The Transformation of China's Legal Profession and its Representation: A Critical Discourse Analysis

This thesis is being submitted in partial fulfilment of the requirements for the degree of PhD in Journalism and Communications

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Zhi Hui Cheng

Abstract

This thesis argues that hegemonical struggles between the colonization and adaptation forces in the process of naturalizing the implanted Western legal profession in China set a fundamental context without which the transformation of the Chinese legal profession cannot be fully understood. The thesis also argues that LegalTech, which is embedded in the digital transformation of nearly everything in today's society, has enabled various social groups (that were once excluded from the legal industry by various professional monopoly mechanisms) to successfully penetrate into the Chinese legal field. Different groups of field players compete to construct discourses of professionalism to legitimate their ways of producing the legal services and organize the producers. This research conducted a corpus assisted critical discourse analysis, coupled with the framing analysis, to excavate the frames that some British and Chinese newspapers had utilized to advocate different versions of professionalism in their competitive framing of the same series of lawyer detention events that happened in China between 2015 to 2018. This research employed the same methodology to find the frames that various kinds of publications had deployed to organize ideas around LegalTech, especially the discourses on the implications of the rise of LegalTech to legal services production, access to justice, and the existential state of the legal professionals. British newspapers developed a "war on law" frame to cover the series of lawyer detention events in China. Chinese newspapers constructed a counter frame of "law and order for the lawyers" to organize the news on the same events. This research identified an "access to justice" frame that argues LegalTech can improve the efficiency and effectiveness of legal service production and widen people's access to justice. There is also a "disruptive innovation" frame that focuses on the disruptive effects that LegalTech bring to the old ways of legal services production and the existential state of the traditional legal professionals.

Outline

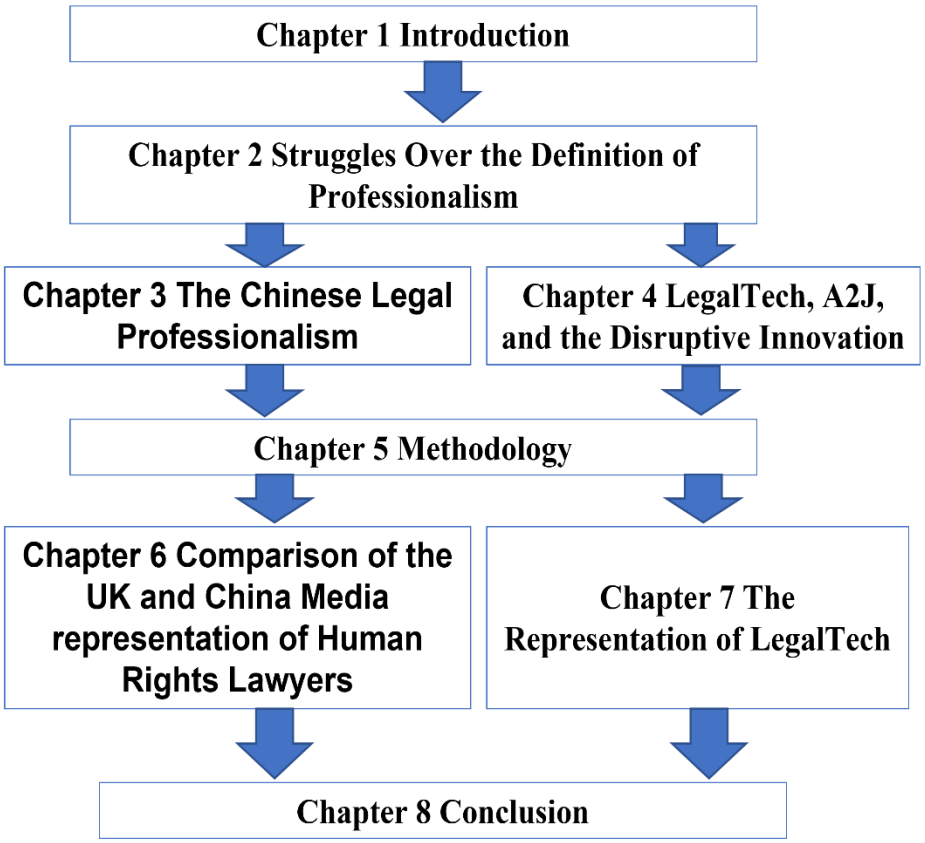
The topic of this thesis is the transformation of China's legal profession and its representation. The thesis divides into two parts. The first part (Chapter 2, 3, and 4) critically analyzes two most important transformative factors in the Chinese legal field: (1) the localization of the Western legal profession institution in China, and (2) LegalTech. The second part (Chapter 6 and 7) empirically researches how struggles among the driving forces behind the two transformative factors were staged in various kinds of discourses surrounding the localization of the Western law and LegalTech. A corpus assisted qualitative framing analysis is designed and presented in Chapter 5 to bridge the critical analyses of the material practice and the discursive practice in the field. Figure 1 illustrates the structure of the thesis.

Chapter 2 conceptualizes the transformation of the legal profession as hegemonical struggles among different social groups in terms of how the professionals construct their identity, get organized and regulated. This conceptualization helps organize the critical analysis of the localization of the Western law (Chapter 3) and the implications of LegalTech (Chapter 4). Chapter 2, 3, and 4 also function as the literature review that provides theoretical guides for the critical discourse analysis presented in Chapter 6 and Chapter 7. Each chapter addresses one research question:

RQ1(Chapter 2): In what aspects can the Western legal profession be understood and analyzed, and how are these aspects transformed? RQ2 (Chapter 3): How are the concepts of the imported Western legal profession, in terms of professional identity, organization, and regulation, localized in China in the colonization/appropriation process of reconciling the conflicts between the Western prescriptions and indigenous cultural, social, and political demands? RQ3 (Chapter 6): what are the frames that UK and China newspapers built respectively in their covering of a series of lawyer detention and trial events happened in the Chinese legal field from July 2015 to June 2018, and

how do these frames represent and reshape the hegemonic struggles over the legitimacy of different versions of professionalism?

Figure 1 The structure of the thesis



RQ4 (Chapter 4): How can the relationship between LegalTech and the profession can be understood in terms of changes in professional identity, organization, regulation from the perspective of hegemonic struggles? RQ5 (chapter 7): What frames can be constructed out of the LegalTech discourse in the West, and how can different social groups apply them to frame the technology driven transformations in the Chinese legal field to legitimate the versions of professionalism advocated by those groups in their struggle for field hegemony in China?

RQ6 (Chapter 5): How can corpus linguistics analysis and CDA combined in studies

that aim to critically examine discourse on political and technological driven transformations in the Chinese legal field?

As illustrated in Figure 1, the questions of the localization of the Western law in China (RQ2 and RQ3) and LegalTech (RQ4 and RQ5) are addressed in parallel. But a common theoretical thread run through the two analyses: viewing the transformation of the legal field as hegemonical struggles on the fronts of professional identity, organization, and regulation (RQ2). This thesis does not fuse LegalTech with colonization/appropriation theories because both are big issues and the fusion itself merits large scale research that is out of the capacity of this PhD research. The central concern of the colonialization/appropriation is political: the expansion of the ideal Western legal model to China. Colonialism, if fused with LegalTech, may indicate the implant of capitalism into the Chinese legal field with technology as the systematic integrative force, or the incorporation of the Chinese legal field enabled by technological systems (see section 1.3). In practice, the relatively pure political aspect constitutes a vital force that transforms the Chinese legal field.

The concept of access to justice adopted in this thesis leans more toward a society's legal services supply system that can provide accessible quality legal services at affordable prices to all. This is different from how access to justice is usually conceptualized in the UK where it often implies understanding law as a social justice mechanism, primarily concerned with problems of subordinated groups and linked to provision of legal aid.

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Chapter 1 Introduction

The Chinese legal profession is in the middle of politically led and technology driven transformations. To this researcher's personal experiences, as well as from the scholarly research and legal industry reports on the transformations, two drivers of change seem to appear: the exploration of a path that combine the Western legal model with the practical situations in the Chinese legal field, and the changing nature of techno-media environment of law in China.

Since its establishment in 2011, this researcher has run a law firm that has about 300 people (with less than 100 lawyers) operating in Shanghai, Shenzhen, Wuhan, and Changsha in China. But this researcher is not a licensed lawyer in China. He also owns a legal media company and a LegalTech company that has a vision to advance the digital transformation of the legal services in China, particularly in the personal law sector[1]. This researcher has heard arguments among lawyers on models of practicing law in China in the process of administrating the firm during the ten years up till now. Some lawyers in the firm think that there is a Western ideal from which the Chinese legal profession has a lot to learn. But others think that the Chinese lawyers should practice law according to the Chinese contexts and so as to establish models of professionalism with Chinese characteristics. The disputes have never died down. It is said that China has transplanted the Western models of legal professionalism, but has not copied so well in that the legal profession institution in China deviates a lot from the Western ideal (Peerenboom, 2002; Lo and Snape, 2005; Alford, Winston and Kirby, 2010; McMorrow, 2010). But it is also arguable that China has made attempts to localize the imported institutions through a process of naturalization, rather than a

[1] Personal law sector targets individuals (as opposed to businesses) as its consumers. Personal law sector (as opposed to corporate law sector) deals with legal services in such areas as divorce, debt, personal injury, labour, etc.

process of Westernization in which China simply copy and paste the Western law and the legal profession.

Besides the models of practicing law, to this researcher's ten years' experience in the Chinese legal market, the penetration of new media and information technologies into the Chinese legal landscape in the past ten years has made the construction and the spreading of different versions of Chinese legal professionalism much more complex than before. For example, in the aspect of business development for the law firm, if the firm stick to the traditional way of getting clients (i.e., depending on lawyers' personal social network, print media advertisements, etc.), then we may have been driven out of the market by competitors that have deployed digital marketing strategies (e.g. search engine marketing, social media marketing, various legal vertical platforms like legal question and answer sites, etc.). But it is far beyond a simple problem of marketing. The changes in the way that the lawyers find potential clients and the consumers find the prospective lawyers usually come together with the transformative changes in all other aspects of professionalism. For example, the increased marketing spending drives down the share that a lawyer can get from the fees paid by the clients. It also changes the power status of non-lawyers, like the marketing people, relative to lawyers in the firm. As is often boasted, he who controls the leads controls the firm. If the firm does not operate efficiently enough, the marketing spending will eat the lion share of the fees earned, making the business of practicing law infeasible. To maintain efficiency, the whole legal service process has to be decomposed and where possible some sub-processes are automated or allocated to non-lawyers capable of doing them at lower costs than licensed lawyers.

Chinese personal law firms are increasingly changing toward streamlined legal service mills. As they are not allowed to have external investors, except in the Hainan province, many firms set up a couple company that the firm's partners have *de facto* control but do not register as the owners of this company. Previously industry outsiders also capture

the technology to set up various types of platforms to mediate between lawyers and their clients, and they even directly provide legal service to customers through software programs (see section 3.6). Some of these companies have *de facto* control over some law firms but they are not the registered partners of these law firms. The introduction of the technology to the legal field and the increased competition has increased the supply of the legal services, flattened the price of the traditional services (e.g., litigation representations), and created new kind of services, thus having increased people's access to the legal services. The interactions of LegalTech and the legal profession seem not to follow the technology determinism philosophy. It is more like a social process where relevant social groups (e.g., alternative legal service providers, investors, adaptive law firms, etc.) capture the power of the technology to disrupt the Chinese legal field to gain access to the market and win more market shares. But this social and technological process also has implications for access to justice in China. The understanding of the transformations in the Chinese legal field may create a clear vision with reference to which this researcher can formulate sound strategies for his various legal businesses in China. The insights can also be used by other players or potential entrants in the Chinese legal field to inform the construction of their version of professionalism or the formulation of their strategies for the business of law. The understanding of the transformation can also contribute to update the Western knowledge on the latest developments of the Chinese legal profession.

This thesis critically analyzes the evolution and transformation of the imported legal profession institution in China. Since China continues to borrow from the legal profession models from the West, it is natural for the understanding of its transformations to start from a critical analysis of its Western roots. However, the Western legal professions do not stay static for China to reproduce. They are also in the midst of various transformations, especially at a time when information and media technology has become pervasive in the legal field worldwide (Susskind and Susskind, 2015). In the analysis of the Western legal professions, a framework may be developed

and transferred to apply to the analysis of the Chinese counterparts. This analysis framework can also provide very good reference points for the comparison of the Chinese and Western legal professions and their evolutionary process. Following the logic of understanding through comparison, Chapter 2 argues that the Western legal profession may be analyzed from some elementary dimensions: professional identity, organization forms, and regulation, and Chapter 3 discusses the Chinese legal profession along these same dimensions.

1.1 The Western legal profession and its transformation

The legal profession can be viewed as a force field where groups of players compete for the legitimacy of their versions of professionalism (Bourdieu, 1977; Bourdieu and Wacquant, 1992; Suddaby, Cooper and Greenwood, 2007; Flood, 2011b; Susen and Turner, 2011; Grenfell, 2014) (see section 2.1). A version of professionalism provides a coherent set of principles to guide professionals' thinking with respect to how the profession, and the services they provide, are organized and regulated, and how the professional identities are constructed (Hanlon, 1999; Freidson, 2001; Abel, 2003; Wallace and Kay, 2008; Larson, 2013; Abbott, 2014) (see section 2.2, 2.3, and 2.4). This thesis argues that the professional identities, organizations, and regulations can all be conceptualized as sites of power struggles (Gramsci, Hoare and Nowell-Smith, 1971; Hall, 1986; Hanlon, 1998, 1999; Sommerlad, 2001, 2007, 2011; Evetts, 2013), or competitive arenas in which "stakeholders struggle for power and to maintain power, and in which the cultural capital these players bring to bear is key to victory" (Sommerlad, 2011, p. 95) (see section 2.5). Putting the dimensions of professionalism and drivers for their changes together, Chapter 2 aims to answer this research question: From what aspects can the legal profession in the West (especially in the U.S., UK, Canada, and Australia) be understood and how these aspects can be used to explain its transformation? The answers may help setting a theoretical framework that can be used

to analyze the Chinese legal profession and its transformation.

Traditional professionalism (Pound, 1943; Pearce, 1995; Freidson, 2001; Feinberg, 2011; Saks, 2012; Abbott, 2014) holds that "professionals are independent, autonomous practitioners of a complex and arcane art for whom a primary responsibility is disinterested service to clients" (Dinovitzer, Gunz and Gunz, 2014, p. 100). This research does not regard the professional identity as an absolute essence of being a lawyer from which absolute categories may be drawn and applied to direct the conduct of the lawyers. Instead, it views professional identity as a social construction that reflects the existential state of the lawyers who freely choose to act but with the constraint of the situations that they are thrown into. Professional identity thus ceases to be essential and become relational, defined not by any intrinsic qualities but by the professionals' position in the legal field as consequences of the hegemonic struggles. Details on the transformation of professional identity will be presented in Chapter 2.2.

The organizational forms of the legal service providers are not fixed but have varied over time so as to align with shifting professional ideologies that represent the hegemonic struggles among interest groups within the legal field. There is the traditional professional partnership that is characterized by "a juxtaposition of individualized, autonomous day-to-day activities with collegial, group based policy decision making" (Wallace and Kay, 2008, p. 1024). The ownership structure of a traditional partnership has produced this professional system of authority. Partnerships not only minimize agency costs but also creates superior incentive systems for professionals (Greenwood and Empson, 2003; McMorrow, 2017). Though the partnership form of governance will persist and prosper under some conditions, its relative efficiency to the private corporation will decrease in other circumstances (Greenwood and Empson, 2003), especially when changes in society's underlying technology and media environment have been reshaping how legal services are defined, designed, produced, and delivered (Susskind and Susskind, 2015, p. 3). Capital is

needed to fund sophisticated media and information technology which underpin the whole new value chains of today's legal service production and delivery. But the traditional professional partnership structure is a hinderance to attract investments necessary for LegalTech adoption (Law Society, 2019; Mayson, 2020).

Consumers, outside investors, members of the bar, and competition advocates were observed struggling over the governance structure and organizational form of legal service providers (Robinson, 2016, p. 1). For example, Alternative Business Structures (ABS)[2] have been introduced in England and Wales to facilitate various formerly industry outsiders (e.g., LegalTech entrepreneurs) to provide legal services jointly with lawyers. Shortly after its introduction some traditional law firms adopted the ABS form, and by 2014 over a third of licensed ABSs were new actors with new business models in England and Wales (Solicitors Regulation Authority, 2014). The trend of non-lawyer ownership has been still on the rise (Robinson, 2016; Legal Services Board, 2017). UK's Law Society's (2019, p. 43) Lawtech Adoption Research finds that "law firms are not one homogenous group or indeed model", the new organizational models include at least the following: "ABS, listed ABS, private equity backed ABS, high street partnerships, legal marketplaces, big 4 accounting practices and management consultancies also doing law, magic Circle/global law firms, London law firms, (Regional) mid-market". Many licensed lawyers contend that various supposed benefits of non-lawyer ownership are generally oversold by civil society, numerous legal academics, formerly industry outsiders, and many other interest groups, while the risk of undercutting professionalism are usually ignored (Reardon, 2016; Robinson, 2016). No matter whether significant access and innovation benefits exist or not, interest groups have created a liberalization trend that has increased non-lawyer ownership of law firms. See section 2.3 for more details on the transformations in the way that the professionals and the work they do are organized.

[2]Alternative Business Structures are licensed bodies under Part 5 of the UK Legal Services Act 2007. ABS is not wholly owned or managed by lawyers and authorised for one or more of the reserved legal activities.

Viewed from a certain perspective, the mode of governance of the legal field has evolved from ethics to organization, and then to regulation (Mayson, 2020). Beside the abovementioned economic parameters, organizations have also become the most strongly influential site of professional ethics and standards in the corporate sector (Rogers, Smith and Chellew, 2017, p. 259). There are different ways in explaining a professional's conduct that are not in congruence with the professional identity. For example, this behaviour may be conceptualized as a problem of failing professional ethics that is up to the professional him/herself or as an agency problem caused by the organizational form of the law firm that the professional works for (Lander *et al.,* 2019). In the past in the personal law sector, over 60% of law firms in the UK and U.S. have been sole practitioners (Foster, 1973; Levin, 2004; American Bar Association, 2016). However, with the introduction of new regulation regimes and LegalTech, personal law firms like Slater & Gordon, can grow into big firms that need sophisticated organization (Reardon, 2016, p. 341) (see Appendix 6 for a discussion of emerging big personal firms). The organizational methods of the profession in the personal sector in the future may shift from the solo practice with autonomous producers to the firm that tightly constrains the discretion of the lawyers it employs. This kind of paradigmatic shift, according to Flood (2011a, p. 2) "is paralleled by the move away from individualistic codes of conduct towards entity-based regulation." Some legal services regulation reform experts suggest that "the principal registrant should be the entity, organization or unit that provides legal services and with which the client has terms of engagement" (Mayson, 2020, p. 216). The reflexive self-regulatory structure at the level of the firm is still a form of professional self-regulation because it is the professionals themselves that are essentially regulating each other within the firm (Davies, 2003, p. 207; Adams, 2016, p. 80). But some kind of alternative legal service providers fall outside of the remit of self-regulation exerted by the professional associations (Flood, 2011b; Rogers, Smith and Chellew, 2017). Various kinds of new entrants, in the name of protecting clients, seek to reorient the regulation of the professionals and the services from a lawyer-centric regime to a client-centric one, resulting in the reconfiguration of the

legal field (Sterling and Reichman, 2009; Flood, 2011a; McMorrow, 2015, p. 669). More discussions on the transformations of the professional regulation are presented in Chapter 2.4.

As China has imported the legal profession institution from the West, the drivers of changes behind the three dimensions of a version legal professionalism may stay the same in China. But these drivers are also influenced by a group of higher order forces that include the legal colonization/appropriation[3] (see section 2.7 for a full explanation of these terms) and the changing technological environment.

1.2 The localization of the Western legal profession institutions in China

The aspect of the profession-state relationship in the models of Chinese legal professionalism changes over time as the results of series of struggles in which "lawyers often shift their strategic approach as the state chooses to exercise its authority" (Benney, 2012, p. 1). But the direction of change is not in line with the model of convergence ideal (Alford and Chin, 2002) that suggests that the Chinese legal profession will eventually become like their Western counterparts. The intended purpose of the Chinese legal profession is to facilitate the economic growth of the country and to prevent social unrest and national security, but without sufficient protection of individual political rights and civil liberties (Wing-Hung Lo, 1997; Seckington, 1998; Potter, 1999; Peerenboom, 2002; Lo and Snape, 2005, p. 441; Liebman, 2007, 2009; Alford, Winston and Kirby, 2010; Benney, 2012; Fu, 2016) (see section 3.1). There is a divide between the groups that are opposed to the state (i.e., human rights lawyers) and the groups that mainly deal with economic and civil matters, though there may be some overlap

[3] Legal colonization may refer to the forces that pull China's legal development towards assimilation to the Western style of the rule of law (Barresi, 2012; Loomba, 2007; Sandberg, 2010; Schmidhauser, 1992, 1989; Whitman, 2009), and legal appropriation may refer to the forces that push China's legal development towards adapting to its own cultural and political characteristics.

between groups. The number of lawyers in the latter groups far exceed the former one (Givens, 2013; Stern, 2017), but research on the legal profession in China concentrates on human rights lawyers and their campaigns (Liebman, 2007; Michelson, 2007, 2008; Benton, 2010; Cohen, 2010; Alford, 2011; Fu, 2014; Pils, 2017) and is disproportionally higher than that on lawyers who work in other sectors of the legal field (Komaiko and Que, 2009; Benney, 2012). Though there is also the divide between corporate and personal law in China, because the Chinese profession is less bound by institutional inertia and tradition (Thomson Reuters, 2020), it is far less fragmented than its Western counterparts. Conceptualizing the Chinese legal profession as fragmented as the Western ones may prevent the development of a coherent theoretical framework applicable to the legal profession as a whole in China. However, if scholars only focus on one sector of lawyers in their research on lawyering in China, then they may ignore "both the community as a whole and the interrelationships between different sectors", and risk "clashing with actual praxis of law in China" (Benney, 2012, p. 4). This thesis focuses on the struggles of the human rights lawyers as well as lawyers in general through the lens of LegalTech so as to provide a more complete view of the ongoing transformations in the Chinese legal field.

The transplant and evolution of the legal profession in China needs to be grounded in and built on China's specific social cultural, political, economic contexts (Peerenboom, 2002, p. 48; Dezalay and Garth, 2007; Campbell, 2016a, p. 406; Smeby, 2018, p. 3). Therefore, it is suggested that the study of the legal profession in China "must move away from imposing external norms and standards on legal practitioners (Benney, 2012, p. 10)". In practice, it is also found that the Chinese legal profession is more likely than its Western counterparts "to try different methods and strategies, and to utilise technologies that make these alternative approaches possible" (Thomson Reuters, 2020) (see section 3.6). But it is also very helpful to understand deeply the transformation of the international legal professions because some aspects of professionalism (e.g. the market-profession relationship, the technology-profession dynamics, etc.) are global

rather than a local phenomena “that cross different regulatory models and historical trajectories of professionalization”(Smeby, 2018, p. 3). That said, Chapter 3 studies some aspects of China’s model of professionalism that are also universal to the Western legal professions. These aspects are professional identity, organization, and regulation (see section 3.2 to 3.4). These aspects are analyzed in contexts of China’s legal field that is pushed and pulled by forces of legal colonialism/appropriation. Thus Chapter 3 aims to answer this research question: How has the concept of the Western legal profession, in terms of professional identity, organization, and regulation, been localized in China in the colonization/appropriation process of reconciling the conflicts between the Western prescriptions and indigenous cultural, social, and political demands?

Chinese versions of legal professionalism widen access to justice (A2J). It is not easy to give a simple definition of the concept “access to justice”. However, Garth and Cappelletti (1978, p. 182) pointed out that A2J can be defined relative to two focal purposes of the rule of law system: “First, the system must be equally accessible to all; second, it must lead to results that are individually and socially just.” This research focuses primarily on the access component. However, even as for the access, the focus can be on the access to the professionals (e.g. the judges, lawyers, arbitrators) in various legal institutions that comprise the legal system (human-centered focus), or on the access to the direct objects, e.g. legal services, legal information, and legal knowledge (e.g. the understanding of the basic legal rights and obligations, the knowledge of the dispute resolution systems in which to seek redress) (Susskind and Susskind, 2015; Wintersteiger and Mulqueen, 2017, p. 1572). However, the conceptualizations of A2J can be manipulated to reflect the interests of certain social groups, thus A2J becomes a concept that is historically, culturally, socially, politically, economically or technologically contingent (see sections 3.5, 3.6 and 4.1). By capturing technology, many Chinese alternative legal providers have improved A2J (Li, 2017, 2019; Yao, 2019) (see section 3.6)

1.3 LegalTech, A2J and existential state of the legal professionals

Research has found that LegalTech is one of the most important drivers of change that could define the future of the legal profession (Esteban and Klotz, 2017). Susskind and Susskind (2015, p. 3) claims the revolutionary changes in society's underlying technology and media environment (e.g. the print based-industrial society versus the technology-based internet society) lead to the fundamental and irreversible changes in the way that the specialist knowledge of the professionals is made available to society. However, Susskind and Susskind (2015) have not focused on the question of for whom the technology and the professions change. It seems for them that technology has its intrinsic force that cause the changes in everything else. Technology seems to be given a priori, exogeneous to the professions. But the technologies can be tools invented and deployed by the social groups who seek to deconstruct the social structure of the profession for purpose of advancing their various interests (see section 4.1).

Chapter 4 argues, firstly, that LegalTech, like any other technological system, includes both the technical and the social (Law, 1987; Kittler, 1990; Latour, 1992; Hughes, 1994; Grint and Woolgar, 1997; Williams, 1997, 1997; Lievrouw and Livingstone, 2006; Boczkowski and Lievrouw, 2008; Hackett *et al.*, 2008; Verbeek, 2015) (see section 4.1). The defining, indispensable material core of LegalTech is of course the computer, including both hardware and software, and artifacts and devices used to store and distribute legal information, to find lawyers, to "provides self-service direct access to legal services for consumers", to assemble documents, among numerous other functions (Mayson, 2020, p. 134) . But surely LegalTech also includes the programmers, the LegalTech startups, the lawyers, law firms and their clients, the business structures of firms, the venture capitals, the regulators, the laws and regulations governing the supply of legal services and the use of LegalTech, and numerous other social groups

and factors (Hook and Tangaza, 2019; Law Society, 2019). LegalTech viewed through this lens is a "sociomaterial ensemble" (Boczkowski and Lievrouw, 2008, p. 958) that situate the material aspects of LegalTech within "its various social, temporal, political, economic, and cultural contexts" (Boczkowski and Lievrouw, 2008, p. 952). This view of LegalTech is thus more encompassing and complex than viewing technology on its own in that it highlights the interplay of A2J and professionalism with the artifacts, practices (e.g. activities in which people engage in the legal service delivery), and social arrangements (e.g. the new organizational methods that fit better with the devices and practices) that are associated with them (Boczkowski and Lievrouw, 2008, p. 955). This view of LegalTech is also in line with Hughes' (1987, p. 51) decomposition of large technological systems into physical artifacts, organizations, scientific components, and legislative artifacts (e.g. regulatory laws).

The second argument that furthers the first one in Chapter 4 is that the future of LegalTech depends more on "a continually renewable social action and struggle" (Williams, 1997, p. 134) than on the fix properties of technology and the characters of the field players (Boczkowski and Lievrouw, 2008)**.** Focusing only on the technology itself "may serve to mask, or to displace attention from, the choice of ends" (Marx, 1994, p. 255). LegalTech, like any other category of technology, is also developed "with certain purposes and practices already in mind" (Williams, 1997, p. 14). It would be more fruitful if researchers take relevant social groups into consideration in their analysis of LegalTech (Pinch and Bijker, 1984, p. 47). Technological innovations in the legal field, like political acts or social struggles, appear to be used by different social groups as ways of building an enduring new order (Winner, 1980, p. 129) in the legal field in the form of new models of professionalism. The transformation of models of professionalism could disclose how the hegemonic struggles are staged among interest groups that compete to gain the dominant position in the field. In the process of the transformation, different social groups vie to reconsider and rework the frameworks of professional identity (see section 4.2), regulation (see section 4.4) and organization (see

section 4.3) by deploying technologies such as machine learning, chatbots, blockchain, and so on. Each group would claim that their model of professionalism is the one that fit best with the digitally transformed environment of the legal field. It is important to see through the intentions and effects embodied in the physical form of the legal technologies (Winner, 1980, p. 125, 128). As the partnership model constrains the technology adoption fundamental to the legal service industry (Law Society, 2019), relevant social groups may use LegalTech to transform the organizational form of legal services. Hughes (1994, p. 149) study of some general technological systems stated:

> "Technological systems, however, are bureaucracies reinforced by technical, or physical, infrastructures which give them even greater rigidity and mass than the social bureaucracies that were the subject of Weber's attention."

An important third argument of this thesis is that technology and professionalism co-shape each other. Inspired by Livingstone's (2009, p. 5) research on mediation, this researcher becomes interested in the transformative processes brought by LegalTech to the legal field primarily because they reveal the changing relations among social structures and agents in the field rather than they tell about LegalTech on its own. If researchers view LegalTech as mere instruments that make the law more efficient and affordable to people, then they do emphasize what LegalTech reveals but may ignore what it conceals (Akrich, 1992, p. 206). In the process of transforming the legal sector, LegalTech would conceal its own logic of operation. LegalTech would reshape the mental habits of the lawyers, most importantly, the "moral and metaphysical assumptions" (Marx, 2010, p. 572) that underpins the traditional model of professionalism that were formulated in the heydays of typewriters (Kittler, 1999).

Beside the organizational, social, political, and cultural perspectives, it is also clear that LegalTech systems serve economic purposes of the field players. LegalTech tends to take the form of private sector corporations backed by venture capitals rather than follow the professional partnership form that is dominant in organizing legal services

and lawyers (Law Society, 2019; Mayson, 2020). The form of LegalTech exemplifies the congruence of LegalTech and corporate capitalism (Marx, 2010, p. 575; Caserta and Madsen, 2019). Mimicking Trachtenberg's (2007) conception of "the incorporation of America", the fusion of legal field's technological, political, and economic systems could be referred to as the incorporation of the legal field.

The infusion of technological, political, social, economic, and organizational aspects leads to various innovative legal service business models (Mayson, 2019, 2020) as well as the incongruence with the "existing regulatory regimes in terms of regulative objectives, focus, scope, and forms" (Hook and Tangaza, 2019, p. 33), thus causing what Cortez (2014, p. 175) called "regulation disruption" (see section 4.4).

In sum, chapter 4 aims to investigate how the relationship between LegalTech and the profession can be understood in terms of changes in professional identity, organization, regulation from the perspective of hegemonic struggles.

1.4 A comparative study of the representation of the Chinese human rights lawyers in the newspapers from China and the UK

Mediated political discourse on professionalism can be regarded as "a domain of cultural hegemony which is constantly open to hegemonic struggle for power" in the Chinese legal field (Fairclough, 1995, p. 199). The hegemonic struggles among colonizing and appropriating powers in China's legal field can be observed in some UK and China English newspapers who compete to discursively construct a series of human rights lawyer detention and trial events starting from July 2015 to June 2018 in China. Language that is used in the newspapers forms a key site of struggle between conflicting groups of players in the field. All of these groups "wish to constrain meaning to their own ends and therefore give direction to communication within their preferred

definitions in order to achieve their own goals" (Conboy, 2013, p. 5). The manipulation of the meaning of the events is done through media frames that can be defined as "a central organizing idea or story line that provides meaning to an unfolding strip of events, weaving a connection among them" (Gamson and Modigliani, 1994, p. 143).

From the perspective of discourse analysis, news frames would represent the interests of various groups of field players, thus contributing to the hegemonic process in the field. Frames function as the specific and explicit agents of ideological process by organizing and structuring news themes (Gitlin, 2003). A framing analysis would "identify a variety of competing frames, when an important social issue is dominated by just a single frame, there should be some alternative that lead to a better understanding of what the issue is about" (D'Angelo and Kuypers, 2010, p. 104). When contradicting frames are uncovered, field players come to an understanding about themselves, their relationship to each other, and their place in the field.

The hegemonic struggles in China's legal field create a cultural stock of frames. Certain frames that were formed in the hegemonic process may not have been picked up by the newspaper journalists, whereas other frames can be said to have been reliably reconstructed. The awareness of this repertoire of frames may create opportunities for journalists. First, it offers new insights into the coverage of China's legal matters. Second, it opens door to alternative perspectives, which, in turn, can be used to convince journalists that how they cover the news is not suggested by the events themselves, but rather, by the result of their choices (Fairclough, 1995, p. 104; Fowler, 2013, p. 25). If journalists use frames unconsciously, that may be due to their unawareness of alternatives (D'Angelo and Kuypers, 2010, p. 104). Third, a pluralistic repertoire of frames provides a broader range of perspectives through which players understand their places in the field and how the understandings are manipulated by others. Chapter 6 uses corpus linguistics tools to gather empirical evidence of the framing contests between the UK and China newspapers when reporting the same series

of events. The chapter seeks to answer these research questions: what are the frames that UK and China newspapers built respectively in their covering of a series of lawyer detention and trial events happened in the Chinese legal field from July 2015 to June 2018, and how do these frames represent and reshape the hegemonic struggles over the legitimacy of different versions of professionalism?

It is worth noting that the newspapers' views of lawyers in this research to a large extent reflect lawyers' self-view or the view of outsiders. On the one hand, in the British newspapers' coverage of foreign legal affairs, it would be expected that there is an index pattern that connects the dominant news frames in the coverage of the events to those proffered by the Western legal professionals themselves (Lawrence, 2010, p. 273). The British newspapers tend to represent, advocate, and rely on the Western legal professionalism to inform the building of frames that dominate their interpretation of the events covered (Bennett et al., 2008, p. 49; Lawrence, 2010, p. 267) (see section 5.4.1). On the other hand, Chinese newspapers act as "the throat and the tongue" of the Chinese government (see section 5.4.1) that appoints social roles to the Chinese legal profession. Chinese lawyers are not totally independent from the government, and the government largely designed and shaped the development of the profession (see sections 3.1 to 3.3).

1.5 LegalTech discourses and transformation of the legal profession

Susskind (2013, p. 7) suggests that LegalTech has a ripple effect around the world. Drawn from the discussions with the Chinese peers and client work in China, Susskind and Susskind (2015, p. 4) suggest that the thought that the legal technologies transform the legal profession could be applied in China with little adaptation. Although this research draws upon largely examples from common law jurisdictions in the analysis, this researcher contends that these narratives have more or less general applicability

across the Chinse legal notions of the legal profession and professionalism, after all, China have been importing the legal institutions from the West. However, when legal entrepreneurs bring new technologies into the setting of the Chinese legal field, they domesticate these technology (Hirsch and Silverstone, 2003; Boczkowski and Lievrouw, 2008). For example, new entrants have used technologies to design platforms that have business models that fit with the power dynamics in the Chinese legal field especially in terms of competition over the professional identity, organization, and regulation. Hence, both LegalTech, and its implications, are also somewhat locally contingent. In the process of domestication, the platforms are brought under control by and on behalf of the participant groups of the field (see section 3.6). In the appropriation of tech-enabled innovations (e.g., platforms) into competing versions of professionalism, field players are at the same time, transformed.

The transformations should be analysed not by looking at the technology alone, but in their social, historical, economic, and legal contexts (Siles and Boczkowski, 2012, p. 14; Caserta, 2020; Kronblad, 2020). The LegalTech discourse, which provides ways of conceptualizing these tech-driven transformations of the legal profession for various purposes, enables an investigation of how and why an innovative model has different implications in the legal field of a particular jurisdiction, and why, on other occasions, the implications are similar across legal fields under different jurisdictions. A focus on the LegalTech discourse also encourages an analysis of how field players and technologies mutually shape each other (see section 7.3). Thus, examining LegalTech discourse in multiple jurisdictions makes it possible to make more salient the hegemonic struggles behind the transformations in the legal fields all over the world. However, according to the search results in various databases (e.g., Taylor & Francis Online, Wiley Online Library, Emerald, Hein Online, Google), texts on the Chinese LegalTech are far less than those discussing LegalTech in the West (see section 5.4). As a result, this research has built a large corpus of texts on LegalTech in the West, but a small corpus on the Chinese LegalTech. How technological innovations affect legal

service provision in the West may offer ideas for field players in China. Thus, Chapter 7 deals with this research question:

What frames can be constructed out of discourse in the West, and how can different social groups apply them to frame the technology driven transformations in the Chinese legal field so as to legitimate the versions of professionalism advocated by those groups in their struggle for field hegemony in China?

1.6 Methodology: corpus based critical discourse analysis

According to Williams' (1994, p. 48) theory of culture, professionalism, which can be viewed as a sociological category, can be regarded as a specific form of life produced and reproduced by the professionals. But professionalism can also be regarded as a description of a particular set of the rules of the game among those who play in the legal field. Professionalism expresses certain meaning and values not only in the discourse on the profession but also in institutions (e.g. organizational form and regulation regime) and ordinary behaviours of the practitioners (Susen and Turner, 2011). In other words, professionalism has two dimensions: the material practices that produce legal services, concerning how the professionals and the services are organized and regulated, etc., and "a discourse consisting of a set of normative values and identities" about the legal profession (Smeby, 2018, p. 2). This research focuses on discourse rather than using fieldwork to discover changes in practices.

Some scholars hold that professionalism as discourse reflects and represents the profession's "constant change and response to state and commercial interventions" (Flood, 2011, p. 23). The changes in the material practices certainly have effects on the discursive practices of the profession (Sommerlad, 1999). However, professionalism can be viewed as an active rather than a representative discursive practice, a discourse

that players in the legal field both inhabit and employ. In accordance with Howard's (2000, p. 378) account of "ideological constitution of the self", the construction of different versions of professionalism (as discourses) is "liable to serve hegemonic ends" of certain social groups in the legal field. The struggles over different versions of professionalism are struggles over the parameters of socially constructed codes of legitimacy (Susen and Turner, 2011, p. 180). In advanced industrial societies, commercialized professionalism is naturally legitimated by the systemic hegemony of the capitalist mode of production (Hanlon, 1998). The degree of commodification of justice indicates the degree of colonization of the legal field by market forces. Professionalism (as a discourse) thus becomes a colonizing force that can shape and direct the lawyer's behaviours. Legal colonists and legal appropriationists (see sections 2.7 and 3.1) may construct competing versions of professionalism to win the consent of Chinese law practitioners to their power by establishing a dominant common sense in the understanding and actions in the Chinese legal field. It is helpful to assume that the meaning of professionalism to every lawyer, as well as to the general public, is "accomplished, disputed, ascribed, resisted, managed and negotiated in discourse" (Benwell and Stokoe, 2006, p. 4).

As such, a discursive view of professionalism can be realized in two connected ways: as a discursive performance or construction of professionalism in interaction, or as a historical set of social forces and structures that shape the transformation of the profession (Benwell and Stokoe, 2006, p. 29) (see section 5.1). However, professionalism as a discourse, can be studied in a very broad sense. Professionalism can be a discourse that contains "a group of sentences, a text or a class of texts" about the legal field, but it can be a discourse that is a practice: "a characteristic type of language use found in a group of texts, or at large in the language of a community" (McEnery and Hardie, 2011, p. 133). Here, discourse is conceived as the textually mediated social action, with text producers using linguistic resources and ideologies to establish, maintain or challenge power relations (Koller, 2014).

This research critically analyses examples from the news discourse and the tech discourse that represent and perform the hegemonical struggles in China's legal field over different versions of professionalism in terms of professional identity, organization, and regulation. Here the critical analysis refers to "the social and semiotic analysis of text-in-context with the aim of making transparent taken-for-granted assumptions" related to the legal profession, "identifying how power relations are established, reinforced and subverted" by different discourse participant groups (Koller, 2014, p. 151). The critique focuses on the role of discourse in establishing, maintaining, or challenging professional hegemony (Fairclough, 1992, 2013; Van Dijk, 2015; Wodak and Meyer, 2015).

Professionalism can be treated as a result of particular configuration of lexicon-grammatical items from the perspective of CDA. Engaging with the working of language helps researchers "uncover how groups of people conceptualize themselves, their social setting, other groups of people and the issues that matter to them" (McEnery and Hardie, 2011, p. 133). Corpus linguistics, which is a method that "looks at language from a social perspective" (McEnery and Hardie, 2011, p. 132; Baker, 2014), is thus CDA compatible. "Corpus linguistics processes can help quantify discoursal phenomena already recognized in CDA" (Baker *et al.*, 2008, p. 285), but it can also "utilize a CDA theoretical framework in the interpretation of the findings" even it does not start from the existing CDA notions (McEnery and Hardie, 2011, p. 149). This research collected nearly all the news reports on the Chinese human rights lawyer detention events between July 2015 to June 2018 in a set of China's newspapers in English language and a set of UK newspapers and combined each set of articles to form a corpus of news stories on the event (see section 5.4 for data collection methods). Following the methods advocated and exemplified by Koteyko et al. (2008), Touri and Koteyko, (2015), Duguid (2010), and Atanasova et al (2019), this research designed a corpus-assisted qualitative frame method to comparatively analyse the frame

competition between the Chinese and UK newspapers in their representation of the events (see section 5.5 for a detailed discussion of the analysing methods). Similar procedures and methods were designed and applied in the analysis of the LegalTech discourse.

The next chapter discusses the transformations of the models of professionalism from the aspects of professional identity, organization, and regulation. The first section argues that the transformations are the results of the hegemonical struggles for the legitimate definition of professionalism. The three sections that follow explain respectively how professional identity, organization and regulation have been transformed. The fifth section conceptualizes professionalism as ideology through which field players struggle for hegemony. The last section summarizes some changes that happened in the Western legal landscape as well as the two key forces that drive the transformations of the Chinese legal profession: legal colonization/appropriation and the changing technological environment. Chapter 2 thus create a theoretical framework to approach the legal profession and its transformation in China and in the West in the context of the pervasive digital transformation of the whole society with law as a subfield.

