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Further Thoughts on the Self-image of the Hungarian Attorneys

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Abstract: By analysing focus group and directed deep interviews, this paper highlights the professional self-image of Hungarian attorneys. A summary of legal historical, sociological and legal sociological findings on the current social position of this profession is found in the introduction. It further describes how the profession gained and lost its autonomy in the second part of the 19th and early 20th century, and regained it following the 1989 democratic transition. Relying mainly on a longitudinal comprehensive study of a research group led by Ágnes Utasi, the paper summarizes the changes in the profession in recent decades: tendencies in the social stratification within and in the recruiting background of the profession, and its overall decreasing social and political capital. This is followed by a theoretical discussion of the notion of "self-image" exposing its nature and content. The self-image of the profession is understood here as a tapestry of values, norms, descriptive cultural patterns, narratives and symbols, while sociological patterns can be discerned from the conduct of the members of the profession. Having presented the applied research method, the circumstances of the two focus group interviews and the directed deep interviews taken from the research group material recorded in the same year, the authors assess the attorneys' ideas concerning their relationship to judges, clients, forensic experts and mediators. In the reflections, contradictions and divisions can be detected in three out of the four discussed topics. As for judges, while competition and criticism concerning professional competence on the attorneys' side seemingly run parallel to the need for communication and cooperation, they are also on a collision course with it. Similar ambivalence can be experienced in the client/attorney relation. The reasons underlying this ambivalence were observed in the deficient and inconsistent market conditions of legal services and the lack of clarity in the professional self-image. With the transforming market constraints of legal services the latter may play a role in attorneys' divided ideas of, and critical attitude towards, each other's work and the internal relations of the profession. The only aspect where perceptions and opinions achieved a high degree of harmony was the relation to forensic experts and mediators, showing an unequivocally critical and dismissive attitude. The paper concludes by reflecting on the social factors underlying the perceived contradictions in the professional self-image.

Keywords: Sociology of Legal Professions, Legal Culture, Professional Self-image, Qualitative Sociological Research Methods, Hungarian Attorneys

1. Introduction

This research is closely connected to the social scientific examination of the legal profession in general and attorneys' social status and role in addition to the internal organisation and structure of their profession. The research also lends itself to be supported by findings in legal history, sociology of law as well as those achieved in general social history and sociology.

Renewed interest in the topic has been growing in the international literature of legal sociology since the 1990s. This period saw the emergence of expanding literature on the topic [1-5]. The dividends yielded by this upheaval in research that have piqued the researchers' interest can be summarised as follows: On a theoretical level, it became clear that Durkheim's and Weber's model on the social course of professions and professionalism does not fully

explain why legal professional groups' varying social and cultural contexts from nation to nation are blatantly ignored. Therefore, a substantial difference resurfaced between the basic factors in the evolution of the attorney's profession in common law-based legal systems (especially that of the United States) and those fundamentally determined by the Romano-Germanic tradition in continental Europe. As for common law-based systems, the most important factors in the evolution of the attorney's profession are the monopoly of legal knowledge, the ethos and the self-regulating ability of this professional group and the constraints of adaptation to the changes in the market of legal services seem the most important factors. They represent a far more significant group within the legal profession in common law systems than in countries pertaining to the Romano-Germanic legal family. As for the Romano-Germanic systems, the formation of the professional order is largely dominated by university training, political engagement and public regulation as well as viewing the profession as a public service shown by comparative research [6]. Viewed another way, empirical research has highlighted a new worldwide tendency faced by attorneys (and those pursuing other professions) regardless of national particularities. Namely, a gradual deflation of professional knowledge in the eyes of lay people can be observed which is in close connection with the reduction in the knowledge-based monopoly. In other words, there is an alleged democratisation of knowledge attributed to the emergence of advanced information technology.

Interestingly enough, the separation of legal historical, legal sociological and general sociological observations is more palpable in research conducted in Hungary. An overview of cross-references show that jurists are more likely to cooperate with sociologists than vice versa. For the purposes of this research, the following legal historical findings on the emergence of the Hungarian attorney's profession spanning a century from the 1830s to the mid-1930s ought to be highlighted [7-9]. In an effort to achieve independence starting at a grassroots level, attorneys managed to gain relatively broad autonomy after the Compromise between Austria and Hungary of 1867 (hereafter the Compromise). However, state regulation held the monopoly on determining the scope of that autonomy. During the 19th century, attorneys within the legal profession were the most active and committed supporters of liberalism and the political ideals of the rule of law. Yet, by the turn of the century, there had been a dramatic loss in their ability to assert their political interests. This is also explained by liberalism which was pushed into defence following the Compromise. By the 1920s, the attorney's profession had been suffering from a crisis due to the weakness and narrow scope of self-governance and the endemic form legal education took. This resulted in the saturation of the legal profession jokingly called "legal overpopulation". Also, the parallel effect of the economic crisis led to the debilitation of attorneys' self-sufficiency and the acceleration of internal social fragmentation. The crisis also revealed a weak cohesion within the profession and its subdivisions. State intervention finally put this to an end in the second half of the 1930s. As a result, professional autonomy was reduced to zero as the number of attorneys had been limited and race-based quotas had been set. Professional freedom only became a reality again half a century later, following the democratic change in 1989, marking the end of the Hungarian socialist period. [1]

Sociology of law was not particularly attentive to exploring the legal profession after the socialist period. For an overview and analysis of foreign and empirical research into the legal profession following the new millenium [10-11]. Scientific interest primarily focused on the judicial system and the judiciary at the time [12-14]. This can explain why there was only one piece of non-representative pilot empirical research in the 1990s [15]. Based on business leader responses in Csongrád county, in the south of Hungary, the findings of this research showed that in the mid-90s clients were generally satisfied with the services provided by attorneys. However, the assessment based on criteria such as high-level professional knowledge, reliability, determination and quick responsiveness of the actual work performed by attorneys never took place. Nonetheless, the interviewees had already sensed a gradually increasing internal differentiation among attorneys and reflected on the overwhelming workload pressing upon successful attorneys, the resulting constant time pressure and the anomalies regarding keeping deadlines. Also, a certain laxity of the professional ethos was palpable related to civilised interaction with clients and keeping trade secrets confidential.

This paper is supplemented with another strand of Hungarian legal sociology. Research into legal consciousness [16, 17] is regarded as such, including the analysis of the legal consciousness of law students and their attitudes towards law [18-21]. It has already been mentioned what an important role university training plays in the Romano-Germanic legal family in the evolution of the attorney's profession. This is also true by Hungarian standards. Research findings worth mentioning because of their relevance to the central topic include those concerning political stances. They are even more relevant since the Hungarian attorneys were traditionally fervent advocates for the political idea and programme of the liberal rule of law as supported by the above legal historical inquiries. This was also registered by sociological research carried out in the period immediately following the regime change [22].

