belfast’ (Allen & Overy Press Release, London, 2 February 2011)

<sup>68</sup> Herbert Smith Freehills, ‘HSF announces new and innovative 5 year partnership with Queen’s University Belfast’ *HFS Press Release* (Belfast, 15 June 2016)

<sup>69</sup> Ashurst, ‘Ashurst Announces Opening of New Office in Glasgow’ *Kinney Recruiting* (Glasgow, 12 June 2013)

<sup>70</sup> John Malpas, ‘As Freshfields looks to Manchester, can top law firms ignore the nearshoring stampede?’ *Legal Week* (London, 15 February 2015)

<sup>71</sup> Sarah Downey, ‘Nearshoring: Hogan Lovells hires ten-strong associate team and acquires new office space for Birmingham venture’ *Legal Business* (London, 5 November 2014)

<sup>72</sup> Roll on Friday, n 63

<sup>73</sup> Allen & Overy, n 52

‘operational’ challenges, namely ‘keeping their existing client and fee-earners happy’, are overcome.<sup>74</sup>

## **2. ONSHORED LAWYERS IN THE UK**

The Law Society is the representative body for solicitors in England & Wales. It hosts, on its website, a ‘Find a Solicitor’ function which allows members of the public (and others) to search for solicitors by name, by law firm and/or by location. This database contains contact information for more than 140,000 practising solicitors in England & Wales.<sup>75</sup> Using this tool, we compiled a list of 130 solicitors working in the 7 onshored offices open in June 2015.<sup>76</sup> We emailed each solicitor on our list asking them to be interviewed for a project on law firm onshoring.<sup>77</sup> In some offices, the lawyers we spoke with then emailed their colleagues encouraging them to take part. In total, we conducted 25 interviews: 6 with law firm partners; and 18 with associate or managing solicitors and one with a consultant solicitor. We also, as discussed above, undertook a search of the legal press for articles on onshoring. Among our 25 interviewees, those called ‘associate solicitors’ tended to work in the more traditionally structured London Lite offices; the supervisory Team Leaders work exclusively in Matter Mills. 8 interviewees were women (all associates, or team leaders: 5 women working in Matter Mills, 3 in London Lite

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<sup>74</sup> Chloe Smith, ‘Firms Must Offshore or Northshore to Stay Competitive – Report’ *Law Society Gazette* (London, 5 February 2016)

<sup>75</sup> Solicitors Regulation Authority, ‘Regulated Population Statistics’ *SRA* (London, May 2018)

<sup>76</sup> That is, we searched by firm name and office location to create a list, for the seven law firms with open onshored offices, of the solicitors working for those firms in those locations.

<sup>77</sup> A first email was sent and then a second follow up email to those who had not replied first time round.

offices),<sup>78</sup> and 17 men (8 in Matter Mills (of whom 2 were partners) and 9 in London Lite offices (of whom 4 were partners). All of the partners trained in elite City/London/American firms. The interviews varied in length from 30 to 70 minutes. Most were around 45 minutes long. Once complete, the interviews were professionally transcribed and then coded. The sub-headings which follow reflect these codes. The project had ethical approval from the University of Birmingham.

We should be clear that our sample is not representative. This is for four reasons. First, those who came forward were most likely those who felt they had something to say. Second, our 25 interviewees are not spread across the 7 offices equally. With one law firm, for example, we were contacted by the managing partner of the onshored office who agreed to be interviewed and who made it equally clear that we were not to further contact any of the other lawyers in that office.<sup>79</sup> There was, to be sure, a sense from some of the lawyers we spoke with that we had a particular angle to take. We did not. Third, the Law Society database is only updated once a year and relies on law firms putting forward accurate data. As such, it may not paint a perfect picture of which lawyers work in which offices. And, finally, we only spoke with qualified solicitors (and so are unable to paint an accurate account of the full life of onshored offices, from the mail room up via the various numbers of paralegals, ‘legal professionals’, trainees etc). Despite these caveats, however, we are of the view that the interviews offer an important and powerful insight into the world of onshoring and into the relationships between lawyers in onshored offices

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<sup>78</sup> We later come to explain how we split the firms’ onshored offices into ‘Matter Mills’ and ‘London Lite’ offices. 12 of our interviews were with lawyers in Matter Mills, 13 in London Lite offices.

<sup>79</sup> We took the pragmatic view here that we might not get any interviews at all in this office and so agreed to the managing partner’s terms.

and their colleagues working in London.

### **(a) The London Lite Offices and The Matter Mills**

Our data suggests a generalised ideological split between the global firms and their operational onshoring model, which we divide into what we term the “London Lite” onshored offices and the “Matter Mills” onshored offices.<sup>80</sup> Below, we identify interviewees by number and then by “MM” or “LL” to indicate the sort of office in which they worked. The onshored offices of those global firms operating a London Lite model are, as the name suggests, more closely akin to London in terms of operational and financial approaches. The London Lite onshored offices have a billable hours model, utilising financial targets for individuals and teams. These onshore offices generally seek to closely align themselves, the quality of their lawyers, and their work with London, describing them as ‘an extension’ of the London office. London Lite offices, and London Lite lawyers working in those offices, are keen to be affiliated and recognised as a smaller, ‘mini’ version of London.

By contrast, the Matter Mills have largely replaced the traditional legal structures found in their London office. Gone are financial targets for individual lawyers. Instead, the focus is on the collective success of the team. A higher proportion of the workforce in Matter Mills (at least 50%) are sourced from a ‘pool [of] legal professionals’ [Int13MM] who have a law degree, but who may, or may not, be legally qualified. This pool is heavily supervised by a small elite group of team leaders primarily recruited from Oxbridge/City

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<sup>80</sup> Engstrom (n8)

of London backgrounds, although a small number of those supervisory lawyers we interviewed in the Matter Mills had previously held senior positions in regional firms. Salaries of NQ lawyers working in large regional offices are roughly 50% lower than the salaries of NQ lawyers practising in the London offices of Magic and Silver Circle firms.<sup>81</sup> The economic benefit of sending work to an onshore Matter Mill office is clear as salaries were benched anywhere “between 10-20% lower than [regional firm rates]” [Int1MM]. The lower salary cost of legal professionals working in the onshore offices is evidence of the economic motive for onshoring and of the othering of those working in onshore offices. As one interviewee comments:

*I think one of the great problems that these law firms have in [ONSHORE LOCATION] is they are here to make money. And it's very difficult when the junior lawyers see profitability figures and partners on a million plus salaries and they've had a very busy year and they're on twenty grand. I think there is a tension there that I'm not sure has been acknowledged properly'. [Int3MM]*

Our Matter Mill interviewees were at various places in their careers (some more senior; some less senior). Each lawyer spoke from their own perspective about the advantages they perceived: improved work/life balance; and being able to live in a local/ regional city whilst undertaking global quality work. Yet the recurring theme that emerged from the Matter Mill interviews was the sense that the onshore office was subordinated to London in some way. This theme manifested in different ways including: their (lack) of career trajectory; their reluctant acceptance that there simply is no career progression available; observations about the disparity in wages between lawyers in London and the

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<sup>81</sup> Emma Knowles 'How Much Do Lawyers Earn' *Prospects* (1 March 2018)

onshore offices; lack of visibility; the sense that their global firm was profiting from their othering; and that the London (or other global) office was their client in place of traditional client relationships.