Chapter 2 Struggles Over the Definitions of Professionalism

This research regards the legal sector as a field, a social space, where social interactions, transactions, and events occur among the service providers, consumers, the state, relevant interest groups, and other players (Bourdieu, 1987, 1998, 1998; Bourdieu and Wacquant, 1992; Grenfell, 2014). Gramscian hegemonical struggles (Gramsci, Hoare and Nowell-Smith, 1971; Hall, 1986; Jones, 2006), or the competitions for the moral and intellectual leadership, are also staged in this field in terms of establishing a dominant kind of legal professionalism that would be accepted by as wide as possible different groups of legal service providers. For a model of professionalism to win and retain the dominance, it should be capable of absorbing the elements of traditional legal models so as to widen A2J and solve the existential crisis of the traditional legal profession. Legal professionalism can be approached from three dimensions: the identity models, the professional organization models, and the regulation models. This chapter examines how various kinds of forces have driven the transformation of the three kinds of models respectively.

2.1 Hegemonical struggles for the legitimate definitions of professionalism

This research regards the legal profession as a site of ongoing struggle where the dominant models of practicing law can never be guaranteed for one block of interest groups (e.g. various factions of the profession, consumer groups, investors, technological people) or the other (Hall, 1980, 1986, 2005). The game that occurs in the legal field is competitive, with all kinds of players using various strategies to maintain and improve their positions (Bourdieu, 1998). The competition for the leadership position in the legal field takes the form of struggles among different versions of professionalism. For example, in the United States, the social role of the

lawyers has changed from being the governing class under the old traditional professionalism to the hired gun of clients under certain types of new professionalism (Pearce, 1995). This transformation in professional identity shows how different versions of professionalism have influenced the lawyers to think differently about which positions (the kind of professional identities and the models of practicing law) deserve the leadership position for the profession (Pound, 1943; Pearce, 1995). Professionalism cannot be detached from the interests of the field participants, therefore, a deep understanding of the changes of professionalism need to be based on the understanding of the material social practices which facilitate the emergence of certain models of professionalism (Hanlon, 1999).

This research regards the games that are played in the legal field as the hegemonic struggles among various interest groups of the legal field, manifested as the competition among various models of professionalism (e.g. the tension between the so-called business and professional models of practicing law, and the competition and compromising between the traditional and the technology-enabled innovative law firm models). Gramsci' hegemony theory offers a good approach to conceptualize the material struggles in the legal field. The Gramscian hegemony struggle takes the form of an ongoing negotiation process in which the hegemonic block takes seriously the practices and values that are meaningful to the subaltern, or the groups that are lower in rank than the dominant group, regardless whether these practices and values are progressive or reactive. The dominant group[4] should actively grant concessions to those

[4] This research does not identify any specific groups as dominant in the legal field, which is too hard for a PhD research at a relatively small scale. Instead, the research focuses more on ideological dominance which might be reflective of the strength of particular groups within the legal field. The legal profession is highly fragmented, and each subfield may have its own dominant groups. However, the legal profession as a whole is in the middle of a comprehensive transformation worldwide, new dominant groups are emerging in many of its subfields. It is easier to pin down the ideological elements of the professionalism than the particular dominant groups in each significant subfield that subject to these elements. Different social groups in the subfield are vying for the dominant position and the competitions are not over yet. However, these struggles have left traces in their competitive discourse construction in various communication channels (e.g., newspapers, academic journals, industrial reports, website articles, etc.). Researchers can use mature methods (e.g., critical discourse analysis, framing analysis, and corpus linguistics, see Chapter 5 for the discussion of methodology) to extract from these texts frames that represent the elements of different

it leads so as to incorporate them into its worldview, but at the most, to the extent that "such sacrifice and such a compromise cannot touch the essential"(Gramsci, Hoare and Nowell-Smith, 1971, p. 161), so as to avoid being transformed out of recognition. A hegemonic bloc is porous in that it must accept challenges to its leadership. A hegemonic power must rule with consent, and it cannot legitimately maintain power if it does not give voice to the aspirations of those in whose name it rules. The ideal hegemony is one "in which a hegemonic group adopts the interests of its subalterns in full, and those subalterns come to live the worldview of the hegemonic class as their own" (Jones, 2006, p. 53).

Drawing from the thoughts of Gramsci, this research defines the hegemony in the legal field as the moral and intellectual leadership that is capable of teasing out the good elements from competing versions of professionalism and treat them as the active elements in constructing an inclusive and transformative form of professionalism. The defining characteristic of a hegemonic model is its inclusiveness rather than exclusiveness. It is inclusive because a hegemonic group must make its own large parts of the elements in the professionalism that guide its competing groups' practices. In such a hegemonic process, the emerging leading group will itself be transformed, because "its narrow factionalism has been translated into a much broader, even universal appeal" to all groups of the profession (Jones, 2006, p. 45). For example, the long-lived dichotomy of law as a profession and as a business can be better solved by a model that can harmonize the professional and business logics than the one that excludes either side. The next section discusses a crucial base of the professional identity (i.e. specialized knowledge and expertise), their meaningful use, and how these relate to the struggles for the hegemonic models of professionalism.

versions of professionalism at the ideological level.

2.2 Key constructs of traditional professional identity: esoteric knowledge and pursuit of public interest

At the core of the traditional professionalism sits two hallmark properties that are asserted as belonging to a lawyer: the esoteric knowledge that is inaccessible to the laypeople, and the altruistic use of that knowledge in the way that professionals subordinate their self-interest to the benefit and service of their clients (Pound, 1943; Pearce, 1995; Freidson, 2001; Feinberg, 2011; Saks, 2012; Abbott, 2014). Some people would not agree that all lawyers are altruist in nature and feel that it may depend on the type of law that they practice and who they choose to defend and how. However, being altruistic is widely held as a professional ideal among lawyers. For centuries, the specialized knowledge has been framed to be the most legitimate cultural capital that determines the eligibility of lawyers, the appropriate methods of organizing them and their work, and the proper regulative models for their conducts. For example, Tocqueville argued that the identity of the lawyers and the law as a profession was premised on the esoteric knowledge possessed by the lawyers as well as their common ways of thinking:

> "The special knowledge that the lawyers acquire in studying the law assures them a separate rank in society; they form a sort of privileged class among intelligence. Each day they find the idea of this superiority in the exercise of their profession; they are masters of a necessary science, knowledge of which is not widespread; they serve as arbiters between citizens, and the habit of directing the blind passions of the litigants toward a goal gives them a certain scorn for the judgment of the crowd" (Mansfield, H. C., Winthrop, D. and Alexis de Tocqueville, 2000, p. 252).

Following Tocqueville, later scholars all around the world premise the profession on the arcane knowledge owned by the professionals. Abbott (2014, p. 8) defines the profession as the "exclusive occupational groups applying somewhat abstract knowledge to particular cases". He argued that professions had used abstract knowledge to annex new areas, to define them as their own proper work, to declare the right to

control the provision of particular services and activities, and to check the professions jurisdictional boundaries against outside interference. Saks (2012) also put knowledge and expertise at the heart of the definition of the legal profession. Evetts (2011b, p. 30) contends that the ideological foundation of the legal professionalism was based on "exclusive ownership of an area of expertise and knowledge, and the power to define the nature of problems in that area as well as the control of access to potential solutions." A conclusion could follow from these arguments that a critical and distinct characteristic of the legal profession is premised on the existence of a body of a unique system of abstract knowledge. But for whose purpose should the knowledge be used to be meaningful for parties related to the profession remains a central concern for the construction of the professional identity.

Various kinds of bargain thesis, usually in the spirit of "social contract", and in the language of political theory, have been invented to capture the professionals' relation to the consumers (society) and the state in terms of a broad deal, and at the same time, reveal the hidden purposes behind the knowledge use. The quote below is an example which occurs at a time before the major reforms to regulation of the legal profession in the West, when the state intervenes more.

> "Professions strike a bargain with the state and society in which trust, autonomy from lay control, protection from lay competition, substantial remuneration and high status are exchanged for individual and collective self-control, designed to protect the interest of both clients and the public at large" (Rueschemeyer, 1973, p. 13).

At least three theoretical perspectives are offered to frame the bargain as beneficial to all the parties concerned so that the bargain can be justified thus gaining legitimacy. One of the most important one is the knowledge-based "grand bargain" that centered on the exchange of the esoteric knowledge and practical expertise for professional privilege and status (Susskind and Susskind, 2015, p. 22):

> "In acknowledgement of and in return for their expertise, experience, and judgment, which they are expected to apply in delivering affordable, accessible, up-to-date, reassuring, and reliable services, and on the understanding that they will curate and update their knowledge and methods … we (society) place our trust in the professions in granting them exclusivity over a wide range of socially significant services and activities, by paying them a fair wage, by conferring upon them independence, autonomy, rights of self-determination and by according them respect and status".

The grand bargain conceptualizes as if professionalism naturally grows up from its knowledge base. It ignores the social relations behind the creation and continuation of the self-regulated profession. Two other frameworks provide some guide to understanding of the profession as a functional social institution. One is offered by the neo-Weberian social conflict theory (Macdonald, 1995; Larson, 2013), which contends that the legal profession "organized, and mobilized economic, social and cultural resources to lobby governments for the regulatory privilege". The other perspective provides an understanding through Foucauldian power theory (Johnson, 2013), which argues that the self-regulated profession was established actively by the state as a constitutive component of state-building for the expansion of its capacity to govern. The bargain is thus considered as a regulative one that can be expressed as: "in return for regulatory powers and authority, professions benefit the state by extending governance in certain social areas, without drawing heavily on state resources" (Adams, 2016, p. 72).

The bargain thesis frames the profession as subjects who can freely choose to serve an important public purpose, what Wigmore (Carter, 1915, p. XXI) referred to as a priesthood of the law. In the process of practicing law, the profession plays altruistically a mediating role "between the individuals and capital on one hand, and between individuals and government on the other" (Campbell, 2016a, p. 407). It has to be acknowledged that professionals are humans that seek a decent living, but this understanding cannot shade the noble mission of the profession, the pursuit of public interest, as was expressed in Pound's (1943) definition of the profession as "a group …

pursuing a learned art as a common calling in the spirit of public service --- no less a public service because it may incidentally be a means to a livelihood". However, the professionals are propagated that they should dismiss as unprofessional the pursuit of excess income and the maximization of revenue through the application of the esoteric knowledge (Campbell, 2016a, p. 412). Professionals' altruistic pursuit of the public interest is thus framed as another core element of the professional identity that constitutes the ideology of traditional professionalism. The next section discusses the professional self-regulation which can be derived from the two core elements of professional identity.

2.3 The transformation of the regulation models of the profession

Self-regulation, which is deemed as compatible with the traditional frame of professional identity, has long been established as one of the most important definitional characteristics of the legal profession (Freidson, 2001; Evetts, 2002). Lawyers' crucial and common capability to elicit wise judgements and decisions from a unique, systematic, and theoretically grounded set of secret knowledge on behalf of their clients necessitates that the practice of law be independent of the government interference since only the lawyers themselves can assess other lawyers' performance. The specialized knowledge combined with lawyers' service orientation free from egotism make professional self-regulation and independence a hallmark of traditional professionalism (Freidson, 2001; Evetts, 2002; Davies, 2003, p. 185), "a fundamental part of lawyers' self-identity for many decades, if not centuries" (Terry, Mark and Gordon, 2011, p. 2672). Professional self-regulation engenders triple monopolies (Abel, 1981, 1986a, 1998; Freidson, 2001). First, the profession monopolizes the production of the producers of legal markets by setting up membership requirement and conditions of employment. Second, the profession monopolizes the services they perform by using laws and regulations to carve out reserved areas of work for the lawyers and, at the

same time, prohibit unauthorized practice of law. Third, the profession monopolizes the choices of business structures of law firms (e.g., traditionally excluding outside investors).

In recent years, the not easily established self-regulation is dying, leading the profession to be in the midst of a Copernican revolution (Terry, Mark and Gordon, 2011; Adams, 2016). The professional autonomy seems to be no longer a bargain for any of the three sides concerned: the profession, the state, and the market (Adams, 2016, p. 79). For the profession, controls and enforcement of standards from outside the profession in recent years have "disrupted professional/client relations by undermining their basis of trust and authority and unduly interfered with the professional's capability for independent decision making" (Paton, 2009, p. 88). The market also undermine the professional autonomy, for example, client capture studies have disclosed that "professional firms may directly and/or indirectly pressure individual lawyers to cater to a client in a manner that could violate professional ethics" (Leicht and Fennell, 2001; Dinovitzer, Gunz and Gunz, 2014; Adams, 2016, p. 80). For the state, members of profession tend to lose sight of valid public concerns partly because of the state's reduction of legal aid for the poor (Davies, 2003, p. 208; McCauley, 2016). For the society, professional self-regulation gives scant attention to consumer protection (Rhode and Woolley, 2011, p. 2764). Sheltered by self-regulation, the profession fails its pledge to guarantee the quality of the legal services (Flood, 2011b, p. 510), it even "facilitates professional misconduct" (Adams, 2016, p. 77). It could be seen that traditional self-regulation model has become increasingly inadequate in addressing governmental, interest group and public concerns. Power dynamics among forces within, as well as outside, the profession have changed the environment that made the regulative bargain possible and shaken the classic self-regulation to its cores. Numerous forces, such as neo-liberalism, globalization, changing government agendas, consumer movements, and professional misconduct (Adams, 2016, p. 78), have emerged over the years to strip one of the profession's key badges of status, professional self-regulation. This leads to the removal

of the traditional self-regulatory professional bodies in the UK and the effective end of lawyers' self-regulation in Australia (Paton, 2009, p. 89). This "global tsunami against self-regulation" (Paton, 2009, p. 95), according to Schneyer (2009, p. 24) "owe [its] existence in large part to antitrust regulators and to powerful consumer groups with allies in government agencies".

It seems that the neo-liberalism or consumerism ideologies affect the evolution of the Chinese legal profession as much as the West model. One of the reasons for the same effects is that China has constantly (rather than once for all) imported the Western legal profession institutions and adapt them to fit with the Chinese contexts over the 40 years since the rebirth of the profession in China (see section 3.1 and 3.2). For example, in 2016, the State Council of China issued an opinion to guide the development of the legal adviser system and the government lawyer and corporate lawyer system (State Council of China, 2016). The guidance has obviously been modeled after the general council and inhouse lawyer institutions, and public lawyer institutions in the United States. China continues to borrow the latest dominant legal profession models in the West, but the transformed Western models have represented the neo-liberalism and consumerism ideologies that underpin them. Other reasons for the same effects include that the Chinese legal system, as well as the society in general, are always works in progress, or in the middle of constant changing or reforming process. This may create some space for the neo-liberalism and consumerism ideologies to grow and prosper at some particular times nationally or regionally, though at other times these ideologies may be somewhat suppressed (Peerenboom, 2002; Alford, Winston and Kirby, 2010; Lynch, 2010; Pils, 2017; Li, 2019).

Though the professional regulation model promulgated by the traditional professionalism is in its existential crisis, it cannot be casted aside lightly, after all, it is necessary for society to maintain a degree of professional independence because of the profession's valuable functions as "a bulwark against both public and private tyranny"

and as an "institutional safeguard lying between the ordinary citizens and the power of government" (Paton, 2009, p. 87). The regulative bargain can always reminds the public that the profession is a crucial component of liberal democracy, the priesthood of Justice (Carter, 1915, p. XXI). The claim that professional self-regulation is dead is an exaggeration (Adams, 2016). In practice, self-regulation persists, but in altered form, together with the power of the state and market, constituting a dynamic process of finding a balance among them in the situated legal field defined by the society's particular historical, cultural, and legal foundations (Rhode and Woolley, 2011, p. 2761; Adams, 2016, p. 85). The reality is that co-regulation structures, under which the legal profession shares authority with other, more publicly accountable entities (Rhode and Woolley, 2011, p. 2781), have been established in some countries (e.g. some jurisdictions in the U.S. and Canada). For example, the UK's Legal Services Act 2007 ("LSA") established a co-regulatory regime in which external regulators (e.g. the Legal Services Board) oversee the professional body's frontline regulators (e.g. the Law Society acting through Solicitors Regulation Authority) (Schneyer, 2009, p. 27). Co-regulation regimes help separate the professional's regulatory and representation functions (i.e., its role as representing the self-interest of the profession), thus making it hard for the professionals to bend regulatory control to their private interests at the expense of public interests. Recently, the part of the professional regulation in the co-regulation regime has increasingly manifested itself in the proactive, firm-based regulation rather than regulation of the individual professional (Mayson, 2019, 2020).

The traditional regulation models reflected the requirement of an individual professional model that centres on a personal bond between lawyer and client (Schneyer, 2009, p. 34). As the legal landscape is increasingly characterized by a highly competitive, client-led, technology mediated, open market, the old regulation models do not fit the commercial paradigm under which law firms, rather than individual lawyer, organize the tasks and procedures of legal services into value chains, or streamlined service procedures. A great portion of lawyers, who "now work within an

organizational setting where they have restricted individual power," even those serving private clients, "must demonstrate appropriate organizational loyalty if they are to maximize their career prospects" (Davies, 2003, p. 196). The situatedness of the individual lawyer in the organization and the nature of professional work require that the firm, rather than the individual lawyers, be the primary unit of regulation (Flood, 2011b, p. 515). As such, Chambliss and Wilkins (2001, p. 345) recommended that "all law firms, regardless of size, be required to designate one or more partners to be responsible for monitoring the quality of the firm's ethical infrastructure." This recommendation may not have been followed in England and Wales, but it has been followed in Australia at least in regulating "incorporated legal practices" (Fortney, 2008, p. 237). The Incorporated Legal Practices Act (2000) of New South Wales in Australia imposes a requirement for a practice to set up an ethical infrastructure headed by a "legal practitioner director" to implement management systems, including formal and informal management policies, procedures and controls, work-team cultures, etc., to support and encourage ethical behavior (Fortney, 2008, p. 237; Schneyer, 2009). In theory, granting the regulatory powers to the firm rather than the individual lawyers or professional bodies is also compatible with self-regulation (Adams, 2016, p. 79), because reflexive self-regulatory structure at the level of the firm is still a form of professional self-regulation in that the lawyers are essentially regulating each other within the firm (Davies, 2003, p. 207; Adams, 2016, p. 80). The next section discusses the transformation of the modes of organizing professionals coupled with the changing professional identity and regulation.

2.4 The transformation of the modes of organizing professionals

Law firms can combine profitability with professionalism (Lander, Heugens and van Oosterhout, 2017) so that law as both business and profession can be harmonized practically at the organizational level. Theories of organization and strategy may

provide explanations why professionals that carry expert knowledge together with the strong values of individual and occupational autonomy could exist within bureaucratic organizations, especially in big firms (Smets *et al.*, 2017, p. 92). Some explanations may be possible if the locus of interest is pivoted from the professional identity and regulation to the models of organizing them, that is, moving from the individual and the field to the organizational level of analysis. Organization theories find their application in the legal field by proposing that a professional partnership (Greenwood, Hinings and Brown, 1990) is such a type of governance arrangement that can make the bureaucratic and professional models of organizing compatible with each other so that professionals would like to choose to be organized into big firms.

Law firms in the West, which constitute a type of professional bureaucracy, have been traditionally configurated to be in the form of professional partnerships, rather than corporations. Premised on the assumptions that professionals have embodied practical expertise and will apply it altruistically, professional partnership configuration is deemed as more effective at achieving ethical compliance than other governance arrangements in that the former can guarantee that professionals will behave as trustees of socially important knowledge (Coffee, 2003). A professional partnership is "a form of association that protects professionals' independence, promotes and maintains professional standards, links market performance with firm reputation, and increases liability for professional negligence by other" (Greenwood, Hinings and Brown, 1990, p. 735). Professionals use organization to enhance professionalism. Large law firms have increasingly used their organizational and bureaucratic apparatus to achieve and secure traditional values, objectives and rewards connected with professional projects. Faulconbridge and Muzio (2008) termed this form of governance as organizational professionalism, which stresses the interconnection and hybridization between the professional and managerial logics. The conflicts over means and goals between professional and commercial logics may prove insurmountable because individuals are constrained by time and energy to successfully combine the two (Pache and Santos,

2010). But the two seemingly incoherent logics can be seamlessly blended at the organization level through a hybridization process through which individuals within a law firm combine practices to adhere to the demands of the contradicting logics (Besharov and Smith, 2014, p. 365; Lander, Heugens and van Oosterhout, 2017, p. 123). Professional partnership thus become an advantageous type of aligned hybrids able to successfully blend practices from both professional and commercial logics. Business and profession logics reinforce each other in a way that enhances the compound performance on each performance yardsticks associated with each logic that both constitute the cores of the legal professionalism. Thus, the research results of Lander et al. (2017, p. 126) suggest that "aligned hybrids achieve superior performance along both outcome dimensions by containing the influence of the commercial/managerial logic through the protection of professional values."

It is worth noting that conceptualizing traditional professional organizations as professional partnerships is one of the products of the intellectual context where and when scholars have theorized the "organization" per se through the lens of different frameworks. For example, resources dependence theory examines "organizations" and their dependencies on other "organizations"; ecological theory focuses on the population of organizations and the circumstances that generate their collective emergence and decline; and institutional theory is concerned with the field level transformation centering on such question as why organizations seek to change toward similar directions (Greenwood and Prakash, 2017, p. 113). The processes of conceptualization and practice may intertwine. In practice, organization follows strategy in that organizational archetypes transform when their key features developed under the previous environments no longer fit their new political, social, cultural, legal, and technological environments. The professional partnership, as an archetype of the ownership and governance arrangements, compared with the corporations as an organization form, fits better with the professional basis that are characterized by the salient feature of the need for customization of professional knowledge for the good of

the public at large (Greenwood and Prakash, 2017, p. 114). However, many researchers found that professionals were motivated by their self-interests to maintain monopolies and self-regulation (Johnson, 1972; Hanlon, 1999; Freidson, 2001; Abel, 2003). Greenwood and Prakash (2017) reviewed strands of research that had been conducted on the topic of the professional partnership in the previous 25 years and found that they had missed the opportunity to theorize the social purposes that had been pursued by professional firms. Moreover, insufficient attention has been paid to the new situations that the legal profession finds itself in. Many recent trends (e.g. the wide adoption of LegalTech, the changing regulative regimes), some of which are becoming increasingly disruptive, have put the definitional characteristics of the professional partnership under increasing pressure. This includes but is not limited to: the liberalization of the regulation, globalization, technological developments (Smets *et al.,* 2017, p. 91) (see sections 4.3 and 4.4 for the implication of LegalTech on the professional organization and regulation, and section 7.1 for how the language that is used to refer to the producers of the legal services is changing in the new legal landscape reshaped by the technology.)

Hybrid structures in the legal field, in the form of professional partnership, often registered as limited liability partnerships (LLP), are the results of an adaptation process through which law firms come to adhere to demands of both professionalism and profitability (Lander *et al.,* 2019, p. 123). LLPs are characterized by the fusion of the ownership, management, and operational work, unlike in corporations where there are divisions between the three (Greenwood, Hinings and Brown, 1990, p. 730). However, developments in media and information technology and deregulation of services have created new contexts for the choice of organizing mode for law firms that "constituted the last bastion of pure professional ownership, long after investment banks, consultancies, and advertising agencies had already floated shares on public markets"(Smets *et al.,* 2017, p. 101). Technology makes the formerly specialized knowledge that is embodied in lawyers available through many new channels to the

public. This creates a need for some firms to raise external funds for LegalTech entrepreneurship that seek to capture the power of technology. In this process, legal technology has changed the relative importance of professionals' human capital and non-human capital. The value of the professionals' human capital relative to non-professionals' human capital, and other kind of capital (e.g. financial capital) decreases in the production process that is situated in a new media and information technology context (Von Nordenflycht, 2014, p. 142). The archetype professional partnership becomes less valuable.

The increasing reliance on technology in the process of legal service production has made a once defining feature of legal services--- the lack of capital intensity (Von Nordenflycht, 2010, 2014) less salient, and no longer fits the changing environment of the profession. Research suggests that law firms have been growing over time without significant external capital so they do not need it (Competition and Market Authority, 2016). Though access to bank funding and sources of capital other than external investment is not an issue for law firms as a whole, some firms are at a disadvantage in raising capitals to capture technological innovations (The Law Society, 2017). Even for those firms that have easy access to capital, the scales of capital raised through various debt facilities and internal investment arrangements are just enough for them to fund their basic IT and research resources, etc., but they need more to take full advantage of LegalTech. Empirical data reveal statistically significant links between higher levels of non-lawyer ownership and the likelihood of having made an investment to facilitate greater use of technology, increase marketing activity, retain lawyers, strengthen the management teams, fund expansion, step toward stock market flotation (Legal Services Board, 2017). Both human capital of nonlawyers and non-human capital become increasingly more important as providers become more capital intensive. Moreover, as firms get bigger in size, the value of lawyers becomes less important, because big organizations need to combine contributions from talented nonlawyers who have practical expertise in marketing, strategy, service operation management, legal

administration, etc., thus diluting the relative importance of lawyer's contribution to a firm. Increased regulation may have led to the consolidation of the personal law practices and disappearance of the sole practitioner firms in UK. The increased regulation includes quality marks needed to provide some services, and demonstration to legal aid funders that the firm had the IT infrastructure to run any contract granted. This regulation may impede A2J and personal law firms need to get larger to overcome the obstacle and widen A2J. Von Nordenflycht (2014, p. 143) thus suggests that "the incentive advantages of the partnership decline as firm size increases", and the prevalence of the professional partnership was merely a temporary result of regulatory restrictions.

Some legal services markets around the globe are now deregulated. 1026 Alternative Business Structure[5] (ABS) licenses have been issued since 2012 in the UK according to the "Search for an alternative business structure" webpage hosted by SRA. Although this research cannot get more recent statistics on the incorporated legal practices (ILP) in New South Wales, Australia, the number of ILP as in May 2015 reached 1788 (with a tendency to go upward), accounting for 30% of all law practices there, with three of them having been public listed, Slater & Gordon being the first (National Organization of Bar Council, no date, p. 2). Inspired by the innovations facilitated by the LSA 2007 in the UK legal service market, the Utah Bar and Supreme Court in the United States have approved regulatory reforms that may lead to the elimination or substantially relaxing the rules that ban non-lawyer investment in and ownership of legal service providers (Utah Bar, 2019). Business entities that provide legal services under the new regulatory structures are assumed to be able to harness the power of entrepreneurship, capital, and LegalTech. The new regulatory structure may also facilitate lawyers to fully and comfortably participate in the technological revolution. Singapore has already allowed ABSs since 2015. A number of continental European countries have lifted the ban on non-lawyers' ownership but put a cap on their equity stake in the firm (Claessens

[5] ABS are licensed bodies under Part 5 of the Legal Services Act 2007, that are not wholly owned or managed by lawyers and authorised for one or more of the reserved legal activities.

et al., 2012) Regulatory bodies in the United States, Canada, and Hong Kong are considering whether to allow for non-lawyer ownership (Robinson, 2016). The Hainan province of China also adopted some form of ABS (Lu, 2018; HKTDC, 2019) (see section 3.4, and also see section 3.6 for the emergence of alternative service providers in China). For those markets that have not de-regulated yet, some commentators believe that some of the restrictions are already worked around and effectively bypassed through various means (Utah Bar, 2019), thus the ABS has become a reality and supplanted the professional partnership as an organizing mode for some firms that seek a better fit in the new legal landscape (McCauley, 2016, p. 65).

ABS is regarded as a radical step in the process of removing professional self-regulation (Paton, 2009). Boon (2010, p. 195) claims that LSA of the UK represents a significant watershed that signaled the death of traditional legal profession. Boon indicates that LSA was driven by the capitalist state towards consumerism and commodification, forcing traditional professionalism to surrender. Boon (2010, p. 224) argues that traditional means of organizing the legal work and the lawyers is grounded in collegiality which "assumes a heterarchical structure, characterized by more horizontal, equal relationships, rather than a hierarchical structure." But LSA has established a regulatory system that relying on forces outside the professional peers in the process of validating each firm's individual interpretations of the principle of professional ethics, thus eroding the common ground of ethics within the legal profession that should be defined by its rules of ethics based on professional self-regulation. Who, among individual professionals, firms, or external forces should take responsibility of professional conduct standards constitutes in many ways the core of professionalism (Rogers, Smith and Chellew, 2017, p. 246). The next section discusses the forces that drive the transformation of professional identity, regulation, and organization.

2.5 Professionalism as ideology through which field players struggle for hegemony

The tension between law as business versus law as a profession reflects the competing exogenous structural forces that have shaped the legal field. Hanlon (1998) attributed the developments and shifts of the ideologies and the practices of legal profession in Britain since 17th century to the consequence of often conflicting and struggling social, political and economic forces. For example, Hanlon (1998) described how the "gentlemanly professional individual" that had been shaped by the laissez-faire capitalism during 18th to 19th centuries progressed to the professional representing the social democratic principles which was formed by an interventionist state and a Fordist regime accumulation after the second world war. Hanlon's (1999) thesis is that the legal profession has constituted one of the central groups that jointly react to the political transformation of the time. As such, the political change from the Fordism welfare state to the liberal ideology of flexible accumulation, in turn, pushed the social service model of legal professionalism, which was dominant in the UK during late 1940s to 1980s, into a profound crisis during the last two decades of the 20th century. The combination of the state and market forces transformed the social service professionalism to the commercialized professionalism that dictate the lawyers to acquire managerial and entrepreneurial skills aimed at winning work (Hanlon, 1999, p. 186). The core idea of the social service model of legal professionalism is that the lawyers should utilize the technical ability to serve clients in needs, regardless their ability to pay. In contrast, the commercialized professionalism puts more emphasis on the lawyers' commercial competence that aims at winning business and making profits than the technical skills (Hanlon, 1999, p. 172).

The material interests that shaped the transformative process have to be gained through "an ideological struggle within the professions over exactly what professionalism means" so as to achieve a hegemonic field position (Hanlon, 1999, p. 1). Hanlon's (1999) historical account of the evolution of the legal profession, and the later

regulative revolutions triggered by LSA in the UK (Boon, 2010; McMorrow, 2015; Reardon, 2016; Robinson, 2016), reveal that professionalism is a field for ongoing struggles among major political and economic actors. The battles are fought on both fronts: ideologies and material practices (Hanlon, 1999, p. 185). Field players vie for the ideological hegemonic position by constructing legitimate models of professionalism. Applying Bourdieu's theory of culture capital, Hanlon (1999) has argued that what these players struggle for is the legitimate or dominant status of their cultural capital (i.e. in terms of how the professionalism should be defined). Once a model of professionalism gained a legitimate position in the eyes of the professionals, the market, the state, as well as the general public, it is capable of depreciating some kinds of skills by making them less relevant and at the same time legitimating other kinds of skills that has been neglected (Hanlon, 1999, p. 171). Different models of professionalism are constructed and inculcated to its followers some of whom treat them like dogmatic principles, or what Bourdieu (2000, p. 16) terms as doxa: "a set of fundamental beliefs which does not even need to be asserted in the form of an explicit, self-conscious dogma." Models of professionalism influence lawyers' cognition and action by offering broad sets of cultural justifications on which lawyers draw to support particular practices and identity propositions (i.e. ways of being a lawyer) (Besharov and Smith, 2014, p. 366). Evetts (2011a, p. 410) argues that the profession use the discourse of professionalism to inculcate appropriate work identities, conducts and practice, thus professionalism work as a disciplinary logic which governs professional conduct at a distance. However, lawyers can influence how models of professionalism are instantiated in law firms (e.g., by reinforcing and challenging the justifications made by the parties involved).

Not only individual, but also field and organization factors can affect how professionalism is conceptualized. While individual level factors are reflected in lawyers' understanding about their professional identity, field level factors mostly manifest themselves in the regulatory models. For example, neo-liberal ideologies hold

that a free market provides sufficient protection for consumers, thus the profession's privileged market and regulatory status are protectionist and anti-competitive in nature and should be eliminated to make way for the functioning of the market mechanism in the legal field (Abel, 2003; Adams, 2016; Rogers, Smith and Chellew, 2017). In the transition from the social service to the commercialized model of professionalism (Hanlon, 1999), at least some factions of the profession has embraced commercialism but meanwhile retained the legacy of self-regulation. This has fanned up consumerism and anti-monopoly sentiment that have grown to the extent that put the professions in the firing line (Abel, 2003; Flood, 2011b). High profile cases of professional malpractice, massive number of complaints against lawyers, and widely publicized scandals, pressured the government policy makers especially in the UK and Australia to create more accountable and consumer-oriented regulatory processes (Rhode and Woolley, 2011, p. 2783). The professional independence has not been completely removed but can be maintained to the extent that market mechanism allows. That said, the existence of imperfections in the market makes necessary some external oversight measures that secure professional accountability and ensure competent and ethical service to consumers. Therefore, the central challenge regarding the regulatory regime of the profession that is situated in an open market is to strike a balance between some sort of professional independence and accountability (Rhode and Woolley, 2011, p. 2764).

The justifications given by the parties related to the hegemonical struggles manifest themselves within professional organizations in a variety of ways. Law firms often confront environments in which multiple versions of professionalism are present and thus reflect these different versions in their forms of governance structure as well as their practices (Thornton, Ocasio and Lounsbury, 2012; Besharov and Smith, 2014). Most law firms embody multiple models of professionalism, not just sticking to any one of them. Organizational practices seek for fit between internal structural elements as well as between situational factors and internal structures (Besharov and Smith, 2014,

p. 366). Organizational configuration seeks to keep these practices coherent, compatible, and complementary. The transformation in professional organization forms can be understood as the product of professionals' configuration of the relationship between the producers, consumers, firms, and the state to achieve a better fit (Macdonald, 1995; Freidson, 2001; Abel, 2003; Flood, 2011b; Larson, 2013). Johnson (1972, p. 45) contended that professionalism can be examined as peculiar types of "occupational control rather than an expression of the inherent nature of particular occupations". Freidson (2001) argues that the profession, as an active agent power, resists on the one hand, the forces of raw market capitalism, and on the other hand, the government or corporate bureaucratic fiat. In doing so, the profession has carved an alternative, or third way of organizing professionals and their work for purpose of safeguarding public interests, rather than the self-interested quest for enhanced status and income (Larson, 2013), or protecting inept consumers (Campbell, 2016a). Abel (2003) went a step further to view the twist and turns of professionalism as a process, rather than a static achievement that occurs once and for all. From this perspective, such processes as the introduction of ABS to tackle professional monopoly, the prevalence leverage of technology by law firms, have facilitated the transformation of the organization methods of law firms.

Drawing from Hall's (1986, p. 21) interpretation of Gramsci's hegemony theory, it could be argued that no group of field players or models of the professionalism can win and remain in hegemony without the nucleus of the altruistic deployment of the specialized knowledge embodied in professionals. But the theories also remind us not to fall into the trap of the dogmatic determinism that one's altruistic use of knowledge can automatically determine the hegemonic models of professional identity, regulation and organization once and for all. The instantiations of models of professionalism within the field, firm and individual levels draw from the justifications made by various players involved in the hegemonical struggles in the legal field. The factors at the three levels are nested and intertwined to determine how the multiple logics (Cohen, 1916;

Feinberg, 2011; McMorrow, 2012; Spence and Carter, 2014) coexist within a firm (Besharov and Smith, 2014).

2.6 Western legal landscape changes and the localization of the Chinese legal profession: colonization and technological changes

Many of the same forces that have led to the transformation of the legal professions in the United States, UK, Australia, and Canada may have spillover effects on the legal professions around the world as well, including China (Terry, Mark and Gordon, 2011, p. 2662; McMorrow, 2015, p. 675). But the transformations of the legal profession in the Western world are usually reactions to endogenous social and political forces. China has imported the legal profession institution from the West in the spirit of actively appropriating them and embedding them in China's culture base so as to take advantage of the modern social governance models without changing the essence of the Chinese legal culture and its culture more generally. On the one hand, the legal professional institutions that embody the Western style of the rule of law are ready to legalize the globe with the universal values. On the other, China is poised to build a model of the rule of law that fits with socialism with Chinese characteristics, and the imported legal profession is designed to be an indispensable part of the long march to this model of the rule of law. Therefore, the transformation of the legal profession in China inevitably encounters forces exogenous to China's society.

Lawyers Associations[6] all over China celebrated the 40th anniversary for the new legal profession incepted in 1979 when some elements of the model of the Western law and lawyer were imported to China. But the rise of the lawyer in China cannot simply be

[6] Lawyers Associations are self-regulatory organizations for lawyers in mainland China. They operate at three levels: the central, provincial, and municipal. A lawyer in China must be an individual member of All China Lawyers Association and a law firm must be an organizational member.

understood as a process of Westernization like in most other third world countries in and after the colonial period (see section 3.1 for the detailed analysis of the localization of imported legal profession institution in China). It is naïve to think in a black and white way whether Chinese lawyers stand for Western liberal values or values of socialism with Chinese characteristics. However, the importation and imposition of the Western legal profession institution into China's society "must have carried with it a certain taint of colonialism" (Friedman, 1989, p18) (see section 6 for the competing identity construction for the Chinese lawyers by the Chinese and British newspapers). However, defining the lawyer as an expert of the legal system and an important force for the legalization process (i.e., knowledge and function centered model of professionalism) hides the question of for whose interests the lawyer serves (Friedman, 1989, p19): the colonial powers or the host country? Few theoretical frameworks from the prior research on the legal profession can provide a satisfactory explanation and interpretation of the evolution of China's legal profession. This thesis tries to provide a colonization/appropriation perspective in a hope to better conceptualize an important force that co-drives the hegemonical struggles in the Chinese legal field and the transformation of China's legal profession (see section 3.2 for the relegated roles of knowledge in the construction of the professional identity of the Chinese lawyers, and Chapter 3.3 for how the professional ethics and regulation of Chinese lawyers have evolved in the process of naturalization of the implanted institution).

Lewis (1989) has identified five approaches underlying the scholarly enquiry into the legal profession: sociological, Weberian, political, cultural, and theories of law. Lewis suggested that the future studies of the legal profession should take an integrative perspective that combines all these approaches. It is arguable that Hanlon's and other similar works have set good examples of combining useful perspectives in the explanation and understanding of issues pertaining to the legal profession (e.g., Hanlon's approach leans toward sociocultural study). However, with the advancement of technology and its permeation into the legal field, which is unprecedented before

2010s, it seems that previous canonic work on the legal profession, including Hanlon's, which is well before LegalTech revolution have ignored an element that is unescapable, that is, the mediation of the technologies, which has thrown the legal profession into a totally new situation. There are certainly works that put the technology at the core to explain and predict the transformation of the legal profession recently (e.g., Susskind and Susskind 2015). Many of this kind of research praise and advocate for the advancement and adoption of technology. However, there is little research that takes integrative perspectives to achieve analytical depth. For example, scholars can rarely find a critical analysis of the implications of LegalTech for professional identity, regulation, and organization (Smets *et al.,* 2017, p. 103). The combination of the sociological, cultural, political, critical, technological and other perspectives may provide a better understanding of the transformation of the legal profession.

These being said, chapter 3 puts the transformations of the professional identities, the organization methods of the lawyers, and the legal ethics into a new situation, the localization of the Western legal profession in China, to examine the underlying ultimate forces that drive those transformations. Chapter 4 examines the professional identity, organization, and ethics in a technology mediated legal profession that did not exist until very recently. The application of the LegalTech began first in the West, but China's technology has developed very fast, even gaining leading places in some areas, the implications of the LegalTech to China's legal profession may be different from that of the West because the professions in China and the West are situated differently. This research also investigates how the LegalTech has transformed the legal profession differently in China and the West.

Chapter 3 The Chinese Legal Professionalism

Legal exportation projects have been designed in the West for the purpose of satisfying "the desire of those outside China to disseminate values deeply cherished here or to use China as a staging ground to re-fight our ideological battles"(Alford *et al.,* 2007, p. 294). If we regard the forces that pull China's legal development towards assimilation to the Western style of the rule of law as legal colonialism (Schmidhauser, 1989, 1992; Loomba, 2007; Whitman, 2009; Sandberg, 2010; Barresi, 2013), and forces that push China's legal development towards adapting to its cultural and political characteristics as legal naturalization or appropriation, it would be seen that neither side got the upper hand. China's legal development is neither a total Westernization process, i.e. to overhaul its existing rule of law ideology and transit to conform to legal norms adopted by the community of "successful" nations that promote Western style of the rule of law (Phan, 2005), nor a totally conservative process that rigidly stick to its historical and cultural tradition. The idea that the war of legal colonization can be easily won by the West is problematic as a careful examination shows how China's society and culture have shaped Buddhism, Christianity, Marxism, and many other ideas that possessed of a longer history, more innate power, and more effective proselytizing than legal professionalism"(Alford *et al.,* 2007, p. 301). As the legal development directions of a nation can only be understood in relation to the specific history of the construction of its state (Dezalay and Garth, 2007), it is not surprising that legal transplant in China has told a different story from that of Taiwan and Korea. A Liberal Democratic version of the rule of law has not taken root in China's very different soil (Peerenboom, 2002, p. 48).

It would be argued that the localization of the Western legal institutions in China is a process of reconciling the conflicts between the Western prescriptions and indigenous social and political demands, with China's leaders regarding rule of law as "one of the

pillars of modernity" (Peerenboom, 2002, p. 49) (But China's definition of rule of law may be different from that of the West). This process is thus more like modernization rather than Westernization. In the process of modernization, there is always a gap between the theory of law in China and its practice. Part of the reason for the gap may be that the Western legal institutions are uprooted from their historical and cultural contexts and transplanted to China where they are often used as expedient measures to cope with local problems constantly emerged out of China's own historical and cultural contexts that are different from the West. China has imported the specific legal institutions without creating the environments that are necessary for these institutions (e.g., the Western-style of the rule of law system). The practical meaning of the imported Western legal institutions in China thus have to be socially constructed taking into consideration of indigenous factors such as local social culture. For example, "the day-to-day judicial work of Chinese lower court judges is only loosely coupled with their formal roles", as was stated in Liu's (2006, p. 101) research on China's localization of global legal institutions, and "the judicial decision-making process is contingent upon the historical origin of the judiciary, administrative influence, and the legal consciousness of local communities". In resemblance with the judiciary systems, legal professions in China and Western countries also tend to share common features of professionalism only in form (e.g. a law association for self-regulation, a body of legal knowledge, an ethical code) but not in practice (Lo and Snape, 2005, p. 437).