If the findings are to be evaluated along the lines of right-wing/left-wing or conservative-liberal aspects, one finds that legal students' political stances have been moving towards promoting the right-wing conservative attitude in parallel with the tendency of the entire Hungarian society since the 1990s. This is in spite of the fact that legal education itself strongly promotes commitment to the rule of law and the strengthening of a liberal set of values. The degree of

1 *Cf.* especially Sections 3(1) and 13(1) and (3) of Act No. XI of 1998 on attorneys.

increasing the commitment to the rule of law and liberal values does not satisfy some analysts [21]. However, concerning the rejection of capital punishment, seen as one of the indicators of taking a political stance, research unequivocally showed in 2012 that fifth-year law students rejected capital punishment in a greater ratio compared to first-year students [20].

Research in sociology focusing on law students and legal training is also worth mentioning as it forms a bridge between the Hungarian legal sociological and general sociological research. It deals with legal education research as part of the sociological research into the stratification and mobility of the Hungarian society and views it from an attitudinal perspective. This research has also been gaining momentum with the nationwide expansion of the Graduate Career Tracking System (hereafter Tracking System) [23]. Two conclusions must be underscored based on the findings of this research. One refers to law student family background. As Mihály Fónai puts it, "law students are from the 'middle class' even if it is not without difficulty to define middle class or middle classes. And where are they off to? A high-prestige group or, more precisely, a different but generally high-prestige group" [23]. The other intriguing finding pertains to the research on the prestige of various legal professions. While law students revere the judicial profession most, advocacy ranks second followed by prosecution and public administration. However, the vast majority of graduates ends up being employed in public administration and their second most populous group begin their careers in law offices. Based on data collected in 2010, 45% of graduate law students began their career in public administration, while nearly a quarter of them (32.3%) were first employed in law offices [23]. Therefore, the attorney's profession is one of the high-prestige groups to which law students flock as far as prestige and real opportunities are concerned.

This brings us to the sociological project to which this research is related most closely. The research performed by the research group led by Ágnes Utasi was aimed at a comprehensive assessment of the attorney's profession. It aptly fits into the research on the stratification of the Hungarian society and the social mobility of the middle class and the intellectual élite. The research project was based on data collection performed on two representative samples. In 1998, postal questionnaires were used to be filled in voluntarily based on a weighted sample (N=1,293) according to county and gender [24]. After one and a half decades, in 2015, data of a sample (N=1,076) received online using the previous questionnaire and weighted according to counties were compared to previous data. Thanks to longitudinal analyses, a comprehensive picture showed the changes in the Hungarian attorney's profession based on demographical characteristics, social status, relational capital, political orientation and work sharing relation positions among legal professions [25]. The relevant findings of this research are summarised below.

During the period under analysis, the rate of female attorneys rose from 38.9% to 45.6%. Among them, the rate of single women or divorcees are more than three times the rate of male attorneys. Coupledom homophily based on the level of education, meaning that attorneys tend to start a relationship with those of similar social status and profession, still exists and has even deepened compared to the 1998 data [26]. Middle-class family background has also strengthened. The rate of middle-class parents has risen from three quarters to four fifths, which indicates that the chance for children from lower-class background to enter the profession has dropped. Legal practitioners tend to move to cities with the result that three quarters of attorneys now live in the capital or a big city [27].

The internal stratification of the attorney's profession was revealed by cluster analysis. Three factors, foreign language legal practice, the average of locally or nationally influential relationships and playing élite sports, helped discern three clusters: (1) élite upper-class, (2) middle-class and (3) lower middle-class strata. The élite upper-class ratio decreased from 39% to 28% in the assessed period, while the lower middle class ratio remained stable, which permits to conclude that the (2) middle-class ratio increased. However, income differences among clusters have also been restructured. While in 1998 there was no striking difference between the (1) élite upper class and the (2) middle class, in 2015 the income of the (1) élite upper class was exceptionally high compared to that of the (2) middle and (3) lower middle class with a minimal difference between the two. The increase in the (2) middle class ratio and the income of the (2) middle class approaching that of the (3) lower middle class suggests a "downward levelling" tendency [27].

Assessing the evolution of attorneys' relational capital, research concluded that the majority of attorneys did not have an extended and distinguished network of informal contacts. This conclusion did not change between the dates of the two pieces of research. Members of these informal circle of friends have identical social status with developing informal contacts down the social ladder being scarce. Attorneys' social contact network has become more heterogeneous as social gatherings tend to include representatives of other professions and attorneys' social life has become more intense and complex [26]. Participation of attorneys in NGOs or CSOs has considerably increased in the past one and a half decades. In 2015, three quarters of them were active participants, which represented a U-shaped curve in the origin status hierarchy with an exceptionally high number of attorneys being socialised in the highest and the lowest status families [27]. The direction of attorneys' social contacts and resource value remained at a markedly high level in 2015 as well. Although a slight decrease was shown in the number of attorneys having such contacts at almost every influential position (contacts of local or national proportions), 40-50% of them can still boast such contacts. However, the extent, complexity and direction-based heterogeneity of contact networks have declined. In 2015 those with a simplified contact network reached 35%, while those having a high complexity contact network decreased to

25% [26].

Research also investigated attorneys' social engagement and political stances [28]. Findings revealed that they rarely provided *pro bono* services based on the principle of social solidarity, which must have come from regarding the profession as a public service. This, however, is somewhat counterbalanced by a more active engagement in NGOs or CSOs. Services provided for the benefit of their familial and amical circles are considered frequent. However, they also constitute the elements of social capital conversation due to the homophily of relationships as well. Their professional identity is outstanding, which may signal an attitude towards corporatism. According to Balázs Császár, "regarding living conditions based on more and more polarised social contacts and in light of the even more atomised society, the solidarity contacts of those with an advantageous situation seem to encompass those of similar situation. They come close to the problems of those in dire need of collective right assertion when they act in a professional manner; however, professional ethics do not equal the citizen's moral commitment" [28]. Attorneys were classified into three categories based on the analysis of the 2015 sample: (1) right-wing-conservative-traditional 22%, (2) centrist-inter-/intranational 25.7%, (3) left-wing-liberal-non-traditional 45.4%; however, involvement in political activity proved to be inversely proportional to the size of each cluster. As for political activity, cluster (1) was 47,8 %, cluster (2) was 47,2 % and cluster (3) was 37,6% politically active. In other words, it was the greatest group of left-wing-liberal-non-traditional attitude that were the most inactive politically.

Findings on the analysis of work-sharing position of the attorney's profession are deemed most important [29]. The 2015 sample lent itself to be classified into three clusters. The classification resulted from to five factors: representation of foreign companies; practice in financial, commercial and private international law; engagement in international cases, the number of professed legal fields and number of corporate engagements. The clusters were formed as follows: (1) a group centred in the capital with a foreign clientele and lucrative professional field, (2) a regionally-located group with several specialisations and clients of higher status and (3) a group of uncertain existential situation with fewer specialisations and limited access to larger cases. According to analyst opinion, the conditions of classical professional practice are only available for groups (1) and (2).

