

# Workplace Culture Check

## Welcome

The Legal Services Commission has developed what we hope will be a varied and ever-expanding series of short, sharp web-based surveys which allow law firms to review the effectiveness of aspects of what some commentators call their 'ethical infrastructure' - the policies and procedures, customs and practices both formally stated and otherwise that nurture and sustain a workplace culture that encourages and rewards ethical behaviour and discourages, deters, detects and deals with ethically questionable behaviour.

This particular survey reviews some dimensions of your firm's organisational life that often go unspoken but that organisational studies tell us underpin an ethical workplace culture. It poses some questions about how your firm and people within your firm deal with ethical issues and asks you to say how you would respond to some easily imaginable ethical dilemmas.

The surveys take less than 30 minutes to complete. We hope each of you as individual respondents will find them to be a useful and informative experience but they will be even more useful and informative when everyone at your law firm does them, or if not everyone, then at least significant numbers of people from each of the different levels and classifications of people at your firm and, if your firm has more than one office, from each of its branch offices. That will allow the survey to paint a much fuller picture of your firm's culture by allowing you and your firm to compare how different people within the firm and, if you have more than one office, to compare how people from the firm's different offices answer the same questions.

### CONFIDENTIALITY

The surveys are strictly confidential. You will remain completely anonymous. We do not collect IP addresses and we will not be able to identify your firm unless it chooses to identify itself or is an incorporated legal practice (ILP) and is undertaking the survey as a compliance audit pursuant to section 130 of the Legal Profession Act 2007. Law firms that undertake the survey of their own volition can simply assign themselves a secret code known only to the firm and the people who work for it and who are completing the survey at the firm's request.

We will not name law firms when we publish the results even if we know the firm's identity. The confidentiality provisions of the Act (section 705) rightly prohibit us from disclosing information we obtain in the course of our work except in very limited circumstances. We may however decide to publish non-identifiable and aggregated data for the benefit of the profession and the public.

# Workplace Culture Check

## Instructions

### INSTRUCTIONS FOR EVERYONE COMPLETING THE SURVEY

You can start the survey and return to complete it at any time. You will be able to answer most of the questions simply by clicking the appropriate box, although some of the questions give you the opportunity if you wish to add free text.

Please answer every question that applies to you and answer them thoughtfully and above all honestly. Bear in mind that the survey is not an exam or test and that there are no right or wrong answers as such.

You must ensure that you answer all the questions. Do not skip any. The value of the survey to your firm will be reduced if you do not answer all the questions.

Please think carefully about each question. If you do not know the answer to questions 2-4, please ask your Survey Manager.

If you do not know the answer to the remaining questions, then simply tick the box "I don't know". Do not simply tick the answer which you believe provides the quickest way of completing the survey.

If you need to leave the survey at any time simply click 'exit this survey' in the top right hand corner of the page and your answers will be saved until you return. Don't forget to click on 'done' when you've completed the survey.

\* 1. Are you doing this survey as (please tick)

A member of a participating law firm, at your firm's request? A participating firm is a firm that has decided to undertake the survey of its own volition, or that is undertaking the survey at the request of the Legal Services Commission as a form of compliance audit pursuant to section 130 of the Legal Profession Act 2007. If you click this answer, go to question 2.

An interested individual on your own initiative? If you answer this question, go straight to question 3

# Workplace Culture Check

## Code entry

\* 2. Please enter the code for your firm. IMPORTANT: PLEASE ENSURE YOU ENTER THE CODE EXACTLY AS GIVEN TO YOU BY YOUR FIRM'S SURVEY MANAGER.