The first section analyzes the situations that constrained and facilitated the evolution of the Chinese legal profession over the past four decades. The second section discusses the possible professional identities given the contexts in which China appropriate the Western legal institutions to build a project of socialist legality. The third and fourth sections evaluates the regulation and organization of the profession, before going on to comment on how the Chinese version of legal professionalism has impacted on the A2J in China. The last section provides a snapshot of the impacts of legal technology on the professional identity, organization, and regulation in the Chinese legal field.

3.1 Colonizing and appropriating forces in the Chinese legal field

China has developed a two-track model of the legal profession: the fast developing commercial law and the restricted legal practice that facilitates the exercise of civil and political rights when they are deemed as threatening socio-political stability(Peerenboom, 2002, 2008; Peerenboom and Chen, 2008; Peerenboom, 2009b; McCauley, 2016). This section first discusses the formation of these dual legal systems before going on to exemplify it by showing the colonizing and appropriating perspectives on human rights lawyering in China.

3.1.1 Chinese two-track legal system

The rule by law model has trumped rule of law model in millennia Chinese practice (Chen, 1999, p. 135; Liu, 2001, p. 1041). Chinese legal tradition is essentially a Confucian legal tradition in which law *per se* has never been more important than Confucian behavioral norms and never played more than a subordinate role in maintaining social and political order and stability (Peerenboom, 2002, p. 48). Unlike modern Western law that legalize rights and democracy (i.e. the rule of law model) (Wing-Hung Lo, 1997; Seckington, 1998; Potter, 1999; Peerenboom, 2002), the contemporary Chinese socialist legality is widely theorized as mainly characterized by "the strict observance and enforcement of law by the state, but not the protection of individual political rights and civil liberties" (Lo and Snape, 2005, p. 441). The Chinese legal system and institutions is not an independent entity that check and balance government powers, but a subservient arm of the government (Hung, 2008, p. 233; Benton, 2010, p. 233). In practice, the Chinese government use laws and regulations as tools of policy enforcement to exercise state power and achieve immediate policy objectives (Philipsen, 2009, p. 226; Benton, 2010, p. 212). The so-called socialist legality with Chinese characteristics bears many attributes from a Confucian legal

tradition which for several thousand years passed on the belief that laws have no inherent moral significance and are merely the human instrumentality for the governments to achieve its goals (Barresi, 2013, p. 1200). For example, Barresi (2013, p. 1210) has observed that: "the extent to which enforcement officials consider the policies expressed through the PRC's environmental laws to be legitimate is more important than the fact that those policies are expressed through law *per se* in determining the extent to which they are likely to be enforced."

On the one hand, the Chinese have been actively borrowing from Western laws. On the other hand, Western legal reformers have made continual efforts in colonizing the Western legal models to developing countries, including China (Pearce and Levine, 2009, p. 1635). However, there is the problem of how to contain the two opposing forces: the Westernization of Chinese legal institutions and the continuing of the robust Chinese legal tradition (Barresi, 2013, p. 1200). Western legal models have never enjoyed a prestigious status among most of the ordinary people in China (Keller, 1994, p. 712). Given that law in the Western sense is generally regarded as an alien institution thus is not often sought out as a preferred means of solving social problems or disputes (Barresi, 2013, p. 1200). It is argued that "China must not rely on foreign legal experiences alone, or copy foreign legal models by rote" (Liu, 2001, p. 1097). A verbatim transplantation of any Western model of the legal profession into China would fail without serious considerations of its adherence to China's social reality as well as its cultural values in general and particularly its legal culture. Many legal colonists, as exposed by Alford et al. (2007, p. 287), have been pushing to bring about major and desirable legal and perhaps political changes through a Chinese legal profession that scrupulously adhere to the paradigmatic and aspirational American model. Alford at al. (2010) and Pearce and Levine (2009, p. 1663) have pointed out that the legal colonists have started from unfounded faith that can lead to the unintended and unfortunate results (e.g. the alienation of the underrepresented and the entrenchment of the vest interests), because they fail to consider the unique Chinese socio-legal conditions that comprise the

broader context within which the legal system functions. Just transplanting the legal profession into China without a deeper political reform could result in "the undermining, rather than furthering, the goals of democracy, rule of law, and human rights" (Pearce and Levine, 2009, p. 1663).

In practice, China has explored a hegemonic process in which the naturalization and the colonization of the Western legal models can be united by absorbing into the imported legal culture of certain features of the traditional legal culture (Barresi, 2013, p. 1210). Barresi's (2013) research has given an good example in environment law suggesting that the essence of both the Western and Chinese legal traditions can be complementary in tackling social problems such as pollution.

The hegemonic strategy formulated in the process of the establishment of a modern socialist legality in China can be represented both as the naturalization of the imported Western legal institutions and the Westernization of Chinese legal traditions at the same time. Dual legal systems emerge out of the mixing of the two contradictory traditions. On the one hand, in line with the essential political mission of promoting social harmony and maintaining social stability, the main function of Chinese laws is designed to offer efficient dispute resolution for the vast majority of individual cases (Fu, 2016, p. 180). On the other hand, in line with the essential political mission of strengthening and legitimizing the Party's rule so as to maintain the existing political framework, for a small number of politically charged or otherwise sensitive cases, the judiciary has not been conferred the role of making public policies; striking down unconstitutional legislation; and ruling independently, instead, courts have to defer to the wishes of the Party (Fu, 2016, p. 180). Based on the selective adaptation of Western legal institutions, China has developed this unique legal model as an alternative to the dominant Western model. Under the "two-track legal system" , the rule of law is upheld in the economic area, "but civil and political rights are not respected and protected by law, and the judiciary lack the independence to effectively review party and state

power"(Gillespie and Chen, 2010, p. 45). Peerenboom (2002) calls this legal model a "thin rule of law", which is usually embedded in a non-liberal context (Lubman, 1999).

The two-track legal system theory seems unable to resolve the authoritarian's legal dilemma, i.e. the central government's desire to create private law that governs the interaction of private individuals (such as property, contracts, and family law), while at the same time, to avoid creating public law that involves the interactions of citizen with the government (such as, the legal limits on the central government's powers; the nature of citizen rights, and the rules governing the bureaucracy; in short, the constitution). In theory, it is not possible to keep a private law system without also creating a judicial system that challenges the power of the state, because "a national court system, even with a mandate explicitly restricted to private law", writes Liu and Weingast (2017, p. 3), "might well attempt to constrain the central government, for example when protecting property rights conflicts with the powers of the central government". It is further theorized, on the one hand, that economic growth is preconditioned on a range of legal infrastructure ranging from secure property rights, contract enforcement, and the rule of law (Alford *et al.,* 2007). However, China has often been used as a counter-example to reject the above deterministic view about the law and market efficiency, because "China has achieved remarkable economic growth without having first established the rule of law or a solid institutional structure in general" over the past four decades (Zhang and Li, 2017, p. 3)**.** On the other hand, legal developments in China have shown that economic development does not necessarily lead to a liberal comprehension of human rights that "privileges civil and political rights over other rights, seeks to maximize individual autonomy and freedom, and tips the scales in the direction of the individual when individual rights conflict with the collective interests of the majority or society as a whole"(Peerenboom, 2002, p. 18). Singapore's rule of law projects also reveals that the basic legal system whilst notionally democratic, is widely seen to be quite controlling of civic rights but has developed well-regarded commercial laws. Similarly, Liu and Weingast (2017, p. 55) have discovered that China

has invented a novel solution to the legal dilemma, which they call “private governance under state oversight”, or “law, Chinese style”. For example, in some governance areas, the government can permit or even help some major private actors operating in such areas as online trading platforms to offer “competing, overlapping systems of private governance, among which citizens can choose at will; and the state can formalize private rules that work the best.” This new governance model, or private law making, or law by private actors, keep a very low probability of the legal system expanding its jurisdiction into public law.

China’s two-track legal system will not be its ultimate form. It is still in the ongoing process of evolution driven by forces of different nature from opposing directions. Believers in the Western legal model would like to push the Chinese legal profession towards independence and autonomy so that it can check and balance government power, otherwise, the rule of law in China is only a rhetoric (Lynch, 2010). However, as pointed out by Peerenboom (2009a, p. 30), criticizing China’s deviation from the Western legal norm, under a careful examination, is not so serious as it appears to be, it is “largely a matter of rhetorical posture, the academic market, the journals in which one publishes, and the author’s own social and professional networks and political orientation.” These criticisms were not solely for the good of China, at best, they went towards “satisfying domestic American political concerns or economic interests as with the recipient country in mind”(Alford *et al.*, 2007, p. 297). Even for those who truly believe that China should scrupulously adhere to what is presented as the American model, and those who would like to design and prescribe kindheartedly for China, Alford (2007, p. 289) denounced them as ignorant and arrogant, because they usually do not take the trouble to “consider basic issues of historical experience, institutional structure, political power and the like”. The next section demonstrates the relevance of the two-track system in the understanding of the hegemonical forces relished into the Chinese legal field using human rights lawyering as an example.

3.1.2 Hegemonical struggles in the localization of the Western legal profession institution in China

With the presumption that American model is the most proper legal system deserved to be shared universally around the world, the American government has been imposing their values on China's legal profession (Peerenboom, 2002, p. 568). United States' government bodies (e.g. the State Department's Rule-of-Law Initiative), international organizations (e.g. World Bank), foundations (e.g. Ford Foundation), and various other organizations have been spending a lot of money and energy in colonizing the ideology of rule of law to China through various programs and projects that aim to export its legal model (Alford *et al.*, 2007, p. 289). This colonization process is also recorded in the quotation below.

> "The governments and civil society of the United States, continental European nations, and the United Kingdom have long engaged in efforts to develop and export what one might call rule of law 'best practice' models. They have trained key actors in the legal system such as judges, lawyers, prosecutors and the police, and conducted exchanges with partners in authoritarian jurisdictions such as China. The professional bodies representing the legal profession, such as the Law Society of England and Wales and the Bar Council in the United Kingdom, have long interacted with the All China Lawyers' Association and its local branches to promote rule of law through improvements for the legal profession" (Pils, 2017, p. 1264).

All these programs and projects share a common agenda: "a generally liberal rule of law supported by an independent judiciary and bar" (DeLisle, 1999, p. 181), among others. This American-led jointed advocation of furthering the development of China's legal profession is:

> "not so much to produce technicians, but more so because we see lawyers as especially well-equipped to advance concerns that we value---such as rule of law, devotion to a market economy, and even democratic government---be it through active propagation or simply the power of example of their daily professional lives"

(Alford *et al.*, 2007, p. 300).

Besides Western governments' direct involvement in this legal colonization efforts, legal scholars and journalists have always played an active role in wielding this colonial power. Academics and journalist often measure China's legal system against the ideal rule of law, which all systems fail to reach, or against their own system, regardless of China's long legal tradition[7]. The measurement results inevitably lead to a pervasive discourse of China legal system's "incompleteness" and "unhealthiness" in scholarly writings and media reports (Liu, 2014). Some scholars even made surprising claim that China does not have a legal system at all (Lubman, 1999). Some scholars (e.g. Alford (2007)) used their scathing disappointments and feeling of being betrayed as a means to criticize the American-trained Chinese legal professionals who returned to China and did not become a force for liberal democracy. Peerenboom (2002, p. 562) has disclosed that scholars and journalists usually frame the discrepancy between China and the Western legal system "in their worst possible light", by attributing "the real reason behind some problematic feature of the legal system to the Party and its unbridled lust for power and domination." For example, McMorrow et al. (2017, p. 269) studied 122 lawyer disciplinary cases spanning from 2007-2015 publicized by Zhejiang Provincial Bureau of Justice and suggested that lawyer regulation system in China was designed "to control lawyers so that they will not oppose or undermine the party-state authority". On the one hand, these and similar kinds of evaluative results may act as symbolic violence to scare and spur Chinese legal professionals to conform to American norms. In other words, the legal colonizers have expected Chinese lawyers to oppose the Chinese government because of its attempts to control. On the other hand, these discourses help to form common senses which the general public and professionals invoke to understand what happened in China's legal field.

[7] For example, from ancient times since Han dynasty in 200 BC up till now, the primary purpose of China's administrative law has been "to ensure that government officials faithfully implemented the ruler's decrees", rather than to "protect individuals against an overreaching government" (Peerenboom, 2002, p. 41).

To counter the colonization of American-style rule of law, the Chinese government has explicitly exercised power by imposing on lawyers "an obligation to assist the government's efforts to rule the country 'according to law" (Liebman, 2007, p. 336). Law is used to strengthen the state as well as to protect human rights. Government propagate that China's legal system would develop a different path, with Chinese characteristics, rather than follow the liberal democratic rule of law. For resistance of the Western ideological hegemony, the Chief Justice of China's Supreme Courts articulated the denunciation of Western ideology to legal officials in Beijing: "We should resolutely resist erroneous influence from the West: 'constitutional democracy,' 'separation of powers' and 'independence of the judiciary'. We must make clear our stand and dare to show the sword" (Forsythe, 2017).

The reality in China is that the practicing of law need not fall into the normative framework of the Western style of rule of law but should be premised on committing to uphold China's unique political-legal system. Without this political conformity, a lawyer can hardly pass the annual re-assessment of his/her license for practicing law. Lawyers or law firms may have their licenses suspended or revoked if they do not report to Justice Bureau certain types of politically sensitive cases (e.g. mafia crime, evil cult cases) that they are handling. Chinese authorities have tightened control over the "principled, autonomous and vocal advocacy practices by some lawyers" as well as strengthened the role of law firms (Pils, 2017, p. 1270) in recent years, which indicates that China is actually abandoning the paradigm of gradual transition to the Western legal system.

One of the most important disputes between the Western and China model is the independence of the legal profession (i.e. lawyers' autonomy and professional integrity). Professional autonomy is preached by legal colonialism as the defining characteristic of the profession and indispensable to the rule of law. Under the legal colonialism, the Chinese legal profession should be spurred to seek independence because the grand

goal of the rule of law can be attained only on condition that China is imbued with a genuine independence of lawyers from the state apparatus (Cooper, 1999, p. 85). So long as the Chinese government continues to punish lawyers who seek greater independence, then China's pursuit of the rule of law becomes just a rhetoric (Lynch, 2010). However, China thinks that it has successfully established a viable legal system under which its legal profession is moving toward independence, but with a different nature and degree from Western countries (Peerenboom, 2002). However, in practice, the government can take advantage of this incomplete independence to serve its own political ends. So China's claim of success in the march toward the rule of law is not accepted by the Western legal scholars, as argued by Pils:

> "China's legal system is fundamentally incompatible with rule of law principles adhered to by the legal profession in the UK and in other jurisdictions organized on liberal principles. In the former, lawyers, law firms and the lawyers' associations are expected to work in the service of a repressive Party-State. In the latter, lawyers' primary obligations are to law; and they are obligated to act in the best interest of their clients. Their independence is crucial; it is one of the principles that help protect those who might otherwise become defenseless against predatory practices of the state, or of the market" (Pils, 2017, p. 1290).

Caught by these two opposing forces, one option for the Chinese lawyers is to resort to external forces in a hope to check China government's power, but that may attract government suppression. But there seemed to be a third way. Givens (2013) interviewed 126 lawyers involved in administrative litigation from diverse regions in China, and 50 other people who participated in administrative cases (e.g. former government officials, former judges, legal scholars, legal workers, foreign lawyers, and actual plaintiffs and plaintiffs to be). The research found that Chinese rights lawyers acted as adversaries of government by representing plaintiffs in China's administrative courts, while at the same time, largely managed to remain out of trouble. This type of human rights lawyer was invisible abroad because they are overlooked by scholars and journalists from the West though they far outnumbered the radical type.

Chinese government draws a much clearer line between politics and law than the U.S. There is no judicial review in China's constitution (i.e. the supreme courts in China cannot review the constitutional validity of a legislative act), which virtually closes the road from law to politics. Moreover, China's Lawyers' Law prohibits lawyers to use less powerful political actions (e.g. use of petitions signed by legal scholars) to influence court decisions. Using legal means to solve political problem is not viable in China, and legal professionals are neither capable nor permitted to do so. Fu (2011) calls those Chinese activist lawyers who challenge the state power by mobilizing law to protect and promote rights as political lawyers. They use law as a means of political participation and social activism rather than practicing law.

"Lawyers everywhere are often more interested in making money than in agitating for political reform"(Peerenboom, 2002, p. 565), in China, only a very small circle of human rights lawyers practice law at or near the boundary of what is political permissible (Liebman, 2007, p. 347). According to Stern (2017, p. 234), the number of these human rights lawyers (no matter whether labelled as public interest lawyer, rights defense lawyer, rights protection lawyer, social justice lawyer, dissident lawyer, among others) is about 200 against a backdrop of over 400,000 ordinary lawyers currently practicing in China. They are said to constitute the hardcore legal activists that aim to replace Chinese legal system with a typical Western legal model backed by such ideology as an independent legal profession. Fu and Cullen (2011) also find that a very small, but close-knit, group of rights-protection lawyers have actively used Chinese legal institutions to work against the state in an attempt to overturn the rule of the Party and transform China to a Western style liberal democratic political system. Using a snow-balling sampling method, Fu and Cullen (2011) managed to identify and interview 40 rights protection lawyers all over China between 2006-2009. The results suggest the existence of a radicalization process in which lawyers climb up the ladder from moderate, to critical and radical political lawyering. Givens (2013, p. 103) also finds that politically inclined lawyers only form a fairly small minority, incapable of

appropriately representing ordinary or mainstream lawyers in China. However, the media attention to their activities is far disproportionate to what happens in China's legal profession.

As few lawyers have the motivation to be a human right lawyer, and the lawyers who engage in human rights lawyering often get their licenses revoked. Legal scholars suggest encouraging activists without lawyer's license to bring politics related matter to courts. Based on the in-depth interviews with eleven so-called "barefoot weiquan (rights protecting) lawyers" (i.e. the unlicensed lawyers who challenge China's government using a combination of legal and extra-judicial means, using law only out of necessity), Cheung (2013) suggested that this group of unlicensed lawyers may enhance access to justice in that they are willing to represent vulnerable people from government abuse, an area of legal services which few or no licensed lawyers are willing to supply. Fu (2014, p. 284) suggested that some types of rights lawyers did not constitute lawyering 'before the law', but lawyering against law, which could be "out of step with the more conservative and communitarian political beliefs or the majority of PRC citizens", including legal professionals (Peerenboom, 2002, p. 383). Most Chinese lawyers do not regard the approaches used by radical or dissident lawyers as graceful (Givens, 2013, p. 102). It is on a weak empirical foundation to frame China's lawyers in general as opponents of authoritarian regime and advocates of liberal democracy. Given's (2013) findings are in line with some studies of Chinese lawyers that realize that lawyers may "serve authoritarianism as well as subvert it" (Stern, 2009, p. 113). His findings echo to some extent to Halliday's et al. (1997, p. 2) view on the different types of lawyers:: "both very particular kinds of liberals, for they defined their causes narrowly, and conditional liberals, because on notable occasions they failed altogether to pursue the liberal agenda."

In summary, as China does not adhere to liberal democratic style of the rule of law, legal colonization and government appropriation often collide in China's legal field,

which have been influencing and shaping lawyers' belief of whether to adopt the U.S. style professional independence or that of Chinese style. In the real world, the practice of law in China is bound by China's Lawyer's Law. To avoid unwanted consequences such as losing the license and business opportunity, few lawyers choose human rights lawyering based on the abstract and symbolic Western ideology that is not backed with substantial violence. Without cultural and popular support from the people, the willingness of a group of devoted and respectable lawyers, the model of human rights lawyering, under increasingly strict government control, is not placed in an advantageous position to compete for hegemony in China's legal field unless human rights lawyering is reshaped to fit with the Chinese context.

The news media have played a crucial role in the conflicts between colonizing and appropriating forces. Western journalists' coverage of China's human rights lawyers has contributed to the rise of legal activism as a form of political participation during the last three decades (Pils, 2014), as was pointed out by McMorrow (2010, p. 1099):

> "There are more lessons to learn as bilingual commentators open up the Chinese experience to non-Mandarin speakers. The international press is playing a role by bringing out stories of some of the lawyers who maneuver in this challenging Chinese legal system".

Western legal scholars, alongside journalists, have created knowledge on China's civil rights lawyers. According to Said (1979), this knowledge is also a form of exercising colonial power. The knowledge is regarded as general but does not represent the general situation of lawyering in China as this knowledge is derived from what happens to a tiny portion of the Chinese lawyers. To counter the Western ideology, dominant discourses have been created in Chinese news media as well as academe to provide a Chinese lens through which its legal profession can be understood in a particular way in which the liberalization narratives that cast lawyers as the force for protecting human rights are gradually discredited (Pils, 2014, p. 179). The sections below look at the language use of the UK and China news media in the process of framing the series of

lawyer detention and trial events from July 2015 to June 2018.

Many legal colonists have the faith that China is committed to developing a legal profession on the Western model that constitutes a universally superior way of governance. However, it has not happened that China has really modeled its conception of professionalism on Western legal traditions. The process of professionalization in China is obviously different from those in Western countries (Abel and Lewis, 1989; Lo and Snape, 2005; Abbott, 2014) because of "differences in basic constitutional structures, regime types, cultures, and legal traditions" (Lo and Snape, 2005, p. 437). China has adopt a top-down and constructivist approach to professionalization in which process the government has deliberately designed, created, and developed the profession as an instrument of state rule (Lo and Snape, 2005, p. 437). China has only mimicked the legal profession models of the West very superficially. This means that the legal colonists have successfully exported a crucial rule-of-law institution to China but only in its form. The professionalism on Western legal traditions has never genuinely taken root in the Chinese legal field (Lo and Snape, 2005, p. 434). The Confucian legal tradition and the socialist legality model continue to offer the Chinese legal profession its underpinning assumptions (or frames) from which a strong defense can be built against the external imposition and manipulation by the legal colonists. Chinese legal profession pass on these enduring frames which generations of Chinese lawyers can use as constitutive elements to build their professional identity (Gerring and Barresi, 2009; Barresi, 2013). The next section discusses the professional identity of Chinese lawyers in this complex context.

3.2 The relegated status of knowledge and its altruistic use in the Chinese professional identity

Chinese liberal intellectuals are framed as having actively sought to establish a Chinese

legal system patterned after the Western system (Chen, 1999, p. 18). But the Chinese government wants to build a socialist legal system to establish formal justice (Liu, 2001, p. 1055). One of the bases of the socialist conception of professionalism is framed to be the idea of simplicity and popularity, which denies that "the legal profession involves specialized work grounded in a body of legal knowledge", and pushes the conception of the Chinese legal profession almost antithetical to the Western conception that is based on the complexity and procedural technicality (Lo and Snape, 2005, p. 442).

Many Chinese disputants rely on non-legal channels rather than formal legal proceedings in resolving their disputes (Clark, 2007). Chinese legal sociologist Su (2000) finds that common sense combined with local knowledge is sufficient to resolve a great portion of disputes in China. Disputes are often resolved by negotiation, out-of-court settlements, or simply by ignoring legal problems. The introduction of legal means of dispute resolution does not drive out non-legal means, but only to add a new weapon to the repertoire of dispute handling techniques. Chinese people acknowledge that legal norms, communist and socialist values, and traditional moral principles as equally valid normative sources and draw on them indiscriminately in resolving their disputes. He et. al. (2017) collected courtroom discourses on divorce cases from a suburban trial court in China and examined and compared courtroom discourses leaning toward legal and extra-legal approaches respectively. The results suggest that "a combination of legal and extralegal discourses fares better than the mechanical application of the law and procedure in divorce dispute resolution" (He, Li and Feng, 2017, p. 17). They go further to explain the higher effectiveness of mediatory style over the legalistic style by suggesting that mediatory style seems to fit Chinese culture better, while in contrast, the legalistic style tends to suppress rather than uncover what matters for the litigants.

Mediation is so pervasively used in judicial processes that it is regarded as a hallmark of the Chinese legal system. An official report revealed that over 63 per cent of the

1,332,000 labour disputes in 2012 were settled by mediation (Zhuang and Chen, 2015, p. 381). The mediation rate for closed cases has been set as a significant criterion to assess judges' performance in courts across China (Minzner, 2011). The Chinese judiciary has established a strong tradition of favoring mediation over litigation. Although the same may be true in the West, the purpose of using mediation may be different. According to Burr (2010, p. 29), "disputes are often settled according to what is best for social functioning and interpersonal relationships, rather than in terms of legal rights". Despite often being accused by some commentators as aiming more at defusing conflicts rather than having justice done (Zhuang and Chen, 2015), the state-directed mandatory mediation, for purpose of controlling social conflicts and maintaining stability, remains steadfast, and it is even used in criminal justice in the form of criminal reconciliation (Pei, 2014).

Specialized knowledge beneath the cold, technical language of lawyer advice makes clients feel alienated, spurring them to stay away from legal means. Sole reliance on law has proved to have missed the expectation of people seeking A2J. Liu (2011) tried to support the claim above in a study that looked into the legal advice discourses during 1979-2003 made by lawyers or legal workers in 2077 cases published in the legal-advice column of a popular and influential Chinese magazine *The Journal of Democracy and the Legal System*. Liu (2011) has examined changes in the language lawyers use, legal reasoning, and attitudes in defining and solving problems represented by these cases. The results reveal that access to law was indeed blocked by the codification of law and professionalization of lawyers because of the difficulties in communication between the legal system, legal professionals and the citizen in their daily life. Lawyers have alienated average people from the law by relinquishing moral and therapeutic discourses and adopting the powerful weapon of formal law and legal discourse, in the form of cold and technical legal advice that have become ever more abstract, inferential, and technical (Liu, 2011, p. 234).

Since the focus of justice is problem solving, with law being among many other types of means to disputes resolution, and lawyers being able to monopolize legal knowledge at most, there is an absence of distinction between the roles of lawyers and non-lawyer in dispute resolutions. The lack of a clear distinctions between lawyers and non-lawyers in China (Liebman, 2007, p. 312) compels us to think over the question of how professional identity can be constructed. Chinese consumers of the legal service may not regard knowledge of law as the core of the profession, instead, they focus more on the solution of the problem, even expecting and encouraging lawyers they retain to use non-legal means to handle legal disputes. Lawyers possess esoteric knowledge of law, but they cannot monopolize non-legal means in dispute resolution. The lawyer's role and identity to a large extent depend on the legal culture of the nation the lawyers are in. Like citizens, Chinese governments and courts are also more interested in solving the material problem rather than pursuing the abstract concept of human rights. Under the socialist legality, the lawyer's monopoly of the practicing law gives way to the dispute resolution and the maintaining of stability of the society. China is marching toward a comprehensive modernization in the process of which a large legal profession is believed to be a mark of a developed legal system. China has been pushing for an increased role for lawyers, but that does not mean that non-lawyers are totally excluded from handling the increasing legal disputes between citizens. Similar trends may also show in some Western countries. For example, there are many legal problems (e.g. debt related or social welfare) which are not practiced by the private law firms but by third sector groups such as law centres and Citizens Advice (Carney *et al.*, 2014).

Given that Western model of lawyering and legal culture cannot easily take root in the Chinese legal field, it is not surprising that Chinese lawyers have not developed a professional identity that have prescribed by the West (McMorrow, 2010, p. 1097). A knowledge-based autonomous legal profession can hardly grow out of China's internal civil society. Chinese government believe that legal profession is necessary for developing an advanced legal system to achieve social order in a modern way. So, China

has been importing various legal profession institutions and adapt them to fit the situation in China. Thus, the development of legal profession in China has been a government-led effort. The Chinese government has also constructed an official concept of professionalism for the Chinese lawyers to follow and at the same time to reject the so-called defining identity of lawyers in the West (i.e. to challenge government authorities). On the contrary, the Chinese lawyers are imposed the obligation to assist the government's efforts to rule the country 'according to law' (Liebman, 2007, p. 335).

The Chinese government has created virtually from scratch a legal profession which then has experienced a rapid expansion over the past 40 years. The number of lawyers has rocketed from 212 (Peng, 2014) in 1979 to 2300 in 1980 (Liu, 2001, p. 1069) to over 360,000 in 2018, an appropriate 156 fold increase since the Interim Regulation on Lawyers was adopted in China in 1980. Over the years the role of Chinese lawyers has transformed from a state legal worker to a private practitioner model (Peerenboom, 2002, p. 131). Initially, Chinese lawyers were designed to function as "state legal workers" as provided in the Interim Regulations of the People's Republic of China on Lawyers that was adopted in 1980 (Philipsen, 2009, p. 220). Chinese lawyers were redefined as private practitioners of the law focused on serving their clients rather than as servants of the state. A lawyer is defined in Article 2 of China's Lawyers' Law (ratified in 1996 and amended in 2001, 2007, 2012 and 2017) as: "a practitioner who has obtained a lawyer's practice certificate in accordance with the law and who, by way of accepting an appointment or through designation, provides legal services to a concerned party." Some theorists thought that this role redefinition naturally generates "an ideology of legal service that is committed to the cause of justice for individual clients" (Lo and Snape, 2005, p. 443). That ideology does not emerge automatically, and its success is not guaranteed. This transformation in lawyers' roles has increased the profession's independence from the state thus created a more favorable environment for the development of the profession. However, the profession still falls short of a truly

independent status, since the Ministry of Justice retains a high degree of control (Lo and Snape, 2005, p. 433). The Lawyers' Law also require that the profession should promote the socialist legal order and be faithful to the cause of socialism (Peerenboom, 2002, p. 398). A fundamental conflict of interests seems to have been created between lawyers' loyalty to the state and their loyalty to their clients given lawyers are expected to represent clients as well as the state (Michelson, 2006, p. 10). The healthy development of the profession and the society as a whole thus seems to rely on keeping a balance properly between the governmental instrumentality and professional autonomy (Liu, 2001, p. 1095).

It could be seen that the roles of lawyers in China are very different from, and much more complex, than their roles in Western countries (Philipsen, 2009, p. 22). Some scholars argue that the Chinese legal system is still a work in progress and not fully worked out, and the gap between theory of law and its practice will be eventually filled. Once the gap is filled, a strong legal culture will emerge and create consensus about an independent legal profession (McMorrow, 2010). But other scholars are not as optimistic or naïve. For example, Alford et al. (2007, p. 306) found that Chinese lawyers were unlikely to carry the banner of the rule of law in the Western style. He warned that the West should be aware "the subtle and not always self-conscious ways in which lawyers and law may channel energies for political change into legal avenues, often to the fundamental preservation of the status quo and, not coincidentally, the enrichment of lawyers themselves". The status quo of the Chinese legal profession reveals that legal practice in China reflects at least as much about the enduring salience of socialist institutions as it does about incipient capitalist and "rule of law" institutions (Michelson, 2007, p. 390). This result reveals the Chinese government's efforts to appropriate the Western-style legal institutions and adapt them to fit the Chinese legal tradition and socialist legality so as to modernize its governance of a society lacking a tradition of an independent legal profession. Chinese lawyers have not yet developed a strong professional identity because diverse and sometimes contradicting structural forces

constantly shape and reshape Chinese legal culture the solidification of which is a pre-requisite for the building of a coherent model of lawyering.

3.3. The ethics and regulation of the profession

In China, there are no dilemmas caused by dealing with competing duties that push lawyers in different directions like in common law countries (McMorrow, 2010, p. 1088). Unlike the imagined social contract that govern the relationship between the profession and society and the state in the West, the Lawyers' Law of China explicitly states that Chinese lawyers are subject to the trinity of supervision (McMorrow, 2010, p. 105), as was set out in Article 3: "in legal practice, a lawyer shall subject himself to supervision of the state, society and the parties concerned" (Benton, 2010, p. 220). "Chinese society lacked the tradition of an independent legal profession bound by ethical rules, making ethical training a critical challenge for Chinese law schools" (Conner, 1994, p. 18; Burr, 2010, p. 45). Because of this "low level of training and professionalism of lawyers as well as more general social trends" (Peerenboom, 2002, p. 138), many Chinese lawyers disregard professional ethics. They discuss and think very little the professional framework within which they operate day-to-day (Benton, 2010, p. 211). The code of ethics released by lawyers' associations only have theoretical rather than practical meaning in guiding the actual practices of Chinese lawyers (McMorrow, Liu and van Rooij, 2017). It seems that the code is merely designed to window dress issues. The sources for lawyer conducts include political values (e.g. socialist legality, the primacy of the interests of the state) and traditional ethical values (e.g. a duty of allegiance, keeping one's word, and fiduciary relationships) (McMorrow, 2010, p. 1097). Given that both the political and traditional ethical values between China and the West are hugely different, it is an obviously complicated and daunting work to Westernize China's legal institutions by colonizing a Western-style rule-of-law-based set of rules for lawyers' conduct into Chinese legal field.

In order to seek a balance between the instrumentality and autonomy of the legal profession (Liu, 2001, p. 1095), China's Lawyers' Law stipulated an independent legal profession in theory by providing in Article 16 that lawyers should "pursue independently the practice" under the law, and to exercise a high degree of professional and personal ethics (Liu, 2001, p. 1074). But the room for independence may be more limited in practice than it seems on paper (Philipsen, 2009, p. 23). Despite legislative language that confers the power to practice independently, the profession is subjected to tight political control by governments at all levels (Hung, 2008, p. 243). Lawyers are not treated as independent agents given that they "continued to be subject to the supervision and guidance" of the justice bureaus at various local levels[8] (Liu, 2001, p. 1075; Peerenboom, 2002, p. 349). The Lawyers' Law has designed and established a dual management structure which require that lawyers be regulated and supervised by local justice bureaus as well as by local lawyers' associations, which every lawyer must join (Peerenboom, 2002, p. 354). Both justice bureaus and lawyer associations are responsible for the discipline of the profession. But justice bureaus have enormous impacts on the legal profession because they keep in their hands the responsibility of:

> "administering the bar examination, assessing lawyer's qualifications, issuing practicing certificate to lawyers and business certificates to law firms and conducting the annual renewal review, supervising compliance with professional responsibilities and disciplinary rules, and ultimately disciplining lawyers" (Peerenboom, 2002, p. 355).

The local lawyer associations can regulate lawyers independently only in theory but not in reality because they must follow the Party whose leadership is codified in Article 3 (Chen, 1999; Michelson, 2006; Benton, 2010; Barresi, 2013; Peerenboom, 2015). Furthermore, articles in chapter 5 and 6 of China's Lawyers' Law make it clear that the profession does not have full power of self-regulation. Thus the conclusion can be

[8] Justice bureaus are the local branches of the Ministry of Justice that has a mission to guide and supervise lawyers. Ministry of Justice is a part of State Council of China, which is the executive arm of the Chinese government.

drawn that the Chinese legal profession has almost never enjoyed pure independent self-regulation since its inception in 1979 (Peerenboom, 2002, p. 136; McMorrow, 2010, p. 102). However, it is arguable that the trend is that "the administration of China's lawyers has shifted from sole-judicial administration to professional administration subject to judicial supervision" (Liu, 2001, p. 1094). Furthermore, according to the two-track legal system, the amount of independence that lawyers can exercise from the state to a large extend depends on the areas of law that they practice. Benton (2010, p. 233) finds that "lawyers who are involved in litigation against state organs or criminal defense work are exposed to far more pressure from the government and the Party." It seems that Western ethics apply for private client work; but when it is litigation against the state different rules apply,

The dynamics surrounding the autonomy of the profession, e.g. "the increasing independence of the legal profession from the state, balanced by the ongoing oversight of the government", which was observed by Benton (2010, p. 233), not only shape the evolution of the Chinese lawyer but also reveal the struggles between the Westernization and naturalization forces in the Chinese legal field. How, and to what extent, the profession should be independent thus becoming a recurring theme in the discussion of the transformation of the Chinese legal profession. It was indicated that most Chinese lawyers support China's model of lawyering at the expense of the professional independence at least because it is a way out of trouble and a path to financial success (Alford and Chin, 2002). China needs a legal profession to serve the socialist market economy. Market concepts were ushered into the legal system, which paves the way for the formation of a market-oriented legal profession organized in private law firms that have proactively avail themselves to meet the legal needs[9] of the people and organizations in the market (Liu, 2001, p. 1091). It is found that the Chinese lawyers had developed a client orientation and thought that the legal profession "should be accountable to their clients, society and the state" (Lo and Snape, 2005, p. 452). Law

[9] Legal need arises when an individual needs support to deal with a legal issue (The Law Society and The Legal Service Board, 2020, p. 84)

in China has neither a noble tradition nor a divine origin(Peerenboom, 2002, p. 345), instead, most Chinese lawyers just struggle for survival in a competitive market (Michelson, 2006; Stern, 2009, p. 80). These factors, among others, make Chinese lawyers less respected, autonomous, and independent from the state in China than their Western peers.

The Chinese regulatory regime focuses more on entity management (which some Western countries have begun to adopt, see section 2.3) than on individual lawyers. For example, Article 25 of the Lawyers' Law prohibit individual lawyers from "undertaking business with clients and collecting fees from them, only law firms are allowed to do so" (Philipsen, 2009, p. 224). The local justice bureau thus can regulate individual lawyers through the hands of firms' managing partners because the clients retained the firm rather than its lawyers for the services.

3.4 The organization of lawyers

The legal form of lawyers' organization changes corresponds with the changing role of the lawyers. State-owned law firms were virtually the only organization that employed lawyers before 1988. However, the relaxation of that policy that year led to the creation of cooperative law firms as a new legal form for lawyers to choose to organize into. Cooperative law firms are financially autonomous from the government. In 1993, partnership also became a legal form for lawyer's organization (Peerenboom, 2002, p. 353; Liebman, 2007, p. 315). The Lawyers' Law ratified in 1996 redefined the legal profession as private practice, which then started the privatization of law firms, gradually converting all law firms from state-owned operations to market-oriented private businesses. The increasing multiplicity and complexity of social and economic activities in China drives the legal profession to diversify its business organizations so as to be able to cope with the new situations shaped by such events as China's ascension

to the World Trade Organization; continuous rapid economic growth for decades; the rise to the world second largest country in terms of gross domestic products; massive foreign investment, great achievement in science and technology; and an increasingly cosmopolitan middle class.

It is worth noting that Hainan Province liberalized the legal sector in terms of the law firm organizational from in 2019. It seems like China has used Hainan province to set up a sandbox where organizational forms like ABS and multi-disciplinary practices from the UK can be experimented with (Lu, 2018; Chaisse and Ji, 2020). The details that were provided by the Regulations of the Hainan Special Economic Zone on Lawyers include:

> "In addition to practising lawyers, certified accountants, certified tax agents, certified cost engineers, patent attorneys and other professionals will be permitted to become partners of special general partnership law firms. The number of non-lawyer partners and their total capital contribution, however, may not exceed 25% of the total in either case" (HKTDC, 2019).

The regulation also allows law firms to choose to be organized as corporations with a purpose to increase the scale in terms of number of lawyers and fees earned so as to improve international competitiveness. Under this new regulation, law firms are allowed to do some kinds of business that falls out of the allowed business scope of a law firm, for example, lawyers can now act as investment attractors to introduce investments to the island. The regulation also lowered the capital and other requirements for lawyers to start law firms in various kinds of organizational form. For example, in the past, lawyers needed to have 300,000 Yuan as initiative capital to be eligible to set up a partnership, the new regulation reduces the capital requirement to 100,000.

3.5 A2J and the Chinese model of professionalism

China is marching toward a special version of the rule of law driven by a special combination of political, cultural, historical, economic, social, and technological factors. The transformation of the Chinese legal profession may provide a very good comparison that helps to us to reflect on the future of the legal profession in the world, as the globalization trend may expand China's legal model or its elements to environments that fit them (Pils, 2014). This section discusses how the state of A2J is manipulated and how the manipulation is revealed by different versions of Chinese legal professionalism.

Though most Western countries have moved towards Alternative Dispute Resolution (ADR) in some way since 1970s (Cappelletti and Garth, 1978), an important meaning of A2J relative to the traditional Western legal model still focuses on access to the lawyers who are seen to hold the keys that open or close the gates of the legal system. Accordingly, the unauthorized practice of law is prohibited. The basic assumption of this model is that the practice of law requires esoteric knowledge and the altruistic use of it, which can be done only by professionally accredited lawyers. Moreover, it can be expected that the courts would adjudicate impartially, but research results from the West has shown that in reality, the courts favor the rich and powerful (Galanter, 1974; Grossman, Kritzer and Macaulay, 1999; Kagan, 2019). Serious problems of A2J exist around the globe, even in developed countries that are expected to have the rule of law best practices, as shown in the example:

> "At least 80 percent of the legal needs of the poor and two-thirds of the legal needs of middle-income Americans are not met. Jimmy Carter's 35-year-old observation that '90 percent of our lawyers serve 10 percent of our people' remains true today" (Cooper, 2014, p. 206).