Researchers paid special attention to assessing the tendency of deprofessionalisation which threatens the attorney's profession and whose symptoms have been perceived by sociologists since the 1970s. This process was the result of several identified contributing factors. These were the dissolution of the knowledge monopoly, the relinquishment of authority and trust [30], massification of higher education and a growing number of professionals with specialist knowledge. The result is a competitive environment on the services' market with the manager stratum being at an advantage over professionalists by coalescing into service provider organisations. There is ample literature on managerialism and "multidisciplinary practice" threatening the attorney's profession [11]. A decrease in attorneys' professional authority and the trust placed in them, however, transforms the attorney-client relationship as well. Due to oversupply and undercutting, attorney work appears a mere routine and, as a result of multiplied administrative tasks, the figure of the "clerical assistant attorney" glooms on the horizon. The IT revolution opens new alleyways and methods for acquiring legal counsel, which presents challenges for the legal profession.

These are some of the issues that the interviewees were asked about by the researchers during nine half-structured deep interviews, which serves to complement the findings of the research based on questionnaires [31]. The interviewees were selected according to gender, age and place of residence and the book written on the findings of the research included four of these interviews. In the analysis that follows, the script of the interview is going to be relied upon.

2. A Few Remarks on the Notion of "Self-Image"

Since the notion of identity or "self-image" is widely used in various social sciences, such as psychology, social psychology, sociology and political sociology [32], it seems necessary to explain what is meant by this notion used in the following analysis.

To begin with, self-image is interpreted as a cultural phenomenon. It refers to more or less objectivised content which, regarding its ontological nature, differs from individual or social psychological processes that determine its object of motifs and, therefore, influence individual or group behaviour. Consequently, the discourse about attorneys' self-image must be placed into the one about legal culture. In this sense, the self-image of the attorney's profession is viewed as one of the elements of professional legal culture as opposed to lay (non-lawyer) citizens' legal culture [17, 33]. The self-image of the profession, however, can be interpreted as an ensemble of intellectual elements and content, a tapestry of values, norms, prescriptive cultural patterns, narratives, symbols and the sociological patterns can be read out from the conduct of the representatives of the profession.

The characteristic values of the self-image of the attorney's profession, such as professional preparedness (a high level of legal knowledge), a sense of justice, impartiality and the unconditional respect for the interests of the client, belong to the more general values of the broader legal profession. They are embedded in the even more comprehensive values of political culture such as liberty, equality and social solidarity.

One of the layers of self-image is found closer to the level of social activities and comprises the rules of the profession. Part of these rules are "written", such as the binding rules of Act No. XI of 1998 on attorneys or other rules of legal nature such as the codes of conduct of the Hungarian Bar Association (hereafter the Bar). The profession has unwritten

rules as well, including the "courtesy" rules on the interactions with colleagues or lay citizens which also form part the profession's self-image.

Descriptive cultural patterns do not prescribe what ought to be done in a particular situation, but they set out the positions and competences of the participants. They also designate the place and the scope of activities that take place within the society or in the legal sphere. In this case, it can be interpreted to include the rules on pleadings and trial organisation laid down in the act on civil procedure the recipients of which are primarily judges. They also set forth attorneys' positions and their options to influence the thread of an ongoing trial [34].

The values and the analytically separated layers of the above prescriptive and descriptive cultural patterns are entwined by narratives, stories known and narrated by attorneys. They also create the "normative universe" coined by Robert Cover, in which these patterns acquire their meaning [36]. Every profession has its "great stories", such as the development of the Hungarian attorney's profession, compactly summarized in the introduction, which is to be elaborated and lectured at universities to future attorneys within the discipline of legal history. These narratives are coiled around major turning points and outstanding figures of the profession as a corporate group and form the basis of the entire professional group. Into these narratives are woven the fabric of local "urban legends" and personal stories which inherently relate to other cultural fields [36].

Symbols expressing self-image are not to be construed in their own physical realities such as luxury cars, expensive watches, powdered wigs, gowns, the latest version mobile phones or state-of-the-art laptops. They are to be interpreted as signs with multiple meanings. Symbols can signal the fact of belonging to the in-group and, at the same time, they are able to animate complex emotion and knowledge content in outsiders. As for attorneys, status symbols bear a major significance, which do not only signal their belonging to the middle class, but they also create an impression of success with clients (such as the luxury car or the expensive watch) [27]. However, other symbols (such as attorney briefcases used to be the case) distinctly signal their owner's profession. An excerpt from an interview conducted with a middle-aged attorney practising outside the capital clearly illustrates this point: "In my days as a university student, an attorney briefcase was shaped like a doctor's bag, a bit elongated, and everyone prepared their motions with a size A4 sheet of paper being folded in half because that was the usual dimensioning. Case file covers were like this and everything else was customised to this fit" [31].

One must also mention the pattern layers inferred from the behaviour of those practising the profession which are grouped under *tacit* knowledge and which are acquired by professionals entering the profession through observation of their colleagues' not so obvious activities. These are the tricks of the trade, which can only be mastered in practice and which are more often than not markedly different from the idealised values and rules of the profession's manifest self-image. An example of such tricks is a sales contract drafted in six copies, one or two of which figures a smaller price than it was agreed in the actual contract. Or for instance, the strategy of efficient negotiations with members of the other groups of the profession. as compared to the interview granted by a middle-aged female attorney from a metropolitan area [31]. However, the most appropriate method to reveal this cultural layer is through participant observation elaborated in cultural anthropology due in particular to the occasionally profound differences between the patterns of current conduct and the patterns produced by the participants.

What is important to note is that contradictions and internal tensions generally arise among the above-mentioned elements and layers of self-image in spite of the basic tendency to strive for intellectual unity and internal coherence during the formation of the professional self-image. Presumably, the more coherent and clear the self-image is, the more it can ensure cohesion among those practising the profession, which may handsomely contribute to the assertion of interests within professional circles. Conversely, the more contradictory, fragmented and vague the self-image of the profession is, the less it will be able to integrate its members and the more vulnerable it will become in the face of adversities. The role of a solid and clear professional self-image from the point of view of how it has evolved socially is always an empirical question: the overly strong corporate spirit may also become a hindrance to adequately react to social change.

Finally, one must acknowledge the dynamic relation between the self-image of the profession and the image created of the profession by lay citizens. The two are mutually conversant to set a playing field, which is indispensable for the adjustment to social change or the actual inducement thereof.