In the Matter Mills, billable hour targets have been swapped with other progress markers:<sup>82</sup> for instance, for those with a particular litigation and due diligence focus, the emphasis is on the number of documents reviewed by each ‘legal professional’. We were told of targets of around ‘400 documents a day or 300 documents [to be reviewed] a day’ with pools of local law graduates sitting down to label the documents ‘relevant, irrelevant, relevant, irrelevant’ [Int1MM]. The type of document management work undertaken in a Matter Mill is capable of being carried out by groups of people ‘en masse’, supervised by one person. This lack of professional autonomy marks this work as servile. We come back to this below. In some cases these ‘legal professionals’ are employed on zero hours contracts,<sup>83</sup> which raised concerns among our Matter Mill interviewees that these offices were akin to ‘law factories’ [Int1MM]. This flexible employment is not unique to the ‘Matter Mills’, as a couple of those we interviewed at London Lite offices also talked of a rise in demand for lawyers employed on consultancy rather than fixed term contracts (part of the wider precariat and flexploitation we have spoken of above). We consider law firm’s harnessing of their ‘alumni’ to manage the ebbs and flow of work below.

We asked our interviewees to confirm the breakdown of people employed in their offices:

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<sup>82</sup> On the use of billable hours inside law firms as markers, see: Parker, Christine, and David Ruschena. ‘The pressures of billable hours: lessons from a survey of billing practices inside law firms’ (2011) 9 *U. St. Thomas LJ* 619.

<sup>83</sup> On which, see: Ross (n 33); Sommerlad (n 6); and Joyce Sterling and Nancy Reichman. ‘So, You Want to Be a Lawyer-The Quest for Professional Status in a Changing Legal World’ (2009) 78 *Fordham L. Rev.* 2289.

either as qualified lawyers (solicitors, barristers, legal executives etc); or those *employed* as non-admitted lawyers (NAL), which may encompass qualified solicitors and barristers/paralegals/legal professionals/legal assistants.<sup>84</sup> Pinning down exact numbers proved challenging, particularly when offices were recruiting quickly to reach ‘critical mass’ [Int11LL] but the ratios serve to illustrate the different models in London Lite and Matter Mill offices. In the Matter Mills, the ratio of solicitors to those employed as was one solicitor to between 2 and 11 NALs. In London Lite offices, the figure was the opposite, with these offices employing 1.5 to 3 lawyers for every one person employed as a NAL. We have classified four of the seven onshored offices under review as Matter Mills and three as London Lite due to the structure, work type and the ratios of solicitor supervisors to those employed as NALs.

When we came to look at the Law Society data on the solicitors working in the onshored offices, we saw that 80 of the 130 (61.5%) are female and 50 (38.5%) are male. The average percentage of women associates practising in the London offices of these global firms is 53%.<sup>85</sup> This perhaps reinforces the idea of women’s ‘othering’ in the legal profession (that is, entry to the profession, but only in certain ways) and supports our thesis about the sidelining of women lawyers within the legal profession via onshoring).<sup>86</sup> 74% of the male

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<sup>84</sup> That is, it is perfectly possible for a firm to hire someone qualified as a solicitor to work in a paralegal role (and to pay them less and give them lesser work).

<sup>85</sup> Chambers Student ‘Law Firm Gender Diversity’ *Chambers Student* (2016)

<sup>86</sup> On the ‘othering’ of women, see: Hilary Sommerlad, ‘The myth of feminisation: women and cultural change in the legal profession’ (1994) 1.1 *International Journal of the Legal Profession* 31; Andrew Francis, “‘I’m Not One of Those Women’s Libber Type People but...’: Gender, Class and Professional Power within the Third Branch of the English Legal Profession’ (2006) 15.4 *Social & Legal Studies* 475; and Jennifer Tomlinson, et al. ‘Structure, agency and career strategies of white women and black and minority ethnic individuals in the legal



lawyers working in onshored offices practice in the more traditionally modelled London Lite offices and 26% in Matter Mills. The distribution of women lawyers was effectively equal: 49% in the Matter Mills; and 51% in the London Lite offices. One Matter Mill office is entirely staffed by female lawyers.<sup>87</sup> We find this striking.

In terms of the type of work done in these offices, for London Lite firms our interviewees suggested that ‘when you’re talking about onshoring, real estate is prevalent at the moment more than other particular areas of law’ [Int4LL]. Interviewees also discussed banking as a common onshore practice area for the London Lite offices. The work model for Matter Mills is different. Litigation has been the trailblazer as it ‘lends itself to an off-shore centre where’ large teams of graduates ‘consider large volumes of documents’ [Int3MM]. Here, the role of the experienced lawyers is largely to supervise the pool of legal professionals, monitoring quality and ensuring that targets are met. Working as ‘teams of supervisory lawyers’ [Int9MM] presents new problems: how to motivate large pools of law graduates being the ‘hundred million pound’ question [Int23MM] when only ‘star performers would be considered for training contracts in London’ [Int3MM]. This is considered further below.

### **(b) Reasons for Onshoring**

Our interview data suggests that the move by large global law firms to onshore can be broadly categorised as a response to the following pressures and motivations: (i)

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profession’ (2013) 66.2 *Human Relations* 245.

<sup>87</sup> Which ties in with other work on the segregation and sedimentation of women in the legal profession. See: Sharon Bolton and Daniel Muzio, “‘Can’t live with ‘em; Can’t live without ‘em’’: Gendered Segmentation in the Legal Profession’ (2007) 41.1 *Sociology* 47.

client demand for more competitive pricing;<sup>88</sup> (ii) an intention to cement a geographical nexus with law firm clients; (iii) a shift in client attitudes towards risk;<sup>89</sup> (iv) an expectation of innovation by global lawyers;<sup>90</sup> and (v) to drive efficiency and cost saving in global firms. Here, client demand for more competitively priced legal work since the global financial crisis is cited as the leading reason behind the onshoring move.