To explore whether the results can be applied to China, He and Su (2013) analyzed

2689 documents of adjudication decisions of cases from Shanghai courts and found the tremendous unequal chances of winning of the litigation between the haves and the have-nots (Galanter, 1974). They argue that the enormous gap in terms of legal representation between the rich and the poor is the most significant aspect in explaining the disparities in chance of winning (He and Su, 2013, p. 133). Those haves can afford using more resources and experiences in the court process, thus they are much more likely to win the litigation (He and Su, 2013, p. 133). Although research (e.g. Gross, 2013) has shown that measurable positive effects that legal representation has on case outcome have indicated that the lawyers are necessities and not luxuries, the high cost of legal proceedings very often prevent individuals from accessing the judicial system (Xing, 2014). To tackle the problem of affordability of counsel in the judicial procedures, China's civil procedural law and administrative procedural law provides that ordinary citizens can represent clients in both civil and administrative suits, in accordance with the procedures and rights to attend court litigation, as stipulated by law (Xing, 2014). Article 13 and 55 of China's Lawyers' Law also state that outside the reserved work for lawyers (i.e. acting as "agent ad litem or defender"), non-lawyers, or uncertified practitioners, can provide legal service but cannot act in the name of lawyer. The uncertified practitioners, particularly those operate in rural areas, are widely referred to as 'barefoot lawyers' (Alford, 1995; Cheung, 2013; Xing, 2014). This Chinese law is in line with the research results of Pearce and Levine (2009) who argued that raising standard of the bar to exclude basic level legal workers and barefoot lawyers cannot promote rule of law and human rights. Only allowing licensed lawyers to act as intermediaries between the legal system and the people may reduce the supply of the legal services. Thus, raising the bar impedes equal justice for all in that it denies A2J for those people who are outside of the privileged elite and who cannot afford the lawyer' services.

Under various alternative legal models, the focus of A2J can be shifted from access to the lawyers, courts, to the access to the services (Liu, 2016). The users of the legal

services can be considered as consumers who should have rights to choose the providers freely. The shift of the focus helps to legitimate the role of non-lawyers in the production and the delivery of the legal services. Taking China as an example, although prolonged efforts of licensed lawyers to combat unqualified legal service providers have persisted in China for the past 100 years (Ng and Pan, 2017), as long as qualified lawyers are unable or unwilling to serve the vast unmet legal needs of poor or moderate-income people, unqualified lawyers, or legal workers, are always ready to supply relatively cheap solutions to dispute resolution. From the perspective of the unqualified lawyers, A2J in China is revealed in a way in which the understanding of the legal needs of the consumers and matching them with affordable and effective services are emphasized more than the legal knowledge and qualification, rules of procedures, code of conduct, and regularity in legal practice. Fu (2012) has found that the less professional tier of legal service providers in China's countryside, the justice assistants from the township justice station[10] and legal workers from legal service firms[11], have defeated the more professional tier, comprising of lawyers from law firms and staff members from government-run legal aid centers in meeting and satisfying legal needs of people in rural China.

A2J, embodied in alternative legal models, can be viewed as access to private mediation and nonprofessional mediation, rather than court adjudications. Like in the West, ADR is endorsed by the A2J movement. The scope of A2J under the traditional Western legal model is more limited than that under the alternative models. Under the old traditional model, if the access to the court is obstructed, then the rule of law is virtually denied. However, under the alternative models, access to various kind of private mediations is regarded as constituting part of A2J, thus, merely blocking access to courts is incapable

[10] Local justice stations constitute part of the Chinese public legal service platforms that were established and maintained by local justice bureau. Public legal service platforms "provide multiple public legal services and products … and they are channels through which "justice departments provide the people with face-to-face service" (Misnistry of Justice, 2017).

[11] Legal service firms in China are partnerships that provide legal services that do not require a lawyer's licence for authorisation. The partners of these firms usually do not have a lawyer's licence.

of blocking A2J altogether.

Indeed, A2J is revealed differently through different versions of legal professionalism with different cultural and political characteristics. Liu (2016) argues that rather than focusing on access to a formal justice system or lawyer support following the old traditional Western legal model, great efforts have been made in China to find easier, affordable, just and equitable ways for people (especially the poor) to have their legal problems settled. The traditional influences are still strong among Chinese citizens who prefer to rely on informal mediation than on the courts for dispute resolution (Howard, 1963; Huang, 1996), which has limited the role of the lawyers, a social group that did not have a good reputation (Bernhardt and Huang, 1994)**.** Following Ewick and Silbey's (1998, p. 28) approach, Diamant et al. (2005) argue that law in China is becoming "a terrain for tactical encounters through which people marshal a variety of resources to achieve strategic goals." Going to court is neither the first nor the best recourse for a great proportion of Chinese people. They are more likely to firstly mobilize other legal avenues of redress, including mediation, negotiation, arbitration and petitioning government officials (Woo and Gallagher, 2011). Legal procedure is regarded the last resort in many situations. As was found by Chan (2017), many disputes get resolved via negotiation or private mediation without entering the legal form such as courts or arbitration in China, but there are no exact statistics on it because such arrangements take place in private. A sizeable portion of a lawyer's job in these situations may be non-legal tasks that lawyers were not trained to do and not competent in doing.

Models of professionalism reflect the way that people at a time and a place manipulate A2J as raw materials. A special kind of discourse on A2J should be created to legitimate each archetypical legal model. Different legal models based on the understanding of the fundamental issue of "law as a business or law as a profession" are also justified by the social, political, and cultural factors. The examination of these models helps us to gain insights about how A2J is manipulated to the benefits of corresponding interest groups

in the legal field. Feinberg (2011) suggests that a more appropriate and advantageous development path for the professionalization of China's law occupation lies in pledging allegiance to business model of legal practice as opposed to pressing on to emulate the traditional Western professional model of lawyering. It is important for China to avoid the liabilities hidden in the traditional Western professionalism while at the same time to enjoy its benefits. An independent legal profession that is capable of resisting interference from the awesome powers of the state should be rooted deeply in pre-conditions of compatible culture settings (Gillespie and Chen, 2010), i.e., "an environment with a strong tradition of encouraging individualism, self-reliance, and suspicion of centralized authority"(Diamant, Lubman and O'Brien, 2005), and a particular body of knowledge that sits well beyond the reach of ordinary people. However, it is better for China to evade this professional model because it is in conflict with a society that lacks a history of individualism, privacy, elitism, and personal autonomy (Diamant, Lubman and O'Brien, 2005, p. 24). Fortunately, it is also viable to practice law as a business where profit seeking purpose and service orientation can be compatible with each other. Feinberg (2011) argues that compared with the professional model or more politicized way of practicing law, the business model of lawyering can best serve the cause of justice that is more compatible with Chinese culture and China's centralized political system that "places the interests of the collective over and above those of the individual, and a social system that abhors elitism, egotism, and self-aggrandizement" (Feinberg, 2011, p. 109). However, the business model of practicing law is gaining ground not just in China, for as Feinberg states (2011, p. 89), "the practice of law in the US is de-professionalizing in significant ways and morphing towards a functioning business model."

It would seem from the above discussion that one characteristic of the Chinese version of professionalism in the personal law sector includes the weak monopolistic power of lawyers and accepted role of non-lawyers in the delivery of legal services. Another characteristic is that Chinese people prefer ADR to the court-centered formal justice,

like ADR is endorsed by the Western A2J movement. These characteristics make legal services in China more easily commercialized than in the Western countries where professional monopolistic powers are much more prohibitive for the emergence of innovative models of professionalism. Law as a business has to follow the laws of business, including those that explain the critical strategical issues of the evolution and revolution of an industry. LegalTech has greatly changed the business of law, and disruptive innovation has been a hot topic in discussing the future of the Chinese legal profession(Li, 2017; Susskind, 2017; Yao, 2019; Thomson Reuters, 2020).

3.6 Chinese Tech-enabled ALSPs and their implications to A2J and professionalism

LegalTech mediates the relationship between lawyers and A2J. On the one hand, LegalTech can boost the efficiency of service delivery, lower the costs, thus expanding A2J. On the other hand, LegalTech can cause disruption to traditional versions of professionalism. Technology enabled alternative legal service providers (ALSPs) have challenged the traditional professionalism in the personal sector of the Chinese legal market. Chinese lawyers serving the personal sector are mostly commission-based lawyers who have loose employment relationships with the firm they work for (i.e. more like contractors who pay 20-30 percent of their revenue as membership fees to the firm, without any base salary) (Michelson, 2006; Yao, 2019). This category of lawyers “eat what you kill” and account for the majority of Chinese lawyer population (Michelson, 2006, p. 10; Yao, 2019, p. 9). However, with the rapid development of the Chinese legal profession in terms of number of lawyers, there is an oversupply of lawyers in the traditional personal law market, which leads to fierce competition for clients and a lack of work and income for a great portion of lawyers serving private clients (Yao, 2019, p. 9). Hence, online portals with various alternative business models have emerged to “match underemployed lawyers with latent, low-end demand for legal

services in China" (Yao, 2019, p. 6). As of April 2017, over 130 online portals with various business models are in operation to provide the public access to the legal services (Yao, 2019, p. 9). These platforms use technology to create and accumulate people's legal demands, thus they have partly solved the lawyer surplus problem in the personal law sector.

The decomposability of the legal service makes it possible for previously field outsiders to act as intermediaries between the consumers and the lawyers (Susskind, 2013; Dzienkowski, 2014). Although some adaptive Chinese law firms "have already started to copy the model and expand their own turf beyond the bricks and mortars" (Li, 2017, p. 116), the new intermediaries have caused disruption to a lot of incumbent firms. The new entrants came most often from the media and information technology sector. Li (2017, p. 115), who studied 130 online service providers, discovered only 25 were founded by law firms, law graduate, or former lawyers. Li (2017, p. 97), contends that some non-lawyer owned Chinese online service providers are actually virtual law firms that pool lawyers with different specialization into a network. Some of the providers even charge the consumers for certain kind of services (e.g. telephone advices) offered on their platforms and then pay the lawyers who actually provide the services. They actually substitute for many incumbent mid-range all-service law firms in organizing the service production and delivery. In the name of acting as intermediaries, these portals have circumvented the current Chinese Lawyers' Law that provides that law firms must be owned by licensed lawyers and organized as a partnership or solo practice (Li, 2017, p. 144). As the current Chinese professional regulatory framework is not so successful in drawing an applicable line between the legal activities that should be conducted by providers with professional titles and those that can be done by ALSPs, Li (2017, p. 153) makes suggestions that "the regulators of China's legal profession could, based on the inspiration of the ABS regime in the UK, introduce an alternative license for these online legal service providers." Li (2019) also calls for the Chinese government to reconsider its "restrictive position on the regulation of law firm legal

form and ownership structure." (Damasceno, 2019, p. 19).

ALSPs may potentially violate other core legal ethics rules but they fall out of the scope of the professional regulations. For example, because some platforms split fees with their contracted lawyers whose share range from 70-90%, "concerns can arise about the neutrality of the portal serving as the intermediary", because these platforms tend to recommend lawyers that are most skillful in closing deals with the highest prices regardless of the lawyers' specialty (Li, 2017, pp. 120, 133). It is also worth noting that the lawyers working for the online platforms suffered the decreased professional autonomy in terms of how they conduct their work (Yao, 2019, p. 6). This is due to intense client and platform controls implemented by platform algorisms (Shapiro, 2018; Wood *et al.*, 2019a). For example, it is found that platforms that are not lawyer organization themselves monitor the quality of services delivered by the platform lawyers to their customers:

> "Pocket Lawyer imposes a whole set of code of conducts on its lawyers, such as the effective duration of the call, number of mandatory callbacks, the timeframe during which the service must be rendered, etc." (Li, 2017, p. 119).

It seems that the lawyers suffer platform control exerted through the platform's unilateral requirements and standards on lawyers' conduct. Platform lawyers are also more prone to be subjected to client control. Yao (2019) argues that the client's control that come through the quantitative rating with a one-to-five scale and a qualitative evaluation of the lawyers on the platform have pressured the lawyers to accommodate client's preference which can lead to the violation of professional ethics.

Some ALSPs cause disruption to the personal sector of the Chinese legal market. Yao (2019, p. 17) asserts that "digital legal market is not yet imposing a significant influence on the traditional legal market", and that "there has been little disruption to the traditional legal market to this date (Yao, 2019, p. 20). However, platforms, which can

be viewed as a lead generation mechanism, are highly valuable to law firms and lawyers because who control the leads control the market. Before the advent of the internet intermediaries, lawyers had to rely on offline connectedness, or their social embeddedness (Granovetter, 1985; Wood *et al.*, 2019b) to develop business, and clients also prefer to find lawyers from personal sources that they trust. Building social embeddedness together with the professional reputation needs a long time. With the help of the internet technology, some legal platforms can bring the clients immediately before the entry level lawyers, thus at least giving young lawyers an opportunity to break up the monopoly of the market by senior lawyers. By freeing lawyers from social embeddedness or connectedness and facilitating them to go to the Internet, the innovative providers help the lawyers drive down the costs of lead generation and reduce the demands for lawyers' sophisticated social skills in the process of business development. Hence, the ALSPs change the existential state of the lawyers and small firms in China by offering a reliable source of potential clients, as was said:

> "The core value of online work for lawyers' personal development was primarily from the opportunity to work on a significant number of cases within a short period of time. The large case volume quickly familiarized them with a broad scope of legal knowledge and broadened their experience in different categories of legal issues. It also increased their abilities to deal with different clients" (Yao, 2019, p. 18).

Users that seek advice on these platforms can be viewed as leads that need further treatment, which have the potential to be turned from the simple advice to the services with higher values such as litigation, negotiation, mediation, or advocate services. But leads would not change to cases automatically. Lawyers, if they act as sole traders, will find themselves in a disadvantageous place compared to lawyers who are members of a well-organized firms. In this researcher's personal experience, firms can unpack the whole value chain of the service (e.g., leads generation, client interview, and service delivery) and assign the jobs at each step of the chain to a specialized group of people. The specialization increases efficiency and sometimes even improves service quality.

In comparison, sole traders have to carry out all steps all on their own. The firms that are like streamlined mills of the legal services, with their higher efficiency, become the preferred choice of the platforms, thus increasingly crowding out sole traders. Though the platforms have to sign contracts with lawyers according to the regulation, in reality the lawyers are the contract party in name only. The firm is the *de facto* contract party. The lawyers may appear to be sole traders on the platform, but in reality, they are just one part of the whole value chain of the legal services offered by a firm, together with other non-lawyers who are responsible for such work as lead generation, and even client interviews. Even sole traders have to hire paralegals to form a team to avoid being driven out of the platforms because of their inability in converting enquiries on the platform to deals. But a sole trader that forms a team is more like a small firm. The core capacity for the firms to gain competitive advantage over their rival firms become the ability to sift from large volume of leads to get a large volume of valuable cases. This core capacity, combined with the platforms' core capacity of attracting legal leads to the sites, surely will disrupt the personal sector of the legal profession by facilitating the law firms to change their business models, governance structures, and operation processes, resulting in being transferred out of recognition through the lens of the traditional professionalism.

It is found that non-lawyers in China drive "the new generation of internet-based legal service which provide an effective alternative to improve access to justice" (Damasceno, 2019, p. 19). The Chinese ALSPs, have improved A2J not only in the sense that they broaden the information sources for people to seek legal help, but also in the sense that they offer an extra channel for "*comparing potentially useful information*" (Li, 2017, p. 97). Shopping around online is cheaper than shopping around by visiting many physical law firms in person, thus the services offered on the platforms are more affordable than those that are marketed in traditional ways.

Chapter 4 LegalTech, A2J, and the Disruptive Innovation

Legal service providers have been applying technologies in their production to make the services more efficient, effective, and accessible (Brescia *et al.*, 2014; Susskind and Susskind, 2015; Cohen, 2017; Qian *et al.*, 2019). However, the introduction of technologies to the field has complicated the state of the law, legal services, A2J, and the existential state of the legal profession (Cabral *et al.*, 2012; Brescia *et al.*, 2014; Cooper, 2014; McCauley, 2016). The study of LegalTech should focus on not only the material aspect of technology and its contribution to the improvement of efficiency in the service delivery, but also its "various social, temporal, political, economic, and cultural contexts" (Boczkowski and Lievrouw, 2008, p. 952). Researchers lose sight of an intellectual landscape shaped by critical thinking on the relationship between technology and law if they just focus on technologies, media formats, and material aspects. Critical sociological analysis of LegalTech is concerned with the changing relations among social structures and agents in the legal field rather than technology itself. That said, this chapter draws on ideas from the socio-technical approach of science and technology studies that concerns the character of technology and its relationship to society (Hackett *et al.*, 2008; Franssen, Lokhorst and van de Poel, 2018). This thesis considers the social aspects of LegalTech as a way of revealing how law, legal services, and the legal profession are through the lens of the hegemonic struggles over the legitimate models of professionalism among the relevant social groups who strive to gain advantageous places in the legal field.

This research draws inspirations from mediation theory to approach technologies (Verbeek, 2015). Mediation theory is rooted in phenomenology that attempts to overcome the subject-object dichotomy by focusing on the relationship between subjects and objects. Phenomenology has two dimensions: a hermeneutic dimension that focuses on the way in which reality is interpreted and thus presented for human

beings, and an existential dimension that focus on how human beings are present in the world and live their lives as existential beings (Verbeek, 2015; Franssen, Lokhorst and van de Poel, 2018). Post-phenomenology goes a step further by claiming that human beings and the world constitute and co-shape each other. Both reality and humans arise in relations that are mediated by technologies. Thus, in post-phenomenology, technologies help shape how we are humans (our existence) and what the world means to us (interpretation of the world or our experience of the world). Mediation theory is post-phenomenological in that it approaches technologies as mediators of human-world relations that have a hermeneutic as well as an existential dimension.

A hermeneutic-phenomenological approach to LegalTech is concerned with interpretation and focus on the question of how A2J is there for service providers. This approach therefore entails analysing the role LegalTech plays in the way in which the state of A2J is interpreted and thus present for legal service providers. This means it takes the perspective as the A2J and legal services as the point of departure, focusing on how technology helps to shape meanings and interpretations about them. LegalTech in fact represents a way of understanding A2J. LegalTech help shape the way in which service providers conceptualize the reality of A2J (or how the reality on A2J is presented to service producers), not only how they perceive the reality, but also how they interpret it. This analytical approach is of particular relevance to this study because it requires the researcher to reflect and reach the human interests behind technology, enabling a critical knowledge of the LegalTech through the lens of the hegemonic struggles among social groups both within and outside the legal profession.

An existential-phenomenological approach to LegalTech means to focus on how to understand the role LegalTech plays in way in which the structure of the existence of service providers takes shape and transforms. This approach takes the perspective of the legal service producers as the point of departure. LegalTech can be a threat to the incumbent service producers because it breaks the professional monopoly, thus largely

reduced the living space for traditional professionalism. Various social groups embrace or impede the adoption of LegalTech in the service provision (The Law Society, 2017; Henderson, 2018). The resistance and capture of the technology are both representations of the social groups that strives for a good place in the field.

Mediation theory maintains that technologies help to shape human knowledge as well as practices, and to constitute both humans and their environments. Mediation theory is useful in the sense that it provides us a way to thinking about LegalTech that combine both the hermeneutic and existential approaches. Emerging legal technologies can challenge the ways in which we need to understand the relations between the legal professionals and the state of the A2J, and they can organize all kinds of new possibilities between professionals on the one hand and A2J on the other hand. It is useful to take into account the two dimensions of this professional-A2J relation. On the one hand, there is the dimension of knowledge (or theory): how we perceive and interpret LegalTech that is embodied in the modes of service provision through the lens (or the frame) of A2J. On the other hand, there is the dimension of practice: how we understand the service providers are there in the service production environment and how they have evolved to be the service providers through the lens of the innovative technology.

Mediation theory can help us out of simply relying on one of the two school of thoughts that are often invoked to understand the relationship between technology and law: technological determinism (which presumes that technical forces determine social and culture change) and social construction (which believes that social and culture forces determine technical change)(Hughes, 1994). Mediation theory integrated the perspectives of technological determinism and social construction. On the one hand, it can be inferred from mediation theory that models of professionalism shape and are reshaped by technology. On the other hand, technology can shape or be reshaped by models of professionalism. However, applying technology momentum theory proposed

by Hughes (Hughes, 1987, 1994, p. 148), as they grow larger and more complex, it could be drawn that LegalTech systems tend to be more shaping of professionalism and less shaped by it.

The first section of this chapter discusses how the LegalTech can be viewed as a way of revealing our knowledge of the law, legal services, and the A2J, the understanding of which are shaped by social struggles between various interest groups within and outside the profession at the time when and the place where the struggles happen. The remaining sections shift the attention to the lawyer's existential crisis caused by LegalTech and how it has transformed the professional identity, organization, and regulation. It is suggested that interest groups both within and outside the profession have struggled to legitimate their models of professionalism to persuade and influence various types of players in the legal field. It is this hegemonic struggle that drives the development of LegalTech as well as the transformation of professionalism. However, legal technologies as tools for the production and delivery of legal services also influence our thoughts on the legitimacy of various models of professionalism. According to Boczkowski and Lievrouw (2008, p. 958), the understanding of LegalTech can occur in two ways: first, through philosophical reflection and critical analysis of the implications of the technologies, which is the approach this chapter takes; second, through detailed empirical research concerning the discursive construction of LegalTech, which constitute the major tasks to be carried out in Chapter 7. Here the use of two different methodologies comes close to some form of triangulation.

4.1 LegalTech as a way of revealing law, legal services and A2J

In considering the relationship between technology and law, some scholars tend to focus on technologies, media formats, and material aspects of legal communication. For example, extensive literature framed four distinctive and successive historical stages of

law depending on forms of communication: oral law, written law (manuscript), printed law, and digitized law (Katsh, 1989, 1995; Ross, 2002; Susskind, 2008, 2013; Susskind and Susskind, 2015). The emergence and spread of each form of media, which Susskind (2008, p. 11) termed as "information substructure in society", has brought essential changes in legal doctrines, legal institutions, legal values and attitudes about law, and "determines to a large extent the quantity of our law, the complexity of our law, the regularity with which our law can change, and those who are able to advise upon it and be knowledgeable about it" (Susskind, 2008, p. 11). For example, printing technology makes it possible to transmit one standard version of a case which is commonly used for citation and elaboration by more and more lawyers. In doing so, printing has forced the judges and "elderly eminences" (the senior lawyers with high attainment) out of their advantageous places in the legal field because the profession no longer need to rely on their notes and memories as the repository of law (Ross, 2002, p. 641). Therefore, printing has greatly contributed to the making of modern legal order and has continue to be a prominent influence upon it (Katsh, 1989). Now it is the turn for digitized law to bring in a new revolution in similar way that printing did previously, as Susskind (2008, p. 17) pointed out in 1996 that we were then in a transition phase between the print law and digitized law.

There are other scholars who water down the role of the information communication media in the revolution of law by suggesting that the technology does so "not as an isolated cause but in conjunction with other factors, so that the cause can be understood as a combination of interacting forces"(Ross, 2002, p. 664). Ross (2002) sets technology as one among many independent variables and legal profession as dependent variable and seeks to discover the causal mechanisms that lead to the creation of new features of law. But the question of why the technology is there at the first place is exogenous to Ross' model. The technology reveals how groups of people interact with the world around them. Applying Heidegger' (1977) hermeneutic approach to technology that suggests that technology mediates our relationship with the world, this

thesis analyses how LegalTech can be understood as different ways of revealing what the law and legal service are. This thesis posits that LegalTech cannot be simply viewed as a given exogenous variable but is endogenous to the struggles among various interest group to control the law, legal services, and the legal profession.

Heidegger (1977, p. 12) understood technology not as an instrument, but as "a way of revealing", which means "to discover" (i.e., uncover what was covered over), a way of understanding the world. According to Heidegger, there is no absolute reality (or reality "in itself") that human beings can identify in all times and all cultures. Although reality-in-itself is inaccessible to human beings, we can have consciousness of the reality relative to our culture. Technology embodies a specific way of perceiving and thinking about the world, in which process humans take power over reality. Thus, the reality of legal services and the equal access to them can be understood by examining the media technology through which they manifest themselves. Different technologies provide different frames through which legal services are understood. The dominant media today is the Internet, which is a digital network that has evolved towards "an assemblage of data and infrastructures that permeate all aspects of everyday life" (Graham and Dutton, 2014, p. 11), and law cannot keep away from this changing environment. The Internet makes a network of legal information as well as a network of people (Gillmor, 2006; Madison, 2003; O'Reilly, 2005). The datafication of both the law as a system of knowledge and the law as social interactions among people have changed the situation of legal services and A2J. The foundational condition of legal services is the availability of the legal knowledge and access to lawyers, both of which LegalTech can make changes to by making knowledge of the law and the lawyers more widely available.

The improved availability of online legal information was initially widely acclaimed as having widened the A2J especially for ordinary people. For example, China's Network Justice project has made information of law available to everybody (Liebman and Wu,

2007). The ubiquity of legal information makes Chinese people believe that law is of an objective and transparent technical nature (Liebman and Wu, 2007). Indeed, online legal information distribution help to improve the access to legal information for low-and-moderate income people. One of the hurdles to A2J (Cappelletti and Garth, 1978) which LegalTech would seem to overcome is 'legal literacy' (understanding a person's rights). For example, self-help material and community legal education information published online for open use make it much easier for low income people to understand their rights and duties (Gordon, 2001). People also use the internet instead of an old-fashion telephone directory to find a lawyer. According to the *Journal of the American Bar Association* (Li, 2014), using the Web first is now the most popular way of finding a lawyer (38% vs 29% who would ask a friend or relative first). Research also suggests that 76% of adults look to the internet to hire an attorney in the United States (Trebora Media, 2017). Statistics from the English and Welsh Civil and Social Justice Panel Survey show that the use of internet to help resolve legal problems continue to rise, for example, people solved only 4% of their legal problem using the internet in 2002 but that figure rose to 24% in 2012 (Pleasence, Balmer and Denvir, 2015).

However, gaining legal information and knowledge is one thing, receiving legal advice is completely another. If law is regarded as a rule-based system (Hart, 1994), then it follows that machine empower the citizens by offering them knowledge of rules necessary for use in a legal reasoning process. In this sense, machines can deliver legal knowledge substituting human lawyers and doing better than them, thus contributing to the improvement of A2J. There is one caveat that unless the explanation of the law is simplified into a means which the layperson can understand wider legal information, it does not necessarily provide the armoury to take on the other side in a legal dispute. However, computer programmes can provide competent legal reasoning service in easy cases. For example, Remus and Levy (2017, p. 43) find that online dispute programs have been developed to resolve "small stakes ecommerce issues for which it would not be economically feasible to hire a lawyer and litigate", and expert systems are used to

"cover aspects of tax compliance to clients who otherwise might not consult a lawyer". Cooper (2014) and Tremblay (2017) also recommends using technology to widen A2J by raising the example of Legal Zoom that harness machine intelligence to generate a wide variety of legal forms at a relatively low price. Of course, such forms (and letters) deal with the common (or standard) problems, and it is questionable whether they are capable of dealing with unique or non-standard situations. Moreover, for hard cases, because black letter laws are often indeterminate, the way to find laws for these cases is through an interpretation process, in which legal, political, moral principles, among others (Dworkin, 1978, 1986), are weighted for reaching an outcome and coming to a decision. Without lawyers' sharing of their professional expertise, individuals are prone to the bias of bending law for their own interests. Individual clients often weave the selected facts from their perspective into a case that support their position. They tend not to concern themselves with theory (or the interpretation of law).

Unlike some cautious opinions on the implications of LegalTech to the availability of legal information, legal reasoning, and lawyer's human services, Richard Susskind is more optimistic and argued for a positive relationship between LegalTech and A2J from the point of view of a different taxonomy of legal service and the nature of market segments. Better A2J should focus not only on dispute resolution, but also on what Susskind calls problem recognition, adviser selection, dispute avoidance, and legal health problems, all of which constitute a full range of legal tools and facilities (Susskind, 2008, pp. 95 and 237). This concept of A2J can be rooted back to the original Florence Project on Access to Justice where Garth and Cappeletti (1978) recognized a variety of barriers to access to justice including access to lawyers, and awareness of legal rights (also see Chapter 1 for the definition of A2J). To continue to turn a blind eye to citizens' legal needs other than dispute resolutions is legal exclusion, which have caused a grave social problem called A2J gap. On the contrary, with a wider view in our pursuit of justice, a legal system has more to offer than that under the traditional narrow concept of legal service that is reactive in nature. Widening A2J, in a sense,

means “offering access to the opportunities that the law creates” (Susskind, 2008, p. 232). Thus, A2J has various dimensions other than dispute resolution. For example, the inability to recognize that their legal matters are significant may block the individuals’ A2J. Once an individual recognizes his rights, he may avoid situations in which they are infringed, or draw attention to infringement before it necessitates resolution of the dispute by a third party. Furthermore, even if individuals recognize the merit of their cases, their incompetence in selecting the best sources of legal guidance (e.g., finding best suitable lawyers) may block their A2J. Online legal resources and other legal technologies supercharge some individuals to take care of some of their legal affairs on their own. These types of LegalTech have made law available to citizens who otherwise had no affordable source of legal assistance. Costs is a major barrier to A2J (Cappelletti and Garth, 1978). Besides penetrating into the previously unserved legal market or what Susskind (2013, p. 100) called the “latent market”, LegalTech delivers these types of services at affordable costs, thus helping close the justice gap.

By presupposing that ordinary people may have good legal reasoning skills, Susskind (2008, 2013) has argued that LegalTech liberates the latent legal markets in which individuals’ legal needs would not met otherwise. However, Remus and Levy (2017, p. 72) argued that “it is not at all clear whether these services are tapping into a latent market of previously unserved individuals or taking business away from lawyers.” Lawyers mediate between law and clients in terms of providing legal reasoning service for them (Blackman, 2013). If an algorithm is capable of answering clients’ questions, then clients can bypass the lawyer, thus solving the seemingly unsolvable problem of A2J but without the lawyers (Liu, 2011; Cooper, 2014). But there may be a third way to look at this. Routine matters can be dealt with by the algorithms and when the algorithms cannot deal with the problem, they will be referred to a real lawyer. Under the reductionist view, even the legal reasoning cannot be entirely automated by algorithm, and human lawyers are needed under certain more difficult circumstances, algorithms still contribute to making A2J more widely available than before.

It would be drawn from the above analysis that under the mediation of the technology, legal services are conceptualized as decomposable, containing at least the information elements, reasoning elements, and human experience elements. One alternative meaning to A2J which LegalTech would in theory seem to have addressed is "legal literacy" (understanding a person's rights). In addition, LegalTech has created new categories of services that meet the citizen's legal needs, for example, DoNotPay has created a new market of contesting parking ticket using chatbot technology (DoNotPay, 2020). Technology thus has changed the way that we understand legal services, and in turn, transformed our thoughts on what A2J is.

However, the above analysis takes a legal and technological perspective. Limiting the A2J to the technical level by positing legal service providers as experts of the legal system following the traditional knowledge centred model of professionalism hides the question of for whose interests the different conceptualizations of the A2J serve. LegalTech is more than instruments of legal services and A2J, and people do not decide completely on their own how they understand the world around them, after all, they were thrown into a specific age where there are already frameworks of interpretation in place which they have not chosen by themselves. Therefore, knowledge of the reality of legal services and A2J is not given in the same way in all times and all cultures, they may well be temporal in extent. When legal aid was widely available in the UK before 1985, individuals probably had a better understanding of how to assert their rights, and what their rights were in an amorphous sort of way, but since then this awareness has been altered and there are new rights (some widely known, some not so). Our consciousness of A2J is not something absolute that we can know once and for all, it exists only relatively in the hegemonical struggles fought among relevant social groups who strive to legitimate their definition of legal services and the A2J. The concept of A2J is relative to a society's technological infrastructure of the time. Individuals can only approach the version of the reality of A2J from the perspective created by the

society's controlling and dominant media and information technological infrastructure.

Consumers that praise LegalTech can serve as an example of how the conceptualization of legal services can be determined by competitions between opposing interests. It is argued the asymmetry of legal knowledge between the professionals and the laypeople is used to maintain lawyer' monopoly over the provision of legal services. The new communication media makes legal knowledge readily available to laymen, making knowledge of law less esoteric. This demystifying process will obscure the definition of what distinctive knowledge lawyers have and bring into question what they are uniquely qualified to know. A more porous boundary between professionals and laymen in terms of special form of language has a dire consequence for conventional professionalism to hold on to the monopoly of knowledge and the production of services, as explicated by Katsh (1989, p. 226): "The legal profession needs clarity in terms of what law is in order to justify the exclusion of nonlawyers from the edifice of the law." If it is more difficult to delineate lawyers' unique knowledge in the future, there are less justifications for granting lawyers a monopoly. It could seem that in the era when serious A2J problems persist, consumers also have interests if legal services can be redefined with more focus on the legal information rather than the titles of the providers. By adopting certain new kinds of legal technologies that empower laypeople as well as non-lawyer practitioners to practice law on their own without help from lawyers, technology has actually reconceptualized what legal services and A2J are in some new way.

A particular LegalTech, for example, the document automation (i.e. the design of systems and workflows that assist in the creation of electronic documents) (Pesochinsky, 2019), is not simply a technology, but it organizes how consumers as well as legal professionals perceive law and experience legal services, as well as the new norms and rules that regulate the conducts of the producers and their identities. It even changes the relationship between the producers and the receivers of the legal service, namely, from

attorney-client relationship to transaction relationship. In doing so, technologies such as document automation are not even just in the middle, between users and the legal services as products. In fact, the technologies help to shape who the users are and what the product is for the users. Document automations change how consumers evaluate the esoteric nature of the knowledge that is said to be possessed only by the lawyers and the necessity of professional altruism in the use of it. Certain standardization or routinization methods which were once the preserve of law firms (e.g., using templates letters/claim form and boiler plate agreements) are now available to laypeople without the need to employ a lawyer. This is also an example of technical mediation.

Our knowledge of the reality of the law, legal services and A2J is "revealed" in various specific ways that are embedded in the special technological application. Technology possibilities at any given time and place constitute the way of understanding for the people in that place, an unveiling in which interest groups take power over reality by imposing frames for the understanding of it. Technology reveals A2J as raw material, available for production and manipulation. Therefore, A2J is understood and defined differently, and these differences are embodied in different models of professionalism adhered by different interest groups in the field. These models are only possible in the technological media environment, as well as in the historical conjuncture of the local political and legal culture. For example, the Welfare State in Western societies used to regard A2J as "the device through which communities could provide law as a public good, after having provided shelter, healthcare and education to the needed"(Mattei, 2007, p. 2). However, with the demise of welfare model and the ascent of the neo-liberal model initiated by the so-called Reagan-Thatcher revolution, A2J has privatized as much as possible, resulting in the emergence of mixed public and private A2J paradigm, under which the key factors used to define an effective A2J model become the access, institutions involved, structure of procedure, and Legal Aid Programs (Cappelletti and Garth, 1978; Mattei, 2007). The path to justice has been changed. The impact of neo-liberalism has probably been a reduction of direct state support for litigation; an

emphasis on new ways of getting law firms interested in the old 'welfare/personal law' claims (or at least some of them); and an encouragement of ADR. It is arguable that the change of balance of paths to justice transforms the concept of the A2J, reflecting the struggles between different interest groups who have strived to impose their model of A2J to society (Hanlon, 1998, p. 181). But it is also arguable that the changing technological environments of law, from print media to digital media and the internet, create a necessary mediation condition for generating the new understandings of the meaning of A2J. This section has discussed how the technology can be a way to reveal the law, legal services, and A2J as conflicting human interests. The next section mainly concerns the implication of the technology to the existential state of the legal profession.

4.2 LegalTech and the changing professional identity

Karl Jaspers (1957) had developed an existential philosophy of technology that focuses on how technology, as an independent power which was created by human beings, has turned against them and transformed human society. It is useful to see through Jaspers' (1931) lens, that the emerging models of professionalism are the by-products of the close interaction between technological development in the legal field and the serious problem of A2J. However, interest groups manipulate the state of A2J to fight for the hegemonic position in the legal field. For example, in the personal law sector, ALSPs and traditional lawyers are jockeying for power in the Chinese legal field (Li, 2017; Yao, 2019). The technology is a representation and embodiment of these struggles. It is arguable that the existence of a growing number of legal service providers become utterly dependent on their ability to fit with the new media and technology environments which have been created by the hegemonic struggles. Tomorrow's legal service sector needs new institutional arrangements and new types of legal professionalism in order to keep functioning. The effects of the technological transformation in the legal sector in a sense prevents the lawyers from being present as

bearing specialized knowledge and altruistic use of it to justify professional self-regulation, and from the understanding of the authentic identities of lawyers and their clients, as they did before. This section discusses the impacts of technology on the professional identity.

LegalTech has endowed citizens with different ways to access specialist knowledge, this has profoundly changed lawyer roles, causing angst in terms of whether the profession have the chance to continue to the future, as the machine may take its place (Kritzer, 1999; Susskind, 2008; Campbell, 2016b). Traditional professionalism presupposes that only lawyers have specialized form of knowledge (e.g., an understanding of statute, case law, and standard practice) that is inaccessible to most lay people. Lacking this esoteric knowledge, ordinary people must rely on lawyers to manage, interpret, and apply the law. Thus, a lawyer becomes an information broker who receive, store and make available law or government regulations to clients (Friedman, 1989, p. 3), which suggests that lawyers mediate between the law and the people. However, LegalTech has democratized legal knowledge in the sense that they make it accessible to everyone. For example, today, citizens can find out easily and quickly what their legal entitlements are without the intermediary of lawyers in many situations (Susskind, 2008, p. 18). As the technology advancement has eroded the core of the traditional professionalism (i.e. the arcane knowledge), Susskind (2008, p. 284) boldly predicted that lawyers may lose their role of "the dominant interface" between the law and people, thus announcing the death of the lawyers. This prediction is reasserted by Susskind and Susskind (2015, p. 2): "increasingly capable machines, operating on their own or with non-specialist users" will incrementally transform how legal services are produced and distributed, and lead "eventually to a dismantling of the traditional professions".

Traditional models of professionalism can defend themselves by suggesting that information constitute just some elements of legal services. Under a reductionist view,

legal services can be divided to such sub-processes as legal information communication, legal reasoning, and human interactions. Legal reasoning usually involves the processing of information. However, only some information processing tasks that can be modelled in a set of instructions can be automated by computers. Other information processing tasks, "like advising clients, writing legal briefs, negotiating and appearing in court" (Lohr, 2017; Sahota, 2019), are unstructured and cannot be automated by computers. Remus and Levy (2017) examined "the near term capabilities of computers to automate various categories of lawyering tasks" and concluded that computers could automate those lawyer tasks that are "structured" or "routine." Remus (2013, p. 1708) pointed out a great change in lawyers' work settings: "under a predictive-coding approach to discovery, tasks that once fell within the exclusive domain of lawyers are now delegated to distributed networks of computers, lawyers, and technology specialists". However, under the reductionist view, lawyers are not replaced by machines, but they use computers as tools to *"complement, for example in filtering likely irrelevant data to help make an attorney more efficient*" (Surden, 2014, p. 101). Computers powered by artificial intelligence, particularly machine learning, do not think and reason like lawyers, instead, they are designed to apply statistical and other heuristic-based automated assessment of data to predict the likelihood of certain outcome with an acceptable level of accuracy. Such computational approaches to automation, though limited in its ability to deal with legal matters that are complex, nuanced, or with too many considerations, are not for the purpose of reducing advice to prediction because that would eliminate a core function lawyering, that is, counselling compliance with the law. AI is incapable of this core function at least at the current stage, and certain parts of the profession are not so active in facilitating LegalTech to take this role (Susskind and Susskind, 2015).

Lawyering tasks involve both information processing and human practices (e.g., to understand a client's situation, goals, and interests). Effective lawyering skills are based on trust rather than simply legal knowledge and prediction. Lawyers are the trust

advisors who owe their clients a fiduciary duty that make the trustworthiness of the professionals an indispensable feature of legal services (Green, Galford and Maister, 2001). The altruistic use of the specialist knowledge is set as the highest ethical ideal that motivates lawyers' behaviours (Boccaccini, Boothby and Brodsky, 2002). Clients' dissatisfaction with attorney-client relationship arise when they do not feel that the attorney cares about what happened to them. Critical to making this lawyering skill effective is its social interaction nature, rather than its information or knowledge nature. Although computers do well in legal information processing, they are still very weak in areas of client counselling and interactions with third parties. "The vast majority of a lawyer's personal interactions …… continue to require spontaneity, unstructured communication, and emotional intelligence", writes Remus and Levy (2017, p. 33), and yet, "the field of affective computing is nowhere near enabling computers to foster, recognize, and respond to the full range of human emotions."

Following a reductionist view on the automation of legal service, those tasks that can be automated can be trusted to the machines, while those cannot be done by machines can be reserved for lawyers. In comparison, under a contextualist view, the practicing of law is so complex that it exceeds the capability boundaries of current technologies, because a lawyer is assumed to understand a client as a whole person and represents around the clients' values. The lawyers' role and their relationship with clients suggest that legal counsel cannot be reduced to information processing. Kruse (2010) argues that the lawyer's role cannot be trimmed to just a hired gun, or the zealous partisanship, of their client, because the hired gun hypothesis is implicitly based on a philosophical assumption that clients are interested only in maximizing their legal and financial interests. This assumption is not in congruence with the reality that clients are "whole persons whose legal issues often come deeply intertwined with other concerns, relationships, loyalties, hopes, uncertainties, fears, doubts, and values."(Kruse, 2010, p. 100). As such, lawyers should not simply treat their clients as walking bundles of legal rights and interests, and then zealously pursue the maximization of these interests for

their clients. Instead, lawyers should attempt to actually represent their clients, and shape representation around values of clients. To do that lawyers have to take into consideration their clients' other cares, commitments, relationship, reputation, which at present only a human being can do, because machines usually rely on human beings to set a purpose for them. For example, in a family law case involving custody of a child or division of property, a computer driven programme may seek to maximize the control the party has over the child or maximize the financial settlement they receive, and would not be able to take into account the non-monetary values such as trying to keep on the best terms with the other side or doing what is best for the child. By marginalizing the information component and centralizing the human interaction components of a lawyer's function, traditional models of professionalism argue that lawyers deserve the reserved work to strive and to fend off the invasion of outside social groups into the legal field with the help of the technology. It could be seen that this line of arguments challenges the belief of the transformative forces emanated from the sweeping digitized law by collapsing systematic legal knowledge into its use as a service, sacrificing the esoteric nature of the knowledge per se on the one hand, while on the other hand salvaging conventional legal professionalism from the threat of disruptive LegalTech. After all the lawyer's human interactions with the clients cannot be replaced by machines, thus lawyers should be an indispensable part in the delivery of a sizable types of legal services.