3. Research Methods

The basis for the research is provided by the analysis of the materials of two focus group interviews carried out in June 2015, almost simultaneously with the second data collection phase conducted by Ágnes Utasi and her research team. The interviews were made upon request by the National Office for the Judiciary as part of the codification works for the Act on Civil Procedure, and their immediate aim was to reveal attorneys' experiences, opinions and attitudes (*POBA*) [37] regarding substantive trial organisation and contributory obligation included in the draft under preparation. The interview subjects that were invited to participate were overwhelmingly (12 out of 15) from the capital-based Budapest Bar Association, coming from rather versatile backgrounds concerning age, legal specialisation, caseload and office structure. Also, a company lawyer participated and two former attorneys working now as judges.[2] The interview subjects were divided into two groups

2 These excerpts from the interviews are displaying the participating attorneys'

professional status. Attorney 1 (A1): "I set up my office in 2009. My practice involves family law cases and damages. Litigation makes up 80% of cases with particular regard to these two legal fields." Attorney 2 (A2): "I have been independently employed since 2008. My rate is higher than my colleague's with litigation topping around 95%. This is due to the fact that I work for more than one office, but mainly for one as outside help with the litigation group because litigated affairs exist only there. As for case types, the picture is quite blended with arbitration being not so relevant. However, we are currently dealing with cases of economic interest with an occasional public administration or tax law case on the side. Roughly speaking, we have experience in almost every field. With the exception of family law, I don't practise in that branch officially, only as a private matter for close relations." Company lawyer (A3): "I am not an attorney, but a company lawyer. Apart from this, 30-40% of the cases involve appearing before a specific forum. We usually have reimbursement, agency and damages issues. On the other hand, we deal with administrative review and review of administrative orders. Answering your question, I passed the Bar Examination in 2008, but I have been working on cases like this for 10 years." Attorney 4 (A4): "I have been working on insurance compensation cases mainly, for 15-16 years. I was a company lawyer for an insurance company before that and I have had my own office as an attorney for about 13 years. My work involves suing for damages, insurance and litigation for the majority of cases I've taken so far. To answer your question, legal representation in litigation amounts to around 70-80%." Attorney 5 (A5): "I have been working in various capacities for the same attorneys' office in Budapest since 2001. I passed the Bar in 2006. If we look at working hours, my job includes litigation in more than 50% of the cases. Within this portion, I mainly deal with cases known as "G-cases" [business related cases]. We also have quite a few labour law, administrative law and tax law cases." Attorney 6 (A6): "I have been an attorney since 2000 and I have my own practice. My biggest client is a regional hospital with mostly litigation for damages arising from obligations, mainly cases that occur in relation to a hospital. Litigation amounts to 80%." Attorney 7 (A7): "I have been an attorney since 1991 specialising in healthcare, which tells everything about me. I represent hospitals and other healthcare institutes. Litigation is about 90% of my work, with mostly medical malpractice cases initiated against hospitals. I also have some labour-related cases or perhaps an occasional administrative case to deal with topped with family law (but only for acquaintances, such as divorce cases; however, I don't take on such cases on my own accord)." Attorney 8 (A8): "It is my colleague that was invited to participate, but he's abroad now so he asked me to come here in his stead. I passed the Bar in 1991 and since then I have been practising as an attorney. That's 25 years now. During this period about one third of my professional career included legal representation at court. There is a variety of fields that I represented clients in. Classic commercial, civil law cases as well as review of administrative orders, which was also quite a serious field (…)." Attorney 9 (A9): "I have been practising since the summer of 2011. About 10% of the caseload involves litigation. I litigate labour cases and some civil law, or general civil law cases. I mostly specialise in corporate, civil and commercial law contracts." Judge/Attorney 10 (A10): "I had been a university lecturer before I worked as an attorney for 6 years. Currently, I am working in civil procedure as a seconded judge and have abandoned being an attorney. Looking back on being an attorney, I had quite a few litigated cases, around two thirds actually as I reckon, with another third dealing with company registration, civil and non-contentious procedures. Within civil law, I mostly dealt with company law." Judge/Attorney 11 (A11): "I passed the Bar in 1987. I was an attorney for 30 years and I have been a judge for 5 months. (…) Compared to this, when I was an attorney, the number of litigation proceedings was varying between 30% and 70% with a downward tendency towards the end. When I was practising as an attorney, I mostly had civil cases, most of which were concerned with corporate law. (…)." Attorney 12 (A12): "I graduated in 1981. At the beginning of my career, I worked as a company lawyer for various companies. I ended my career as a company lawyer with a bank, then I became an attorney, it was 1992 and since then I have worked as one. My cases involve company law and commercial business law specialisation. What I don't deal with is criminal law and I have a few civil law cases as well. Litigation rate is fluctuating with varied intensity, but periodically between 20% and 40%." Attorney 13 (A13): "I work at an attorneys' office that deals exclusively with medical malpractice cases. As a result, my work is 100% litigation. I graduated in 2009 and then I was clerking for the attorney's office but, as a contrarian, I only took the Bar Examination this year and passed." Attorney 14 (A14): "I graduated law school in 1981, then worked as a company lawyer until 1991 in a varied scope of responsibilities. I have been working as an attorney since 1991. I have actually dealt with every area of the Hungarian Civil Code, including corporate law. My litigation practice is characterised by a 70% ratio of litigation of all my cases. I have experience with arbitration and even criminal proceedings as well. I work in every area ranging from labour to land law cases. Litigation has practically been a determining factor in my work." Attorney 15 (A15): "I graduated university in 2009 and deal with healthcare compensation cases. The vast majority of them are indeed litigation proceedings, almost to a 100%, except for those one or two percent of cases when cases are settled outside of court."

and the interviews were conducted in the morning and the afternoon on the same day. They focused on three main topics and the Internet link containing parts to be debated on the draft law known as the Concept were communicated to interviewees in the letters of invitation to make discussions more efficient. The first topic was centred around the following question: What does substantive trial organisation mean in practice? The questions of orientation on the topic were as follows: What hindrance does parties' right of disposal have in relation to substantive trial organisation in the current practice? How do courts interpret the dispositive principle? Based on your experience, what case types are characterised as having a detrimental effect on the dispositive principle? When such detriment comes about, what are the general reasons for it? Is it judicial trial organisation, the conduct of the defendant or other circumstance? Where do you see traps or contradictions concerning the assertion of the dispositive principle? How can they be avoided? Which provisions under current legislation prove a hindrance to a speedy and foreseeable proceeding?

The second topic revolved around the following question: How does the role of the legal representative in case the Civil Procedure Law Concept materialises? The relating leading questions are as follows: How would a divided proceeding structure and a more extensive contributory obligation transform advocacy? Would the change make the legal representative's situation easier or more difficult? Would prescribing party proceeding facilitation make the legal representative's situation easier or more difficult? How would the liability relation between the legal representative and the client be transformed?

Finally, the third topic concerned the following issue: To what extent is court contribution justified to move the case forward? The questions of orientation on the topic are as follows: Do you agree that the right to be asserted cannot be marked by providing the facts of the case? What would be more desirable in this situation concerning litigation efficiency: more active judicial conduct or putting an end to the litigation immediately? Do you agree that the court may not "find" the achievable cause of action instead of the party? What role ought the court to play in clarifying the facts of a case? What dangers can attribute to such active court conduct? How can the court discuss the factual and legal points of the case material with the parties? How much time could be spent on such activity? How can this be reconciled with the requirement of impartiality?