*'I think as ever you're client-driven. There's a lot of pressure from clients on fees and major clients of ours were saying "We've got no problem with you, you're going to be one of our top three law firms – that's not going to change, but we need to see you reducing your cost base and passing that benefit on to us because we are under tremendous pressure ourselves internally to reduce costs". So for us it was a natural extension of providing top quality client service at as low as possible cost to the client'. [Int10LL]*

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<sup>88</sup> On which, see: Christopher Whelan and Neta Ziv, 'Privatising Professionalism: Client Controls of Lawyer Ethics' (2012) 80 *Fordham Law Review* 2577; Mike Trotter, 'More for less' (2013) 16(1) *Managing Partner* 28; Joan Loughrey, 'Large Law Firms, Sophisticated Clients, and the Regulation of Conflicts of Interest in England and Wales' (2011) 14(2) *Legal Ethics* 215

<sup>89</sup> Our work is certainly not the first to discuss how changing client attitudes to their large law firm counsel shape how legal services are delivered. For earlier work in this area, see: Robert Rosen, 'We're all consultants now: How changes in client organizational strategies influences change in the organization of corporate legal services.' (2002) 44 *Ariz. L. Rev.* 637.

<sup>90</sup> For a wider discussion of law firms and innovation, see: Peter D. Sherer, and Kyungmook Lee, 'Institutional change in large law firms: A resource dependency and institutional perspective'(2002) 45.1 *Academy of Management Journal* 102.

What became clear was that large law firms needed to be seen to be paying more than ‘lip service’ [Int12LL] to their clients’ surmounting financial pressures during the global financial crisis and chivalrously obliged ‘by opening an onshore office’ to ‘manage costs effectively’ for their clients [Int12LL]. The client pressure is not just financial, but geographical too. Interviewees were keen to point out that the global financial crisis had prompted many of their blue-chip clients to relocate outside London, which has caused and legitimised the move by these law firms to also open a regional office where their client (often a bank) is based. There was a theme amongst interviewees that there is an increasing expectation amongst clients that their lawyers support them, not just financially, but geographically, by also opening ‘a local office near their headquarters to help service them’ [Int4LL]. The message from these elite global firms is that nothing is too much trouble and opening in Belfast, Birmingham or Bristol (for instance) is both a physical and symbolic ‘extension of providing top quality client service’ [Int10LL]. The overall sense here is of a financial and geographical interdependence between clients and their trusted lawyers.<sup>91</sup> Much then is made of the close nexus (geographical, innovation and cost saving) between client and lawyer.

The lawyers we spoke with were keen to emphasise their strong ties and oneness of mind with their clients, which was evidenced by opening ‘a local office near their [client’s own onshore] headquarters; [Int4LL]. This, the interviewees felt, demonstrated their unity with their clients as they emulated their clients’ ‘imagination’ and thirst for ‘innovative’ ways to cut cost, which were widely acknowledged to have strengthened and developed client ‘relationships’ [Int12LL]. What is, however, somewhat puzzling, and what runs

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<sup>91</sup> This growing interdependence has been noted in other areas as well. See: Claire Coe and Steven Vaughan, ‘Independence Representation and Risk’ (*Report for the Solicitors Regulation Authority*, October 2015)

counter to this proximity, is the fact that almost none of the work done in onshored offices is ‘local’ work. Instead, it is large, complex, global work fed to the onshore office by London. The partners and senior associates in London Lite offices were included in meetings with global clients in London, in person or via skype or similar, but this occurred to a much lesser extent, or never, for the team-leaders and lawyers in the Matter Mills.

Our interviewees also commented on changes to their clients’ perceptions of risk since the global financial crisis, a result of clients searching for ‘optimal balance between cost, risk etc’ [Int12LL].<sup>92</sup> As a consequence, clients now expected a wider ‘menu of options’ in the way their legal services are delivered [Int12LL]. Making the move to onshore appears to have cemented relationships with their clients who ‘will want to use’ the onshored firms now that reduced client fees ‘work out about right’ [Int2LL]. Onshoring has also deflected the roving eye of the in-house counsel who is often not a ‘London lawyer’ and knows that the work can be sourced more cheaply ‘outside of London’ [Int9MM].<sup>93</sup>

Cost pressure on in-house legal teams was credited in bringing a change in attitude to risk.<sup>94</sup> Clients are described as more ‘astute’ [Int12LL] requiring ‘optimal balance of cost quality and risk’ [Int8MM]. The shift of their favourite global law firms to a cheaper onshore location

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<sup>92</sup> On this, see: Joanne Bagust, ‘The legal profession and the business of law’ (2013) 35 *Sydney L. Rev.* 27; and Andrew Boon and Jennifer Levin, *The Ethics and Conduct of Lawyers in England & Wales* (2<sup>nd</sup> ed Hart 2008)

<sup>93</sup> For a wider discussion, see: Mari Sako ‘Make-or-Buy Decisions in Legal Services: A Strategic Perspective’ (Said Business School Working Paper 2010).

<sup>94</sup> The pressures on in-house teams and how legal risk is managed are discussed in depth in: Richard Moorhead, Steven Vaughan, and Cristina Godinho, *In-House Lawyers’ Ethics: Institutional Logics, Legal Risk and the Tournament of Influence* (Hart 2018).

has enabled ‘in-house legal teams to be able to say to their governance boards, their executives, their stakeholders internally, “I’m reducing cost”’ [Int13MM]. Onshoring thus allows large law firms to retain work which their clients may have been forced to send elsewhere for cost reasons.

Let us, however, be clear that onshoring is not a selfless act by these global law firms. This collaborative message of migration to the cheaper regional cities belies the more ‘astute’ [Int12LL] motivations of these global firms. Over half of those we interviewed confirmed that their firm’s onshore move was made in consultation with their ‘key’ clients and that their clients benefitted financially from this move [Int10LL]. At the same time, over a third of those we interviewed portrayed a more complex rationale for the move, in which onshoring had opened up a broad spectrum of pricing and fee alternatives that allowed these law firms to become more competitive and profitable.<sup>95</sup> As one interviewee comments the move to onshore is designed to:

*‘Protect profit margin, put simply. Law firms are very simple businesses. Their fixed costs are the offices and their staff. Obviously there is investment in IT and stuff, but the lion’s share of their costs is accommodation and staff, so if you can bring those two things down ...’* [Int5LL].

Whilst the clients’ remit at the outset seemed to be ‘reduce cost and pass this on to us [i.e. the client]’ [Int10LL], global law firms have discovered that carrying out work from an

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<sup>95</sup> An increasing focus on profits inside large law firms has also been shown in other work. See: Daniel Muzio, ‘The Financialisation of Large Firms: Situated Discourses and Practices of Re-Organisation’ in Hilary Sommerlad and others, *The Futures of Legal Education and the Legal Profession* (Hart 2015)

onshore office and not passing the whole (or, in some cases, any) of this benefit on to their clients is more profitable still. The emerging theme is that there are ‘different messages for different clients’ [Int5LL]. Here, we asked the interviewees whether their clients knew whether they were based in an onshore office as we had noticed that our interviewees often had London telephone numbers (and some a London office location in their email signature). This revealed the ‘strategy’ of these global firms who sometimes choose not ‘to distinguish between London and [regional office] employees’ carrying out the work [Int11LL]. By ‘not distinguishing between the two offices’, and obscuring from clients that the work is done by employees outside London at a cheaper cost base, it prevents clients from trying to ‘start chipping at the fees that they’ve already got agreed’ [Int9MM]. So, a law firm agrees a price of X (per hour or per matter) with the client, and is able to make profit on X by having some of the work done outside of London (with or without the client’s knowledge).