ENTER CODE HERE

# Workplace Culture Check

We need you to tell us a little bit about your firm, yourself and your position in your firm

## 3. What best describes the business structure of your law firm?

- Sole practitioner
- Partnership
- Incorporated Legal practice
- Government legal Office
- Community Legal Centre
- Other (please specify)

## 4. How many practising certificate holders are there in your law firm as a whole?

- <5
- 5-9
- 10-19
- 20-49
- >50

## 5. Where is your law firm located? Or if your firm has more than one office, where is your state head office located?

- Brisbane CBD
- Brisbane suburbs
- Regional city
- Regional town
- Interstate

## 6. What best describes your occupation within your firm?

- |   |   |
|---|---|
| <input type="radio"/> Paralegal               | <input type="radio"/> Partner/Director  |
| <input type="radio"/> Graduate/trainee lawyer | <input type="radio"/> Consultant/In House Counsel/Special Counsel               |
| <input type="radio"/> 1st to 3rd year lawyer  | <input type="radio"/> Non-Legal Staff (Administration/Secretarial/Receptionist) |
| <input type="radio"/> 4th + year lawyer       | <input type="radio"/> Non-Legal Staff (Management (eg Practice Manager)         |
| <input type="radio"/> Senior associate        | <input type="radio"/> Non Legal Staff (Other (eg HR/IT/Accounts)                |
| <input type="radio"/> Other (please specify)  |   |

# Workplace Culture Check

## 7. How long have you held a practising certificate?

- Not applicable (eg Non-legal staff; articulated clerks)
- <5 years
- 5 to 9 years
- 10 to 14 years
- 15 to 19 years
- 20 to 24 years
- 25 to 29 years
- 30 to 34 years
- 35 to 39 years
- 40+ years
- Not applicable

## 8. What is your gender?

- Male
- Female

## 9. What is your own primary area of practice?

- Not applicable
- Administrative law
- Bankruptcy and insolvency
- Building and construction law
- Commercial and company law
- Conveyancing
- Criminal law
- Deceased estates and trusts
- Other (please specify)
- Family/de facto law
- Immigration law
- Industrial and employment law
- Litigation
- Personal injury and workcover
- Property law
- Wills and estate planning

# Workplace Culture Check

## 10. In so far as ethical issues are concerned

	Yes	No	I don't know
My firm provides in-house training about ethical issues that may arise in practice	jn	jn	jn
My firm has intranet resources to support ethical practice	jn	jn	jn
My firm has staff/consultants whose role is to support ethical practice	jn	jn	jn
My firm expects all staff to alert others to ethical issues whenever they see them arising	jn	jn	jn
My firm deals quickly with ethical issues that arise	jn	jn	jn
My firm is continually evolving better ways to support staff to act ethically	jn	jn	jn
My firm encourages and financially supports staff to attend external learning opportunities about ethical issues	jn	jn	jn
My firm's induction training for new staff includes substantial training on ethical issues	jn	jn	jn

Please comment further if you wish

## 11. To what extent do you agree with the following statements?

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
All supervising partners within my firm encourage staff to raise any ethical issues with them	jn	jn	jn	jn	jn
All supervising partners within my firm see encouraging staff to raise ethical issues with them as part of their role	jn	jn	jn	jn	jn
Only some supervising partners see encouraging staff to raise ethical issues as part of the management role	jn	jn	jn	jn	jn
Supervising partners encourage staff to raise ethical issues with them only when it is part of their personal management style	jn	jn	jn	jn	jn
The firm has a system for staff to raise ethical issues independently of supervising partners	jn	jn	jn	jn	jn

Please provide any additional comments you may wish to make

# Workplace Culture Check

12. What would happen if a staff member raised concerns about being asked to do something they perceived as ethically questionable? Please tick your agreement or disagreement with the following options.

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Their actions in raising the issue would be appreciated by our firm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The staff member would experience adverse consequences	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Our firm would use their actions as an example for other staff of what not to do	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The issue would be ignored and not dealt with in an appropriate manner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
They would be told that such issues should not concern them	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Our firm would regard them as someone who can be trusted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Our firm would be cautious about trusting anyone who raises such issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Their reasons and personal motives for raising issues would be questioned	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Our firm would demonstrate its endorsement of their actions by asking them to contribute to staff training in raising ethical issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
They would suffer reprisal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please provide any additional comment you may wish to make

13. Does your firm use any of the following mechanisms to address ethical concerns of legal practitioners/staff members? (Please tick all that apply)

- Designated ethics partner/solicitor
- Ethics Committee
- Written policy encouraging reporting of misconduct
- Scheduled in-house meetings
- An in-house ethics hotline
- I don't know
- Other (please specify)