Consequently, it can be seen that the discussions did not

revolve around the self-image of the attorney's profession. However, what proved to stand out during the overview of the materials of the two interview was that the participants made cursory remarks or comments which are quite intriguing. Methodologically speaking, it seemed only natural that these comments were heard in a moderated professional discourse when the interviewees' attention was not focused on the formation of the professional self-image or in compliance therewith.

The analysis materials were complemented by part of the interviews that had been made by Ágnes Utasi's research team as well. The attorneys that were included in the sample for analysis were all from the capital, Budapest. However, the authors also selected three interviews granted by them in which the interviewees were identified as "metropolitan" broken down into three categories: A middle-aged metropolitan woman with two adult children (I1), a young metropolitan man (I2) and a middle-aged metropolitan woman with two adult children (I3) [31].

4. Analyses and Findings

One direction of the interview assessment was offered by Balázs Császár's analysis. It had been based on Pierre Bourdieu's structural-functionalist theory known as the legal field theory. In it, the attorney's profession was placed among the wealth of relationships based on competitive and mutually captive services that take place among different groups of the legal profession, including the competition for accumulating and reproducing economic, cultural (legal knowledge-based) and symbolic capital as well as extending and preserving the autonomy of the professional body [29]. The author indicated attorneys' positions taken in legal work-sharing mechanisms below.

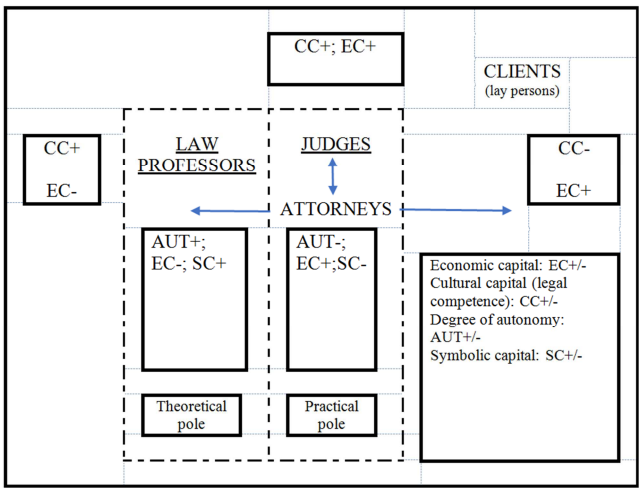

Figure 1. *The place of the attorney's profession in the legal field.*

Due to their idiosyncratic professional orientations, the above relationship network outlined in the material of the focus group interviews addressed the relation of attorneys to judges (1), lay citizens (2) and other professional groups on the practical pole. This illustrates how attorneys perceive and evaluate their own situation in these relations and what individual conceptions they have to shape these relations.

Furthermore, several reflections emerged during the interviews, which pertained to the internal relations of the attorney's profession: how attorneys view collegial cooperation, market competition for clients and the professional and ethical preparedness of the members of the profession (4). The Ágnes Utasi interview materials were included to examine this latter issue.

ad1. By extending Császár's theoretical analysis to the judge/attorney relationship, it can be concluded that the majority of the symbolic capital appears on the judge's side, since attorneys are subordinated to the judge's competence during litigation. A presumed majority of cultural capital is also on the judge's side as well as a wider scope of professional autonomy, which is protected by the constitutional safeguards of the judicial power as an independent branch of government. Countering that, however, there is a presumed larger force of economic capital on the attorneys' side. Attorneys must be aware of the fact that two of these four elements, the majority of judges' symbolic capital and broader professional autonomy, are so deeply embedded in the political and legal culture that they are accepted as unassailable truths. The distinguished role and rank of the judicial profession is reflected in its reputation observed among law students as it was mentioned above. As one of the interviewees (A6) put it: *"I disagree with the idea of a patronising court; however, I think I have respect for the judicial profession. Judges sit under the Hungarian national coat of arms protected by rules providing guarantees. They have enormous responsibility for which they are remunerated somewhat poorly; nevertheless, they play a significant role."* Or in a slightly squared manner (A5): *"What I usually add is that as an attorney I have the right to expect and demand that the judge be superior to me both professionally and as a human being. For he is the judge."*

This, however, does not exclude the fact that regarding the other two components of the relation, namely, judges' presumed professional primacy and attorneys' presumably better financial position, attorneys would not be critical of judges. Criticism is generally relied upon arguments organised around three topics. These are: underscoring the human side of law application (a), judges being overloaded (b) and decisions known as "surprise judgments" (c). These issues, however, play an integral role in reflecting the need for cooperation between judges and attorneys.

The issue of underscoring the human side of law application (a) can be summarised in the following conclusion: it is not the knowledge of law that counts, but their actual application. *"Listening to my colleagues' opinions, I also share the view that these are not merely legislative difficulties, but assumptions concerning those applying the law. Therefore, I would conclude that, try as we might, the human material that is fully or partially suitable for applying any enacted legislation does not exist* (…)*".* (A4) This line of thinking then may be directed towards

criticism: *"Every piece of legislation is worth exactly how many of them are observed. This is the way I see it."* (A7) *"We bombard the judiciary with criticism. The same goes for us. We exercise justified criticism, but it will not be changed by either the civil procedure Act or anything else, because there are good attorneys and bad ones, good judges and bad ones."* (A1)

The adequate professional standard of justice can be jeopardised by judicial overload (b). *"Because in my experience, there are personal issues, not in legal knowledge, but in capacity. By the time the judge becomes aware of the facts of a case and manages to keep them in mind once or twice a year based on the caseload—because he is limited to this concerning a case—the sun will have set."* (A12) This problem can be linked to the need for extending the scope of mandatory representation, which, however, may strengthen attorneys' monopolies on legal services in relation to their clients.

The professional preparedness of judges was explicitly criticised by attorneys related mostly to "surprise judgments" (c). *"It is a fact that the vast majority of judges try to literally apply mixed quality laws and, therefore, scores of disputable and ambiguous judgments are rendered. At the same time, either during the recess or at the end of passing the judgment, the judge will admit having passed a nonsensical judgment because the way it stands, it is not sound. In 25 years' time, I have had the misfortune to have come across such imbecilities when the judge proves me right; however, there is a word in a provision that he does not understand why it is there, but he still thinks that he must decide according to what is laid down there.* (…) *I believe it is a bad thing to figure out what the judge thought to be right or what he failed to think about in the first instance decision. If the legal representative sees an allusion, he knows immediately how to act on it. Whether he succeeds in convincing the judge or not is a whole other question as it will be decided by the judge. If a problem never arises and there have been quite a few such cases in the past 25 years—I might add—that it only turned out in the first instance judgment that the judge did not understand the entirety of the facts, a relevant circumstance was left out, never mind it was contained in the documentation. But the case dragged on for 3 or 4 years, so it is hard to do anything about it now. On appeal, part of this is usable, part of it is not."* (A8)