The financial context here is that clients are demanding ‘more for less’ and ‘questioning why a law firm should have a profit margin of 30, 40, 50 per cent when a lot of their suppliers will get by on obviously much less margins’ [Int5LL].<sup>96</sup> Yet the law firm’s perspective is that:

*‘By increasing particularly the numbers of associates from [the onshored office] that work on that matter, it will make it more profitable. So [the onshored office’s] profitability since it’s been open, the margins are very good, it’s like over 50 per cent. Whereas in London it would be, I don’t know,*

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<sup>96</sup> Work by Coe and Vaughan (n 92) has shown how many large law firms are now treated by their clients in the same way as the photocopying company that services their clients.

*30. Yeah and obviously the best result for the partnership is where you can use lawyers in [the onshored office] being charged out at London rate. That becomes very profitable work.’ [Int5LL].*

A number of the interviewees took the view that as long as the client was paying what they expected to pay, and the work was of good quality, the client ‘probably wouldn’t care where their work was being done from’ [Int13MM]. That is, the firm could make a profit from using the onshored office. In some cases, firms appear to avoid transparency on costs:

*‘Now, there are other teams here in [the onshored office], for instance there’s a real estate team, and their whole ethos is the opposite, it’s: “We won’t tell the client where the work’s being done and we’ll do it in [the onshored office] more profitably than if we did it in London, but we charge the same regardless.”’ [Int17LL].*

All of the London Lite lawyers made reference (to varying degrees) to charge-out rates, but this also emerged from some of the interview data for the Matter Mills. This lack of transparency results in onshore lawyers grappling with a ‘tremendously nuanced message’ where there are ‘different messages for different clients’ [Int5LL]. Reassuringly, perhaps, if asked directly by their clients the onshored lawyers we interviewed were ‘encouraged not to hide’ their location [Int7LL]. One interviewee summarises the position as follows:

*‘I can’t remember how it [the move to onshore] was sold, but every dog in*

*the street knows it was set up to increase partner equity... All these big law firms, they aren't charities, they only do work to increase PEP and it's spun a thousand ways'. [Int3MM]*

We might question whether some of the messaging by firms around onshoring is in strict compliance with the professional obligations of those firms under the Code of Conduct set out by the Solicitors Regulation Authority.<sup>97</sup>

### **(c) Quality Control and Location Agnosticism**

We were interested in whether, and how, the law firms under review ensured consistent quality in carrying out their work between London and their onshore office.<sup>98</sup> Some of the onshore lawyers, particularly those in the London Lite offices, emphasised the concept that has appeared in the legal press (discussed above) that their onshore office was effectively an ‘an extension to the actual [London] team’ [Int7LL], the message being that the people and

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<sup>97</sup> In particular, the Principles concerned with acting with integrity and in the best interests of each client. In addition, see Indicative Behaviour 1.3 of the SRA’s *Code of Conduct: Client Care* which requires a client to be informed, in writing, of the name and status of the person(s) dealing with both their matter on a day to day basis, and with its overall supervision. Here, other work has shown lawyers in large law firms to be “ethically apathetic”, with only a “minimal” form of ethical consciousness. See: Steven Vaughan and Emma Oakley. “Gorilla exceptions” and the ethically apathetic corporate lawyer.’ (2016) 19.1 *Legal Ethics* 50; and Richard Moorhead and Victoria Hinchly, ‘Professional Minimalism? The Ethical Consciousness of Commercial Lawyers’ (2015) 42 *Journal of Law and Society* 387.

<sup>98</sup> We accept that scoping quality in legal services is challenging. On this, see: Rosaline Sullivan, ‘Quality in Legal Services: A Literature Review’ (*Report for the Legal Services Board*, November 2011)



the infrastructure are the same and all the work meets the global quality stamp. Some interviewees acknowledged that quality between the London and onshore office is ‘never going to be consistent with each other 100%’ [Int14LL] and that achieving ‘consistency across the board is a challenge [that] any law firm faces and it’s certainly no different with [the onshored office]’ [Int9MM]. The approach of these global firms to quality assurance is to ensure the right ‘calibre’ of ‘senior person’ oversees the ‘translation’ of quality and sees this effectively implemented through the more junior members of the onshore team [Int13MM]. ‘High caliber ex-City type lawyers’ [Int11LL] are transplanted into the ‘senior end’ of the onshore management team ‘to ensure they maintain quality’ [Int13MM].<sup>99</sup> Thus quality is assured by bringing ex-City lawyers to the regions to head up teams and to supervise paralegals, junior solicitors and others (who are local and, perhaps, not to be seen as quite as good by lawyers and clients based in the City). We come back to this below.

Once clients understand how quality is managed (effectively by ex-City lawyers moved to an onshore location) those clients are free to become ‘location agnostic’ [Int19MM] so that whether the work product is delivered ‘in the Shetland Islands or [onshore] should be irrelevant to them’ [Int5LL].<sup>100</sup> The perceived benefit here is that ex-City lawyers ‘understand what client care is, for a start’ [Int13MM] and are therefore able to ‘translate’

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<sup>99</sup> This is an interesting premise for the firms undertaking onshoring as some of the work on lawyers and quality shows that, on occasion, non-lawyers can give better legal advice than lawyers. See: Richard Moorhead, ‘Precarious Professionalism: some Empirical and Behavioural Perspectives on Lawyers’ (2014) 67.1 *Current Legal Problems* 447.

<sup>100</sup> As such, improvements in technology over time mean that physical location of service provision becomes less important. See: Richard Susskind, *Tomorrow’s Lawyers* (OUP 2013); Richard Susskind and Daniel Susskind, *The Future of the Professions* (OUP 2015).

that understanding into expectations for the wider team [Int13MM]. It makes no odds then, particularly in the Matter Mills, if three quarters of the work force is ‘just a pool of legal graduates’ [Int16MM]. Quality here is parachuted in at the top of the management hierarchy.

Whereas the Matter Mills ensure the quality of the ‘pool’ by importing ex-City lawyers to supervise, the London Lite offices are intended, designed or ‘supposed to be an office with high caliber ex-City type lawyers’ [Int11LL]. Whilst there are dissident voices (three interviewees arguing that having worked in London ‘doesn’t necessarily make you a better lawyer’ [Int9MM]) these London Lite offices appear to be heavily populated and run by ex-City solicitors. The interview data made clear there were only two legitimate reasons (in the eyes of lawyers and firms) for City lawyers to move out of London: first, ‘for family reasons’ because they did not wish to raise children in London [Int11LL];<sup>101</sup> or second, because they had been ‘told this is your route through [to partnership]’ [Int7LL].