Facilitated by LegalTech, some models of professionalism have shifted their base of professional identity from knowledge to consumers and technology. At the core of the traditional professionalism sits the legal knowledge that is embodied in lawyers who sell it in the form of billable hours. Partners leverage the time and expertise of associates to maximize profits. The conventional legal model is labour intensive while some alternative legal models are technology intensive. These alternative models do not centre on the legal expertise per se, but shift the attention to the delivery model "which means the effective deployment of expertise, technology, and processes that are used to

solve a client's problems, as well as the effective and efficient delivery of services" (Qian *et al.,* 2019, p. 1024). In congruence with the transformation from knowledge centric to the human centric, Margaret Hagan of Stanford's Open Law Lab initiated a legal design project, in which the assessing and creation of legal services are conceptualized in a human centred way that focus on "how usable, useful, and engaging these services are" (Smith, 2014, p. 20). LegalTech business models have become consumer-centric, transparent, affordable, predictable, and easily accessible" (Qian *et al.,* 2019, p. 1024).

The outside social groups (e.g., LegalTech firms, public interest groups, outside investors, consumers, etc) behind LegalTech do not aim to drive the traditional legal profession totally out of the legal field, and some incumbent factions within the legal profession need LegalTech to cut the costs of their service provision and alleviate the problem of A2J. However, the use of technology in service provisions has changed the existential state of the legal profession just like the car has changed people's life. Traditionally, legal matters (e.g., deals, disputes, or advisory work) are often handled in a bespoke and hand-crafted manner based on the assumption that the legal work is constituted by the indivisible and monolithic blocks. The digitization of law, internet technologies, and artificial intelligence have made legal work decomposable into constituent tasks, process, and activities. For example, the litigation work can be decomposed to: document review, legal research, project management, litigation support, disclosure, strategy, tactics, negotiation, advocacy (Susskind, 2013, p. 34). The decomposability of legal work has given rise to re-engineering as well as legal design mindset that is beyond the imagination of traditional model of lawyering. Thus LegalTech enables us to follow Ford's innovation in using the assembly line to break down the once interconnected, holistic tasks into simple, atomized, mechanistic ones (Boyd and Crawford, 2012, p. 666). This new model of legal service production has transferred the identity of the legal professional from the independent working professionals to the knowledge worker of a streamlined legal service mill, thus having

an effect of deskilling and deprofessionalization of the legal workforce. The next section discusses the rise of organizational professionalism facilitated and propelled by LegalTech.

4.3 Legal need, LegalTech, and innovative organizing methods of legal services

Successive waves of juridification of ever more areas of social life have brought our world to a "law-thick" age when law become ubiquitous in social life (Twining, 1994, p. 16; Wintersteiger and Mulqueen, 2017, p. 1559). Legal knowledge thus becomes central to the rule of law in that it is "a concrete feature of the way in which the rule of law is brought to life (Bingham, 2011)". A2J, as a crucial part of rule of law, can be thus framed as "being able to understand basic legal rights and obligations, and knowing the relevant courts or tribunals in which to seek redress" (Wintersteiger and Mulqueen, 2017, p. 1572). However, the gap still exists between available law and A2J. Problems that arise from this gap are usually referred to as legal need (Wintersteiger and Mulqueen, 2017, p. 1574). The framework of legal need seems to suggest that both law and A2J are necessary and natural, which hides "the fact that law is a socially constructed form of relation; that the need for law is only a correlate of the presence of law itself" (Wintersteiger and Mulqueen, 2017, p. 1570). However, law and A2J could be to a certain extent manipulated by legal practitioners, as suggested by Bourdieu (1987, p. 839) that "the conversion of an unperceived harm into one that is perceived, named and specifically attributed presupposes a labour of construction of social reality which falls largely to professionals." And according to Goodman and Silbey (2004, p. 32), juridification is a process to "empty out moral and communicative substance of personal relations", replacing them with law (Wintersteiger and Mulqueen, 2017, p. 1565). There is a legal need when an individual needs support to deal with a legal issue (The Law Society and The Legal Service Board, 2020, p. 84). Any one of the three, law, A2J, and legal needs, is at once constitutive and constituted in the sense that it does not

only create the categories it deploys but also is itself the product of social relations (Wintersteiger and Mulqueen, 2017, p. 1570).

The conceptualization of legal need also paves the way for commercial enterprise to enter legal practice and at the same time improve A2J. Under this consumerist paradigm, legal subjects (i.e. citizens subject to legal rules) can be treated as "legal consumers of commoditized justice services" (Wintersteiger and Mulqueen, 2017, p. 1562), facilitated by the fact that both law and A2J can be manipulated from a commercial perspective to shape and be shaped by legal needs. The potential scale of legal need is so enormous that commercialized professionalism that is prevalent in corporate sector (Hanlon, 1999) also becomes a viable choice in the personal law sector. But the commercialized professionalism in personal law in the UK is also a response to state aid/legal aid being changed from a 'demand based' system to one with fixed budgets and contracts for fulfilling the needs of the poor; something that major private funders of personal law (insurance companies, trade unions etc) have followed suit in relation to personal injuries and employment claims respectively. Personal law firms can now be organized in the form of much bigger firms with a more business focus. But the extra regulatory burdens also make big firms more competitive because they have the resources to meet the costs of this extra red tape. For example, high volume of legal needs in the personal law sector creates an environment in which firms like Slater & Gordon can achieve a spectacular tenfold growth in firm size: "from 400 staff and 17 offices in 2007 to 4,600 staff and 86 offices in 2016" (Reardon, 2016, p. 341). The growth in size of the personal law firms may be the partial results of other contributing factors. For example, Slater and Gordon used the money it got from stock market flotation to buy up competitors. They, therefore, may have absorbed existing 'legal services' rather than addressed any new unmet legal needs, though the firm's investment in LegalTech may have addressed some areas of unmet legal needs. But the big-enough volume of demands should be a pre-condition on which other factors can contribute to the spectacular growth in firm size in the personal sector.

LegalTech acts as catalysts in the process of replacing professionalism with consumerism and commercialism. With the help of the technologies that make legal information widely available, the public can better understand duties and rights of citizens, thus loosening the hold of the monopoly of legal knowledge by the profession. Technology and innovation have been suggested as a solution to address the unmet need consistently identified by legal needs surveys (Legal Service Board, 2018, p. 74). Evidence was collected to show that innovative practices and use of technology improve the quality and broaden access to legal services (Legal Service Board, 2018, p. 74). But innovative practices and use of technology are less likely to happen among professionals working individually than in organizations, particularly those that have adopted alternative models (Legal Service Board, 2018, p. 2). Entrepreneurial organizations that were licensed as ABSs were found to be 3.3 times as likely to use technology as firms that not organized ins ABS forms in a 2018 survey in the UK. (Legal Service Board, 2018, p. 2). On the contrary, the partnership model was found to be amongst the barriers to LegalTech adoption (Law Society, 2019, p. 8). Interest groups (e.g. consumers, LegalTech vendors, outside investors, and anti-monopoly government agencies) had lobbied to liberalize laws to allow commercial enterprises to enter legal practice so as to improve A2J (Flood, 2012; Markovic, 2016; Wintersteiger and Mulqueen, 2017, p. 1563). Liberalization has further driven the commoditization of legal services, the growing interests and investments in LegalTech, and the intensity of competition among providers to develop new services (Boon, 2010, p. 38; Susskind and Susskind, 2015; Wintersteiger and Mulqueen, 2017, p. 1562; Legal Service Board, 2018, p. 74; Law Society, 2019).

LegalTech facilitates new business models for legal service production and delivery. The production processes that were once considered as monolithic can be decomposed into business development and service delivery as two separate processes, with each encompassing smaller tasks that may be carried out by different persons. For example,

business development process in China's private client market can be further broken down into lead generation (legal marketing), following-on call (part of converting enquiries process in which the professionals persuade potential consumers to talk with the lawyer in person), and in person interviews and consulting (service design) (Li, 2017; Yao, 2019). After this decomposition of the task, the law firms can then assign lawyers and paralegals to different positions where they can specialize in different tasks to improve efficiency, while also leaving the internet marketing expertise to the industry outsiders. Just like the case raised by Adam Smith in the discussion of specialization in the pin factory, the greatly improved efficiency from this kind of specialization endows the law firms in Chinese individual markets with a sharp competitive edge over solo practitioners or traditional small firms where one lawyer must perform all the tasks from business development to service delivery. But it is also worth noting that this conveyer belt form of lawyering predates LegalTech and was used in the Western world post liberalization of advertising rules to deal with routine lawyering such as conveyancing and personal injuries/car accident claims (Van Hoy, 1995, 1997). Technology has made this lawyering model more pervasive.

Non-lawyers may participate in the certain stages of a decomposed legal service process, e.g., the IT and marketing people may provide the lead generation services. Not only can they work without lawyers, but they can also cooperate with lawyers to harness the social media such as social question and answer sites to create a platform that combine legal service marketing, business development, and some free simple legal advice. For example, the four major Chinese legal question and answer sites (LSQA), which emerged in online legal marketing after the Web 2.0 era (O'Reilly, 2005), are doing exactly this[12]. Compared with the free SQA platforms, LSQA sites have a proprietary framework. They use search engine optimization and search engine marketing techniques to attract traffic with legal questions to their sites and sell lawyers the advertising places where the lawyers can demonstrate their profile and log in and

[12] These are www.66law.cn, www.110.com, www.findlaw.cn, and www.lawtime.cn, see (Li, 2017).

answer questions raised by potential clients. In exchange for free answers, free referral service, or even free advice, the askers trust the sites with their contact details such as phone number, QQ, or WeChat username. After the lawyers answered the questions, the sites then release the askers' contact details to the lawyers, who may initiate a direct talk over the phone or on social media and further arrange for potential in-person counselling (Li, 2017). There are also a number of such Q&A sites specialized in legal marketing or even offering online legal advice in the United States and the UK, for example, Rocket Lawyer (Law Society, 2019, p. 45).

As with an archetype business model premised upon bringing different people together (e.g. Google, Facebook, Uber, and Amazon) (Srnicek, 2016, p. 254), LSQA sites are not the common infrastructure based on social production acclaimed by Benkler (2006). On the contrary, they have built the proprietary platforms premised upon bringing lawyers and individuals together by providing infrastructure and interaction between them. Thus, LSQA platforms have placed themselves in a position in which they can monitor and extract all the interactions between lawyers and client on their sites. Essential to the LSQA platform businesses is the centrality of data, which gives them an advantage over traditional means of the lead generation. Data (i.e., the legal leads) that once had to be generated by opaque offline social interactions, are now being aggregated and made easily accessible to any lawyer who can rent a place on these platforms. As LSQA sites have the precious data of legal leads, they have great bargaining power over law firms. Thus, LSQA sites, powered by social media technology, serve as a very good example of the outsiders who have successfully imposed an intermediary media to the personal law sector, thus playing an important role in the power struggles in the Chinese legal field.

Information technology have played a central role in helping lawyers and other participants of legal sector (e.g. various LegalTech people who are not lawyers) streamline and re-invent the lawyers' knowledge practices (Graham and Dutton, 2014,

p. 283). Beside LSQA sites that specialized in legal marketing, technologies have move part of the industry online in order to boost efficiency and make services more accessible. For example, technologies have enabled numerous online options for consumers of basic legal service, including the preparation of basic legal documents such as incorporation papers, simple wills, uncontested divorces, and trademark registration (Lanctot, 2010; Law Society, 2019). Big data and analytics techniques are also used in the legal industry. For example, McGinnis and Pearce (2013, p. 3046) claimed that the application of artificial intelligence has appeared in five areas of lawyering tasks, these are: "discovery, legal search, document generation, brief and memoranda generation, and prediction of case outcomes." It is claimed that there is "widespread consensus" (Henderson, 2018) among players in the legal field that in order to facilitate lawyers to collaborate with "professionals from other disciplines, such as technology, process design, data analytics, accounting, marketing and finance", regulatory regimes and ethical rules should be modified to lift the restriction on non-lawyer ownership (which has already happened in the UK and Australia), thus helping to solve the A2J problems. The next section discusses the influences of LegalTech on the regulation of the profession.

4.4 LegalTech and the adaptation of the regulation framework

Innovative practices and use of technology may cause regulatory disruption in the sense that they fall within but not square well with the existing regulatory framework (Cortez, 2014, p. 175). Applying disruptive innovation proposed by Christensen et al (2015), legal technologies can be categorized as sustaining technologies that aims to enhance the old ways that a business operates (e.g. time recording and billing, client relationship management, practice management), or disruptive technologies that substitute for traditional professionals and lead to "entirely new ways of organizing professional work"(e.g. chat bots, document review, online dispute resolution, predictive case

outcomes, and contract management) (Susskind and Susskind, 2015, p. 32). Sustaining or disruptive technologies are also referred to as supportive or substitutive technologies, and the latter has caused a paradigm shift in the delivery of legal services in the sense that it is no longer necessary to involve human at the point of delivery (Mayson, 2019, p. 6). While the regulation of sustaining technology presents few issues because the individuals or entities using the technology have already been subjected to regulation, the regulation of disruptive technology faces challenges in many dimensions. When the lawyers rather than the ultimate clients are the users, substitutive technology can carry on reserved activity that only authorized lawyers are allowed to do. But substitute technology can carry on unreserved legal activity directly to the consumers (which accounts for 80% of the legal service market in England and Wales), but current regulatory framework has failed to regulate substitutive technology for non-reserved activities that can proceed without any supervision or regulatory oversight (Mayson, 2019, p. 7). It is helpful to distinguish between whether substitutive technologies are adopted and used by individuals or entities that are regulated or unregulated. Duties of ethical practice and effective supervision can only apply to the regulated users under the old regulative framework. But even if the regulation expands to impose on the unregulated users, it is not so easy to recognize who provide the services: the software designer (including anyone responsible for the input of any legal advice or analysis), the developer or programmer, the software host, or the business that actually makes the technology available to the public (Mayson, 2019, p. 6). It is also difficult and challenging to decide when and how regulation might be imposed. This is perhaps an overplay of the difficulties. The IT specialists are likely to sell their expertise to marketers or legal professionals and so whoever operates/owns the service is legally/regulatory liable. The difficulty would be if the legal service does not fall within regulated services which would be the document creation and legal information services, then how can consumers ensure what is provided is accurate. The unregulated legal services would probably fall into an advertising or trading standards regulatory regime.

Innovations in the legal field have been largely driven by non-lawyers (Henderson, 2018; Legal Service Board, 2018; Caserta and Madsen, 2019; Law Society, 2019; Mayson, 2019). On the one hand, non-lawyers can quite legitimately offer non-reserved legal services to the public because they fall out of the scope of the traditional regulation framework. On the other hand, with the help of technology, they can bypass the current regulation framework by carrying on reserved legal activities through LegalTech. Although this is not so certain in some jurisdictions like the UK, it happened in other jurisdictions like China (Li, 2017) (see section 3.6). The viability of a way to walk around the authorization requirement was also tested out in a U.S. court. In 2015, the Second Circuit of the U.S. held in *Lola v. Skadden, Arps, Slate, Meagher & Flom LLP*[13] that document review was not per se within North Carolina's definition of "practicing law". Mayson (2019, p. 7) summarized the reasoning and implications of that decision: "tasks that could otherwise be performed entirely by a machine could not be said to fall under the practice of law. As a result, tasks that were once regarded as the practice of law can now, through legal technology, no longer be treated as such". But the logic of this decision may suggest that if AI can develop to become empathetic or more human-like there could be no reserved work.

Innovative practices and uses of technology have changed thoughts on power, influence, and participation as between non-lawyers and traditional professional title holders, which is also demonstrated as in:

> "Yet, what is new and disconcerting for many is that these changes are not being driven by licensed lawyers or the organized bar. Rather, the causes are powerful external market forces that cannot be easily categorized using our familiar and well-established frameworks. At a minimum, our frameworks need updating" (Henderson, 2018, p. 10).

Although non-lawyer ownership is already permitted in a number of jurisdictions, but in those where it is not permitted, on the one side, "lawyers are taking advantage of

[13] Lola v. Skadden, Arps, Slate, Meagher & Flom LLP, No. 14-3845 (2d Cir. 2015)

reforms in legislation limiting the ownership of law firms to create new partnerships and business models involving other legal professionals or non-lawyers" (OECD, 2016, p. 10). On the other side, various non-lawyer interest groups are lobbying for the elimination or substantially relaxing of the rule to allow lawyers and non-lawyers to share fees, which is "key to allowing lawyers to fully and comfortably participate in the technological revolution" (Utah Bar, 2019)" However, addressing unmet and latent needs for legal services by offering both more accessible and more affordable options to consumers requires lawyers to work closely with professionals from other disciplines, including previously industry outsiders, such as venture capital and technology experts. The current regulatory framework and rules of ethics hinder this type of collaboration in many jurisdictions including China, so they need to be modified to facilitate collaboration across law and other disciplines, as well as to serve the public interest.

The LSA in the UK has liberalized the rules to permit lawyers and non-lawyers to unite to form a business. Traditional title-based regulative framework under which professional titles and authorizations (e.g. solicitors, barristers, legal executives) are the basis for entry into legal service regulation (Mayson, 2020, p. 34) does not reflect differences across legal services areas and across time, so it is not sustainable and appropriate in the new technological environments. In alignment with the direction that the private practice is increasingly carried on in the organizational context, LSA provided ABS that has facilitated the shift of the regulation focus on individual lawyers to organizations and clients (McMorrow, 2015; Henderson, 2018). The licensing of ABS meant that authorization and sanctions can be attached to an organization, thus putting entities to the focus of regulation in addition to regulation by refence to a person (Henderson, 2018; Mayson, 2019, p. 3).. The licensing of ABS thus has created a mix of regulating activities, titles, individuals and entities before simpler, coherent alternative may emerge in the future. Title-based regulation cannot of itself offer a solution to adequately regulating disruptive legal technology because those who do not hold a title fall outside the regulatory remit. A mixture of entity-based and title-based

regulation can facilitate “a targeted approach, where different activities are regulated differently according to the risk(s) rather than regulating on the basis of the professional title of the provider undertaking it.” (Competition and Market Authority, 2016, p. 201). A mixture of individual and entity regulation may also provide sound basis for the effective regulating of disruptive technology because usually at least an individual and an entity that fall within the regulation remit would be involved in the venture even the services are provided entirely by machines (Mayson, 2019, p. 30).

Chapter 5 Methodology

Through providing a critical overview of the major changes that are underway, Chapter 2, 3, and 4 have attempted to develop a deeper conceptual understanding of the ongoing transformations in the legal field, especially with respect to the colonization/appropriation forces in China, as well as the implications of LegalTech to the legal profession. The understanding of the transformations can occur in two ways: first, through philosophical reflection and critical analysis of how the profession is transforming, which was the path the previous chapters took; second, through detailed empirical research concerning the discursive construction of this transformation, which are the major objectives set for chapter 6 and 7. This chapter bridges the philosophical and the empirical by discussing methodological issues and explaining methods to be used in the empirical study. To find extensive empirical support for the overarching analysis and thesis presented in the previous chapters, this research chooses to build corpora that drew on academic, industry, and media writings concerning the colonization/appropriation factors as well as LegalTech (see section 5.4). Actual situated examples of the working of language, with a special focus on linguistic details, are needed in the investigation on how exactly competing models of professionalism have been produced or performed, and what the process or mechanism is, by which the writers for the legal profession take up positions in discourse to which they have been summoned. The corpus methods are useful because it implicitly requires that this researcher should pull together ideas and observations from a vast range of sources to show a wider view of the unfolding legal landscape, enabling the dynamics and struggles among these hegemonic forces at play to be charted and revealed.

Language can be a site that stages hegemonical struggles, it can also be a tool or device used in these struggles (Habermas, 1967, p. 259), as is manifested in the thoughts that

"language is also a medium of domination and social force" (Wodak and Meyer, 2015, p. 10). Critical Discourse Analysis (CDA) is particularly useful in that it can be used to critically and systematically investigate and elucidate the ideological and hegemonic workings of language as they are used by different participants of any social field (Benwell and Stokoe, 2006; Baker *et al.*, 2008; Fairclough, 2013; Koller, 2014; Van Dijk, 2015; Wodak and Meyer, 2015). Hence, through analyzing sometimes opaque structural relationship of dominance and resistance (e.g. colonization/appropriation), power and control, as well as the agentic construction of identity, as embodied and manifested in language, this research can make visible the interconnectedness of the hegemonic struggles in the legal field. In this sense, this research is essentially a "critique" of the transformation of the legal profession, especially in the context of China, attempting to disclose how discourses operate to sustain the power asymmetries, hierarchies, and forces dynamics in the legal field.

From the perspective of CDA and framing analysis, legal professionalism can be viewed as an ideology that is mediated by language use through particular configurations of lexicon-grammatical items that ensnare people in its logic through persuasion. Thus, engaging with the working of language helps to reveal the "ideological functions of language in producing, reproducing or changing social structures, relations, identities" (Mayr, 2003, p. 5). However, CDA often relies on the analysis of only one or just a few texts, in other words, CDA cherry-picks data, causing the analysis to be too subjective in that the data are manipulated to prove the researcher's preconceived point (Koller and Mautner, 2004, p. 225; Baker, 2012, p. 247). Cherry-picking problems ignore the incremental and cumulative effects of discourse, as was expressed by Fairclough (1989, p. 54):

> "A single text on its own is quite insignificant: the effects of media power are cumulative, working through the repetition of particular ways of handling causality and agency, particular ways of positioning the reader, and so forth."

However, the cherry-picking problem can be reduced while at the same time the essence of CDA is retained, that is, by the use of corpus linguistics approaches, which can improve the objectivity of CDA (Baker, 2012). Stubbs (2001) also suggested that discourse analysts focus on statistically significant key words or other linguistic features to identify repeated patterns which indicated not merely personal and idiosyncratic but also widely shared meanings in a discourse community.

A frame is usually distributed across a number of stories in its symbolic terrain (Reese, Gandy Jr and Grant, 2001, p. 17). Many reports on a specific topic area frame the issue in a consistent fashion, and the audience's "mental model will be modified in a step-by-step fashion consistent with the predominant framing of the issue in mass media" (Scheufele and Scheufele, 2010, p. 115). As such, Levin (2005, p. 89) argues that it is difficult to find "a completely developed frame in a single press release. Frames are built across a series of news media articles, and not all elements are present in any single article". D'Angelo (2018, p. xxv) also endorses using news corpus in framing analysis by suggesting that "it goes without saying that not every hard-news story purveys a frame of reference worth noting, which is why framing analysts look for patterns of framing in a corpus of stories."

By accumulating a corpus of news coverage on the same event, or a large volume of texts discussing the same topic (e.g. the implications of LegalTech), this research may find a number of features and patterns which occur again and again across nearly all the news articles covering the same events, and which thus cannot be attributed simply to the individual journalists or news organizations. These features are more likely to be the product of "large scale belief systems structured by discursive framework"(Mills, 2004, p. 95). But even if a researcher selects a large number of texts, he/she is also likely to commit the selection bias and confirmation bias by including for analysis the news articles that supported their conclusion (Kuypers, 2010, p. 306). Thus it is usually the case that the analysts have imposed their political and theoretical agendas onto the

analysis (Schegloff, 1997; Benwell and Stokoe, 2006, p. 44). Corpus data have utility because they can reduce this kind of subjectivity by requesting that the researcher selects nearly all the news articles that narrate the same events (or at least a highly representative sample of contents), instead of cherry-picking one or two articles as research data, or a group of articles that constitute data that lead to the biased preconceived views or the dominant ideologies in a society.

In sum, methodologically, this research uses a corpus driven qualitative framing analysis as the method to carry out a CDA of the transformation of the Chinese legal profession. The first section lays out the analytical framework in accordance with a typical CDA advocated by Fairclough (Fairclough, 1989, 1992, 2013). The second section discusses issues related to the approach of this research (e.g. manifest vs latent framing elements, deductive vs inductive, quantitative vs qualitative). The third section explicates the comparative perspective of this research. The fourth section discloses the data before going on to discuss the methods and procedures of analysis in the last section.

5.1 CDA and frame analysis as the basis of the multi-level analytic framework for this research

CDA provides the basis on which all other analyzing methods used in this research are embedded, including the corpus methods and the framing analysis. This research analyzes the discourse elements (at the macro, meso and micro-levels) of the ongoing hegemonic struggles in the legal field. However, it is impossible to find an absolute definition of the term discourse that can transcend all three levels (Mills, 2004; Koller, 2014). Therefore, the research retains all three levels of definition of discourses. At macro-level, this research leans towards Fairclough and defines discourse as different ways of representing aspects of the world. At the meso-level, this research follows the

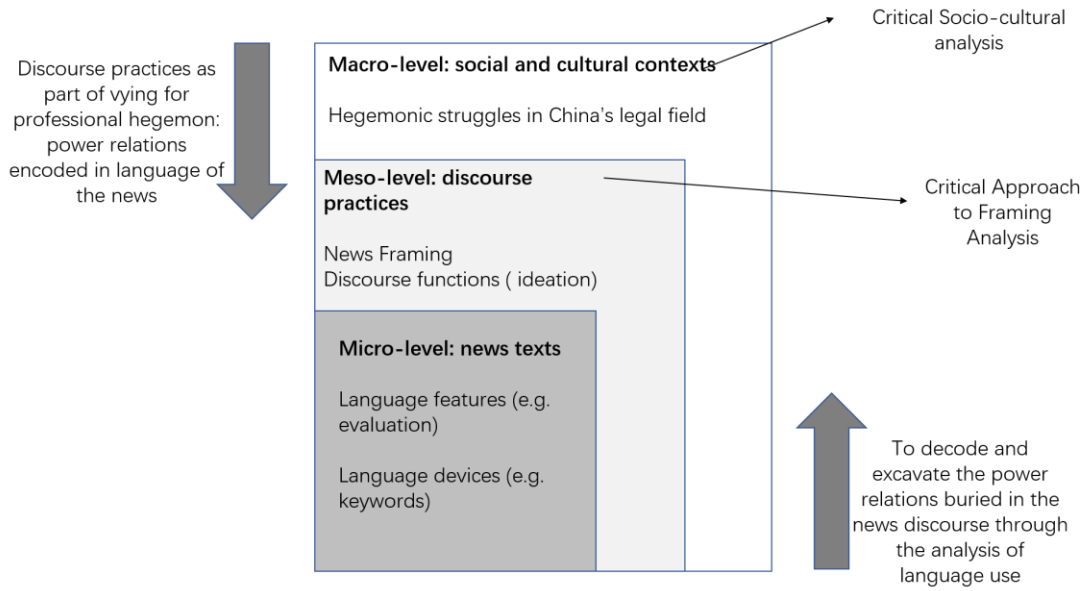
definition that discourse is “the textually mediated social action, with text producers utilizing linguistic resources and social cognitive representations to establish, maintain and challenge power relations” (Koller, 2014, p. 151). At the micro-level, this research views discourses as a collection of texts each of which constitutes a unit of semiosis that is both grammatically and semantically coherent.

This research examines the language use of the news discourse that covers a series of lawyer detention events happened in China’s legal field. This research also analyses the LegalTech discourses that have reflected and shaped the future of the legal profession in China and in the West, including those created by LegalTech start-ups as a strategy to blaze their way into the tightly self-controlled legal profession. Framing analysis, assisted by corpus linguistics, lies at the core of the methodological design of this research. Many framing analyses began with the characteristics of texts and then moved to their effects on the audience (D’Angelo and Kuypers, 2010; D’Angelo, 2018), which overlooked the operation of power in the construction of discourse. But how power is exercised through discourse practices can be illustrated by looking from the top level of Figure 5.1 down to the bottom. Thus, one of the central concerns for this research is to examine how journalists make news by reflecting the views put forth by those in power. Because it is not possible to view any news article as the solo product of a journalist (Bednarek and Caple, 2012, p. 27), this researcher uses “newspaper” as a concept of collective authorship of articles published in that specific newspaper. Therefore, at the macro-level, there is the hegemonic struggle, at the meso-level, there is the framing contest, at the micro-level, there is a discursive or text contest, as illustrated in Figure 5.1.

However, the organizing line of analyses of this research can be obtained by looking from bottom up. Firstly, this research attempts to examine the language use of the news discourse and the LegalTech discourse by identifying linguistic traces of power struggles left in their discursive end products or discursive relics (e.g. the news texts

covering a specific series of events or texts discussing the future of law under the new technological environment) (see the micro-level in Figure 5.1). Secondly, this research moves upward by asking what frames should be there to make certain patterns of language use possible (see the meso-level in Figure 5.1). Finally, the research moves further up to ask what power relations should be there to make the framing possible (see the macro-level in Figure 5.1).

Figure 5.1 The critical discourse analysis framework for this research



This analysis framework is a chain of hierarchical form-function, or function-purpose, or means-end combinations. At micro level, words in the texts can be viewed as forms to constitute language features, e.g. using specific words to express attitudes toward the lawyers. At the meso-level, discursive constructions serve the purpose of framing, for example, constructed realities from different perspectives make framing practices possible and inevitable. There are also cross-level function-purpose combinations. For instance, framing strategies at the discourse practice level are determined by hegemonic struggles at the social and cultural level.

One of the core principles of CDA is that “meanings of a text cannot be exclusively

derived from the text itself". CDA insists that:

> "A complete analysis of discourse involves detailed engagement with a textual product, a consideration of the wider discourses in which the text is situated (discursive practice), and analysis of the context of socio-cultural practice (social practice), such as production, transmission and consumption" (Benwell and Stokoe, 2006, p. 44).

Therefore, the practice of CDA can "integrate micro and macro-levels of analysis to expose the hegemonic workings of language" (Benwell and Stokoe, 2006, p. 9). Methodologically, CDA relies on forging the link between micro and macro contexts. Koller (2014, p. 151) also argues that discourse analysis should be a cross-level enterprise. Researchers should focus on the textual interaction at the micro-level, where discourse is instantiated, and pay attention to the models of collective identity formation by the "meso level contexts of text production, distribution, reception and appropriation, which are in turn linked to the changing socio-political context and its ideologies at the macro level". Following CDA, chapter 6 starts with a theoretical analysis of aspects of various models of hegemonic professionalism being constructed by corresponding interest groups operating in the Chinese legal field, before going on to analyze the legal colonization and appropriation discourses that are constructed by the UK and China media.

The framing analysis this research conducted can be viewed as an application of CDA in the examination of media discourse. Framing analysis seems to be inherently cross-level (spanning across macro, meso, and micro-levels), and the major tasks of framing analysis is to identify the cross-level links. According to Van Dijk (2013, p. 182), the macro-dimensions such as social structure (hegemony, ideology, culture, power, elite groups) are enacted or translated at the micro-level of news discourse and its processing is through what he called a "cognitive interface" through which macro-structure could be linked to meso-level social practices of news makers, and the ideologies and institutional constraints of the media organizations. Rachlin (1988, p. 87) indicated that

perceptions of news workers are "shaped by the cultural reality in which they live and that, in turn, their accounts of the news are framed in ways that are consistent with the dominant point of view". In the highlighting of the role of cognition in the framing process, Entman (1993, p. 52) has emphasized the link between the macro and micro dimensions of the frames:

> "Communicators make conscious or unconscious decisions in deciding what to say, guided by frames (often called schemata) that organize their belief systems. The text contains the frames, which are manifested by the presence or absence of certain keywords, stock phrases, stereotyped images, sources of information and sentences that provide thematically reinforcing clusters of facts or judgments."

Through the combination of discursive and cognitive approach to media texts production (Van Dijk, 2013, p. 180), this research spells out in detail the frames and framing strategies, and the role of social ideologies and their underpinning hegemonic interests. Entman (1993) also argued that frames reside at least four locations in the communication process: the communicator (meso level), the text (micro-level), the receiver, and the culture (macro-level). Reese et al. (Reese, Gandy Jr and Grant, 2001, p. X) argued that a full-fledged frame analysis have three components: (1) the study of the frame production process in which "carriers of particular frames engage in activities to produce and reproduce them", resulting in a struggle over meaning that is ultimately expressed through texts; (2) the examination of texts to identify "the central organizing principle that holds together and gives coherence to a diverse array of symbols or idea elements"; (3) attention to the media effects, or the "complex interaction of texts with an active audience engaged in negotiating meaning". Rather than focusing on the already abundant research on media effects (Van Dijk, 2013, p. 139), this research mainly involves the first two components of frame analysis and its major concerns are the conditions for the media effects, especially the news information retrieval and framing. Thus, the three locations, or the three levels, apart from the receiver, are of central concern to this research. If journalists are viewed as the subject and agent, the macro-level of frames can be conceived as the cognitive level (i.e. the cognitive frames

of journalists), the meso-level of frames can be regarded as the discursive level (the frames emerging and changing in news room discourse), and the micro level of frames can be seen as the textual level (e.g. newspaper texts) (Scheufele and Scheufele, 2010).

At the macro level, framing involves the choice of modes of representation so as to resonates with existing underlying schema (or ideological assumptions, or the stock of commonly invoked frames) of their audience (Shoemaker and Reese, 1996). At the micro-level, framing describes how people deploy signifying devices, e.g., the presentation features regarding "the presence or absence of certain keywords, stock phrases, stereotyped images, sources of information, and sentences that provide thematically reinforcing clusters of facts or judgments (Entman, 1993, p. 53). Researchers' concern with the micro-level framing study the text's manifest meanings, while at the macro-level, they analyze the social implications of framing. Culture provides journalists a tool kit of symbols from which they may draw upon to both devise communication strategies and understand the social and political environment (Van Gorp, 2010, p. 85). Gitlin's work have set a very good example for how to empirically analyze framing at the macro or the cultural level (Durham, 2001, p. 126).

However, this present research would not present empirical evidence that happened at the macro-level, neither would it involves the sociological analysis of the meso level journalistic practices. Instead, it focuses on the micro-level (textual level), especially the language use in the news discourse, and work backwards to critically infer the cultural conditions that make the texts possible. It is often impossible to detach the micro-level analysis of language from the ideological and hegemonical analysis of discourse. Indeed, micro-level language analysis need to involve both the meso and macro-level so as to get the direction for an investigation (Van Dijk, 2013, p. 94).

At the micro level, as argued by Mabry (2001, p. 323): frames are "linguistically and semantically rendered inflections in the construction of shared meaning". The complex

concept of framing involves the symbolic representation of social reality (Reese, Gandy Jr and Grant, 2001). Drawing evidence lurking under the text, this research focuses on how news frames at the micro level express culturally shared notions with symbolic significance, in particular those values pertain to legal profession (e.g., the autonomy of the profession). Existing empirical research has also shown frames' cross-level influences, for example, journalists' cognitive frames (macro-level) manifest themselves as media frames in news reporting (micro-level) (Scheufele and Scheufele, 2010). It is the macro-level (or cognitive level) that determine what are included and excluded from the news reporting, because journalists pay more attention to information, events, or statements that match their own frames, but they are less likely to focus on frame-discrepant information, events, or statements. As such, this present research has designed and followed a cross-level analyzing framework that are in line with both CDA and framing analysis, as illustrated in figure 5.1. The section below discusses the research design.

5.2 A corpus assisted qualitative framing analysis

This research attempted to combine the corpus linguistics, framing analysis, and CDA in a hope to achieve a synergy of them (Baker *et al.*, 2008).

5.2.1 Manifest and latent framing elements

The linguist Goffman (1974, p. 21) defines frames as "schemata of interpretation" that enable individuals to "locate, perceive, identify, and label" occurrences or life experiences represented in texts. Goffman's concept of frame stimulated a wave of interests beyond the field of linguistics and sociology and reached the field of journalism studies. Media scholars as well as practitioners began to use the concept of

media frames to examine how they organize thoughts, ideas, and experiences in the minds of journalists in the news production process. The news media frame research focuses on cognitive, social constructionist as well as critical aspects. Gitlin (2003, p. 7) defines media frame as "persistent patterns of cognition, interpretation, and presentation, of selection, emphasis, and exclusion, by which symbol-handlers routinely organize discourse, whether verbal or visual."

Framing analysis can work across paradigms (e.g. cognitive, constructionists, and critical) and encompass many approaches within one research project (D'Angelo, 2002). This strength is particularly important for this research that integrates multi-paradigms to facilitate various theoretical framework. The framing analysis designed for this research span the critical, constructionist and cognitive. It is critical in the sense that frames are viewed as the expressions and outcomes of the hegemonic struggles that are happening in the legal field. It is cognitive in the sense that this research shed light on how schema (or cognitive frames) are reproduced and transformed through various frame devices constructed out of the linguistics devices that are employed in the news texts covering China's lawyer detention events. It is constructionist in the sense that the frames are regarded as tools used by the interest groups in the legal field to create and disseminate their understandings of LegalTech and to establish their preferred professional identities and versions of professionalism under the new technology and media environment. Constructionism also emphasizes the integration of multiple methodologies to capture the range of sense making behaviors.

Frames are embodied in the form of the language used. Frames work symbolically in the sense that "they are manifested and communicated in their various forms, through any combination of symbolic devices (Reese, Gandy Jr and Grant, 2001, p. 16)". By asking the question of "what kind of symbolic elements work together to constitute a frame", the framing analysis, for the purpose of rigorously examining a frame's symbolic organization, has opened a new area for the study of news discourse. In this

respect, it is closely related to contributions of Fowler (2013) and Van Dijk (2013) that stressed that the central object of mass communication research is the media messages themselves. Giving that the most concrete manifestation of news is the news text, researchers from the linguistics field would analyze news primarily as a type of text or discourse by focusing on the grammatical, lexical, or textual structures of the discourse itself.

Manifestly, a frame is characterized by its linguistic features, i.e., how it is expressed in the news texts. Previous research on news frames has accounted a variety of frame identifiers, for example, catchphrases, historical examples, metaphors, depictions, visual images (Gamson and Modigliani, 1989), keywords, phrases, images, and sources (Entman, 1993), headlines, subheads, leads, source selection, statistics and charts, and concluding statements and paragraphs (Tankard Jr, 2001), themes and subthemes, types of actors, actions and settings, lines of reasoning and statistics, charts and graphs, appeals (emotional, logical, and ethical) (Pan and Kosicki, 1993; Kitzinger, 2007). By analyzing the repetition of certain adjectives, adverbs, verb tenses, and nouns or by examining the quantitative pattern of use of multiple terms, a researcher may identify frames in the texts under study (Hertog and McLeod, 2001, p. 149). The key to the reconstruction of a news frame by a researcher seems to be the unveiling of how language features or linguistics devices become framing devices in the process of media content production.

According to Entman (1993, p. 53), “to frame is to select some aspects of a perceived reality and make them more salient in communicating text”, but if we start from the text and rely on the demonstrable style characteristics to identify the frames, it is very difficult for us to identify those stylistic aspects that are capable of making a framing device more salient, “because salience is not a characteristic of a text but an attribution in the mind of the reader”(Van Gorp, 2010, p. 102). For a researcher to reconstruct the frames from the texts under study, besides examining the inventory of verbal and visual

features created by the media texts, the researcher needs reasoning to induce how those features are woven together to signify a frame. Thus, Gamson and Modigliani (1989) suggested that framing analysis researchers should analyze the integrated structure of framing devices, which are manifest elements in a text (e.g. metaphors, catch phrases, depictions, themes) that function as demonstrable indicators of the frame, and infer from these manifest devices the chain of reasoning devices that resonate the ideologies of the competing parties and demonstrate how the frame functions to represent a certain issue.

What makes some aspects of a perceived reality more salient are the latent elements of a frame, and these latent elements are used by researchers to define frames, as suggested by Reese (Reese, Gandy Jr and Grant, 2001, p. 14) that frames are ultimately "abstract principle, tool, or 'schemata' of interpretation that works through media texts to structure social meaning." Frames are "organizing principles that are socially shared and persistent over time, that work symbolically to meaningfully structure the social world" (Reese, Gandy Jr and Grant, 2001, p. 11). The latent components of a frame are like invisible lines that link visible pearls together. For a text to get a narrative and rhetorical structure instead of appearing as disorganized and isolated chunks, the invisible organizing principle should make contributions. Thus, Hertog and McLeod (2001, p. 140) defines frames as "structure of meaning made up a number of concepts and the relations among these concepts". To ignore the principle that gives rise to the frame is to take media texts at face value, and to be misled by manifest content.

Although framing's symbolic aspect is important, equating it with the text or the language use unduly narrows the focus (Reese, Gandy Jr and Grant, 2001). However, even if we focus on the interpretation of the meanings of a frame with the help of abstract organizing principle, we still ignore the social contexts which produce the principles and textual contents. Both news production and consumption are social actions. Meanings of discourses facilitated by frames are more than just an abstraction

from cognitive interpretation processes. Frame research also does more than just describe manifest textual structure and infer latent organizing principles. Engaging in a full empirical frame research means not only engaging in a description of cognitive process of framing, but also an understanding of social interactions in sociocultural situations (Van Dijk, 2013, p. 30). D'Angelo (2002, p. 873) also argued that the hard core of framing research includes both the extraction of frames from the texts and the examination of their "antecedent conditions (e.g., the political economy of news organizations), interaction with receivers (e.g., media effects), and impact on social-level processes (e.g. public policy)".

Frames are composed of manifest and latent elements. However, this division has caused methodological challenges for framing analysis. It is relatively easy to detect the manifest elements of a frame because they are there in the text signifying the frame. Frames can emerge from an objective text analysis that seeks to draw a network structure of words by using word frequencies and co-occurrences. These signifying devices are measurable. For example, linguistic approaches can involve identification of structural features of a frame derived from dimensions such as syntax, scripts, theme, and rhetoric (Pan and Kosicki, 1993; Matthes and Kohring, 2008; David *et al.*, 2011, p. 331). The methods used to detect them share an important assumption that single frame elements tend to group together in a systematic way, thereby forming unique patterns that can be referred to as frames (Matthes and Kohring, 2008). In other words, a certain pattern across several contexts sums up all its parts to form at least the manifest components that embody a frame. Methodologically, the manifest components of a frame can be split into its separate elements that can be easily and reliably coded in a content analysis, more reliable than if the frame is coded using the hermeneutic, the syntactic, and the manual holistic approaches. These coded elements can then be subjected to such automated methods as cluster analysis to extract the frame that systematically group together these elements in a specific way.