Attorneys perceive their more advantageous financial position (economic capital surplus) in their relation to judges (d), and they use it as a basis for further criticism: *"What is of utmost importance during procedure organisation is financial acknowledgement of the judge. I think it is a huge problem that in Hungary if a judge is good at and fast about his work, he will not be paid more; however, if he is bad or slow about it, he will not get less. Attorney and judge are night and day in this respect. If an attorney works overtime at the weekend, it is credible that he should make more money. Judges do not have this option. (...) One can talk about a variety of issues, but the issue of judges' financial appreciation is of particular importance. If I were the government, I would make a fuss about judges. And in return, they could be expected to perform better."* (A5) *"The Hungarians are a contentious nation and one has to come to terms with this. So it would be better if judicial remuneration reached its rightful place because I believe that it is difficult to administer justice when it is expected from a judge having a family to decide well if he has to make ends meet from net HUF 300,000 and educate two children at that."* (A2) *"This is where attorneys and judges run parallel with each other. We do not play on the same side. We play different games. The attorney has a secretary, an apprentice, a computer, programs, a printer, international law firm partner to use in the same case, while the judge has a court reporter once a week, if any. Where on earth do we play on the same side? How can a judge specialised in such a case state with any credibility the law of the State of New York with no judicial cooperation whatsoever? There is no way to do this!"* (A2)

Although the relationship between attorneys and judges is fraught with competition and criticism, it is also complemented with the need for cooperation as well—namely, more effective communication (e) and professional cooperation (f).

The need for more effective communication (e) emerges at various levels. It exists during proceedings*: "Cases would speed up if one could communicate with the judge, at least through the medium of a court reporter. Judges are often inaccessible."* (A1) On the other hand, one can talk about a higher level of communication where information exchange exists between the judiciary and the Bar: *"What I think is missing is communication between the judiciary and the Bar. It is when either one feels that they are communicating through people requested to do so, it is not really happening. When the president of the Bar has discussions with a rector, we make a fuss about organising a conference, yet, nothing really takes place. The reason is that there is no real communication at a personal level."* (A2)

The need for professional cooperation (f) also appears at the level of proceedings: *"Maintaining professional standards is important for attorneys, since there is no room for laxity in my case. During the proceedings, I always pay attention to the judge so that he will not make a mistake. Where appropriate, I also signal the procedural question he will have to decide. We are on the same team somewhere when we are in the same courtroom."* (A14) However, the need for professional cooperation (f) also emerges at a higher level, and intriguing conclusions were made concerning the viability of a complementary professional between the two professions: *"Human input is really important not only from a judicial perspective, but also on the attorneys' side. After all, who can really assess the judge's work? The attorney can. And who can best assess the attorney's work? The judge can. It would not be the end of the world if we revisited an era when not every last attorney or judge may be eligible for trying a case at the Curia [the Hungarian Supreme Court]. If they want to promote a judge to leave a district court for a higher level court, a court of law, why do they fail to ask the Bar Association's opinion? It is for sure that the Bar could*

tell if a judge is suitable or unsuitable to fill the position. And everything starts here." (A5) What is more, the need for cooperation presents itself at the level of the entire legal profession as an element of social responsibility: *"I think regardless of the fact that someone is a judge, a prosecutor, an attorney, a company lawyer or anyone else, the legal profession is one profession. It is similar to the medical or the engineering profession. The court in this sense is a workplace. The court was not conceived so that the whole world may enter to talk gibberish before the judge. At the end of the day, the social utility of this can easily be questioned, since both judges and prosecutors are remunerated from tax money."* (A2)

However, the highlighted elements of the need for competition, criticism, communication and cooperation can appear in any combination, providing further nuances to individual experiences or perhaps grievances and, therefore, further enhancing the ambivalence arising from the contradictory functional structure of the attorney/judge relation.

Regarding the need for communication (e), the problem of overly tight personal relationships arose, which jeopardise judicial independence: *"There is a certain type of family law attorneys of a certain age, and such mostly female attorneys are close friends with a female judge of a certain age. This is a kind of 'club' and I see that I am at court to argue a case with a client and there is a soft chatter going on with the presiding judge. Do not misunderstand me, I do not presume that there would be any influence exertion at all, but then the hearing commences and the whole case does not develop the way it should in spite of circumstances that are evident to me. At least, they should be careful to maintain the illusion of judicial independence."* (A1) *"There are of course cases when twice a year I stumble upon a judge who has never lost a case with a certain legal representative. Then I begin to think about whether such a thing goes in the right direction. The judge then finds another rule on competence to bar the case from getting to this court. There is a flaw in the system. And here we are now a few people who know each other, yet, we did not know we would meet. This is a small country and we must acknowledge that judges and attorneys graduate from the same university and we know one another. However, when we use familiar terms with each other during trial, it is a serious problem."* (A2)

In connection with the stronger economic position of attorneys (d) e.g.: *"In my experience, some judges are jealous of attorneys. For example, I am ruled in favour at first instance and am entitled to HUF 150,000 for a HUF 1 billion claim, which the claimant appeals and the appeal reduces the amount to HUF 100,000. Then I tell the female judge that I also pay taxes for this amount, and I am accounted for how many motions I prepared with how many lines and how many trials took place. I also pay special attention to presence at trials, documentation and deadlines. I keep myself to this, but the judge thinks there was not so much work doing this job, never mind the HUF 1 billion claim. At one trial court, there is a judge who, during the first hearing, where the claimant is present, could hear him because the claim is properly submitted and the defence is ready on the merits of the case. Yet, the judge tries to cajole us into requesting a postponement. He may not have prepared for the case or had a bad day. Nevertheless, he has the reporter record that upon a joint request by both parties a postponement will be granted. Yet, I have not moved for such postponement—and then he will set a 3-day deadline and when I state that this deadline cannot be kept, the usual answer is that I should be over the moon that I have a job. He remarks on the side that he likes to set a fine beginning at HUF 100,000 up to HUF 500,000 and he is likely to fine more than once during a single hearing if deadlines are not observed. This suit should be fun."* (A7)

ad2. At first sight, the attorney/client relationship seems to have a far simpler structure, which is aimed at transforming attorneys' cultural capital to economic capital through the intermediary of the legal services market. "A financially liquid demand is the primary issue here as the price of better legal services is necessarily higher. Also, it is primarily the time spent by the attorney managing the case with a given competence and finer precision that matters, since it is the time spent with work that determines the conditions of earning an income," says Balázs Császár [29]. However, the conditionality of an idealised market lies behind this idea, in which the participants possess all the necessary information, are able to reasonably weigh the risks of their decisions and take responsibility for the consequences of their decisions.