The onshore lawyers who had left London were clear in wanting to live in the regions, but equally clear in wanting to work for a global firm (and not a national firm with an office in that city). This was because of a perception, discussed above, that the quality of work in the onshored office would be better than the local work done in the regional office of a national law firm. There are thus interesting tensions at play here between the global and the local, and the personal and the professional. The onshored offices sell themselves to leading City lawyers wanting to leave London as combining the best of regional life

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<sup>101</sup> On how lawyers manage their work and family lives, see: David L Chambers, ‘Accommodation and satisfaction: Women and men lawyers and the balance of work and family’ (1989) 14.2 *Law & Social Inquiry* 251; and Eli Wald, ‘Glass Ceilings and Dead Ends: Professional Ideologies: Gender Stereotypes, and the Future of Women Lawyers at Large Law Firms’ (2009) 78 *Fordham L. Rev.* 2245.

with the glamour and prestige of an international firm: global done local. We explore this further below.

### **3. PERSPECTIVES AND PERCEPTIONS OF THE ONSHORE WORKFORCE**

In this part of the paper we set out an overview of the sociological phenomenon of ‘dirty work’ and then ask whether our data suggests that such is occurring in the onshored offices we engaged with. The concept of ‘dirty work’ originated in the writings of Everett Hughes, who invoked the term, in 1951, to refer to tasks and occupations that are likely to be perceived as disgusting or degrading. While some occupations are more commonly seen as tainted or “dirty” in our society (e.g., binmen or tabloid reporters), Hughes famously noted that virtually all occupations are associated with at least some dirty work some of the time.<sup>102</sup> Importantly for our research, ‘dirty work can have a charismatic or prestigious component, especially when such specialized skill is required that cannot be delegated to those lower down the line,’<sup>103</sup> for example doctors working in the arena of sexually transmitted diseases. This is also true of the onshore lawyers who, as we have shown, are given the ‘good’ quality work (if not the ‘best’ quality work) that law firms do not trust to be sent to offshore overseas legal services centres or done by third party affiliates. Even in the Matter Mills, with the armies of legal professionals tapping at one of two buttons for eight hours a day, that work is equally seen to be so important to the overall, London-ran matter or, deal that the partners feel it can *only* be done somewhere

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<sup>102</sup> Hughes (n 4)

<sup>103</sup> Lori Freedman, ‘Dirty Work’ in Vicki Smith (ed). *Sociology of Work: An encyclopedia* (SAGE Publications, 2013)

in the UK by law graduates of ‘good’ UK universities.

As a lens through which to observe and identify change in the workplace, ‘dirty work’ was neglected in the organizational literature till the later 1990s.<sup>104</sup> Since then, however, there has been a wealth of writing in the area, much of which is empirical.<sup>105</sup> However, the lens has yet to be substantively deployed in relation to lawyers and legal services. Linked to the notion of stigma (Goffman being a student of Hughes),<sup>106</sup> dirtiness is a social construction imputed by people; it is not necessarily an inherent part of the work itself.<sup>107</sup> Given this, we are interested in how onshore lawyers perceive themselves, and their relationships with lawyers in the London HQ. For Hughes, work could be dirty in a variety of physical, social and/or moral ways.<sup>108</sup> Physical taint can occur where a worker is associated

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<sup>104</sup> Blake E Ashforth and Glen E Kreiner, ‘How Can You Do It? Dirty Work and the Challenge of Constructing a Positive Identity’ (1999) 24(3) *Academy of Management Review* 413

<sup>105</sup> The field is broad, and ranges from care workers to manicurists to vets to slaughter house employees. See, for example: Darren McCabe and Lindsay Hamilton, ‘The kill programme: an ethnographic study of ‘dirty work’ in a slaughterhouse’ (2015) 30(2) *New Technology, Work and Employment* 95; Mignon Duffy et al. *Caring on the Clock: The Complexities and Contradictions of Paid Care Work* (Rutgers University Press, 2015); Kimberly Kay Hoang, ‘Nailing Race and Labor Relations: Vietnamese Nail Salons in Majority-Minority Neighborhoods’ (2015) 18(2) *Journal of Asian American Studies* 113; and Pru Hobson-West and Stephen Timmons, ‘Animals and anomalies: an analysis of the UK veterinary profession and the relative lack of state reform’ (2016) 64 *The Sociological Review* 47

<sup>106</sup> Erving Goffman, *Behavior in Public Places* (The Free Press, New York 1963)

<sup>107</sup> Shirley K Drew, Melanie Mills and Bob M. Gassaway, *Dirty work: The Social Construction of Taint* (Baylor University Press, 2007); and Rebecca J Meisenbach, ‘Stigma management communication: A theory and agenda for applied research on how individuals manage moments of stigmatized identity’ (2010) 38(3) *Journal of Applied Communication Research* 268

<sup>108</sup> Everett C Hughes, ‘Work and the Self’ in John Harrison Rohrer and Muzafer Sherif, ed(s). *Social Psychology*

with dirty things (e.g. rubbish collection) or where the worker does their work under noxious or dangerous conditions (e.g. miner, farmhand).<sup>109</sup> Moral taint, ‘is associated with tasks of “dubious virtue” (e.g., exotic dancer, pawnbroker, psychic, or palm reader)’ or that utilize practices that are ‘deceptive, intrusive, confrontational, or that otherwise defy norms of civility’.<sup>110</sup> Our interest, however, for this paper lies in social taints. These are said to occur, ‘where an occupation involves regular contact with people or groups that are themselves regarded as stigmatised... or where the worker appears to have a servile relationship to others (e.g. shoe shiner, customer complaints clerk, butler, maid).’<sup>111</sup> The idea of a servile relationship is one of the strong themes that emerges from our data (i.e. the onshored lawyer seeing the London office and the London lawyers as his or her clients who need to be served).

The perspective of our interviewees in relation to working in an onshore office was, on the whole, very positive. Individual reasons cited for working in an onshore office included improved work/life balance, more realistic case load expectations, better quality work, working without financial targets, and the freedom to re-locate their work outside London whilst retaining the feeling that they worked as part of the global London legal market. The most prevalent reason for leaving London for life in a regional city was to achieve ‘quality of life’ and the opportunity to raise children away from the ‘Big Smoke’ [Int4LL]. Almost all of the onshore lawyers we spoke to were delighted not to be involved in ‘any [local] work

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*at the Crossroads* (Books for Libraries Press, 1951); and Hughes (n 4).