The manifest components of a frame provide an empirical foundation on which cultural and sociological interpretations can find solid footing. Without the empirical foundation, the framing analysts are more likely to commit the fallacy of using the frame of the researcher to replace that of the media, because if the researcher starts with theory, he/she could use the theory to set parts together in a way that confirm the pre-determined theory (Scheufele and Scheufele, 2010; Van Gorp, 2010). Compared to regarding frames as such abstract variables, the requirement of empirical foundations may help to improve the reliability because that reduce the risks that different researchers put the parts together in different ways (Matthes and Kohring, 2008).

However, it is problematic to reduce frames to clusters of words or other signifying elements. How these manifest elements are organized and structured to form patterns requires explanation. The saliency of a version or reality, or the frame, need to be achieved through "dynamic process of negotiating meaning that requires the bridging of qualitative and quantitative approaches as well as empirical and interpretative ones." (Touri and Koteyko, 2015, p. 603). Thus, it seems arguable that "only a holistic coding can reveal the true essence of a frame because a frame might be more than the sum of its parts" (Matthes and Kohring, 2008, p. 274). However, this challenge could be solved by bringing culture and sociology into the later stages of a framing analysis when the researcher makes sense and makes the argument for the frames inductively derived from the data (Gamson and Modigliani, 1989; Van Gorp, 2007; Reese, 2010; Vliegenthart and Van Zoonen, 2011). So, part of the analysis in chapter 6 (media discourse analysis) and chapter 7 (LegalTech discourse analysis) includes a contextualization of framing analysis results by explaining why the frames that were reconstructed are so frequently found in the corpus.

The division of frames into manifest and latent elements raise a question for finding frames: should a frame analyst start with manifest elements or the theories behind these manifest elements that make them salient thus forming a frame? The choice that this

researcher made will be explained in the next section as this is also a question of inductive vs deductive research logic.

5.2.2 The inductive and deductive

The methodological approaches to framing analysis can be divided into two broad categories, namely deductive, and inductive (Nisbet, Brossard and Kroepsch, 2003; Touri and Koteyko, 2015). Because there is no pure inductive or deductive approach, the distinction between deductive and inductive reasoning is somewhat discursive rather than material (Kitchin, 2014, p. 134), but the knowledge on the characteristics of two approaches are important in considering a research design. Typical deductive approaches involve the use of predetermined framing categories to manually search and code manifest contents in the media contents for study, followed by the conventional quantitative content analysis that mainly concerns with the frequency with which certain frames occur in a given body of text (Van Gorp, 2007, 2010; Matthes and Kohring, 2008; Touri and Koteyko, 2015). Thus, the starting point of the deductive approach is usually the pre-existing theoretical and empirical knowledge, cultural values, ideologies, based on which framing categories are devised (Touri and Koteyko, 2015, p. 602). However, two problems arise from the deductive framing analysis. First, deductive logic cannot generate new knowledge. In the context of LegalTech there may be new emerging frames. But deductive framing analysis that relies on already established frames usually risks ignoring the significant and newly emerging frames, alternative frames, competing frames etc., because there are not always sufficient and consistent sets of categories or frames developed in the previous literature that a researcher may draw upon and use in his/her study (Tewksbury *et al.*, 2009). In contrast, the inductive approaches are useful in identifying new emerging frames and introducing alternative perspectives in comparison with the dominant ideologies. Second, deductive framing analysis relies on the themes and frames defined *a priori* by the set coding

scheme, instead of being discovered through rigorous textual analysis. Using predefined frames is susceptible to bias because the researcher's choice of categories may be actually the result of their own cognitive frames and schemas, rather than those actually occurring in media content (Scheufele, 2006). Thus, pure deductive approaches that scan the news discourse for predefined sets of categories of frames face the problem of subjectivity. However, the subjectivity caused by researcher involvement in the process of coding frames can, to a certain extent, be overcome through a systematic inductive identification of linguistic elements that denote the frame, such as the syntax, script, theme, and rhetoric (Pan and Kosicki, 1993).

Inductive approaches rely on raw data by empirically tracking key words, phrases and themes in the texts so as to extract manifest elements of a frame. However, frames cannot be derived by purely inductive methods such as coding each item in the data set in a hope to reach a point when "demonstrable style characteristics increase the chance that the framing devices become salient" in the readers' perception (Van Gorp, 2010, p. 102), the readers or the researchers have to draw on their schema that reside in their minds before the text processing begins. Moreover, while the inductive methods may produce consistent and highly reliable manifest frame elements that may overlap with media frames to some degree, they may still fail in tapping into or fully matching the media frames that are the journalists' intended way of constructing news. Because these methods cannot capture and code the latent content of the frames, they lose validity (Scheufele and Scheufele, 2010, p. 122). The inductive methods coupled with statistical analysis without CDA at best provides us with ballpark estimate of what the actual media frames are, they do not measure media frames in their pure forms.

This present research does not code any pre-defined categories developed by previous framing research because that method risks omitting frames that are informed by competing ideologies. It is notable that because of LegalTech, professional changes and colonization/adoption influences on the legal profession there are likely to be

competing professional ideologies. Using pre-defined frames is prone to subjectivity caused by researcher involvement, especially when such risks are avoidable by using inductive approaches where grounded analysis is employed to extract frames, thus taking more or less subjectivity out of the framing analysis. This research focuses more on general categories ingrained in the general language use and takes advantage of such quantitative procedures such as keywords, frequencies that are widely used in corpus linguistics. The application of statistical procedures (e.g. word frequencies, keyword and collocation tools, see 5.5) to the manifest elements of frames can inductively explore the themes or frames that sometimes correspond to the journalists' intended frame and sometimes do not. Furthermore, this research does not rely exclusively on the manifest content, instead, it includes CDA to dig deep down the surface to reach the latent elements (i.e. the reasoning or the organizing ideas deeply ingrained in the thoughts of the journalists and other communicators). This design is in line with Van Dijk's (2013) suggestion that frame research cannot just focus on the manifest language and be fully independent of semantic and ideological analysis of media discourse. This design thus avoids the drawbacks of the manifest content based positivist behavioral measures of frames that "do not capture the tensions among expressed elements of meaning, or between what is said and what is left unsaid"(Reese, Gandy Jr and Grant, 2001, p. 8). Concretely speaking, this present research begins with a data-driven stage using corpus linguistics tools (e.g. concordances, frequencies, keywords, and collocations (Baker, 2006; McEnery and Hardie, 2011; Brezina, 2018) that may repress the biases caused by researcher involvement (e.g. a researcher's manual coding of frames). The analysis then proceeds with a systematic process to qualitative frame identification, the steps of which are charted as in Van Gorp (2007). This corpus-assisted qualitative frame analysis advocated and tested by Touri and Koteyko (2015) and Matthes and Kohring(2008) is useful in taking more or less subjectivity out of the framing analysis through the combination of inductive and deductive approaches.

However, it is not possible to take out all subjectivity out of the framing analysis.

Without a CDA, it is very hard for a researcher to connect the abstract components of a frame and the explicit elements of the media text that makes up the frame device. Making such connection is an inherently subjective enterprise, which requires interpretation. The reliability and validity tests should not be applied too rigidly during this stage of framing and discourse analysis. The linkage between the central organizing idea, which is ingrained in the culture, and the patterns of elements within a news discourse, cannot be done outside a researcher's own cognitive knowledge, and so the wise way is to accept some level of subjectivity in this stage of analysis to make them feasible. Framing does not only concerns with knowledge in the service of power or in the interplay of force, but also involves "how our social understanding is structured and how these understandings are tied to interests." (Reese, Gandy Jr and Grant, 2001, p. 28), thus framing is inherently a subjective process.

In sum, the heart of framing analysis conducted by this research, in its conceptualization and design, is to use quantitative methods inherent in, and enabled by, the corpus-assisted critical CDA to identify the framing devices in the form of manifest linguistic elements, and the qualitative techniques that are also inherent and indispensable parts of this corpus-assisted CDA to infer the reasoning devices. Furthermore, using framing analysis as a bridge, this research relates these devices to the hegemonical struggles in the legal profession in the form of different and competing discourses on professionalism in China. By bridging the cognitive and critical, the quantitative and qualitative, the framing paradigm followed by this research has potential for informing and enriching these approaches.

5.2.3 Qualitative and quantitative

It suggests that every frame has its own vocabulary, therefore, the quantitative pattern of use of multiple terms (e.g. the repetition of certain adjectives, adverbs, verb tenses,

and nouns) betray traces of the frame (Hertog and McLeod, 2001, p. 149). Frames seem to mediate the relationship between language use and ideology. However, linguists have attempted to set the direct relations between the two. Baker (2006) bypassed the concept of frame as intermediary and suggested that "repeated patterns of language use demonstrate evidence of particular hegemonic discourse or majority 'common-sense' ways of viewing the world"(Baker, 2006, p. 14). However, Van Dijk (2013, p. 175) has suggested that the categories of traditional content analysis usually took a quantitative rather than qualitative perspective and were usually superficial. This research combines the quantitative and the qualitative to avoid such superficiality. After all, the quantitative results of the patterns of language use, which can be discovered in a relatively neutral manner, cannot interpret or explain themselves. Thus, discourse analysis requires that the analysts take responsibility for making sense of these patterns found in the texts and postulating reasons for their existence (Baker, 2006, p. 18). Therefore, the findings of the analysts are interpretations in nature, as they must base their explanation on their own ideological stance. In detecting patterns of language, the combination of quantitative and qualitative analysis makes a more productive approach than simply relying on qualitative or quantitative methods alone. While keywords indicate comparative frequencies, which is quantity based, concordance procedures, which can display every instance of a keyword together with a given amount of preceding and following context, are qualitative in nature (McEnery and Hardie, 2011; Brezina, 2018). The combination of keywords and concordance procedures provide effective technique portfolio to carry out close examination of the contexts in which the salient patterns of language appear (Baker, 2006, p. 71). This is also true for framing analysis.

Quantitative analyses are very successful in the stage of identifying linguistic devices (e.g., a particular set of concepts or themes) that are clearly related to a frame (i.e. the manifest component of that frame). It is particularly successful when the number of times that the devices is used reflects the salience (or emphasis) of that device in the

text (Hertog and McLeod, 2001, p. 152). However, to find frames, researchers need to infer from texts the generating principles that are behind the surface features that are identified by quantitative methods. As discussed in the previous section, the saliency of a frame is defined by its latent elements more than by its manifest elements. Although quantitative methods are particularly useful in identifying manifest elements, qualitative methods are needed in the identification of latent elements. Thus, O'Halloran (2007, p. 48) suggested that framing analysts must "be careful to distinguish quantitative frequency evidence from qualitative evidence about the salience of a phenomenon in a culture" in their process of analyzing corpus evidences. Furthermore, the latent framing elements are no more than the application of "deep structure", or ideology (Hackett, 1984), therefore, Rees (2010, p. 24) argued that "the ultimate frame may not be plainly visible from a simple inspection of manifest content and terminology that it invokes. Rather, it must be interpreted in the latent message." Thus, critical theorists may build their qualitative ways to approach ideology on the quantitative empirical foundations, with both approaches converge in the framing analysis (Tankard Jr, 2001, p. 97).

Frame's nature of using language to express and build ideology calls for an integration or mixing of interpretative approaches of qualitative methods with quantitative research methods. With the awareness of the question of how the linguistic features can be systematically connected to the ideological features of media discourse, this research provides a possible solution based on regarding the frame analysis as a dynamic process that requires the integration of quantitative and qualitative analytical approaches. Corpus linguistics tools can offer effective instruments for a more systematic extraction of frames by bridging between the statistical measuring mechanisms and the qualitative analytical approaches so as to more reliably identify the loci for frames (i.e. using software generated contents as a guide for the analyst' interpretation) (Touri and Koteyko, 2015, p. 601). This kind of corpus-assisted qualitative frame analysis enables better approximation of the latent (or unconscious) framing elements. Mix methods can

lead to a more efficient identification of frames that are deeply embedded in ideologies and more likely to shape the reader's interpretations and understandings of the events reported.

Automated procedures enabled by corpus procedures (see 5.2.4 below) help to identify the frequent and salient linguistic patterns in a large body of texts, thus providing a way into data. The researchers would then need to account for, evaluate, and interpret whatever the corpus analytical techniques highlighted, negative or positive (Baker, 2012, p. 248). The descriptive information extracted from the data in the form or figures (e.g. keyword lists, collocations, and concordances, see 5.5) are presented in the text or in the appendix, which also allows the reader to draw their own conclusions. Although the appearance of quantitative patterns derived from a much larger amount of data help a researcher to be more confident with the objectivity of their claims, it is worth noticing that the evaluation and interpretation of these quantitative patterns are still very much likely to be subject to human bias. Frame analysts cannot remove bias completely. However, by integrating corpus-based approaches to the framing analysis in its research design, this research at least counters some of this bias "by providing quantitative evidence of patterns that may be more difficult to ignore" (Baker, 2006, p. 92).

5.2.4 Manual and automated methods

Completely automated linguistics-based inductive methods (e.g. Catpac software) have been gaining ground in the last decade and increasingly used by researchers (e.g. David et al., 2010) to extract frames out of the set of texts used in their research. Automated framing analysis methods have been proved capable of finding the same frames using more deductive-oriented manual or semi-automated framing analysis approaches (David, Atun and La Vina, 2010). It is arguable that the completely computer-automated framing analysis based on linguistic analyses is particularly useful in that it can provide

not only a feasible but also reliable solution to the research projects that need to deal with large volumes of text. In comparison, with the manual or semi-automated approaches, researchers dealing with large volume of text can only sample instead of process all available meaningful contents, risking excluding parts of the texts that are not sampled but contains relevant frames. As the output structures of the linguistic features are mathematically derived through keyword and collocation algorithm, automated procedures based on linguistic word-based analyses are strictly reliable, as suggested by David et al. (2011, p. 347) that purely automated methods may provide "highly efficient and replicable framing analysis for massive volumes of data". However, automated methods are not without problems, especially with respect to the issue of validity. As was pointed out by Matthes and Kohring (2008, p. 275), completely automated framing analysis have some drawbacks because computers are still not as capable as human in understanding and analyzing language in all its richness and with all its nuances and ambiguities. Moreover, frequency-based indicators are prone to ignore the signifying elements that need not occur very often to be central to the meaning of the text. It is useful to integrate some human judgement at certain stages in the framing analysis.

In practice, framing analysis ranges from completely manual methods (e.g. Entman, 2004; Van Gorp, 2007, 2005) to purely automated approaches such as the semantic network analyses (Baden, 2018) or the Catpact software procedures (David, Atun and La Vina, 2010). But there are methods that lie somewhere between the two. Matthes and Kohring (2008) proposed and tested a method that combines the advantages of human coding with those of automated analysis. In the analysis of the data on the coverage of biotechnology in *The NY Times*, they started with the manually coding of the four operationalized framing elements that was defined by Entman (1993) as comprising any frame. They then used the computers to analyze the variables for clusters of words where frames emerge from the abstract, overarching patterns that constitute each framing element. The frames thus found were then interpreted and

returned to their contexts to test its defensibility. David et al (2011) closely followed the same methods of Matthes and Kohring (2008) to study the representation of population in the Philippines' news media. The results of their research seem to support the validity of their procedures with respect to their abilities to identify frames based on coding of manifest contents that theoretically comprise frames (David et al., 2011, p. 344). For their research, the involvement of the human in the coding of each element in theoretical definition on what constitutes a frame came before the computer aided exploratory cluster analysis across multiple articles to extract frames (Scheufele and Scheufele, 2010). On the one hand, this kind of method provide a validity advantage because they predetermine frames and code manifest contents into each frame (David *et al.*, 2011). On the other hand, the old problem pops up, cluster analysis is based on the frequencies of the occurrence or co-occurrence of the words, which runs into the risk for lack of validity, since some frame-relevant words do not occur frequently and thus are automatically omitted (Hertog and McLeod, 2001).

This research chooses keyword and collocation procedures in corpus tools as a remedy for cluster analysis' lack of validity[14] While keyword and collocation algorithms help to retain the high reliability enjoyed by the automated procedures, it does not rely on pre-determined coding schemes but calculate the natural occurrences of the words. Ultimately, cluster analysis starts with the framing theories that define what categories of manifest contents a framing analyst should look for in a text. In this sense, it is still deductive, despite that Matthes and Kohring (2008, p. 275) argued that the advantage of their method is that "frames are not subjectively determined but empirically suggested by an inductive clustering method". In comparison, keywords procedures in the corpus tools start with the data by calculating and ranking the natural occurrences of every word in the texts. Though keywords procedures cannot be theory neutral, they

[14] Cluster analysis is purely automated methods that aim to group a set of words (called word clusters) in texts in such a way that words in the same cluster co-occur more often to each other than to those in other word clusters. Distinct clustering patterns are usually mathematically derived from the texts through cluster algorithms (Matthes and Kohring, 2008; David, Atun and La Vina, 2010; David *et al.*, 2011).

are inductive in the processing of the texts (Baker, 2006; McEnery and Hardie, 2011). In addition, computers process text information differently from humans tend to, as a result, computer-based analysis reveals important and powerful patterns of language that we are unaware of and by which we are unconsciously influenced (Baker, 2006, p. 19). The deductive part of the framing analysis (i.e. the categorization of the manifest contents into the framing elements) begins only after the results of the keyword procedure (i.e. the keyword lists) are produced.

Keywords analysis in the corpus tools and cluster analysis differ in another important aspect. If a manifest element is not coded in the first place for any reason, for example, not occurring enough frequently, or not in the category that the researcher is trying to code, the meaning of that manifest element is lost in the later part of the analysis as well. In comparison, after the keyword lists are generated, a researcher has the chance to reconnect to words that are frame-relevant but do not occur frequently by using collocation and concordance tools (see section 5.5). Corpus methods can make the richness, nuances and ambiguities of the language better understood and analyzed by a human researcher, thus making the methods more prone in detecting subtle arguments that can change the nature of discourse and the frames.

Cluster analysis can hardly be applied to very large amounts of texts because it builds on an initial stage of manual content analysis. In contrast corpus-based methods on language enable an analyst to "plough through vast quantities of texts in a short time and to reduce or 'boil it down' to lists and concordances lines" (Duguid, 2010, p. 110). The International LegalTech Corpus used by this research (see 5.4.1) has over 3 million words, the volume of data making the choice of the corpus tools particularly suitable. More quantitative oriented methods such as keyword and collocation (co-occurrence relationship between words) procedures of the corpus tools, combined with the more qualitative methods, such as a close reading of words and their contexts enabled by collocation and concordance tools, can reveal significant frame devices that may be

missed in case only the automated methods are employed. Corpus tools makes it feasible to deal with large sample of texts while at the same time, paying attention to details in the contexts.

This research started with data with the help of corpus tools, following the methods that had been tested by Duguid (2010), Touri and Koteyko (2015), and Atanasova et al. (2019) to derive themes by categorizing keywords generated by corpus tools. The procedures based on keywords and collocation algorithms helped to strengthen the reliability of the research especially in the LegalTech discourse study where a large volume of text was involved. Keywords are very useful in extracting frames, as suggested by Touri and Koteyko (2015, p. 605): "Although keywords will not readily reveal frames, they will direct the analysts to important concepts in a text which may help 'diagnose' and 'nominate' central ideas around which the frame is constructed." After the keyword analysis, this research followed the content analysis methods set by Entman (1993a), Matthes and Kohring (2008) and David et al. (2011). For reassembling the frames, the two studies conducted by this researcher in chapter 6 and 7 relied on the four framing elements theory in categorizing manifest contents revealed by collocation and concordance procedures that were applied to the key semantic sets or themes formed by the keywords identified with the keyword procedure. After the frame identification, this research followed Van Gorp's (2007), Koteyko et al., (2008); Touri and Koteyko, (2015), and Atanasova et al., (2019) to return the frame to its social contexts to explain what material hegemonical struggles had led to the way that the transformation of the legal profession was represented.

5.3 The comparative framing analysis

Some framing scholars suggested that comparative work should be included in the design of a framing analysis to avoid, on the one hand, the risks of the naturalistic nature

of much of the framing process that makes it tough to identify, and on the other hand, to detect cross-level linkage with the benefit brought by the cross-culture work that compare the framing process under different societal conditions and with other indicators of social reality (Reese, Gandy Jr and Grant, 2001, p. 28). Combining the inductive and deductive, quantitative and qualitative, the automated and manual, this researcher designed and carried out an comparative frame analysis of the coverage of the human rights lawyer detentions and trials by Chinese and UK English-language newspapers, as well as the LegalTech discourses constructed by the academic, industrial, and media writers (see 5.4 for data collection methods).

News is socially constructed, far from neutrally reflecting the objective empirical facts (Fowler, 2013, p. 2), thus, in order to make a news slant visible, Entman (2004, p. 40) suggested that frame researchers compare news stories to each other rather than to reality. Following Entman's advice, this author does not get stuck in finding absolute truth about the facts of lawyer detention events in China, but contrast frames that emerged between the stories about the same series of events told by the British and Chinese newspapers respectively. Partington (2015) suggested the use of comparative perspective for discourse analysis so as to reveal some discursive features that might otherwise ignored.

If the opposing sides are endorsed by different ideologies, each side, in the construction of the discourses, may adopt a certain frame and reject or downplay material that is discrepant (Gitlin, 2003, p. 25). For each side, the most efficient and effective exercise of power is to prevent manifest frames that express opposing opinions from arising in the first place. Consequently, the most obvious frames of each side are deliberately overlooked by the other. The frames highlighted by one side may sound normal and obvious to their audience but may look weird and unusual to the other side. What readers eventually read are news stories that select and neglect aspects of a perceived reality, thus making certain versions of reality more salient (Entman, 1993; Tankard Jr,

2001; Gitlin, 2003). Hence Hertog and McLeod (2001, p. 149) suggested that a successful frame analysis of media texts requires that researchers engage with widely among ideologically divergent sources so as to be aware of an array of potential frames for the topic under study.

The power of any historical group vying for hegemony lay in their 'knowing' the field, which in itself constituted power and yet also was an exercise in power. Hence, to resist any opposing forces, it is required to know the field outside that group's discourse, and to represent and present this knowledge to them (Ashcroft and Ahluwalia, 2009, p. 66). Following Said's methodology of "textualism", the Chinese legal profession can be envisaged as a textual creation (Said, 1979). In legal colonization discourse, the affiliations of the text compel it to produce the West as "a site of power and a center distinctly demarcated from the 'other' as the object of knowledge and, inevitably, subordination" (Ashcroft and Ahluwalia, 2009, p. 63). Legal colonization discourse was ultimately a political vision of reality whose structure promotes a binary opposition between the familiar Western legal models and the strange Chinese legal institutions (Said, 1979, p. 43). As such, both legal colonization and appropriation discourses and their frames are defined by what they omit as well as what they include. By comparing different reports of the same event by different media, the distinct way that journalists from both countries (the UK and China) frame the news will come to the focus.

What is selected for a media text are visible, available, and most easily measured, from where researchers take salient features. However, researchers should not oversell this manifest aspect. Framing analysis should remember that manifest content is only the tip of a very big iceberg (Reese, Gandy Jr and Grant, 2001, p. 17). With the help of comparison methods that drive them to look into multiple sides behind the media texts, researchers may unveil the neglected aspects by taking the noticeable features from opposing discourses, thus providing alternatives, alternative ways of seeing an event that also amounts to those ways of screening from sight (Gitlin, 2003, p. 52). Through

comparison, researchers may reach deep below the surface to grasp the exercise of the underlying power struggles that reproduce and transform social structures (e.g. different legal professional ideologies), which is a process at the core of media framing practice and analysis (Van Gorp, 2010, p. 88).

In a comparative design, texts containing frames constructed by their writers are more likely to be compared in relation to system-level conditions, thus moving the analysis up a rung from micro level linguistic analysis to the meso level sociocultural analysis (Dimitrova and Strömbäck, 2012, p. 605). This was also explained by Pfetsch and Esser (2012, p. 28) that "comparative research guides our attention to the explanatory relevance of the macro-contextual environment for communication processes and outcomes". Comparison design may put the reported event and readers into a particular context in order to understand how someone else's logic is, thus facilitating the methodological sophistication in detecting cross-level linkage by "testing the effects of system-level variables on actor-level processes of political communication" (Pfetsch and Esser, 2012, p. 28). Hence, comparative study is very compatible for this research which is essentially cross-level.

This research compares the discursive construction of the same series events by the UK and China's newspapers, so that variations in description and formulation become evident (Van Dijk, 2013, p. 88). The frames in the British newspapers and the Chinese newspaper are so different that it is very difficult to compare them. However, only reviewing the British or the Chinese newspapers cannot provide a thorough understanding of framing as it occurred in the news covering of the events by either group of the newspapers. It is expected that different framing strategies make some facts and ideas in UK (as well as China) news stories more salient than others, while making others virtually invisible to their readers. Both UK and China's newspaper use frames to impose a specific interpretation onto the events. However, they also often obscure contrary information that may be presented in these events. Sometimes, even a

very strong frame thoroughly pervades a news story, the contrary opinions may still get mentioned because of journalistic values and morals of objectivity and other considerations, they are likely to possess such low salience as to be of little practical use to most readers (Entman, 1991, p. 21; Kuypers, 2010, p. 302).

With the help of comparative analysis of news coverage of the same event from the two culturally dissimilar countries, the readers and journalists may reach beyond their culture's imposed frames to get a broad understanding of the different ways that the events may be understood. But the task of critically analyzing the colonizing country's legal culture are much more difficult tasks than criticizing that of the country that has been importing and appropriating legal institutions from the colonizing countries. The very taken-for-grantedness of the Western style of the rule of law blinds colonizers to important assumptions, values, and beliefs that should be a matter of critical analysis. Exposing colonizers to very different ways of viewing China's lawyer detention events make colonizers' legal culture more transparent. But this line of thinking also apply to the importing country. Both sides learn by comparison and come to recognize the unreflective acceptance of their assumptions. Once made clear, these features of each side's culture "should be written into the descriptions of frames identified in the preliminary reading" (Hertog and McLeod, 2001, p. 150).

Through a comparative study, this research may unveil characteristics and their discursive construction of hegemonical struggles of the Western legal field, as well as those of China's legal field, that would otherwise be invisible because they are so common sense or natural to participants in each field. This comparative design aims not only to shed light on the discourses under investigation but also illuminate characteristics of different cultural systems that function as the basis of comparison. In comparatively analyzing the manifest features of the UK and China discourse, this researcher would highlight categories that may disclose what media logic is at play within the overall UK and China political communication systems when they come to

report Chinese legal affairs (Pfetsch and Esser, 2012, p. 23), including the influences of LegalTech.

5.4 The data for the research

This thesis integrates two independent discourse analyses. The first one is a comparative analysis of the media representation of the same series of Chinese legal affairs by the British and Chinese newspapers. The second one is a LegalTech discourse analysis that finds frames with which the implications of LegalTech to the production and delivery of the legal services and the existential state of the profession are represented in articles collected from academic, industrial, and media publications. Both studies adopt the corpus assisted qualitative framing analysis.

5.4.1 The data for the media representation analysis

Theories that explain communicative patterns of the news discourse, e.g. news framing, news values, as well as socio-cultural theories of the profession, are integrated to inform the design and construction of the comparative corpora that are used to investigate the representation of the Chinese human rights lawyers. The corpora mirror the language that is used by journalists on both sides who respectively represent the colonizing and appropriating forces unleashed to the Chinese legal field. The design of the two corpora has also followed the good practice explicated by John Sinclair in *Developing Linguistic Corpora* (Wynne, 2005) as well as standards and rules set by McEnery and Hardie (2011) and Baker (2006).

The criteria on which the texts that form the two corpora were selected had been determined before the actual data collection process began. Common criteria include

the mode of the text, the type of text (e.g. book, journal, letter, newspaper), the language, the location of the texts, the date of the texts, and the categorization of events (Wynne, 2005, p. 4). The language contained in the corpora for this research originates in the newspapers studied, from British newspapers as well as Chinese ones. To avoid complicated translingual problems, this research only collects texts in the English language. Some of China's newspaper have English language versions that convey nearly the same contents for the domestic readers, making collecting news texts written in the Chinese language unnecessary. These English versions directly address and try to influence the Western (including the UK) readers (Whitten-Woodring and James, 2012; Liu and Li, 2017; Qin, Strömberg and Wu, 2018), which makes possible this researcher's analysis of the representation of the hegemonic struggles between both sides in the media of the English language. The selection of the news stories for the corpora is driven by the events (a series of detentions and trials of rights lawyers in China) and the competing discursive construction and representation of them by the UK and China media, rather than by the language that each news text contains, that has ensured that the corpora this research has analyzed are "designed and constructed exclusively on external criteria"(Sinclair, 2005, p. 2).

This researcher built two comparative corpora that collect nearly all the news articles that cover a series of events of the human rights lawyer detentions and trials starting from July 2015 to July 2018. [15] All news texts from the UK and China news media that

[15] Out of the full chronology account of what Human Rights in China (HRIC) terms as "mass crackdown on Chinese lawyers" since the 9 July 2015 lawyer detention and trial event (available at: http://www.hrichina.org/en/mass-crackdown-chinese-lawyers-and-defenders (accessed 25 October 2018)), I compiled a list of 24 individual lawyers that have charged but not yet tried, released/tried/convicted, released on bail pending further investigation, tried and verdict not yet announced, thus forming part of the search term: Wang Quanzhang OR Zhai Yanmin OR Hu Shigen OR Zhou Shifeng OR Gou Hongguo OR Li Heping OR Zhang Weihong OR Zhang Wanhe OR Li Yanjun OR Liu Xing OR Wang Fang OR Yao Jianqing OR Wang Yu OR Ren Quanniu OR Tang Zhishun OR Xing Qingxian OR Xie Yanyi OR Liu Sixin OR Liu Yongping OR Bao Longjun OR Lin Bin OR Xie Yang OR Wu Gan OR Yin Xu'an. Some of these names are quite common among Chinese people, therefore, I added a search term: AND human rights lawyer. For searching UK news texts, I used the source UK Publications in the Nexis UK, while for searching China's media texts, I used the sources available in the Nexis UK which collect China's news written in English published by China Daily, People's Daily, Global Times, among a handful of other such kind of newspapers from mainland China.

mentions these legal profession detentions and trials were extracted from the LexisNexis database and built into their respective corpora after a manual elimination of some irrelevant information in the news texts, such as copyright, load date, word counts. The crackdown on a number of lawyers have provoked vehement debates among scholars as well as practitioners focusing on the theme of limited role and future prospect of China's legal profession, especially regarding human rights lawyers' endeavor to bring meaningful changes in society through social-legal activism (Fu and Zhu, 2017). With the increasing transnational legal profession's interaction with China, some scholars are worried that China's requirement that the lawyers should be in the state's service could spread to the West and threaten the autonomy and professional integrity of the global legal profession as a whole (Pils, 2017). It would seem that China's detentions of the human rights lawyers are of news value (Bednarek and Caple, 2012) both domestically and internationally, so newspapers from both UK and China have covered these events extensively as they continue to happen after the first reported detentions on 9 July 2015.

The corpus that is used to contain news stories from the UK newspapers is labelled "the UK corpus", correspondingly, the corpus that stores news articles from China's newspapers is called "the China corpus. Table 5.1 shows some attributes of each corpus.

Table 5.1 The attributes of the UK and China Corpora

	No. of news articles	No. of tokens[16]	Newspapers
The UK Corpus	86	50215	*The Daily Telegraph*, *The Guardian*, *The Times*, *The Independent*, *The Herald*, *The Mail*
The China	104	48152	*The Global Times*, *China*

[16] Token refers to any single, particular instance of an individual word in a text or corpus.

Corpus			*Daily*, *People's Daily*

Before the analysis, it is useful to consider the nature of China's newspapers and those of Britain and how this may relate to the way that China affairs are represented by them. Instead of being identified as the fourth state and the watchdog, China's newspapers are widely regarded as the carrier of official mouthpiece material of the Party (Whitten-Woodring and James, 2012; Qin, Strömberg and Wu, 2018). The requirement for a dominant state ownership and government supervision naturally creates bias towards the Party in all Chinese newspapers. However, it is arguable that in terms of political biases, neither the UK newspapers take a neutral and independent stance, journalists "convey information about issues and events from the perspective of values held by political and economic elites"(D'Angelo, 2002, p. 876). The journalists' perspective, lenses, or frames dominate their news coverage. Research has indicated that Western newspapers, especially in their news coverage of foreign affairs (Lawrence, 2010, p. 267), "show less independence in framing issues and events, instead tending to rely heavily on high government officials to frame the news" (Bennett, Lawrence and Livingston, 2008, p. 49). In news coverage of foreign affairs, this indexing pattern that connects the dominant news frames to those proffered by the powerful officials is much more dominant than in the news coverage of domestic matters (Lawrence, 2010, p. 273). It is arguable that both Chinese and British newspapers represent the lawyer detention events in line with the views of their respective government. Event-driven news usually forms rich mines of political driven frames that the media dutifully amplified for both sides (Entman, 2004). Therefore, the news coverage of this series of events have ideally demonstrated, captured, and retained the competing hegemonic forces that together shape the identity of China's legal profession and its future development direction.

This research did not categorize newspapers into broadsheets and tabloids because studies have shown that both categories tend to take the same stance regarding some foreign affairs. The differences between the broadsheets and tabloids are just a matter of degree (Baker, 2010; Baker, Gabrielatos and McEnery, 2013). It is arguable that this

is also the case when UK and China newspapers cover China legal affairs. News production inherently involves framing. News stories offer the journalists' particular interpretation or meaning to their readers, regardless how scrupulously the journalists may try to distinguish between facts and opinion. After all, it is not possible to stay neutral in reporting on some controversy (Cooper, 2010, p. 140). Therefore, this research did not make any distinctions between editorials or news stories. The frames were embedded across the corpus of the news coverage of the events; hence the entire discourse was relevant.

As these corpora are event-driven and this researcher has collected nearly all the news articles covering them, the problem of representativeness of the language use is of less concern. However, these two corpora are small in size, but the number of words in these corpora have not hindered the type of the analysis methods that this research employs. While the goal of balance of a corpus is not precisely definable and attainable, it should be noticed that there may be some problems with the balance of the corpora. While the average words for the UK Corpus is 583, the average words for the China Corpus is 463, which was caused by the uneven distribution of broadsheets and tabloids news story within each corpus. While the UK Corpus contains more broadsheets articles (e.g., more news stories from the *Guardian*), the China Corpus includes more tabloids articles (e.g., the *Global Times*). This is not a real problem when the purpose of the study is to identify the stance of a set of newspapers.

5.4.2 The data for the LegalTech discourse analysis

The International Bar Association (IBA) has established a Presidential Task Force on the Future of Legal Services the first phase of which attempted to analyze the drivers for change in the legal services (Esteban and Klotz, 2017). The appendix to the phase one research report has a spreadsheet file that contains the bibliography used in the

study. To generate the spreadsheet, the research team "conducted a research on various databases by a combination of 10 population terms (*Legal profession, Lawyer, Legal services, General Counsel, Law firm, Law school, Bar Association, Law Society, Court, Professional Service Firms*) with 7 impact terms (*Future, Change, Trend, Progress, Innovation, Disruption, Quality*)" [17], which produced 417 documents that were published between January 2010 and August 2017[18]. However, 137 documents were excluded from the spreadsheet after an examination of the titles and abstracts of the documents by the research team. Although the documents thus collected do not fit exactly with the aim of this present research, the collection still constitute a very good sample for the study of discursive constructions of various interest groups that are affected in their struggles for hegemony in the legal field. The IBA research team have identified six global categories of change factors driving the future of the legal profession: changing demographics and values, skills mismatch and legal education reform, globalization and shift of economic power, emergence of new forms of value creation, legal technology development and innovation, regulatory innovations and gaps. Apart from legal technology itself, the other five factors take effects in the new tech environment that is all pervasive (Susskind, 2008, 2013; Susskind and Susskind, 2015). All the documents were read by the eye, so their relevance was tested. Therefore, this researcher decided to collect all these documents to make them a corpus related to legal technology for figuring out the semantic reality of LegalTech discourses. However, it is not convenient to get the electronic copies of the three books included in the bibliography because of cost and availability, and some files are removed from the original link or the database, so this researcher collected 266 documents out of 280. The corpus contains 3,807,219 tokens, 120,987 types (a type is a single particular wordform), and 112,309 lemmas (a lemma is a group of words related to the same base

[17] The key words was used to search in 9 databases: Taylor & Francis Online, Wiley Online Library, Emerald, HeinOnline, SSRN， HLS CLP， Research Paper Series, Stanford LS Legal Design reading list, SLS Codex publications, SpringerLink

[18] As LegalTech is a fast-moving topic, significant changes may have occurred in the language employed up till now. However, the technology-driven transformation is still a work in progress which was largely initiated from around 2010 and onwards. Major drivers for the transformation had manifested themselves in the texts except the profound influence of pandemic of Covid-19.

word differing only by inflection). This corpus is referred to as the International LegalTech Corpus.

These articles contain discourses surrounding LegalTech. Individuals or groups construct discourse to construct meaning. Instead of viewing the public discourse concerning LegalTech as a single discourse, this research holds that the public discourse is constituted by a set of discourses that interact in complex ways. There are academic, industrial, media, and LegalTech entrepreneurs' discourses, each from a different perspective, providing frames that are intended to lead their audience towards thinking in a particular way about LegalTech, A2J, and the future of the profession. Various discourse builders may draw their ideas and languages from any of the other discourses as well as contribute their own frames. The articles in the International LegalTech corpus may serve as a proxy for the academic, business and media representation of the implication of LegalTech to the A2J and the profession. Most of the articles in the corpus were published for a professional audience which are the forums for public discourse where various interest groups have contended on the big issue of where the future of the legal profession should be steered.

As will be discussed in more details later, keyword analysis forms the basis of the methods adopted by this research. For keyword analysis, the selection of reference corpus is a key consideration (Baker, 2006; McEnery and Hardie, 2011; Brezina, 2018). A general or "normal" English corpus for comparison (e.g., Atanasova et al., 2019; Liu and Li, 2017) is useful in identifying prominent topics or themes particular to the node corpus (i.e. the factors driving the transformation of the legal profession). Therefore, this research chooses as reference corpus the 2 million words BNC sampler that collect both written and spoken British English (BNC, 2009).

In order to compare the discourses on the Chinese and the Western LegalTech, this researcher also built a Chinese LegalTech corpus following the same searching and

selection methods as adopted by the IBA. But unfortunately, the literature in the English language on China's LegalTech was rare before August 2017. However, Chinese LegalTech has been developing fast, not lagging behind the West (Thomson Reuters, 2020), thus discourses on the Chinese LegalTech is on the rise after 2017. Frames that had been formed to help understand the Western LegalTech before 2017 may be applicable to discourses on the Chinese LegalTech after 2017. Hence, this research built a Chinese LegalTech corpus using the same methods through which the International LegalTech corpus had been built up. But the English texts on China's LegalTech have remained scarce even after 2017, with only 19 texts qualified to be included in the corpus. The Chinese LegalTech corpus contains 101,413 tokens, 11,839 types, and 10,344 lemmas, which is much smaller in size compare to the international one. Given the size of the corpus, it may be fine to get the keywords analysis conducted compared with both the BNC Sampler and the International LegalTech corpus, but the size may be not big enough to support a corpus assisted framing analysis (Baker, 2006; McEnery and Hardie, 2011; Biber and Reppen, 2015; Brezina, 2018). However, as the discourses on the Chinese LegalTech were also constructed from a Western perspective, which can be proved by keywords analysis to some extent, this research use the International LegalTech corpus as data for framing analysis. The frames thus reconstructed may be used by stakeholders to understand field transformations and built versions of professionalisms that meet their interests.

5.5 The methods and procedures of the analysis

This research contains two separated discourse analyses, namely, the news discourse analysis, and the LegalTech discourse analysis. A corpus-assisted qualitative frame analysis is used in both analyses. However, there are differences regarding the corpus procedures and frame-finding steps used in each analysis. The two sections below discuss in detail the methods and procedures of each analysis respectively. The

similarities in methods and procedures may lead to overlapping descriptions to a certain extend.

5.5.1 The methods and procedures for the analysis of the news discourse

The research method that was adopted in the analysis of the media portrayals of the Chinese human rights lawyers is a corpus-assisted qualitative frame analysis advocated and exemplified by Koteyko et al. (2008), Touri and Koteyko, (2015), and Atanasova et al (2019). It started with an explorative analysis of the texts with the help of corpus tools (i.e., the combination of keyword, concordance, and collocation procedures). This analysis creates a dotted but overall picture of the relationship between the discursive practices presented in the two comparative corpora and the material power dynamics taking place in the Chinese legal field. Then, using thematic analysis, the study went on to identify competing frames that exist in the two corpora that provide alternative lenses for the audience to view the series of events of lawyer detention and trial in China from July 2015 to July 2018. Finally, these frames were returned to the context of the hegemonic struggles between the colonization and appropriation forces in China's legal field. This last step is a process of finding cultural logic that makes the frames, as suggested by Entman (2004, p. 6): "all four of these framing functions hold together in a kind of cultural logic, each helping to sustain the others with the connections among them cemented more by custom and convention than by the principles of syllogistic logic".