The Hungarian market conditions of legal services seem to stand apart from this ideal conditionality and attorneys are aware of this. For instance, the liquidity of demand is dubious: *"It should be acknowledged that anyone wishing to go to court should pay. It is another question that notes of expenses can be granted. A party cannot afford to sue; thus, the court will make an advance on the costs, but in the end the party should pay."* (A2) Clients are not in a position to assess the quality of legal services: *"What is pressing here is the fact that a lot of times the client cannot assess the attorney's work. It is because the client is a lay person. I lost count of the times a pusillanimous celebrity lawyer misleads the client, etc."* (A5) *"It is not sure that clients will select the expensive and more prepared attorney. There are certain celebrity attorneys that appear in court from time to time and say something that makes my hair stand on end."* (A14) In addition, the Bar itself proves to be an obstacle to clients' opportunity to have access to information needed to assess the risks they have taken: *"It is a shame that the Hungarian attorneys' market still eludes us in 2015, since it has been decided again that balance sheets should be disclosed. So, as long as we live among such semi-feudal circumstances, and we do, and the attorney's profession also has its responsibilities, talking about client/attorney responsibility is an untimely understatement."* (A5) In such circumstances, it is easier to place the risk on the client: "(…) *the client's most important task as a person asserting their rights is to choose who to engage to represent them apart from deciding if they wish their case to be brought before court. In my judgment, it*

is the same as with politicians: there are elections and we elect them. It is the same with attorneys. I choose an attorney. If I have chosen a bad egg, that's my caveat." (A2) Taking a risk, however, is present on the attorney's side as well and there are also obstacles: *"As long as the maximum available attorney insurance tops at HUF 50 million, I have an inkling that hospitals are in the same boat. Every hospital can be sued for HUF 1 billion, but if one case is won, the hospital must be shuttered. We either create market conditions for an attorney to have a decent insurance and then I will say yes, let us take on rules on liability or we do not do that, but then the question seems a bit hypocritical* (…)" (A2)

The attorney/client relationship is further complicated by the fact that the motif of public service is traditionally included in the self-image of the profession, which can be evaluated as striving for the accumulation of symbolic capital. This symbolic capital is the basis for the distinguished social respect surrounding the profession. There is a certain hesitation between interpreting the attorney's profession according to market logic and conceiving it as public service regarding the estimation of attorney specialisation: *"It is the client's responsibility to choose an attorney who is fully aware of the legal field at issue and knows case rulings and their content. As an attorney, I think the profession should follow this thread in the long run. Although current processes seem to point in the opposite direction, the aim would be this."* (A13) *"We can talk about low-profile cases, but in my experience, the poorer the client is, the more complicated the decision will be. In case we regard them as clients of equal status, we cannot assert that everyone should turn to this specialised attorney, who demonstrates complete mastery of the topic."* (A9)

In conclusion, it can be stated that the image built on the attorney/client relationship is also quite contradictory due to the deficient or inconsistent market conditions of legal services and the unclarified nature of the profession's self-image. This latter element refers to the fact that it is not even clear for attorneys either that their profession should be interpreted as a pure form of market-based services with activities undertaken for the benefit of the public, therefore, earning greater social appreciation or their varied degree combinations. This uncertainty is completed with distrust retained against clients. *"I consider it to be of utmost importance that the obligation of the parties to tell the truth should become all the more emphasised. There is always a sum that produces amnesia in claimants, and they may have signed the documents and been provided with information by the attending physician, they still think that no-one have informed them of anything; therefore, they are lying through their teeth."* (A7) Furthermore, and a somewhat belittling attitude plausibly originating from a steady middle-class position and a surplus of legal competence. *"After five years, being just is only a matter that interests us, not the clients."* (A12)

ad3. The image formed by attorneys about the other two professional groups that emerged during the interviews, forensic experts and mediators, was far less ambiguous. Concerning forensic experts, the conversation took quite a turn and the attorneys expounded on their views in more detail than expected, while mediators received only a few cursory remarks. The difference is quite understandable, since experts are frequent participants of the proceedings; however, they are representatives of professions that possess rich cultural capital paired up with a great degree of autonomy as well. To regulate their activities, attorneys have two options: by either involving judges, thus, influencing the rules of procedure and their application or putting through a legislative reform encompassing the entire expert system. Both options were mentioned during the discussions: *"The other problem with expert evidence is the weight attributed to it, that many judges rely on expert testimony to the letter, which I think is only one method of a palette of evidence available. This testimony should not have any more weight given to it. And if one party produces a private expert evidence and submits it to the docket, the court tends to assess it as an inferior expert opinion or treats it as regular testimony and disregards it completely. What is more, contrasting court-appointed expert and private expert opinions is quite rare for a judge to concede to it."* (A1) "*By the way, the expert system is like a rickety chair and I agree that this is a question of fact. There is a separate Act on experts."* (A6)

The land lies differently for mediators, since mediation has not been rooted in the Hungarian legal culture yet, and it does not present serious competition for attorneys on the legal services market.

What is common in the image created by attorneys regarding the two professional groups is the negative attitude of complete rejection: *"If there exists a poorly prepared group, save for a few exceptions, it is the expert group. They are a bunch of people of low quality work, most of them are, with only a few exceptions, they are those who the profession has rejected. They do not have market value knowledge or practice for that matter. There are gynaecologists who do expert work, but they have never worked a single day in this field. They have passed the professional examination, but without a doubt, they have never worked as physicians."* (A2) *"I think mediation is a cul-de-sac. Unemployed attorneys pretend that they are the judges."* (A5)

ad4. As it was previously mentioned above, the authors have analysed attorneys' reflections concerning the internal relations of their profession grouping them around three issues: How attorneys view the situation of collegial cooperation (a), the market competition for clients (b) and the professional and ethical preparedness of the profession's members (c).

Professional cooperation among attorneys (a) – at least on a daily basis of work-sharing – is presented as an ideal expectation: *"If an attorney cannot represent a client, he should send him to someone else. There should be a certain kind of self-restraint among attorneys. If someone does not have adequate knowledge in a field, they should refer the client to a colleague who does."* (A5) Accounts of real experiences, however, are testimonials on the opposite of this

ideal*: "Work-sharing with other attorneys or attorneys' offices does not exist in my practice."* (I1) "(…) *in my experience, there is a generation including not only the young but also the not so young. The not so young do not know me when we meet on the corridor or come up to me to introduce themselves; however, we have been to court to try cases for five years. As for the young, they are still apprentices, but they think that they are in possession of all legal knowledge and tries to make up for the loss through aggression. They literally pounce at you and tell you how dare you write down such a thing and "as a healthcare special counsel should know better" and like comments. Yet, they themselves do not know what they wrote down in their motions because they state the exact opposite."* (A7) It is another matter that attorneys regard institutional forms operating within the broader scope of the profession as paramount: *"Sharing the workload currently remains inside the office, in the family. It does not mean that we do not have any professional contacts with other attorneys' offices. There are a number of opportunities to keep in professional touch: case-by-case consultation, conferences initiated and organised by the Bar Association, invitation to provide professional opinions on new legislation yet to be enacted or professional debates on the practical interpretation of laws."* (I1)