<sup>109</sup> Ashforth and Kreiner (n 106)

<sup>110</sup> Blake E Ashforth and Glen E Kreiner, ‘Dirty Work and Dirtier Work: Differences in Countering Physical, Social, and Moral Stigma’(2014) 10(1) *Management and Organization Review* 81

<sup>111</sup> *ibid*

at all' meaning that if the move to the onshore office had not 'quite worked out I wouldn't have a career gap at all' [Int1MM] (i.e. that they could go back to the City having continuously done (some form of) City work). Our interviewees generally commented positively on the quality of their work. They told us that they, 'get plenty of work that is very interesting in its own right' where 'in most cases the legal issues are just as complex', but that 'the scale of the case may be lower' [Int17LL]. However, there was also an air of resignation amongst many of those working in these onshore offices that the *most* complex and *most* interesting work is not available to them.

A recurring theme in our data relates to the perception of 'London' and 'local' in terms of quality of work and of personnel. This echoes Silver's arguments discussed earlier in this paper about locality shaping lawyer identity. One interviewee commented that it would be 'ridiculous' for London to have the same view of lawyers who had never worked in the City as they do of their own 'London colleagues' working in the onshore office [Int23MM]. It is as though working or associating with London adds a lustre or acceptance that being from and working in a 'local' market (even if working on London-quality work) can never bring. As one onshored lawyer observed:

*'I don't think they view the associates [in onshore office] as any less than the associates they have in London. But that could be because the selection criteria for being an associate here was quite ... you had an Oxbridge background or a City firm training. And I think that was quite deliberately done.'* [Int16MM]

Those interviewees that had not trained in the City indicated that they are conscious of

the London office's perceptions of them and the contrast between the 'local' NALs and the City types.<sup>112</sup> One noted that whilst 'there is no language barrier' between London and the onshore office 'there is an accent barrier' [Int1MM].<sup>113</sup> The perception of the onshore lawyers is also framed by how law firms had spoken of the work done in the onshore offices in the associated press releases:

*'I don't think [London] view us that well because the general picture is that we do document review so they think we provide a service rather than actually dealing with legal work' [Int2LL].*

This is interesting and suggests that a law firm's PR team has the power to harm the relationship between the London HQ and the firm's onshore office through press releases that have (as we discussed above) been framed to assure clients as to quality control. A further illustration of the friction between the London HQ and the onshore office is seen in response to a question about an interviewee's role:

*'I'm pre-supposing what you're trying to prove, but the question of, 'Are you a second-class citizen?' [...] I think the legal press generally covered what [the firm] are doing here quite badly at first, but partly because the firm didn't really tell them what was going on, and so there was some quite misleading press, which*

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<sup>112</sup> Glen E Kreiner, Blake E Ashforth, and David M. Sluss. 'Identity Dynamics in Occupational Dirty Work: Integrating Social Identity and System Justification Perspectives' (2006) 17.5 *Organization science* 619

<sup>113</sup> This is in many ways unsurprising given other work on the importance of class and accent in elite professional service firms. See: Louise Ashley and others, 'Non educational barriers to the elite profession evaluation' (Report for The Social Mobility and Child Poverty Commission, June 2015)

*kind of described this as a due diligence centre.* ' [Int15LL].

Of course, and in the alternative, the misleading press coverage may well have been a deliberate choice on the part of the law firm not to alert competitors to exactly what would, and would not, be going on in their onshored office.

This interviewee commented on the 'unbundling' of work in their new role, a typical refrain:

*'In [the onshore office] we would just see one aspect of a dispute. If you consider the life cycle of a dispute, if you were in practice in London you'd see it from start to finish. Here you would get pulled in at the disclosure/discovery stage and we would do our piece, that would get bundled off back to London and then, I guess, we wouldn't really follow it through to the end'*  
[Int3MM].

There was anxiety amongst interviewees about the perception that they worked in the 'back office',<sup>114</sup> even though we did not explicitly raise this issue with them:

*'The worst phrase you can use to describe this place [is], the "back office", because that will just aggravate so many people here – but it is, certainly it feels like for us – [that getting] involved in the pitches that are done at a*

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<sup>114</sup> Mirroring similar concerns of 'dirty workers' in other fields. See, for example: Clare L. Stacey, 'Finding dignity in dirty work: The constraints and rewards of low-wage home care labour' (2005) 27.6 *Sociology of Health & Illness* 831



*much higher level [...] makes us feel we're much more part of the London team'* [Int1MM]

Thus, some of the work that is done in the onshore office is high quality, but it may only be one part (often a less interesting part) of a more complex matter, coupled with a perception of the onshore office being a 'back office'.

We see a further difference between London and the onshore office when it comes to promotion. Some interviewees spoke of a frustration that 'at a senior level, [lawyers] felt there was a ceiling and that they weren't going to progress' [Int6LL]. Other interviewees confirmed that they had been 'told in no uncertain terms that the partnership opportunities just won't be available' [Int3MM]. Those who felt more positive about progression understood that it was about building a 'profile in London' [Int1MM] while working outside of London. But even those who moved from London felt that they had 'sacrificed' partnership by leaving [Int11LL]. The issue being that 'there aren't many obvious internal career paths' in the onshore offices [Int3MM],<sup>115</sup> although interviewees were confident that there were 'still career progression opportunities in the local market' [Int3MM]. For those relishing a release from traditional work models, because there is no 'corresponding role in the London office', no 'career path' exists for these new roles [Int9MM]. The complex and nuanced picture which emerges is one of general contentment, but of a professional life that is limited and different to (and sometimes lesser than) that in the London office.<sup>116</sup> You can move and work in the onshore office, and you will do good

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<sup>115</sup> As set out above, Wilkins and Gulati (n 21) speak of lawyers in large firms without career opportunities as 'flatliners'.

<sup>116</sup> As such, this is another form of 'othering' in the profession. See the references at n 87.

quality (unbundled) work but you will not (in general) progress. There was for sure more chance of advancement in a London Lite office, than a Matter Mill. The organizational structure of the Matter Mill is such that the lawyers there are wholly outside of the tournament of lawyers; they are side-lined. This is tempered by one or two London Lite firms where a couple of interviewees had been told to leave London if they wanted to make partnership (i.e. that partnership was available to them in the onshore office but not at the London HQ). Although, interestingly, interviewees from both London Lite and Matter Mill offices pointed out that the direction of staff between London and onshore was almost exclusively one-way; it was clear that moving from working in an onshore office to working in London was not the norm.