The corpus-assisted approach adopted by this research follows the suggestion that frames can be detected via keywords indicative of the conscious and unconscious evaluations that authors make when creating contents (Entman, 1993). Themes and frames are discovered, not a priori (Kuypers, 2010, p. 306). Thus, the first stage of colonization and appropriation discourse analysis involves corpus linguistics to

examine patterns of representation around several keywords (e.g., *crackdown, human, torture, public*) in the UK and the China Corpus. Statistical methods, which are replicable and unbiased, are used in the generation of keywords from the texts as a more reliable and valid than human predictions which are prone to cognitive biases when it comes to noticing frequencies. The definition of framing as being about selection and salience (Entman, 1993), where salience can mean that by repeating certain terms, concepts and words, certain ideas about events and issues are foregrounded and other hidden, maps well onto the concept of keywords in corpus linguistics. In corpus linguistics, keywords are words that are significantly more frequent in a corpus in comparison with another corpus (according to loglikelihood or chi-square tests; Baker et al., 2013). A keyword list gives a measure of saliency (Baker, 2006, p. 125). Keywords identify salient words in a corpus, acting as signposts for linguistics, framing, and discourse analysis. Keywords can be seen as traces of core propositions (e.g. about causes and solutions of a problem) that form part of a frame (Touri and Koteyko, 2015).

In order to compare the two corpora against each other, the corpus-based technique of keyword analysis was conducted using Lancbox, which is a new-generation corpus analysis software package developed at Lancaster University" (Brezina, McEnery and Wattam, 2015). Lancbox enables discourse analysts to manipulate and sort the text data in order to examine the language patterns. The keywords comparison used in this research is mainly concerned with comparing the frequencies of all words in the UK and China corpora with each other so as to find out which words occurred statistically more often than would be expected by chance alone in one corpus when compared with the other. Such keywords should shed light on the most salient ways in which the Chinese human rights lawyers are written about in the two corpora. However, little insights can be gained by only looking at the lists of keywords taken out of the context. Hence concordances analyses are supplemented in a hope to explain why certain words occurred as keywords, what their most common uses were and whether there were differences and similarities across the two corpora (Baker, 2010, p. 317).

The keywords comparison was fulfilled by comparing frequency lists derived from the UK and China corpora. Firstly, with the help of Lancbox Words module, a frequency list of words is produced for each corpus. Both absolute frequency (AF) and relative frequency (RF, per 10k words) are taking into consideration. Juilland's D is selected as the measure of dispersion of the words across different texts within each corpus. Juilland's D builds on the coefficient of variation (CV), the closer the coefficient is to zero, the more even the distribution of a word. But as the maximum value of CV depends on the number of parts in the corpus, it is not as obvious as Juillan's D which is a number between 0 and 1, with 0 signifying extremely uneven distribution and 1 perfect distribution (Brezina, 2018, p. 51). The Words module of the Lancbox was then used to automatically compute a comparison of frequencies between the two corpora using SMP as the statistical measure. Evidence show that Chi-square and log likelihood used for corpus comparison is prone to identifying far too many keywords (Bestgen, 2013; Brezina and Meyerhoff, 2014), so this research followed Kilgarriff's (2009) suggestion to use SMP which is the ratio between the relative frequencies of words in the two corpora for comparison. The interpretation of the value of SMP is more straightforward than log likelihood because the value indicates that the word occurs approximately the number of times as much in the node corpus as in the reference corpus. Therefore, for the identification of keywords, this research used Kilgarriff's (2009) SMP with constant set at 100 and no frequency cut-off points applied.

Once keywords have been identified, these core propositions can be further explored by analyzing the immediate textual context of keywords (referred to as keyword concordances, Sinclair, 1991) to identify the full range of framing and reasoning devices that form part of a frame. For example, patterns of collocation also emerge from data (Pearce, 2008, p. 7). The idiom principle of language use found by Sinclair (1991) suggests that people understand language in chunks, rather than as individual words in grammatic sequences. Collocates represent a packaging of information in the form of fixed phrases that "become entrenched in language use, and the information

within them becomes difficult to pick apart or criticize" (Baker, 2010, p. 127). Collocation analysis can reveal "how meanings of words are formed through multiple repeated associations that can be documented only in language corpora"(Brezina, McEnery and Wattam, 2015, p. 165). Collocation can reflect persistence colonization/appropriation differences in the representation of China's legal affairs in the domains of the rule of law, the identity of the professionals, the organization of the law services and the lawyers, and the regulation of the legal service.

The functionality of corpus linguistics in discerning trends and patterns in the texts makes it a very good tool that relies on evidence to diagnose power of language in the construction of professionalism. Corpus assisted framing analysis should on the whole focus on showing the power of corpora in providing systematic description of the salient linguistic features (e.g. keywords and collocates) of the discourse under study (Stubbs, 2001). When particular items are identified as more salient by corpus tools (e.g. keywords procedures) that are applied to a given sets of texts, it is usual for the analysts to attempt to formulate hypotheses to explain the differences in language patterns that is identified (Partington, Duguid and Taylor, 2013, p. 266). Linguists usually use linguistic theories to develop an explanation, for example, informalization (Duguid 2010), prosody (Baker, Gabrielatos and McEnery, 2013), appraisal and evaluation (Bednarek, 2010, 2006; Coffin and O'Halloran, 2005). However, these theories are of concern to the linguists, to fit the purpose of this research, framing theories are needed to interpret why particular items are more salient in one corpus than the other. It suggests that the frames are reflected in the salient lexis and its contexts of use, but it is obvious that linguistically oriented framing devices are not the most powerful indicators in the identification of frames (Van Gorp, 2005, p. 496). Therefore, corpus linguistics should be coupled with framing theories in the process of finding frames. This study of the political discourse on the transformation of China's legal profession leans toward a constructive approach (Pan and Kosicki, 1993, p. 55) to framing analysis in that it conceptualizes the texts on China's lawyer detention events into empirically

operationalizable elements (e.g. keywords, key themes) so that evidence of framing of the events by both sides may be gathered. Specific manifest messages (e.g. keywords and their co-texts) in the news texts constitute a theme which can be viewed as a manifest framing device, and at the same time, be regarded as fulfilling one of the four framing functions that has been propounded by Entman (i.e., the problem definition, causal attribution, moral judgment, and remedy recommendation), thus this frame also constitute as reasoning device, which is latent.

By relentlessly shunting back and force between keyword lists and concordances lines, this research identified themes that connect different manifest signifying elements (e.g., descriptions of an action or an actor, quotes of sources, and background information) into a coherent but usually unsaid whole that expressed each of the four functions of a frame (Entman, 1993; Pan and Kosicki, 1993, p. 59). The theme in this analysis is not the same as what Pan and Kosicki (1993, p. 59) has posited, where their sense of theme is nearly identical with frame. This research relegates themes to components of a dimension of a frame, while regarding a frame as the central core of a multilayer hierarchy that connect various themes that are constituted by supporting manifest signifying elements. Manifest framing devices inductively derived from the texts with the help of corpus tools were categorized into different types of reasoning (latent) devices by thematic analysis. And the manifest signifying elements, together with the latent elements that organize them , constitute a frame package (Gamson and Modigliani, 1989), which is the overall strategic message that the colonization or appropriation forces want to transmit.

Due to the nature of active discourse comprehension (Van Dijk, 2013), discrepancies usually arise between the intended meaning of the encoders and the comprehended meaning of the decoders (Hall, 1980). Nevertheless, themes and frames in a text help audience to make sense of the text by providing them with guiding ideas that unite different basic semantic elements (e.g. words) into a coherent whole, thus offering a

particular way of interpretation. By providing guiding ideas, themes function to direct the attention and restrict the perspectives available to audience (Hall, 1980; Tuchman, 1980). Thus, the discursive construction of the series of lawyer events can influence the free choices of the audience. Once the audience feel they have the moral and political responsibilities for the ideologies that are embodied in the texts, then the discourse builders also exert their powers and contribute to the hegemonical struggles between colonization and appropriation forces.

5.5.2 The methods and procedures for the analysis of the LegalTech discourse

While the detailed empirical investigations into material practices of legal technologies are important, this research focus on how LegalTech is discursively constructed to explore the implications of legal technologies to A2J and the legal profession. The LegalTech discourse analysis explores how the relationship between LegalTech and the legal services as well as that between LegalTech and the legal profession were conceptualized in academic, business and media writings using a corpus assisted qualitative framing analysis. This analysis contains three steps: corpus-based keywords analysis, qualitative content analysis to identify the framing elements that constitute every frame, and a cultural analysis to explain the reason why these frames are constructed. To identify frames and the frequency with which they were used in the LegalTech discourse, this research relied on (1) grouping the keywords with the Simple math parameter (SMP) greater than 1.5 into three semantic sets (i.e. word groups with closely related meaning) (Duguid, 2010; Touri and Koteyko, 2015; Atanasova *et al.*, 2019) and (2) qualitatively analyzing the extended concordances of the keywords by integrating the content analysis methods set by Entman (1993), Van Gorp's (2007), Matthes and Kohring (2008) and David et al. (2011) to identify frames. After the frames are identified, cultural theories are employed to explain why the frames are built, in line with the research framework set out in Figure 5.1

The keywords of the LegalTech corpus contain many items linked to the semantic fields of the legal profession, technology, and the legal services. After the general "facts" had autonomously generated in terms of relative frequencies and SMP that indicates keyness, thematic analysis (Braun and Clarke, 2006; Duguid, 2010) was employed to assign keywords to semantic sets. The identification of the sets in this way requires "shunting back and forth" between the keyword lists, their collocates, and concordances lines (see 5.5), which is "a subjective process, in which generalizations about overall patterns in the data are reached by identifying shared attributes --- character words as similar or related, much as a lexicographer might." (Duguid, 2010, p. 115). The key semantic sets thus identified are nuggets from a LegalTech discourse on the future of the legal profession that most of legal professionals instantly recognize. This enables this researcher to look into the symbolic devices that are organized into interpretive packages that characterizes the LegalTech discourse (Gamson and Modigliani, 1989, p. 2). On the implications of LegalTech to the transformation of the legal profession, there are competing and complementing interpretive packages available in the ongoing rivalry representations, i.e. a symbolic contest among different vest interests over which interpretation will prevail.

In the process of finding frames by extracting framing elements from the results of the keywords, concordances, and collocations, this analysis of the LegalTech discourse followed the content analysis procedures advocated and tested by Matthes and Kohring (2008), David et al. (2011), and other framing analysts. Each of the following framing elements that constitute a frame, which was first proposed by Entman (1993), was included: problem definition, causal contribution, moral evaluation, and solutions or treatment recommendation. This research regards these elements as content analytical variables. Every frame identified is characterized by a specific pattern of variables. It suggests that the more salient a certain variable is, the higher is its reliability (Matthes and Kohring, 2008, p. 264). Unlike the analysis of colonization and appropriation

discourse that used the thematic analysis as a mediate mechanism, the analysis of the LegalTech discourse involves setting direct relation between manifest signifying elements and the latent reasoning elements. This requires a clearer operationalization of the four functions of the frames, which is explicated as follows.

Problem definition, as a frame element, involves variables on topic, theme, actor, and proponent (Matthes and Kohring, 2008; David *et al.*, 2011). This research follows David et al. (2011, p. 335) to define the topics as "the central issue under investigation or the primary argument around which all the other arguments revolve" (David *et al.*, 2011, p. 335). In the case of LegalTech issue in the legal field, a topic can range from the relationship between technology and the A2J (in the sense of how the legal services are embodied in the LegalTech that are suggested as a cure for the serious A2J problem) to the relationship between technology and the legal profession (in the sense of how technology has changed the existential state of the legal profession). Aside from the central topic, texts on LegalTech also have underlying themes that, unlike the topic, may be more than one. A proponent is defined in this research as the main entity with interests in LegalTech issue as conveyed in the text. Hence, a LegalTech start-up might have written and published a press release that became the source of a report or a journal article (actor), but if the text focus on the role of the lawyers in the widening of access to justice, the main proponent is the lawyers.

Moral evaluation, as an important frame element, contains variables identifying the benefits and risks that LegalTech have brought. For example, benefits may include the improvement in the access to justice, the overall quality of being a legal professional, and economic benefits. Since LegalTech can be seen as providing solutions to the problems exist in the legal field as well as causing new problems to the legal field, depending on which side the arguments belongs, risks will be categorized differently. On the one hand, the access to justice gap is seen by some groups as a problem that carries risks if left unchecked. Affordable legal services are viewed as a cure for this

problem, and the LegalTech are an incarnation of the affordable legal services. On the other hand, the proposed solution to the access to justice gap, that is the innovative legal technologies, is seen by other groups as a problem that threatens the existential state of the legal profession. So, for the groups that focus on the benefits of LegalTech in advancing A2J, the lack of regulation, especially with respect to the regulation on algorithms, is viewed as a risk. However, for the groups that concerns with the implication of the technology on the innovative law firm models, some existing regulations, such as unauthorized practice of law, and ban on outside investors, are viewed as risks.

After identifying the risks and benefits mentioned in the articles, who or what was deemed responsible is deduced and identified. This is what Entman (1993) identified as causal interpretation or attribution. This research operationalizes the frame element causal attribution with variables measuring who was thought responsible for the risks and benefits of LegalTech, as Matthes and Kohring (2008) did in their research. These variables suggest that certain actors can be blamed for the risks associated with the legal technologies, whereas other actors can be viewed as brings possible benefits.

The treatment recommendation contains variables identifying either the proposed solution to the problem or the treatment of the LegalTech issue (whether positive, negative, or neutral). Treatment is defined as the general argument for LegalTech issue as communicated by the authors and their sources. A positive treatment generally supports the harnessing of LegalTech. Meanwhile, a negative treatment generally opposes these proposed solutions.

Chapter 6 A Comparison of the UK and China Media Representation of Human Rights Lawyers

This chapter investigates the discourse elements of the hegemonic struggles among colonizing and appropriating powers who want to transform and shape China's legal profession towards the direction they desire. The chapter examines and compares the UK and China's news discourse driven by a series of events of China's human rights lawyers' detentions and trials starting from July 2015 to June 2018. It is apparent that behind the news narrative emerge fierce ideological conflicts with both sides vying for more legitimate versions of professionalism that guide the construction of the professional identity, organization, and regulation. Newspapers of the UK and China, representing the colonial and appropriation power respectively, exercised power over the Chinese legal profession through their discourse practices. Drawing from the legal ideologies that dominate each society (see section 3.1.2), each side built different frames to interpret the events, used different organizing principles for their news narrative, and endeavored to influence their readers' (including lawyers from China) understanding and the way of thinking about the events. This research collected 190 news articles produced by the newspapers that covered the series of events from July 2015 to June 2018 (three years) and compiled them to form two comparison corpora. Starting from looking at language use in these news corpora, this research goes on to framing analysis, and finally back to the socio-cultural analysis of the hegemonic struggles for legitimate models of professionalism for the Chinese legal field.

6.1 Corpus based linguistic analysis of the lawyer detention events by the UK and China media

Two contrasting cultural frames are relevant to the aims of this research (see section 3.1.2). On the one hand, the UK relentlessly pushes the rule of law best practice (i.e., the liberal rule of law supported by an independent judiciary and bar) to China. From this perspective, because "the Party and its unbridled lust for power and domination", Chinese lawyers are under control, so, the rule of law in China is incomplete and unhealthy. On the other hand, China thinks that by adapting the Western legal institution according to the realities in China, it has established an effective socialist legality with Chinese characteristics under which law is used to strengthen state as well as to protect human rights. The central points of departure relate to the independence of the profession and the identity of lawyers (e.g., in service of the best interests of the clients or the Party-state). Correspondingly, two opposing frames were found adopted by the UK and China's news media respectively: the human rights lawyers (1) as opponents of authoritarian regime and advocates of liberal democracy, versus (2) as the law breakers. These two frames were unearthed by analyzing the lexis that was used most significantly in the UK corpus, when compared to Chinese corpus, and vice versa. With the help of the automated quantitative procedure, this research accounted for large-scale patterns, rather than selectively choosing a few news articles that illustrate a particular stance, thus reducing potential researcher bias (Baker, 2010, p. 313). However, qualitative methods including concordances tools embedded in the corpus procedures were used to interpret the data. This wider-scale study of the representation achieved a better sense of linguistic patterns, frames, and framing surrounding the construction of the identity of Chinese human rights lawyers.

6.1.1 The keywords in the two corpora

Words typical of the UK media covering the lawyer detention events were identified by comparing the UK and China corpus using the key words procedures provided by Lancbox, and vice versa. For the identification of keywords, Kilgarriff's (2009) SMP

was used with constant 100; no frequency cut-off points were applied. The detailed lists of the original 100 strongest keywords thus extracted from the two corpora are put in the Appendix 1 and 2.

All of the words are shown in their lower-case formats apart from cases where they are usually used with an upper-case initial letter. It is beyond the remit of the present study to pay attention to 200 hundred keywords. Instead, this researcher tried to focus on a much smaller number of keywords that are more directed related to the representations of China's lawyer detention events. Therefore, before starting the analysis proper, it is worth reducing both the lists to a manageable number of keywords by discarding non-lexical keywords that are not related to the human rights lawyers per se but indicate the writing style of the newspapers. For example, the UK newspapers had the terms of address *Ms* and *Mr* as keywords, which suggests a more formal style of writing than Chinese newspapers (Fairclough, 1995; Baker, 2011, p. 74). Some linguists argue that pronouns (e.g. *she*, *her*, *you*) suggest personal or informal reporting style thus they are less relevant lexically (Baker, 2010, p. 317). However, these keywords are highly relevant as framing devices, which will be discussed in detail in later sections. Additionally, the keywords were removed that constitutes the information presented in the by-line. The keywords were also discarded that were only due to spelling differences among language varieties (e.g., center vs centre). However, the keywords were retained for analysis that appeared in one corpus (e.g., *organize* in the China corpus) but did not occur in the other corpus (e.g., *organise* not emerging as key in the UK corpus).

The dispersion of the keyword in the corpus is also a factor in the decision of whether a keyword get analysed. Some keywords occurred because they are specific to a particular context, or appeared in stories about specific topics, the analysis of these keywords usually yields misleading results because they will appear among fairly frequent items by virtue of being repeated many times in a single or just a few texts.

For example, the Whelk procedure of Lancbox reveals that *association* occurred in 7 out of 104 texts, and it occurs 29 times in one of this 7 texts. An examination of the concordance lines of *association* reveals that the 29 counts of occurrence of the word is from a text that is to do with the regulation of the lawyers by the lawyers' association. To avoid this problem, this research considers both word frequency and its dispersion, supplanted with concordances analysis, in order to move the focus off such problematic keywords from linguistic analysis. If a keyword's Juilland's D value is less than 0.7 and the Range percentage (i.e., the percentage of the number of corpus parts in which a word occurs out of the total number of corpus parts) is less than 10%, and the texts and concordance functions have shown the existence of the highly skewed distribution, the keyword will not be analysed. There are 36 such keywords in the China's corpus: *associations, regulation, radical, color, Qing'an, opinions, organizations, Gou, surnamed, west, shooting, rumors, Xu's, business, revolutions, Sina, professional, education, deputy, revised, science, shouting, departments, severely, discontent, association, industry, disrupt, safeguard, disrupted, regulations, influenced, county, center, sway, Zhou's*. 36 such keywords are also filtered out from the UK corpus: *missing, ai, Tiananmen, centre, Xi's, outspoken, daughter, campaign, Halliday, mother, Ms, Trump, house, diplomats, square, Poon, 300, silence, Weiwei, sleep, Nee, Qiaoling, EU, campaigners, visit, hundreds, today, nearly, Pils, Christmas, appeared, German, yesterday, abuses, attorney, says*. However, in order to provide a as complete as possible account of the events, it is worth leaving the texts that contains these keywords in the corpus.

6.1.2 The differences between two corpora: keywords, collocates, and concordances analysis

After the keywords that are unevenly distributed across news articles were discarded, the focus is further narrowed to the distinct and unique keywords in each corpus. A

keyword that occurs only in one corpus and not in the other is referred to as a "distinct keyword". A keyword is qualified as a "unique keyword" if the times that it occurs are more than the number of articles in the corpus , its dispersion is at the acceptable level, and the keyness scores measured by SMP should be greater than 3. The frequency and the keyness score of every unique keyword are presented in the bracket in Table 6.1. The examination of the distinct and unique keywords reveals different preoccupations of each set of newspapers. Distinct and unique keywords, if explored in more detail, become good indicators of topics and concepts that a set of newspapers are concerned with. These keywords are particularly helpful in revealing ideologies and stances of the newspapers (Baker, Gabrielatos and McEnery, 2013, p. 79).

Table 6.1 The distinct and unique keywords of the UK and China Corpora

Corpus	Distinct keywords	Unique keywords
The UK corpus	Jinping, disappeared, questioned, unprecedented, fear, whereabouts, treatment, war, almost, dissent, friend, 1989, respected, Jinping's, sweeping, spent	Xi (87, 15.17), Crackdown (154, 9.64), activists (212, 6.54), Human (385, 4.93), Communists (92, 4.9), torture (106, 4.29), detention (147, 4.04), international (89, 3.63)
The China corpus	organization, interests, organized, incited, railway, profits, shot, behavior, hiring, banners	judicial (119, 8.06), should (106, 4.12), public (227, 3.96), system (143, 3.85), Zhou (177, 3.79)

There are eight unique keywords in the UK corpus that occurred more times than the number of news texts in the corpus (86), in descending orders of keyness, with the relative frequencies shown in percentage, they are: *Xi* (87, 17%), *crackdown* (154, 0.30%), *activists* (212, 0.42%), *human* (385, 0.76%), *communist* (92, 0.18%), *torture* (106, 0.21%), *detention* (146, 0.29%), and international(89, 0.18%). *Xi* just occurred once in the China's Corpus, but the concordance line shows that the word does not refer

to President Xi Jinping, to whom all the words *Xi* in the UK corpus refer. Thus, *Xi* is actually a distinct word, which will be discussed in the later section. The keyword *international* appeared 89 times, but the concordance lines reveal that there are 30 times it appeared in the name of an organization: *Amnesty International*. After deducting these 30 hits, *international* occurred 69 times, which is less than the number of the texts in the UK corpus, therefore, this word is also discarded from the analysis. The remaining six keywords distributed evenly across all texts, with most of their values of Juiland's D being over 0.85 (the value of *torture* just over 0.75). It can be seen that *crackdown* is the keyword with the highest keyness score, with which the analysis starts.

One strategic aspect of the stance of the UK media discourse on the events is to focus more on the dimension of the crackdown on the activist lawyers by the Chinese government. Relatively speaking, there are many more direct references in the UK corpus to the events, emphasizing both the action of crackdown, the victim and the way it is done.

In particular, *crackdown* is mentioned more often in the UK than the China corpus. However, an examination of concordance lines in the China corpus reveals that all cases where *crackdown* (11, 0.02%) is used are for refuting the interpretation of the events as a crackdown on human rights lawyers.

> "Not long ago, there were overwhelming reports and accusations over China's 'crackdown' on lawyers. To be frank, most of the foreign media has deliberately overlooked the fact that the behavior of those put under investigation defied the meaning of the legal profession. In order to lead their cases toward their preferred outcome, some did not hesitate to avail themselves of loopholes in the law, or even violate the law in the name of 'rights protection'" (*Global Times*, 22 Sept 2015).

The strong collocates of *crackdown* in the UK corpus relates to the identities of the object of the crackdown (*activists, dissent human* rights lawyers), the characteristics of the crackdown (*unprecedent* and *sweeping*), the subject that carried out the crackdown

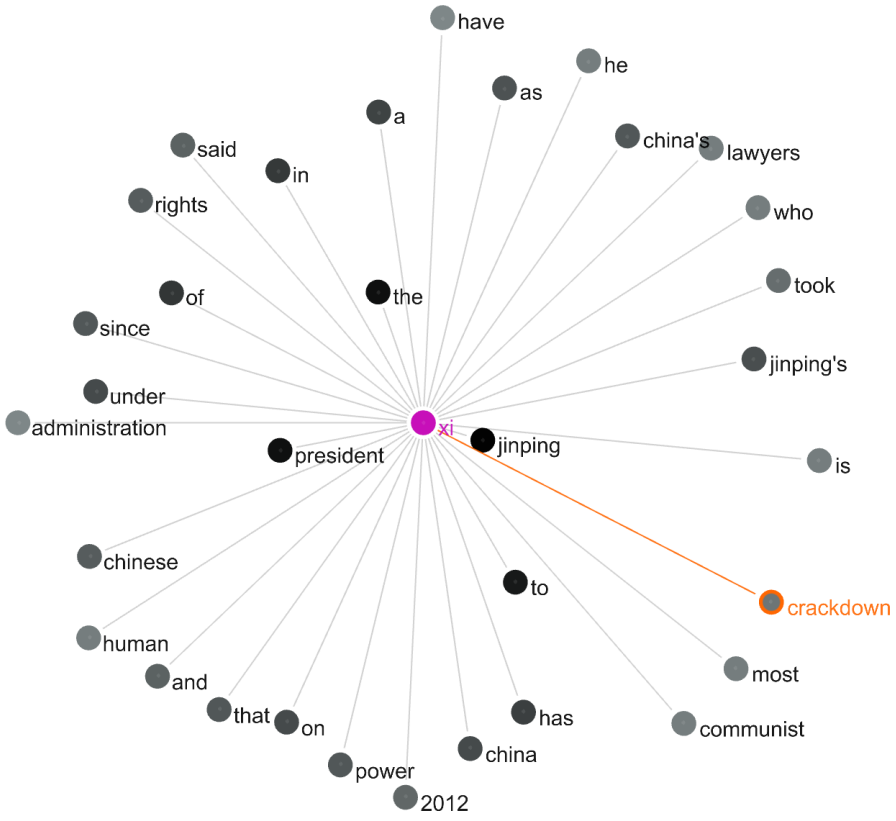
(the *Communists* Party), and the reliance on executive rather than judicial branch of the government (*detention*). It is worth mentioning that concordance lines show that China articles usually use *the Party*, while the UK ones usually use the lexical bundle of *the Communist Party* to refer to the same entity, the ruling party of China. Van Dijk's (2013, p. 122) pointed out that the audience in the West have negative schemas about communist countries, thus, whenever possible, China news articles try not to mention *communist,* while the UK articles highlight it. C*ommunist* occurred 92 times in the UK corpus and just 15 times in the China corpus. The concordances and collocates of *communist* in the UK corpus reveal that the Party is represented as *controversial*, *against civil rights, ferocious*, caring only about its own *survival*. On the contrary, *communist* in the China corpus is just a neutral name for the Party.

The analysis of the distinct keywords should be carried out with caution, because absence of evidence is not the evidence of absence. Brezina (2018, p. 82) recommends that in practice discourse analyst usually set the minimum cut-off limits for the frequencies of words in the node and reference corpus in the keywords procedure. The keywords *Xi*, *disappeared*, and *questioned* all occurred more than 500 times per million words, while there is no keyword in the China's corpus that appears so frequently. Therefore, these three words may be worth our attention. Limited by space, I will analyze *Xi* as an example and leave the other two.

The proper noun of *Xi* (the surname of China's president) and *Jinping* (the forename of the China's president) are the strongest keywords used by the UK newspapers. *Xi* (referring to the president of China) occurred 87 times in the UK corpus and never appeared in the China corpus. It is needed to theorize for the reasons why this is the case. However, the hypothesized theories will remain empty theories unless the co-texts of *Xi* is examined in more details by carrying out its concordances and looking at its collocates.

The GraphColl tool of the Lancbox produced a graph for the collocates (five words to either side of) of Xi, as shown in figure 6.1 below.

Figure 6. 1 Collocation graph of *Xi*

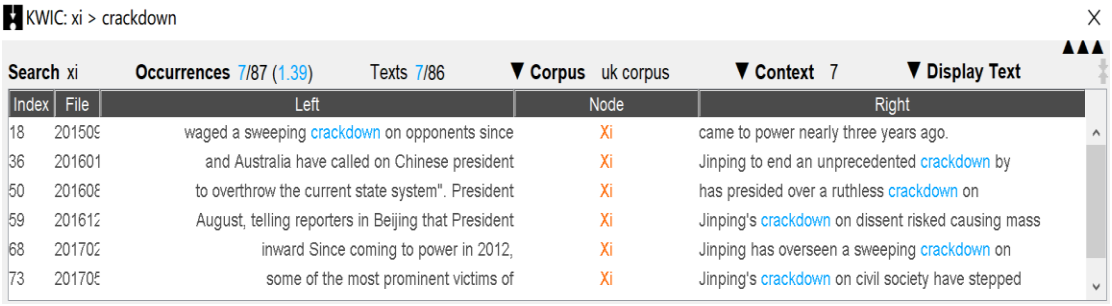


Apart from functional words and proper nouns, there are 10 lexical words that collocate with Xi for more than five times: *power, rights, said, took, crackdown, human, lawyers, most, administration*. As crackdown is the central keywords in the analysis above, a concordance of *Xi* when *crackdown* occurs with five places to the right or left of *Xi* was carried out, as shown in Figure 6.2

What seems clear from the figure 6.2 is that the UK newspapers used a strategy of interpreting the events as initiated and overseen by President Xi. The UK newspapers viewed the events as a result of the rule of powerful man rather than the rule of law, as

if Xi can single-handedly start and end the *crackdown* above the law.

Figure 6. 2 Concordances of *Xi* with *crackdown* occurring within L5 and R5



What about China's newspapers? Although they do not interpret the events as crackdowns, it would be the case that they conceptualize them in other ways, and the set of keywords representing the same events could occur as frequently in the China corpus as *crackdown* did in the UK corpus. The most frequent keyword in the UK corpus is *human* (385, 0.9%), but the high frequency of the word (71, 0.14%) in the China's corpus has reduced its keyness score. While some of the most frequent collocates of *human* are shared by both sets of the newspapers (*rights, lawyer, activists*), the UK newspapers do not tend to interpret the events from the same angle, so the collocates that surround *crackdown* (*against, torture, jailed*) tend not to be used in the same way in the China newspapers as in the UK ones. When Chinese newspapers mention these words, they are usually set as targets for refuting claims in the Western media. The keyword *human* in the China corpus collocates more with *overseas, not, so-called*. Concordances reveal that Chinese newspapers were denying that these lawyers were human rights lawyers, instead, they deem them as the foreign agents.

> "He added that he would like to be used as an example of the consequences of listening to and supporting hostile forces *overseas* and at home, and to inform the public of the dangers of the *so-called* "democracy," "*human* rights" and "public benefits" flaunted by them as a mask for criminal activities" (2 August 2016, *China Daily*).

In contrast with the UK *human*, the most frequent keywords in the China corpus is

public (227, 0.9%). It is worth carrying out a collocation analysis for *public*. Although different algorithm produces different type of words, as can be seen from the columns in table 6.2 below, *order*, *security*, and *opinion* usually take the top three places, except the MI's favoring of *manipulate* and *profits* over security and order. It is a problem that MI can tend to give high scores to relatively low frequency words (Baker, 2006, p. 102). *Manipulate* and *profits* collocate with public for 10 and 16 times respectively, while *order*, *security*, and *opinion* appeared next to public for 40, 36, and 35 times respectively. *Public* is used to modify these three nouns, among which order occurred for the most times.

Table 6. 2. Collocates of *public* using different statistic techniques (shown in order of collocation strength, only lexical words are included). The numbers in brackets alongside or below each word indicate the value of the statistics calculated.

	Frequency	MI	MI3	t-test	log-likelihood	Z-score
1	order (40)	manipulate (7.72)	opinion (17.65)	order (6.25)	opinion (335.83)	opinion (76.21)
2	security (36)	opinion (7.39)	order (17.07)	security (5.94)	order (303.58)	security (61.06)
3	opinion (35)	profits (7.19)	security (17.06)	opinion (5.88)	security (291.86)	order (58.02)
4	ministry (18)	seeking (7.13)	profits (15.20)	ministry (4.19)	profits (144.22)	profits (48.14)
5	said (18)	disrupting (6.77)	ministry (14.77)	profits (3.97)	ministry (134.84)	manipulate (45.73)
6	lawyers (16)	security (6.72)	disrupting (14.38)	said (3.73)	disrupting (113.46)	seeking (40.80)
7	profits (16)	defending (6.55)	manipulate (14.37)	disrupting (3.70)	manipulate (107.49)	ministry (38.972)
8	disruptin	ministry	seeking	interests	seeking	disrupting

	g (14)	(6.43)	(14.30)	(3.69)	(106.24)	(38.79)
9	interests	order	interests	justice	interests	interests
	(14)	(6.42)	(14.01)	(3.63)	(103.82)	(33.97)
10	Justice	interests	defending	name	defending	defending
	(14)	(6.40)	(13.72)	(3.54)	(92.14)	(33.19)

Using *public order* as a cluster, the t-test scores tend to favor three strongest lexical collocates (with 5 words to either side of the node): profits (3.99), illegal (3.86), disrupting (3.73), seeking (3.46). T-test value over 2 indicates strong collocation (O'Halloran, 2007). The concordances in figure 6.3 show that *public order* is object of the (*disrupting*) action of the human rights lawyers, and the means is interpreted as *illegal*, the purpose is conceptualized as *profit*s seeking.

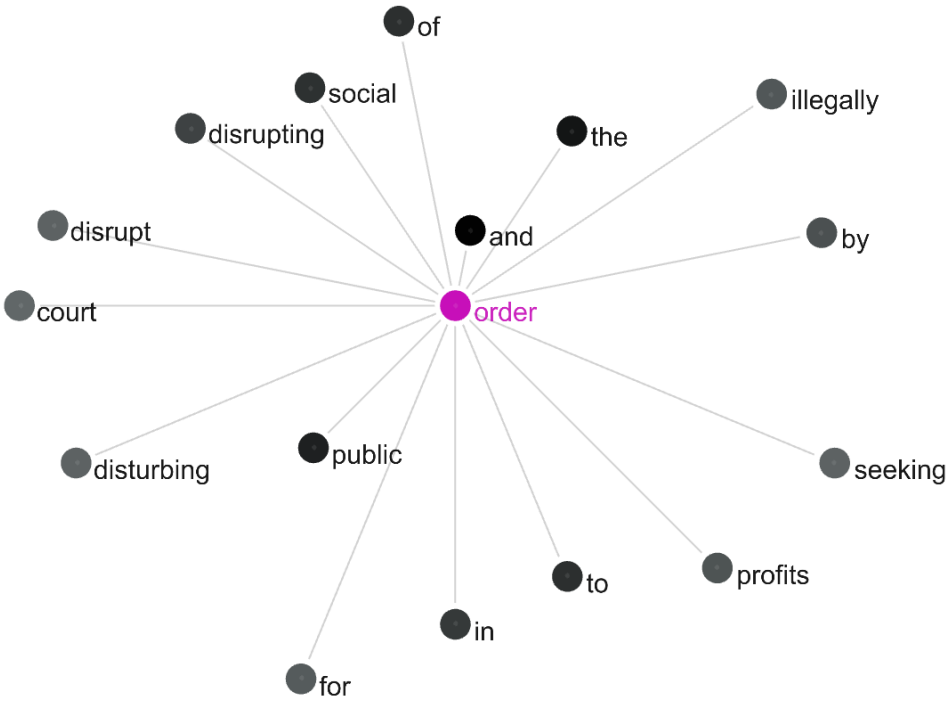
Figure 6. 3 The concordances of *public order* with *disrupting* as collocates

Occurrences 14/37 (2.91) Texts 14/104 **▼ Corpus** china corpus **▼ Context** 7 **▼ Display Text**

Left	Node	Right
Fengrui Law Firm are accused of disrupting	public order,	seeking profits and illegally hiring protesters to
His parents were detained for allegedly disrupting	public order	in July. According to the police, Bao's
were suspected of being involved in disrupting	public order	and seeking profits by illegally hiring protesters
is suspected of being involved in disrupting	public order	and seeking profits by illegally hiring protesters
led by Fengrui Law Firm, of disrupting	public order	and seeking profits by illegally hiring protesters
celebrities and petitioners, are accused of disrupting	public order	and seeking profits by illegally hiring protesters
several staff members were detained over disrupting	public order	and seeking profits by illegally hiring protesters
Law Firm have been charged with disrupting	public order	and violating trial proceedings. Zhou Shifeng, the
were suspected of being involved in disrupting	public order	and seeking profits by illegally hiring protesters
led by Fengrui Law Firm, of disrupting	public order	and seeking profits by illegally hiring protesters
was suspected of being involved in disrupting	public order	and seeking profits by illegally hiring protesters
celebrities and petitioners alike for allegedly disrupting	public order	and seeking profits by illegally organizing paid
law. The lawyers were suspected of disrupting	public order	and seeking profits by illegally hiring protesters
Beijing law practice, is suspected of disrupting	public order	and seeking profits by illegally hiring protesters

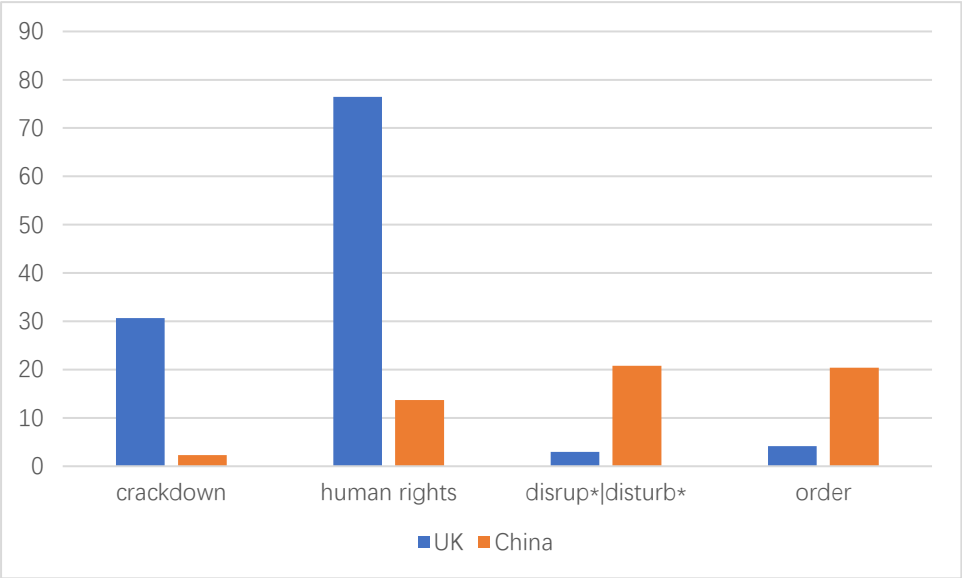
Public is an adjective that modifies order. An examination of collocates and concordances of *order* reveals that it is also modified by *social* (30) and *court* (11), collectively, these two words collocate with *order* more often than *public* (40). The GraphColl module of Lancbox produced a collocates map for *order* using t-test, as shown in figure 6.4. The concordances reveal that China's newspapers concentrated on human rights lawyer's *disrupting/disturbing* the *social, court,* or *public order seeking profits* by *illegal* means.

Figure 6. 4 Collocation graph of *order*



Summarizing the analysis above and considering the most important keywords in either corpus as shown in figure 6.5, one could draw that the UK and China newspapers used sharply opposing frames to cover the same series of events happened in China's legal field. The UK newspapers interpreted the series of events as a crackdown on Chinese human rights lawyers, while the China's newspapers viewed the events as administrative and judicial procedures to tackle the activists' illegal action of disrupting public order for profits.

Figure 6. 5 Frequencies of the important keywords relating to the interpretation of the lawyer detention events

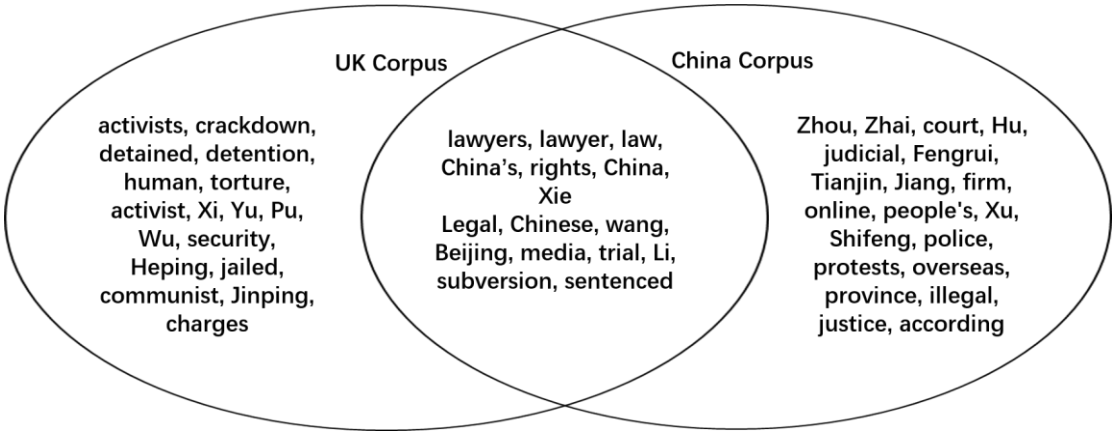


6.1.3 The similarities of the two corpora

So far, this analysis has focused on difference, the similarities may be overlooked that could be equally important in constructing a frame. For example, *lawyers* occurred less often in the UK corpus (349 times) than in the China corpus (558 times), but this difference is not statistically significant, so it is not a keyword. However, it is clear that the concept of *lawyers* is important to both sides of the discourses. One way to know whether a keyword is worth examining would be to compare the two corpora against a corpus that is representative of general language use (Baker, 2006, p. 138). The Lancaster/Oslo-Bergen (LOB) corpus was chosen as the reference corpus. LOB consists of one million words of written British English taken from 1960s (McEnery and Hardie, 2011), which comes readily with the software Lancbox, free from the problem of access. Though it is a bit old, for purpose of this kind of comparison, there is no bad reference corpus (Scott, 2016). This researcher looked at the top keywords of the two corpora compared with LOB by applying a cut-off point of SMP value greater than 10. There are 33 and 43 such words for the UK and China corpus respectively,

which reveals differences as well as similarities, as shown in figure 6.6 below.

Figure 6. 6 The keywords of the UK and China corpus using LOB as reference



Comparing the lists presented in figure 6.6 to keywords lists in the Appendix 1 and 2, it is clear that some words are key in one corpus or the other when compared to LOB because they occur very frequently in one of the two sets of newspapers (e.g. *Xi*). However, other words, especially the common keywords presented in figure 6.6, do not appear in the lists in the Appendix 1 and 2. These keywords may indicate that it is worth investigating the words which are key across the two corpora when compared to LOB, complementing the simplicity caused by examining words which are only key in one corpus but not the other, thus giving attention to both similarities and differences.