The issue of the market conditions of legal services has already been touched upon during the assessment of attorneys' ideas about clients (ad2). The problem of reduction in liquid demand has also been mentioned, which in turn leads to price competition and new method of engaging fresh clients (b). The decrease in liquid demand is perceived almost unanimously by attorneys. This problem is explicitly mentioned in the interviews conducted by Ale and Béki: *"The liquid demand has decreased, which influences the cost that can be charged. I would have to charge the client a lot of costs, which I cannot do right now, because liquid demand has declined."* (I1) *"Apart from having no solvent demand, we have a lot of fighting to do with the clients to finally get them to pay up."* (I2) However, price competition and price formation that adjusts to competition is assessed a bit vaguely: *"Price competition is a form of competition when attorneys get retained by undercutting each other's billables. I know of a case where the client contacted attorney after attorney concerning his case and picked the one who offered the most inexpensive services."* (…) *"I have set my pricing which does not adjust to the competition. If a client retains a low-price attorney, I acknowledge that, but it does not alter my pricing. I associate prices with the amount and nature of work in representation and the object of the engagement."* (I1) *"I have knowledge of the percentage concerning a sale, company establishment or amendment because you might hear this or that about rates from here and there. Obviously, there is not one rate as there are highly expensive and really cheap ones. I try to fix mine on the mid-range."* (I3)

The conventional method for acquiring clients seems to be based on references made by acquaintances and former clients: *"There is a variety of ways to engage a client, but I do not believe in any of them. I think that it is always the reference that counts, which means if you do well for somebody, they acknowledge this by telling others to turn to this attorney because he is good."* (I3) The method of building a clientele based on reference is obviously fit into the image of regarding the profession as a service. Compared to this, the new "marketing-based methods" adjusted to clear market logic seem almost scandalous: *"There are certain attorneys who go door-to-door or "bed-to-bed" to look for clients in hospitals. They make an arrangement even if the patient had no intention to sue in the first place. They tell the patient that they will submit a claim for HUF 60 to 100 million. We are not talking about ten million, we are talking about a 30-50% contingency fee."* (A2) *"One may come across attorney ads in professional periodicals or daily papers. I only mention this to serve as a deterrent: An attorney went door-to-door in a city delivering his contact details in the mailboxes of every house and apartment. He offered his services as an attorney giving whatever legal advice or representation was needed. On the internet, you may find the legal forum, where attorneys can be asked questions. The attorney replies but he also adds that there may be information with which the eventual negative reply could be turned positive. Then he gives the contact details of the competent attorney and asks the questioner to contact him."* (I1)

As far as professional and ethical preparedness is concerned, the attorneys interviewed concerning this issue were generally perceptive of the problem present in this field: *"I believe that nowadays pulling papers from a drawer is quite irreconcilable a method with attorneys' ethics. For example, two years pass and a new fact gets proven because the attorney produces a document exclaiming all the while 'Eureka!' It is a sad fact but I have to tell you that colleagues practice this method quite abusively. Some of them go so far as to be parties to forging different official documents. I know I am quite bold in stating this, but this is the way things are now."* (A2) "(…) *it is the good attorney that is getting the short end of the stick if the opposing party is sloppy, since this has no consequence under the law on civil procedure. Everyone knows who the unsuitable ones are, but there is nothing that can be done.* (…) *If someone is circumspect enough, the fact that there are super low-maintenance and inept attorneys bothers them most. It would be really important to filter out such attorneys* (…) *The current legislation ignores this issue."* (A5) Naturally, the body expected by attorneys to pass regulations that ensures the filtering of professionally or ethically unprepared attorneys remains a mystery: could it be the state, their own professional organisation or the market itself? Finally, let it stand here an embittered (self-) criticising outburst: *"Not being gentlemen poses no problem whatsoever, however, the Hungarian legal community should acknowledge the fact that we are not gentlemen. No problem with that. Let us not fool the society that we are fantastically well-qualified and educated professionals, because we are not."* (A5) One might not commit an offence if one reads the need into this

reflection that the profession should be aware of whether it will identify itself as a professional group that adjusts to market logic and constraints and, joining the common law model, strives to create the conditions for a functioning market, or it continues to maintain the traditional continental European or Central European identity of the profession, where state regulation and public service ethics play a considerable role.

5. Conclusions

By analysing the materials produced from focus-group interviews and directed deep interviews, this research was aimed at shedding light on certain aspects of the professional self-image created by the Hungarian attorney's profession. The authors assessed attorneys' ideas concerning their relationship to judges, clients and two other professional groups, forensic experts and mediators.

The existence of contradictions and divisions in the reflections were detected in three out of the four discussed topics. In the case of judges, the competition and the criticism concerning professional competence present on the attorneys' side ran parallel to the need for communication and cooperation and also came into collision with it. Similar ambivalence was experienced in the client/attorney relation. The reasons behind this ambivalence were observed in the deficient and inconsistent market conditions of legal services as well as the lack of clarity in the professional self-image. With the transforming market constraints of legal services, this latter factor may play a role in attorneys' divided ideas of and critical attitude towards each other's work and the internal relations of the profession. The only aspect where perceptions and opinions achieved a high degree of harmony was the relation to the other two professional groups, which manifested itself in an unequivocally critical and rejection attitude.

However, by pointing out the methodological limits of the research, one should consider oneself warned when assessing the findings. The interview and focus group interview methods as qualitative research methods are suitable for bringing the target group subjects' perceptions, opinions, experiences and attitudes to the surface. However, they remain silent as to how these are divided among the target group members. Thus, there is no way to ascertain the percentage of attorneys that would side with one of the contrary ideas that resulted from the research. In order to do so, further quantitative research would be necessary.

However, this research was not aimed at such a comprehensive endeavour. Yet, this does not exclude passing a few remarks on the alternative views establishing the assessment of this and possible future research. As has been seen, Ágnes Utasi and her team of researchers attempted to interpret the changes in the social situation, internal economic and ideological structure of the attorney's profession primarily with a view to the effects of deprofessionalisation unfolding in relation to globalisation and the market conditions of legal services.

Nevertheless, the registered changes can be viewed from a historical perspective as well. As was indicated in the introduction, the Hungarian attorney's profession went through a crisis in the 1930s, which resulted in the loss of the profession's autonomy. The symptoms of the crisis in that period can also be perceived nowadays: poor cohesion among professionals, reduction in attorneys' political influence and their right asserting abilities, the "legal overpopulation" originating from the massification of legal education and internal social and ideological fragmentation. From this viewpoint, the question may arise with a slight rhetorical exaggeration: does history repeat itself? Will the attorney's profession remain an autonomous and liberal profession, or will it be retransformed into a guild-like, state-dependent and state-regulated "professional order"? Further sociological research into the attorney's profession and the profession's self-image is thus indispensable for outlining the potential scenarios.

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