The relationships between the onshored office and the London HQ were complex and spoke to both proximity and fragmentation. Look, for example, at two different excerpts from this same interview:

*“[We’re] all part of the same team really, we’re just Team [Regional City] if you like – that sounds really cheesy doesn’t it, but that’s the way it works.” [...and then later in same interview ...]*

*“As I say, there’s probably an element of fear and they [London] feel slightly threatened sometimes. I think there’s an element of arrogance amongst some of them – we couldn’t possibly be as good as them because we work in [onshore office] [...] there have been a few issues. [...] I don’t really know why their attitude is like that sort of attitude sometimes. We’re only doing what we’re told. I think often they get very*

*frustrated because they can't probably just come in and sit in the room and go through it and be watching over us all the time."*[Int9MM]

Thus there is an element of being in the same team while also not quite being fully trusted and being viewed with an air of suspicion.<sup>117</sup> The negative implications for the onshore employees are not confined to dealing with the 'down playing' of their work, but also their significance in the overall transaction. This has also been seen in other forms of 'dirty work'.<sup>118</sup> There are small 'bone[s] of contention' [Int3MM] that affect morale and further reinforce the othering of onshore lawyers. These include being invited to the 'Christmas party' in London without 'suggestion that [the law firm] will pay for a hotel ... So I can't say that we have been invited' [Int9MM]. As one senior interviewee confirmed 'once you start inviting people from that far north [to social work events in London], you have cost implications and inclusion implications' [Int6LL]. There was also a strong emphasis on using IT as a more cost effective alternative to meeting in person.<sup>119</sup> Other interviewees were concerned that 'our guys' in the onshore office are left out of the 'champagne trolley' at the end of a project [Int3MM] and the effect this had on morale. As such, our data shows closeness and distance, togetherness and otherness at play.

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<sup>117</sup> The same has been true of other outsiders. See, for example, early accounts of women in the solicitors profession: Hilary Sommerlad, 'Women solicitors in a fractured profession: intersections of gender and professionalism in England and Wales' (2002) 9.3 *International Journal of the Legal Profession* 213; and Hilary Sommerlad, "'What are you doing here? You should be working in a hair salon or something": outsider status and professional socialization in the solicitors' profession' (2008) 2.1 *Web Journal of Current Legal Issues* 1.

<sup>118</sup>: Ashforth and Kreiner (n 106)

<sup>119</sup> Susskind (n 101)

Our data suggests that those in the onshore offices are engaged in a servicing of the London HQ which equates to a form of dirty work, both necessary and important to London (to keep clients happy, to increase firm profits) but which is also lesser, different, and other. Indeed, one major theme that emerged was that the onshore lawyers felt ‘just slightly more removed’ from their firm’s culture because they are ultimately badged as ‘a service provider’ rather than a lawyer in the traditional sense [Int3MM].<sup>120</sup> Labelling many of the onshore offices as ‘legal services centres’, rather than offices, further denotes the diminished status of the work that the lawyers in these offices do.<sup>121</sup>

*‘Recruitment consultants were mentioning these [onshored] roles to me, I thought, ‘Oh no that sounds awful. It sounds like a factory.’ [Int23MM]*

What is striking (and fits in with the idea of prestige, discussed above, that may attach to certain forms of dirty work) is that several interviewees felt compelled to contradict claims in the legal press (and indeed their firm’s own press releases) that their onshore office was a ‘back office’ or ‘service centre’ and justify their professional standing by the quality of the ‘good’ legal work they did.<sup>122</sup>

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<sup>120</sup> This is interesting because lawyers in the London HQs also lament how they are made to become ‘mere’ service providers by their increasingly powerful corporate clients. See: Coe and Vaughan (n 92)

<sup>121</sup> It is also part of the increasing marketisation of the legal profession. On the shift from a guild like institution, see: Andrew Abbott, ‘The Sociology of Work and Occupations’ (1993) 19 *Annual Review of Sociology* 187; Emil A Krause, *Death of the Guilds: Professions, States and the Advance of Capitalism* (Yale University Press 1996).

<sup>122</sup> This is true of other forms of “dirty work” where those doing the “dirty work” speak to the importance of the tasks they are engaged in. See, for example: Simpson, Ruth, Jason Hughes, Natasha Slutskaaya, and Maria Balta. ‘Sacrifice and distinction in dirty work: Men’s construction of meaning in the butcher trade.’ (2014) 28:5

*‘A lot of people believe it’s just “document review”... people in the local market get this knowing look in their eyes, “dear god, you’re not doing real law in there you’re just sitting looking at documents and clicking buttons” and you have to explain to them, “no actually, whilst that is part of the work we do we also actually have a lot of more varied areas of work. We still do ‘real law’ in here as well.’”* [Int25MM]

Drawing on the ‘dirty work’ scholarship, we have come to the view that these onshore offices are held in subjection to the London ‘client’. Over half of those we interviewed identified the London office of the firm as one of, or their main, ‘client’ and there were lawyers in all of the onshore offices agreeing that the ‘the partners in London are the hands that feed me’. [Int15LL] Insights into keeping the London ‘client’ happy or developing the ‘London office as a client’ to extract different streams of work [Int12LL] raises interesting insights into the intra-firm power dynamic:

*‘In my view, our instructing teams [in London] are our clients and we have to be seen to be delivering the highest levels of service to them’*  
[Int13MM].

The onshored lawyers are then not engaged in a ‘fraternity of peers’.<sup>123</sup> They are instead serving their London masters.

### *Professional Identity and the Sidelining of Onshored Lawyers*

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Work, employment and society 754; Freedman (n 105); and Stacey (n 116)

<sup>123</sup> Galanter and Palay (n 16)

This paper is as much about how lawyers perceive themselves and their identity as it is about the organizational shifts of global elite law firms. Studies of different specialist lawyers testify to the highly nuanced framings of identity within the profession.<sup>124</sup> More widely, we look to situate our work in research on work identities in professional service organizations, discipline and routines.<sup>125</sup> Scholarship on the globalization of firms has tended to look from the outside-in, at the various forces, ‘structures, organizations, developments in professionalism, cultural modes of production, educational systems, and the like’, that drive and constitute change.<sup>126</sup> Some notable exceptions seek to understand this process of globalization from the inside (i.e. from the point of view of those working in the firms).<sup>127</sup> Our aim with this paper is both to look at onshoring from the outside-in (as an interesting example of organizational reshaping and change) and from the inside-in, via the accounts of the onshored lawyers. We are interested in the people choosing

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<sup>124</sup> Compare and contrast the following: Austin Sarat and William LF Felstinger, ‘Law and strategy in the divorce lawyer’s office’ (1986) 20 *Law & Society Review* 93; Kenneth Mann, *Defending white collar crime: A portrait of attorneys at work* (Yale University Press 1985); Douglas E Rosenthal, *Lawyer and client: Who’s in charge?* (Russell Sage Foundation 1974)

<sup>125</sup> See for example: Mats Alvesson, ‘Social identity and the problem of loyalty in knowledge - intensive companies’ (2000) 37(8) *Journal of Management Studies* 1101; Mats Alvesson and Laura Empson, ‘The construction of organizational identity: Comparative case studies of consulting firms’ (2008) 24 *Scandinavian Journal of Management* 1; Brian T Pentland and Henry H Rueter, ‘Organizational routines as grammars of action’ (1994) 39 *Administrative Science Quarterly* 484; Martha S Feldman and Brian T Pentland, ‘Re-conceptualizing organizational routines as a source of flexibility and change’ (2003) 48(1) *Administrative Science Quarterly* 94