# Workplace Culture Check

14. If your firm offers an in-house ethics training program for staff, how often does that training occur?

- At least once a month
- At least quarterly
- At least half yearly
- At least annually
- More than annually
- Never
- My firm does not have an in-house ethics training program

Please comment on whether this training if offered is offered to all staff, or to professional staff only

15. Does your firm have an internal discipline process for staff who engage in unethical conduct?

- Yes
- No
- I don't know

16. Are you aware of anyone in your firm having been disciplined for unethical conduct in the last 5 years?

- Yes
- No

17. Does your firm measure performance by any of the following indicators? (Please tick all that apply)

- Number of pro-bono hours worked
- The ethical reputation of the fee earner
- The amount of supervisory work undertaken
- The level of the fee earner's diligence and competence
- The amount billed by the fee earner
- Client feedback
- I don't know
- Other (please specify)

## Workplace Culture Check

18. Which of the following BEST describes the morale among employees at your firm?

Excellent

Good

Average

Poor

Very Poor

# Workplace Culture Check

19. I imagine that your practice group is acting in a large commercial matter in which legal fees will not be questioned, and that both you and your group are below budget for the month. I imagine that your supervising partner directs you to make up the budget shortfall by billing that commercial file for work not carried out or carried out on a different matter.

	Say nothing and do what is asked	Raise your concerns with your supervising partner	Raise your concerns with another senior practitioner	Refuse and accept the consequences
What should a lawyer in that situation do?	€	€	€	€
What would the general culture of your firm encourage?	€	€	€	€
What would you do?	€	€	€	€

Other (please specify)

# Workplace Culture Check

20. Your supervising partner meets a client and provides an estimate of \$20,000 for the work on what he assesses as a complicated matter. He gives the matter to you to progress. You find the matter less complex following some changes in the client's situation and finish the work much earlier than expected. It comes to your attention that the client has still been billed for \$20,000.

	Say nothing and do nothing	Contact the client directly	Raise concerns with the supervising partner who gave you the work	Raise concerns with another senior practitioner
What should a lawyer in that situation do?	€	€	€	€
What would the general culture of your firm encourage?	€	€	€	€
What would you do?	€	€	€	€
Other (please specify)	<input type="text"/>			

# Workplace Culture Check

21. You are the lawyer for the plaintiff in litigation arising from a construction dispute. You receive in error a letter from the defendant's lawyer, intended for the defendant, which encloses a copy of an advice from the defendant's Counsel. You read the letter before you determine that it has been sent to you in error. It requests instructions to settle on the best terms possible because prospects of successfully defending the plaintiff's claim are now advised to be negligible. You have not read Counsel's opinion at the point where you realise the letter was not intended to be sent to you.

Thinking about your dealings with the defendant's lawyer -

	Say and do nothing	Return the letter and advice after reading the advice	Return the letter and advice after copying the advice	Return the letter and advice without reading and copying the advice	Seek your client's instructions and act on them whatever they may be
What should a lawyer in that situation do?	€	€	€	€	€
What would the general culture of your firm encourage?	€	€	€	€	€
What would you do?	€	€	€	€	€

Other (please specify)

22. Thinking now about how you would or would not convey this information to your client

	Do not disclose to your client that you've received the letter	Let your client know that you had received the letter in error but discuss the advantage that may be taken of that	Tell the client the letter's been received but that no use can be made of the advice
What should a lawyer do?	€	€	€
What would the general culture of your firm encourage?	€	€	€
What would you do?	€	€	€

Other (please specify)

# Workplace Culture Check

23. You are acting for a company in a property conveyance. Its constitution specifically provides that before any real property can be acquired by the company a directors' meeting must be held, minutes recorded and that written authority is given to the directors signing the contract. Just before settlement, you discover that there is no document authorizing the company to enter into the transaction. You discuss this with the directors and they suggest you type up a minute of meeting and backdate it to show that they did have the required authority at the relevant time, so that settlement can proceed. They say they simply overlooked holding the meeting and it is purely a technical matter. The deal is worth millions of dollars to the company.