<sup>126</sup> John Flood and Peter D Lederer, ‘Becoming a Cosmopolitan Lawyer’ (2012) 80 *Fordham Law Review* 2513

<sup>127</sup> *ibid*

and chosen to work in onshored offices. As such, this paper acts as a part remedy to Sommerlad's criticism that, '[a] primary pre-occupation of the sociology of the professions has been the strategies deployed to exclude individuals drawn from non-normative groups; less attention has been paid to patterns of inclusion.'<sup>128</sup> The socio-legal literature which does exist recognizes that legal professionals' 'sense of identity' is in flux,<sup>129</sup> and that 'law firms are struggling to understand and resolve new stresses and tensions'.<sup>130</sup> This body of work suggests that 'lawyers' are a highly differentiated social category. For example, basic distinctions tend to be drawn between: (i) 'finders' or 'rainmakers' who bring work into a firm; (ii) 'minders' who perform administrative tasks; (iii) 'grinders' who do the client work; (iv) and 'binders' who foster firm cohesion.<sup>131</sup> Our work focuses on those lawyers who are leaving behind the traditional hallmarks of their profession, who are pursuing a pathway unrecognized by the profession, and who are (in choosing this path) unlikely to join the ranks of (equity) partnership and the 'fraternity of peers'.<sup>132</sup> We suggest we are seeing the emergence of a new class of lawyer: the 'sideliners'.<sup>133</sup>

The onshore teams operate akin to an elite (if 'other') legal support unit that is potentially

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<sup>128</sup> Sommerlad (n 6)

<sup>129</sup> Laura Empson (ed), *Managing the Modern Law Firm: New Challenges New Perspectives* (OUP 2007)

<sup>130</sup> Royston Greenwood, 'Your Ethics, Redefining Professionalism? The Impact of Management Change' in Laura Empson (ed), *Managing the Modern Law Firm: New Challenges New Perspectives* (OUP 2007)

<sup>131</sup> John Flood, 'Anatomy of lawyering: An ethnography of a corporate law firm' (PhD, Northwestern University 1987); Robert L Nelson, *Partners with power: The social transformation of the large law firm* (University of California Press 1988); Emmanuel Lazega, *The collegial phenomenon: The social mechanisms of cooperation among peers in a corporate law partnership* (OUP 2001)

<sup>132</sup> Galanter and Palay (n 16)

<sup>133</sup> Here, we draw on the idea of 'flatliners' used by Wilkins and Gulati (n 21)

annexable to any and every global office of their firm, from London to Melbourne. The onshorers are pioneering the de-physicalisation of legal services and, in fact, their lawyers. The lawyers physically exist in the onshore offices, but where they would have been listed amongst the City firm's associates (had they worked/been based in London), in the regional office these lawyers often do not exist on their firm's website and their location via telephone is often surreptitiously routed via London. Location agnostic, the onshore offices are supportive but invisible. As such they are there, but not there. These lawyers are paid for their anonymity with different forms freedom: freedom from City billable hours targets (if some still have lower targets to achieve), and freedom from the prospects of partnership. It is also a world in which women lawyers comprise the majority of this sidelined workforce.<sup>134</sup>

#### **4. CONCLUSIONS**

Our data paints a complex picture. We offer up two models of onshoring: the first, the London Lite model, where the onshored law firm office tries to mirror the London office in terms of the sort of work that gets done, the organisational structure etc; and the second, the Matter Mill model, which is structured quite differently, taking on far more routinized and lower quality work (unbundled from a more complex piece of work), often undertaken by large pools of paralegal-equivalents supervised by a small number of qualified solicitors.

In both approaches, the majority of onshored lawyers see the London office as their client.

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<sup>134</sup> Hilary Sommerlad, "A pit to put women in": professionalism, work intensification, sexualisation and work-life balance in the legal profession in England and Wales' 2016 23(1) *IJLP* 61



We set out that while these onshored lawyers are often content with their work (and have left London for personal and professional reasons), they are well aware of, and highly reflective on, their subordinate status vis-a-vis the London office. Our data suggests that the move by large global law firms to onshore can be broadly categorised as a response to the following pressures and demands: (i) client demand for more competitive pricing (ii) an intention to cement a geographical nexus with their clients; (iii) a shift in client attitudes towards risk; (iv) an expectation of innovation by global lawyers; and (v) to drive efficiency and cost saving in global firms. Running alongside these, we found that the work that is done in onshored offices can be considered to be (particularly in the Matter Mills) lesser than, and lower quality than, the work of the London office. As such, while that work is a necessary evil (to increasing the firm's profits, and to keeping work in the firm that clients might want to send elsewhere for cost reasons), many of those we spoke with sensed and experienced a negative disconnect between what they did onshore and what the London HQ office did (despite the onshored office often being far more profitable than the London office). We are also somewhat uncomfortable with the idea that those working onshored might be being charged out to (unsuspecting) clients at London rates for work which costs (because of salaries, office space and overheads) only a fraction of the London office costs. This may be good business for the law firm, but seems rather disingenuous.

It has previously been suggested that 'globalization, through outsourcing, allows the local and foreign lawyers to meet and bypass the rigidity characteristic of the old professional hierarchies'.<sup>135</sup> Equally, there is the view that globalization's 'capitalisation of

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<sup>135</sup> Daly (n 44)

everything' has potential to make 'significant progress towards a more socially representative profession'.<sup>136</sup> Thus, globalisation is thought to have the potential to be a flattener, or equaliser.<sup>137</sup> We would however suggest that, in the context of onshoring, globalization has led to sidelining. Onshoring allows entry to global firms for the graduates of local, good-enough law schools who are perhaps unable to 'make it' in London (who work as 'legal professionals' in the Matter Mills) and also for those who have already tasted City life and rejected it (who then work as lawyers in the London Lite offices and as supervisors in the Matter Mills). That entry is, however, different and imperfect. It is the 'dirty work' that is done outside of London: dirty because it is seen, in the same instance, as both lesser and necessary to the firm's profitability. As such, the phenomenon of onshoring presents an interesting lens through which to explore the increasing differentiation and fragmentation of the corporate end of the legal profession. Onshoring can be seen either as a relatively simple organizational change to the shape of the profession, or, and perhaps more importantly, we can and should see that change as part of a radical reorientation of a division of labour and of what it means to be a profession and a professional. Onshoring creates opportunities in the local environments in which offices are opened, but the form of opportunity is different to that offered in London. There is the cachet of working for global law firm X (rather than local firm Y, or national firm Z), but there is equally the corollary othering of that work: not quite London, not quite local; good quality but not the best quality; close and yet different; similar but not quite the same.

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<sup>136</sup> Hilary Sommerlad, 'Minorities, Merit and Misrecognition in the Globalized Profession' (2012) 80 *Fordham Law Review* 2481

<sup>137</sup> Thomas Friedman, *The World is Flat: A Brief History of the Globalized World in the Twenty-first Century* (Farrar, Straus and Giroux 2005)