	Say nothing and do what is asked	Raise your concerns with your supervising partner	Refuse to do as the company asks and delay settlement	Refuse and if needs be terminate the retainer
What should a lawyer in that situation do?	jn	jn	jn	jn
What would the general culture of your firm encourage?	jn	jn	jn	jn
What would you do?	jn	jn	jn	jn

Other (please specify)

# Workplace Culture Check

24. You are acting in a personal injuries case. You are provided with a report which is quite damaging to your client's case and which you believe is discoverable. Your supervising partner directs you to obtain Counsel's advice as to the need to disclose the report. Counsel gives advice that the report must be disclosed to your opponents.

Notwithstanding Counsel's advice you are directed by your supervising partner not to disclose the report. Your client also instructs you not to disclose the report.

	Say nothing and do what is asked	Raise concerns with another senior practitioner	Disclose the report	Refuse and accept the consequences
What should a lawyer in that situation do?	jñ	jñ	jñ	jñ
What would the general culture of your firm encourage?	jñ	jñ	jñ	jñ
What would you do?	jñ	jñ	jñ	jñ

Other (please specify)

# Workplace Culture Check

25. You are an employed solicitor in a large commercial law firm. Your supervising partner asks you to handle a simple conveyancing transaction for a major client of the firm and his mother. You send out the documents for signing with express instructions that the signatures are required of both the client and his mother and that her signature must be witnessed. When the documents are returned, you discover that the mother's signature has not been witnessed. You therefore explain to the client that the documents will have to be re-signed by his mother in front of a witness. The client objects to this as an unnecessary disturbance for his mother and reminds you that he is a major client who has been giving the firm work for many years. He wants you to sign the document as the witness.

	Say nothing and do what the client asks	Confirm with the client's mother that she did sign the document and do what the client asks	Refuse to sign and insist the document be executed again by the mother and properly witnessed	Raise concerns with a supervising partner and follow that person's advice
What should a lawyer do in this situation?	jñ	jñ	jñ	jñ
What would the general culture of your firm encourage?	jñ	jñ	jñ	jñ
What would you do?	jñ	jñ	jñ	jñ

Other (please specify)

# Workplace Culture Check

## 26. Please tick the boxes that apply

	Always	Often	Sometimes	Rarely	Never
I am treated with respect and courtesy in my firm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am able to openly discuss pay and conditions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
My personal goals fit well with the firm's goals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am able to express honest opinions on issues that may have serious consequences even if others disagree	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am treated fairly, in a consistent and predictable fashion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am able to raise ethical issues in confidence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I can talk with others in my firm about the ethical bases of decisions we make or actions we take	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I think about the ethics involved before making a decision or taking action (eg is it honest, am I breaching trust etc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am able to discuss ethically complex dimensions of my work with partners/senior members of the firm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I know how to deal with ethical dilemmas that arise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
When a conflict arises I know that I will not be under pressure to put the firm's interests ahead of the client's	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I try to act in the best interests of consumers of professional legal services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If I raise concerns they are given consideration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am helped to recognize when ethical dilemmas emerge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I know where to turn to for ethical advice in my firm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I know who can make a decision on the best course of action if an ethical issue arises for me in my work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In our firm we try to do the right thing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# Workplace Culture Check

27. Do you think the questions and scenarios making up this survey were at all useful and helpful in assessing the ethical culture of your firm?

Very helpful

Helpful

Neither helpful nor unhelpful

Unhelpful

Very unhelpful

Can you think of any ways in which the survey might be improved? We appreciate all feedback.

28. YOU HAVE NOW COMPLETED THE SURVEY.

IF YOU WANT TO CHECK OR CHANGE ANY OF YOUR ANSWERS BEFORE SUBMITTING THE COMPLETED SURVEY, SIMPLY CLICK THE <<PREV BUTTON AT THE FOOT OF EACH PAGE AND BROWSE THROUGH YOUR RESPONSES.

ONCE YOU ARE SATISFIED, CLICK ON "DONE" TO SAVE YOUR ANSWERS AND SUBMIT THE SURVEY.

THANK YOU FOR TAKING THE TIME TO COMPLETE THIS SURVEY. IS THERE ANYTHING ELSE YOU WOULD LIKE TO SAY?