Table 6. 3The frequencies and dispersion of the common keywords in the UK and China Corpora

Keywords	The UK corpus		The China corpus	
	Frequency	Dispersion CV)	Frequency	Dispersion (CV)
lawyers	349	0.82	588	1.07
Lawyer	226	1.06	186	0.88
Law	157	1.38	405	0.80
China's	159	1.02	145	1.09

Rights	533	0.65	212	1.13
China	310	0.97	174	1.33
Xie	86	1.82	104	2.88
Legal	111	1.67	143	1.39
Chinese	282	0.76	169	1.47
Wang	147	1.56	88	2.44
Beijing	173	1.09	82	1.29
Media	100	1.83	88	1.61
Trial	99	1.61	112	1.63
Li	134	1.86	74	1.83
subversion	91	2.12	72	1.86
sentenced	97	1.43	69	1.80

Though the two corpora share the same keyword *lawyers*, it was hoped that by deriving and then comparing lists of its strongest collocates, a better idea can be obtained about the main discourses surrounding lawyers in the two corpora respectively. The words in Table 6.4 were presented as top collocates of *lawyers* in the UK and China Corpora using Log-likelihood statistic, L5-R5, minimum collocate frequency 10, with function words removed. Difference stances of either side can be still deduced from these collocates.

Table 6. 4 Collocates of *lawyers* in the UK and China Corpora

UK	**rights, activists, human, detained, 300, against, China, crackdown, group, other, China's, access, their, about, including, legal, Chinese, more, civil, than, many, 2015, most, US, two, detention, said, Wang, and**
China	rights, associations, law, their, should, some, radical, other, association, said, several, protect, China, human, all, firms, petitioners, regulation, but, cases, take, group, legal, Chinese, Fengrui, also, one, illegal, more, they, suspected, Zhou, detained, firm, support, police, Wang, judicial, public, China's, such, them, justice, media, social, according, and

Concordances and collocations show that nearly all common keywords in table 6.4 are connected to a cluster: *rights lawyers*. It may be helpful to focus not on keywords per se but on key clusters of words. However, when using *rights lawyers* as the searching term, the KWIC (Key Word In Context) procedure conducted on the China's Corpus yields 48 (0.09%) hits, while the hits for the UK corpus is 185 (0.36%), indicating this cluster may be one of the positive key cluster in the UK corpus if it is compared against the China corpus. Taking cluster sizes of 2, 3, and 4, this researcher used the Lancbox Ngrams module to try generating lists of key clusters by comparing the UK corpus against China's. The strongest four-word positive key cluster of the UK corpus is *crackdown on human rights* (occurred 15 times, Juiland's D = 0.70, SMP= 4), the concordances show that the words immediately follow this cluster are lawyers (10), attorneys (3), or activists (2). The strongest four-word positive cluster of the China corpus are *in the name of* (Freq = 33, Juiland's D =0.79, SMP =7.89), *convicted of subverting state* (Freq =21, Juiland's D = 0.76, SMP= 5.39), *court decision in the* (Fre = 18, Juiland's D = 0.69, SMP = 4.76). An examination of the concordances of these clusters reveals that the court decided that the "so-called" rights lawyers' action actually constitutes the subverting of the state power, but they did *in the name of defending justice and public interests, in the name of rights protection,* or *in the name of safeguarding human rights and justice*. It could be seen from the key cluster analysis that UK and China did frame the same series of events but with opposing perspectives. It is worth examining how the identity of human rights lawyers are discursively constructed by the two sides respectively through collocation analysis.

British perceptions of China's lawyer detention events have been inextricably linked to government crackdown. The continued linkage of words concerning human rights lawyers with words concerning crackdown, and the continual focus on this tiny minority of human rights lawyers is likely to constitute a strong discourse prosody about China's legal profession. If the main source of news of the legal professionals as well as the general public writes about China's human rights lawyers in connection to

government crackdown, then according to Fairclough's (1995) theory of cumulative loading, it is natural to suppose that a frame that links the two concepts has been built and reinforced in their minds, the one triggering recall of the other. On the other hand, China's newspapers relied on the official sources and focused on the judicial procedures in deciding the legality of the activity of the rights lawyers who were not so perfect and did violate some positive laws and the Chinese legal culture in the process of defending human rights. However, the Chinese news media are supposed to represent negatively the human rights lawyers. This supposition has formed an environment under which Chinese journalists operate. This environment is called by Baker et al. (2012, p. 276) as "the newspaper's discursive structure and the discursive systems".

The identification of frequent and salient linguistic patterns in both corpora has disclosed that both UK and China newspapers have produced particular versions of the events. However, whatever has been highlighted by the corpus analytical techniques are simply descriptive information of the figures and need to be accounted for and explained with theory. A leap is required that is from the textual evidence and the observable to what the critic says is happening in their minds, which is not directly observable (O'Halloran, 2007, p. 35). Framing analysis concentrate on the ideas that reside in the mind and organize and make possible the linguistic patterns that have been identified.

6.2 From the corpus assisted linguistic analysis to the qualitative framing analysis

Section 6.2 has inductively explored the language use in both corpora, this section focuses on the different framing strategies by each side.

6.2.1 Exploring the use of framing keywords

Reese (2010, p. 19) suggests that framing researchers should focus on the "what" of frames. The what perspective mainly concerns with the identification of the contents of the frame, the reasoning devices (e.g. problem definition) that make the frame work and also, the specific framing tools, which encompass such linguistic devices as the key words, evaluation language, that constitute the themes and concepts that underpin frames (Gamson and Modigliani, 1989; Cappella and Jamieson, 1997). The keywords that have been analyzed so far had not been predicted in advance but inductively generated by statistical methods. Building on the keyword analysis, the next step is to draw or discover content categories or themes from the keywords and their co-texts. A thematic analysis was carried out on the top 64 lexical keywords of the two corpora to generate themes. Themes thus discovered are not a priori (Kuypers, 2010, p. 306), instead, they emerge from a large number of instances of specific patterns (framing keywords) buried in the concordance lines. This research constructed several meaningful thematic clusters based on a careful examination of the strongest keywords in both corpora and their concordance lines, as presented in table 6.5 and 6.6 below. Following Entman (1991), this research holds that frames in the news emerge as the presence or absence of certain key words that form thematic clusters (Entman, 1991).

The lemmas[19] of *organize, illegal, activity, hire, incident* were used 165, 96, 76,39, and 69 times respectively in the China corpus. The examination of concordances shows how these keywords are used to discursively construct the illegal actions that the activist lawyers engaged in. This researcher coded the theme emerged from this group of keywords and concordances as *organizing paid protests*. Similarly, this researcher also identified following themes each of which emerged from a rather wide network of keywords and concordances computed for them: *disrupting public order, inciting*

[19] A group of words related to the same base word differing only by inflection. For example, worked, working, and works are all part of the verb lemma WORK.

people to subvert, distorting facts, seeking profits, overseas forces, law and order for lawyers. The keywords that constitute each theme and their concordances are as shown in table 6.5.

Table 6. 5 keywords and corresponding thematical groups in the China corpus

Themes	Keywords	Example
organizing paid protests	organized, organize, organizing, hiring, hired, led, incidents, incident, hot, issue, petitioners, activities, slogans, banners, illegally	He Yong, a deputy director from the Department of Directing Lawyers and Notarization at the MOJ, said that the lawyers who organize paid protests crossed the boundaries of legal practice. (*Global Times*, 16 July 2015) Once an incident had become a "hot issue," lawyers, citizens and petitioners would fan the flames online and plan further protests with each individual assigned "work" for each activity, Zhai said. (*China Daily*, 2 August 2016) Zhai hired people who posed as petitioners to shout slogans and hold signs to support the lawyers involved in the case. One "petitioner", surnamed Li, said she received 600 yuan for carrying a sign, the ministry said. (*China Daily*, 13 July 2015)
disrupting public order	disrupting, disrupted, disrupt, shouting, public, order, severely, sway, influence	At least one of a group of lawyers detained over accusations of organizing paid protests to sway court decisions was allowed to go home on Thursday after making bail, the lawyer's colleague confirmed with the Global Times on Thursday (*Global Time*, 8 January 2016). Since July 2012, the group has organized more than 40

		controversial incidents and severely disrupted public order, it added (*China Daily* 12 July 2017). While stirring trouble outside courts, lawyers at the firm also disrupted court hearings. In April, video of a court hearing in Shenyang, Liaoning Province showed Fengrui lawyers shouting and screaming shortly after the hearing began, defying the judges' calls for order. A female lawyer, Wang Yu, who was also detained, was caught on video pointing her finger at court police and calling them "animals." Making a scene and then being forced out of court was the group's usual trick to gain sympathy and to call attention to cases (*Global Times*, 20 July 2015)
inciting people to subvert	incited, incite, overturn, subverting, discontent, subversive	The training camp also hosted separatists advocating the "independence" of China's Tibet Autonomous Region and Xinjiang Uyghur Autonomous Region. It gave participants instructions on how to turn against the Communist Party of China and the Chinese authorities, Xinhua quoted Hu as saying during his trial. He conspired and plotted to subvert State power with others, including Zhou and Zhai Yanmin, and established the "systematic thinking, method and steps" to achieve it, Xinhua reported. Zhai, described as an "illegal protest organizer" and an "unemployed Beijing resident," was handed a three-year sentence with a four-year reprieve on Tuesday, Xinhua reported. "What those convicted have in common is they were all found to have publicized subversive information that threatens national security, including organizing symposiums and seminars," said Hong Daode, a professor at the China University of Political Science

		and Law. "One can have different opinions or reasoning, which would not lead to criminal prosecutions. But if they express or hype opinions and theories that could jeopardize national security to the public, they will have crossed a legal boundary" (*Global Times*, 5 August 2016). Since 2015, Jiang had unscrupulously distorted facts, incited others to gather and cause trouble in public areas, and provoked hostility against the government in several cases including that of Zhou Shifeng, a former lawyer convicted of subverting state power, the court ruling said (*China Daily*, 21 November 2017)
distorting facts	hype, create, facts, opinion, ideas, rumors	This organization also intentionally aggravated disputes and instigated some people to create mass incidents and confront the government, the spokesperson said *(People's Daily*, 17 January 2016). After Zhang's arrest in August 2015, police reported Zhang confessed that he had used financial aid from overseas organizations to make three trips to Western countries since 2009 in order to learn how to hype up cases. The organizations would then record the cases he provided in China's human rights report in a bid to tarnish China's image (*Global Times*, 5 March 2016). Jiang denied rumors that he was tortured in detention, and he admitted to fabricating such rumors about former lawyer Xie Yang in an effort to smear the image of the Chinese government and judiciary (*China Daily*, 23 August 2017)
Profits	profits, Yuan,	"It was all about profits. They were not interested

seeking	paid, business, industry	because defending the migrant workers won't earn them much money," Gou said (*China Daily*, 19 July 2015). "They have been following the protocol in hyping up such incidents since 2013, when I first entered the business," said Zhai, adding many of his peers were resentful of the Party and the government, taking pride in being detained by the police (*China Daily*, 12 July 2017). "Wang Yu enjoyed quite a reputation in the lawyer industry. Although she earned it mostly from shrewish quarrels and public exposure, it was an indisputable fact that everybody knew her," Zhou said (*China Daily*, 19 July 2015).
overseas forces	overseas, support, color, revolution, west, western, organizations, anti-China,	Zhai, 55, was accused of illegally organizing paid protests, exacerbating public unrest and fabricating rumors on the Internet to sway court decisions. Prosecutors hold that Zhai has been influenced by anti-China forces for many years, and that those forces gradually gave him the idea to subvert the state. Zhai has posted anti-China remarks online many times since 2012. More recently, he participated in a plot to subvert the state, complete with specific methods and procedures (*People's Daily*, 2 August 2016). "Wang said that when she worked at Fengrui Law Firm, she received training in several countries and regions including the UK, Thailand and Hong Kong, and all her expenditures were covered by overseas organizations. "The training was aimed at utilizing my reputation and influence with petitioners and lawyers to hype up the cases and imbue so called 'universal values' and

		'Western democratic rights' in rights lawyers, in a bid to attack the Chinese government" (*Global Times*, 2 August 2016). The convictions of several activists for subverting State power are appropriate and reflect the authorities' heightened awareness of destabilizing forces, especially as these activists had been organizing lawyers and petitioners, and forging links with overseas anti-China forces to push toward a "color revolution," experts said Thursday (*Global Times*, 5 August 2016)
Law and order for lawyers	professional, profession, association, should, regulation, judicial, organ, decisions, officer, department, judges, accordance, justice, system, investigation, procuratorate	The revised regulation, released on September 6, stipulates that law firms will face administrative punishment if they instigate or organize people to stage protests in front of government organs to pressure authorities and disrupt public order; jointly release open letters and mobilize support online to attack the judicial system; and spread opinions that refute the Constitution, endanger national security, or incite public discontent with the Party and government. The punishment includes fine, suspension of business or cancellation of the business license. (*Global Times*, 12 October 2016) Bi Yuqian, a legal expert at the China University of Political Science and Law, told the Global Times. Bi believes that the lawyers have instead become confrontational, and value commercial benefits more than their professional ethics. "The internal regulation was not sufficient. The whole industry should reflect on their professional standards, as well as what roles and responsibility they should fulfill as lawyers," Bi said. (*Global Times*, 14 July 2015).

In a similar way, themes in the UK corpus are identified through an examination of keywords and their concordances. They are: *the identities of the arrested, their loved ones, long time sufferings of the arrested and their families and friends, undue process of the governments, war on law, the communist reign, condemnation*, as in table 6.6.

Table 6. 6 Keywords and the corresponding thematic groups in the UK corpus

Key Theme	Keywords	Examples
the identities of the arrested	Christian, campaigner, opponents, dissent, activists, outspoken, respected, prominent	Mr Pu was a fearless campaigner who defended free speech and represented activist artist Ai Weiwei (*The Telegraph*, 22 December 2015). Gou Hongguo, a Christian activist, was today given a three-year suspended sentence on subversion charges at a court in Tianjin. (*The Times*, 5 August 2016). Given the severe political chill that has descended on China since Xi took power in 2012, few had expected those caught up in last July's crackdown on outspoken human rights lawyers to be treated leniently (*The Guardian*, 14 January 2016) His lawyers said he could have faced eight years in prison but activists said the milder sentence passed down would still serve as a message to other rights lawyers that the Communist Party, currently engaged in a severe clampdown on dissent, would allow no challenge to its rule (*The Independence*, 12 December 2015)
The communist reign	Xi, Jinping, president, communist, 1989	Roderick MacFarquhar, a Harvard University expert in Chinese history and politics, said Beijing would view any foreign criticism as irrelevant. "To hell with that," he said. He said Xi Jinping saw China's activist lawyers as part of a broader threat to the Communist party's very survival and was determined to

		bring them to heel- whatever the world thought (*The Guardian*, 2 September 2015). A graduate of prestigious Peking University, Hu was a professor in the capital when he became active with a would-be political opposition party following the army's violent crackdown on 1989 pro-democracy protests in Beijing's Tiananmen Square (*The Telegraph*, 3 August 2016).
the loved ones of the arrested	families, daughter, wife, friends, husband, home, friend, mother, her	Wang, who has been married to the lawyer for almost two decades, said her husband had refused to be taken without safely delivering the couple's daughter back home (*The Guardian*, 8 June 2016). Jiang's wife, Jin Bianling, said the couple had been unable to celebrate Christmas since 2012 because of harassment from the police. Jin moved to the United States three years ago, but this is the first Christmas she has not been able to speak to her husband (*The Guardian*, 25 December 2016). "Why is Daddy still not home?" Li Heping's five-year-old daughter has asked relatives, according to the open letter, which was released to coincide with the International Day of the Victims of Enforced Disappearances (*The Guardian*, 31 August 2015).
long time sufferings of the arrested and their families and friends	month, months, days, week, Christmas, today, remain	In the nearly two years since her husband was seized, Li's wife Wang Qiaoling has emerged as a feisty and sharp-witted campaigner who has refused to be cowed into silence by pressure from China's security services (*The Guardian*, 10 May 2017) For the next six months, Zhao's parents heard nothing. A group of human rights lawyers set off on a fruitless quest for information, visiting detention centres and police stations in

		northern China where they believed the missing lawyers- and Zhao- might be being held (*The Guardian*, 25 January 2016). In recent weeks, the husbands, wives and children of the missing lawyers have joined that so far fruitless hunt for answers (*The Guardian*, 11 January 2016)
undue process of the governments	silence, custody, missing, torture, denounce, campaign, charges, abuse, jailed, house, detention, forced, questioned, disappeared, appeared, secret, harsh, unprecedented, sweeping	Nearly two weeks after Beijing launched one of its most comprehensive crackdowns on civil society in decades, at least six people remain missing- believed to have disappeared into the custody of China's security services (*The Guardian*, 22 July 2015) Chinese security agents continue to employ a medieval array of torture methods against government opponents, activists, lawyers and petitioners, including spiked rods, iron torture chairs and electric batons, a report claims (*The Guardian*, 11 December 2015). The prominent rights lawyer she worked for, Li Heping, remains in detention along with 22 others, according to Human Rights Watch, a lobby group based in New York. "Mass arrests, forced confessions and secret detentions are Beijing's answer to rights lawyers who have been working to protect the rights of others in China," said Sophie Richardson, the group's China director (*The Times*, 7 July 2016)
war on law	crackdown, clampdown, human, rights, war	Wang Yu's detention was the opening salvo in what activists call an unprecedented government crackdown on China's small but energetic community of human rights lawyers (*The Guardian*, 2 September 2015). The case is being seen as a measure of the severity of what rights groups say is the biggest clampdown on activists in China in decades (*The Telegraph*, 22 December 2015).

		Nearly two weeks after Beijing launched one of its most comprehensive crackdowns on civil society in decades, at least six people remain missing- believed to have disappeared into the custody of China's security services (*The Guardian*, 22 July 2015). China launched an unprecedented crackdown on human rights lawyers beginning in 2015, detaining and questioned nearly 250 people in what some have dubbed a "war on law" (*The Guardian*, 28 December 2017). Xie has been held since July 2015, part of a nationwide sweep that saw more than 300 lawyers and activist detained in what some have called a "war on law" (*The Guardian*, 25 December 2016).
Condemnation	Worried, called, international, diplomats, visit	In order to vindicate its claim to be a responsible stakeholder in the international community and to be a respected global superpower, it is imperative that China honour its international commitments. Therefore, we respectfully urge President Xi Jinping to ensure the release of the detained or arrested lawyers and others held with them without legal basis (*The Guardian*, 20 January 2016). Amnesty International said: "Carrying out unfair trials and politicised sentencing of human rights defenders at the very time when diplomats, journalists, international observers and the general public are less likely to be able to respond reeks of a cynical political calculation"(*The Telegraph*, 26 December 2017).

The concordances presented in table 6.5 and 6.6 show a clear division between frames

representing the events as a crackdown on civil society vs those representing them as judicial process to curb subversive actions. The next section discusses how these themes are used by the UK and China's newspapers respectively in their process of framing the events.

6.2.2 The organizing ideas in the two corpora

The themes emerged from the keywords represent the selected aspects of the reality about China's lawyer detention events. The emerged thematic groups are manifest indicators or framing devices by which frames can be identified. Beside these manifest framing devices, there are latent devices that connects the four functions of framing, namely, the problem definition, causal analysis, moral judgement, and remedy promotion (Entman, 1993, p. 52). These manifest devices can be regarded as sub-frames, which are organized by reasoning devices, thus forming a frame package that represented the respective frames of the UK and China newspaper. An examination of reasoning devices, or organizing ideas, behind the sub-frames may reveal whether UK and China newspapers really make some aspects of the reality of the events more salient than others respectively. Table 6.7 shows the frame packages of both sets of newspapers. Each column in the table shows a frame package, while the rows represent various framing and reasoning devices that make up the frame. Each column is logically integrated reasoning devices that refer to the same overarching idea that represents the main frame, in the case of the UK newspapers, the main frame is the human rights crackdown, while in the Chinese newspapers, it is the law and order for lawyers.

Table 6. 7 Frame packages of the UK and China newspapers

	UK's human rights crackdown frame	China's law and order for lawyers frame
Problem Definition	undue process	organizing paid protests

	war on law	disturbing public order inciting people to subvert distorting facts
Causal analysis	the communist reign	profits seeking overseas forces
Moral judgement	the identities of the arrested their loved ones long suffering of the arrested and their families and friends	not discussed
Remedy promotion	Condemnation	Law and order for lawyers

The analysis of concordances of the keywords *silence, custody, missing, torture, denounce, campaign, charges, abuse, jailed, house, detention, forced, questioned, disappeared, appeared, secret, harsh, unprecedented, sweeping* helped to identify the subframe of *undue process*. And the analysis of concordances of the keywords *crackdown, clampdown, human, rights, war* disclosed a *war on law* subframe. These two sub-frames focused on the repressive nature of an authoritative regime. The actor in the two subframes was the Chinese government. The main cause of the crackdown lurked in one of the concordances of communist, as was commented by *The Guardian*:

> "The story of China's dramatic lurch back towards repressive dictatorship under Xi is often told on the macro-level: the tale of an unexpectedly authoritarian leader's do-or-die struggle to preserve the Communist party's near seven-decade reign by stifling any and all dissent" (*The Guardian*, 25 January 2016).

The long-established Western ideologies of repressive and authoritarian nature of communist regimes were resorted to in addressing the target readers, together with a long history of anti-China media representations (Stone and Xiao, 2007). As such, the solutions proposed by the UK newspapers were the condemnation of the government's action and a call to respect civil society, as *The Guardian* puts it:

> "The US State Department condemned the detentions and said it was concerned that the new national security law was being used as a 'facade to commit human rights abuses'. It called on China to 'respect the rights of all its citizens and to release all those who have recently been detained for seeking to protect the rights of Chinese citizens'" (*The Guardian*, 13 July 2015).

Such words as *human rights, citizens, condemn*, and *call* evoked the colonization discourses about the identities and social functions of lawyers (e.g., an independent legal profession in the West that can oppose the governments, ideal and universal Western style rule of law, etc.), and provided further evidence for the framing of the events as the government crackdown and amenable by adhering to the Western style of the rule of law and the institution of the legal profession.

It should be noted that the *crackdown/law and order* dichotomy of the interpretation of the events was apparent not only when reasoning about the definition of the problems, their causes and solutions, but also about morality of the government actions, as can be discovered from the three themes: *the identities of the arrested, their loved ones, long suffering of the arrested and their families and friends*. The UK newspapers carried out discursive practices by framing as heroes the lawyers who have challenged state actions and suffered significant legal consequences (Young, 2005, p. 1134).

In response to the symbolic power exerted by the Western media over the Chinese legal market, the government-backed Chinese news media produced counter frames in a hope to position their readers. The Chinese newspapers concentrated on reporting what the activist lawyers had done and the consequences of their actions: punished by the administrative and judicial procedures. The themes (*organizing paid protests, disturbing public order, inciting people to subvert, distorting facts*) helped to indicate that it was the activists' illegal actions that were to blame for the arising of the problems. And the causes for their illegal actions were due to the *foreign forces* behind rights protection activities that had a purpose of taking China down and the individual *profits*

seeking motivations of the activists. Naturally, the recommended solution to the problem was to promote law and orders for the lawyers, as was put by the vice minister of the Ministry of Justice of China, Xiong Xuanguo:

> "We think lawyers are part of the legal cause. Doing business in accordance with laws and regulations are the basic requirement of professionalism for lawyers. The responsibilities of lawyers are to protect the party's right of action and other legal interests in accordance with laws. Lawyers should abide by laws themselves and conducting their profession in the range of laws" (*Global Times*, 9 February 2018).

No occurrence of *President, Xi, or Jinping* were found in the China corpus. Under an authoritarian government, getting no mention in the media itself indicates the strong power in action. The other reason for Xi's non-occurrence is that the focus of the Chinese newspapers was not on who was the ultimate commander behind the events, but on the deeds of the activists. However, a few cases of *crackdown* were used to refute the crackdown frame generated by the UK media, as in:

> "Analysts denied that the recent detention of several lawyers was a crackdown on attorneys and said that the illegal practices of the detained lawyers, including disrupting court order and inciting protests, have tarnished the image of China's legal professionals" (*Global Times*, 20 July 2015).

The counter framing of the Chinese media seems to have aligned with the legal culture of China. The rule of law Chinese style does not leave much room for lawyers to participate in politics. Lawyers can view law as a business in the civil and economic domain, but whenever politics is involved, the business nature of the law should give way. The meaning of being a lawyer should include serving the interests of the state and the Party, and their interests, not those of clients or the lawyers, are paramount. And the Chinese legal profession should not be completely autonomous and independent, free from government interference.

Framing makes some bits of information about the events more salient than others and

link the bits to shared cultural narratives, or by appealing to "common sense". For example, although *war on law* only occurred 16 times in the UK corpus, which was not much of a repetition, it became more noticeable and meaningful because the framing was associated with generally accepted, well-known Western cultural schema that communism is repressive regime and against law, thus reaffirming the validity of the strategies and conventions that the readers have for making sense of the events. Presenting the events as a human rights crackdown by using *war on law* supported Entman's (1993, p. 53) argument that "even a single unillustrated appearance of a notion in an obscure part of the text can be highly salient if it concords with the existing schemata in a receiver's belief system." On the contrary, the long-time incongruence between the China and the Western cultures have nurtured Chinese people's schema of proudly viewing Chinese culture as superior though facing challenges from outsides. Therefore, the framing of events by the Chinese media worked as a reassurance for their readers that things in the Chinese legal field were, or would be, under the control of Chinese people, and that China was capable of appropriating wisdoms from the West (e.g. the legal profession institution) to serve its own purpose and build a socialist rule of law with Chinese characteristics.

6.3 Discussion and conclusion

The study of frame contests in media texts on China's lawyer detention and trial events has supported the claim that coverage of the events was based on the *crackdown* and *law and order for lawyers* dichotomy, which can be evoked in different discourse for two utterly different purpose: to colonize the rule of law as it is in the West and to appropriate the Western institutions for purpose of building a particular version of the rule of law to pragmatically solve the local problems. Colonization discourses attempt to foreground the human rights while appropriation discourse try to foreground order. Although the construction of the *war on law* and *law and order for lawyers* as contesting

or counter framing can be regarded as a kind of framing, the results achieved through corpus linguistic analysis showed the subjectivity were more or less taken out in the analysis process.

A proper understanding of the UK and China's media's different ways of representing the same set of events cannot be acquired without situating them in the hegemonic contexts in which they are embedded. As suggested by Alford et al. (2007) and Pils (2017), both the US and the UK have been implementing many programs to colonize the rule of law best practice to China. In their colonization design, human rights lawyers are shouldered with the responsibilities to safeguard the rule of law, the market economy, and the democratic government. Therefore, the UK media's accentuation of the events to a *crackdown* or a *war on law* may not mean that they are concerned about the human rights of the Chinese citizen but rather serve important ideological and hegemonical functions, that is, to construct an authoritarian image of the Chinese government and pressurize it to simply copy and paste the universal rule of law to China, especially the legal profession institutions. The scorching representations of the set of events in the UK newspapers were thus not unusual, because they were in congruence with the 'anti-China' ideology that had long been cultivated in the Western media (Stone and Xiao, 2007) and the concrete projects of colonization of the Western legal model to China. This ideological and hegemonical work unleashed great forces that could shape the future identity of Chinese lawyers. The representation of the legal events in a foreign country in the UK media were thus subjected to the local prism of the interests of legal colonists.

In contrast, the Chinese newspapers' representation of the set of the events and their emphasis on the wrong doings of the activists do not simply reflect the truth. Absolute truth never exists. According to Peerenboom (2002) Liebman (2007), Forsythe (2017), Chinese government has imposed on lawyers an obligation to assist the government's effort to rule the country and called to resist the Western style of independence of the

judiciary. China has been appropriating the Western legal institutions for its own purpose. For example, it imported the Western legal profession institution, but teased out its core, the professional independence, so as to serve its political ends. Therefore, the coverage of the problems pertain to lawyers was still under strong government control in China. What these activist lawyers did crossed the line that the government could tolerate, which required the government to communicate to the general public as well as the legal professionals about its determination and ability to maintain the appropriation rather than westernization policy in terms of engaging with imported Western legal model. Therefore, China's newspapers made the illegal actions of the activists very salient to the public, but they failed to disclose the human rights issues that could exist in the administrative and judicial procedures through which the human rights lawyers went.

In sum, a comparative corpus-assisted qualitative frame analysis of the representations of the same events by the media that are embedded in different social-political contexts can contribute to the revealing of not only their competing ways of framing and representing the issue, but also the impacts of different hegemonic forces lying behind their representations.

Chapter 7 The Representation of LegalTech

While chapter 4 focuses on the social aspect of LegalTech, this chapter studies the representation of LegalTech through the examination of language use in various kinds of texts surrounding LegalTech. But the representation of the LegalTech has seen a great division in terms of frames that were constructed to understand the implications of LegalTech (Webley *et al.*, 2019). Texts about LegalTech may contain frames that view it as a set of tools and uses to augment the current legal services environment, but they may also contain frames that view LegalTech as causing disruptions to the current legal landscape. LegalTech mediates the relationship between service providers and the state of A2J. On the one hand, LegalTech improves the efficiency of service production and delivery, lowers the costs of the service, makes the prediction of case outcomes more accurate, thus widening A2J. Therefore, it is something that the profession must harness. On the other hand, LegalTech disrupts the traditional models of professionalism, even threatens the existence of the traditional legal profession. Hence, two frames may serve as the organizing ideas in the discursive construction of LegalTech: the A2J frame, and the disruptive innovation frame.

This chapter first presents and discusses the results of a corpus-assisted qualitative discourse analysis that compares the discourses on the Western and Chinese LegalTech. It then investigates whether such two frames can be reconstructed out of the International LegalTech Corpus (see section 5.4.2). The chapter finally explains these two frames with reference to the hegemonical struggles among interest groups in the legal field. As the Chinese and the international corpora are highly similar, the frames developed from the International LegalTech Corpus may be applicable to the Chinese LegalTech Corpus. Some social groups in the Chinese legal field can use these two frames to construct legitimate versions of professionalism to rally followers and fight other social groups with competing versions of professionalism.

7.1 Keyword analysis: set identification

This researcher compiled three sets of keywords (Set A, B, and C) for each corpus: the International LegalTech Corpus (hereafter referred to as ILC) and the Chinese LegalTech Corpus (hereafter referred to as CLC), with a common reference corpus: the British National Corpus (BNC) Sampler. The three sets of keywords and their collocations may reveal the relationships among the service providers, the state of A2J, and LegalTech. Lancbox (see section 6.2) provided values of frequencies, relative frequencies, and Simple Math Parameters (see section 6.2) for each keyword. Following Hunston and Francis' (2000) suggestions, this researcher assigned a convenient descriptive umbrella term for what the items in each set have in common, though this way of naming inevitably involved a degree of subjectivity. The following sections look at some of the items from each set in each corpus in more details to return them to the co-texts out of which they occurred.

7.1.1 Set A: legal service providers

Set A (see table 7.1) from the ILC contains items that referred to the providers of the legal service, thus it was named as legal service providers. As the items in each set from the two corpora are highly similar, to save space, the tables that present the three sets in the CLC are placed in the Appendix 3.

Table 7.1 Set A: legal service providers in the keywords (ILC)

Type	Frequency	Relative Frequency (per 10k)	SMP[20]
lawyers	14708	38.63187	36.52741
firms	12255	32.18885	23.04861
profession	5902	15.50213	15.20948
lawyer	5104	13.40611	12.47302
practice	7673	20.15382	10.60402
firm	6954	18.2653	10.52803
Bar	4584	12.04029	8.413429
attorneys	1837	4.825044	5.825044
ABA	1784	4.685835	5.685835
counsel	1746	4.586025	5.294841
providers	1734	4.554506	5.290036
practices	1852	4.864443	4.528646
attorney	1224	3.214945	4.173217
solicitors	1378	3.61944	3.833633
practitioners	1133	2.975925	3.823023
in-house	1081	2.839343	3.801333
society	2455	6.448276	3.555475
professions	967	2.539912	3.470509
partner	1154	3.031084	3.277373
professionals	972	2.553045	3.08965
association	1293	3.39618	2.864075
non-lawyer	667	1.751935	2.751935
elite	725	1.904277	2.727039
associates	725	1.904277	2.652334
entities	545	1.431491	2.395562
partnership	600	1.575953	2.310299
nonlawyer	443	1.163579	2.163579

[20] Simple Math Parameter

paralegals	386	1.013863	2.013863
provider	380	0.998104	1.939912
associate	460	1.208231	1.971659
barristers	347	0.911426	1.911426
practitioner	356	0.935066	1.906473
non-lawyers	343	0.90092	1.90092
firm's	369	0.969211	1.893481
legalzoom	319	0.837882	1.837882
paralegal	316	0.830002	1.830002
innovators	314	0.824749	1.824749
lawyer's	299	0.78535	1.78535
nonlawyers	276	0.724939	1.724939
solo	371	0.974465	1.702151
entrants	286	0.751204	1.691991
societies	346	0.9088	1.681784
jobs	1027	2.697507	1.643441
referral	264	0.69342	1.636161
startups	236	0.619875	1.619875
occupations	269	0.706552	1.617594
members	1631	4.283967	1.57508
executive	417	1.095288	1.569549
advisors	218	0.572596	1.557027
solicitor	407	1.069022	1.532654
workforce	289	0.759084	1.516475
A.B.A.	191	0.501679	1.501679
startup	167	0.43864	1.43864

The same actor or entity could be addressed by more than one term, for example, a law firm could be called a legal service provider, a lawyer could be referred to as a professional practitioner. Focusing on these signifiers instead of the actual entity or person (the signified) could reveal that an item gets its meaning in contexts that provide a perspective which embodied the struggle among competing groups who manage to

construct different discourses on the same matter.

Lawyer* (lawyer, lawyers, lawyer's) were obviously the most striking items in Set A. It is worth noting that a set of strongest collocates of *lawyer** within the L1-R5 range (with MI3 value and frequency of the collocates in brackets) appeared to be *clients (23.41, 705)*, *firms* (22.86, 811), *practice* (22.77, 678), *certified* (22.48, 206), *firm* (22.01, 551), *services* (22.11, 672), *professional* (21.79, 465), *practicing* (21.67, 233), *regulation* (21.59, 406).

An examination of concordances containing the node words *Lawyer** and the collocates could easily reveal the reality of double monopoly enjoyed by the legal profession. Below are some examples. All emphases in the quotations are made by this researcher.

> "The public also needs greater information about the distinction between legal representation by a lawyer, a **licensed** or **certified** legal services provider, and an unregulated legal services provider" (American Bar Association, 2016, p. 55).

> "Legal work within NSW ILPs must still, of course, be carried out by **qualified** and **certified** legal practitioners bound by all the traditional professional conduct and duty-of-care obligations" (Parker, Gordon and Mark, 2010, p. 471).

> "We use the terms '**certified**' and '**uncertified**' to distinguish between high quality and low-quality lawyers. **Certified** lawyers receive a more informative signal about the state of the world and are better able to interpret the meaning of their signal than uncertified lawyers" (Iossa and Jullien, 2012, p. 678).

It would be seen that lawyer and non-lawyer distinction is advocated in the legal service provision, and lawyers are conceptualized as more capable in applying their unique stock of specialist expertise and more likely to act in accordance with professional ethics and regulations (see Chapter 2).

The mission of the lawyers is conceptualized as practicing law, as opposing to doing business or engaging in theoretical thinking, as can be seen in the quotes below:

> "The Commission cited as an example a growing pattern of law firms operating businesses that provide services 'ancillary to the **practice** of law'. The Commission questioned whether **practicing** lawyers should become 'active in the operation of any **business'**, asserted that 'the greater the participation by lawyers in activities other than the **practice** of law, the less likely it is that the lawyer can capably discharge the obligations which our profession demands', and urged the ABA 'to see what, if any, controls or prohibitions should be imposed'"(Schneyer, 2012, p. 110).

> "Training of lawyers would change as well, with a shift of focus away from providing a methodology to parse doctrine and towards the other methodologies **practicing** lawyers use in day-to-day life …… Up until Langdell's time, law was most often learned in apprenticeships with **practicing** lawyers, and even when schools were involved the lecturer typically had built a reputation in practice…… One strain of the criticisms focused on the research conducted by modern law schools, with the complaint being that the research created by law faculty was of little use to **practicing** lawyers and judges …… Even if the specialization problem could be set aside, another profound problem arises from the Langdellian method-in teaching doctrine, it ignores much of what **practicing** lawyers do" (Campbell, 2016b, pp. 7, 14, 41, 45).

However, the purity of law as a practice is contaminated by what lawyers actually do: "Few would argue that transactional lawyers at law firms are not **practicing** law (Chaffee, 2014, p. 155)". Licensed lawyers may choose not to practice law, and non-lawyers may encroach the previously lawyers' field.

> "But innovative law firm models may have a different option for resourcing that: reduces lawyer hires and brings in more paralegals or lower paid staff; change in **lawyer-to-non-lawyer** ratio" (The Law Society, 2017, p. 50).

External market, social and technological factors may facilitate previously industry outsiders to snap up lawyers' work.

> "Third, and most importantly for present purposes, the incentive-based objection would not apply to much of the emerging legal information market discussed in this Article in which the creators are not necessarily **practicing** lawyers" (Kobayashi and Ribstein, 2011, p. 1182).

> "Like a number of other professions, the field of law is undergoing a significant upheaval due to a confluence of social and technical factors; in particular there has been an imminent rise of technologies to supplant (or augment) many of the activities of **practicing** lawyers" (Chachra, 2015, p. 183).

> "In other words, they have allowed the market to control the number of lawyers **practicing** law and, with the exception of some aspects of criminal law where access to lawyers and representation is mandated by the Constitution, leave to market forces of supply and demand the issue of access to lawyers" (Wald, 2011, p. 526).

However, an identity framework that is based on the distinction between lawyers and non-lawyers tends to help maintain the status quo of the legal field, and it usually offers the profession a moral high ground. So, the new entrants have attempted to shake off this distinction by emphasizing more on law as a service than law as a practice in defining the professional identity. Viewing law as a practice confers lawyer a privileged status relative to non-lawyers, in contrast, viewing law as service renders equal standings to all kinds of service providers. Thus, it could be seen from Set A that the keyword *provider* (providers, provider)* fulfil this crucial function of discourse construction by the new entrants and these words actually reveal struggles between different social groups competing in the field.

The strongest L1 collocates of ***provider**** in Set A were *service*, unregulated, non-lawyer, alternative, online, other, nonlawyer, outsourcing, non-traditional, new, regulated, authorized, software*. The incumbents' discourse prefers to use the word *nonlawyer* in combination with the word *provider**, so as to maintain their privilege but at the same time to make a concession that the new groups would be admitted to the field.

> "Many state and local bar associations passed similar resolutions. These organizations have not been similarly enthusiastic about court simplification and pro se assistance and have actively fought self-help publications and **non-lawyer providers**. From the profession's perspective, the focus on guaranteeing more

lawyers makes obvious sense. But from the standpoint of the public, the objective is more access to justice, not necessarily to lawyers" (Rhode, 2013, p. 1231).

"The Futures panel (B2B) did not foresee ABS or other types of **non-lawyer provider** as serious competition to large corporate firms. Rather, they saw competition as remaining rife amongst the top City and international firms themselves" (The Law Society, 2016, p. 50).

"Today's immigration legal marketplace is changing. There are numerous forces at work that are changing and reshaping the marketplace as we know it. Among those forces is the continuing evolution of technology, a belief within the profession that more consumers should have access to legal representation, and a rise in the marketplace of **non-lawyer competitors**—some authorized by federal law, some authorized by state law, and still others not authorized at all. These forces are empowering consumers, changing the regulatory scheme for non-lawyers, and leaving many lawyers wondering where their next competitor will come from. This article examines why **non-lawyer providers** are entering the market, who these players are, how they are regulated, and what impact they might have on the immigration legal services space in the future" (American Immigration Lawyers Association, 2016, p. 68).

"While the "Big-5" accounting firms' encroachment into legal services was the impetus for the MDP movement, a paradigm shift has since occurred in both the domestic and foreign legal services market in which smaller, but far greater in number, **nonlawyer providers** are competing with lawyers and law firms. Unable to obtain regulatory reform in the United States, some United States firms are forming alternative business structures in the United Kingdom where up to 25 percent of the ownership of the firm may be held by nonlawyers" (McCauley, 2016, p. 60).

"Indeed, the only significant opposition to **nonlawyer providers** of legal services has been to human assistance combined with machine intelligence, and not to machine intelligence alone. …… As Laurel Terry has noted, the legal services world is now flat. On the internet, providers based in other countries could readily provide U.S. residents with machine intelligence services providing legal assistance or advice under relevant U.S. law. These providers could be based in the United Kingdom, which now permits **nonlawyer providers** of legal services, or in other legally sophisticated countries, such as China or India" (McGinnis and Pearce, 2013, pp. 3063, 3064).

"But **nonlawyer providers** will be a critical feature of any scalable model for the delivery of legal information and services; and, like lawyers and software providers,

> **nonlawyer providers** need a platform for engaging consumers and establishing viable national brands" (Chambliss, 2013, p. 596).

> "But while corporate clients have significant resources to select and regulate **nonlawyer providers**, individual consumers (and potential consumers) may not; thus, consumers' collective access to quality legal information and services arguably would be furthered by the standardization of paraprofessional titles and licensing" (Chambliss, 2013).

In contrast, the new entrants' discourse prefers to use *alternative providers* instead of *non-lawyer providers* to hint that they are a group of equally qualified if not better qualified field players that may complement where lawyers are not efficient or cannot do.

> "These **alternative providers** comprise a new sector of the legal market, one that is emerging and evolving rapidly, but is still very much in its infancy…… Interestingly, corporate law departments were more likely than law firms to say that they would look to **alternative providers** in situations where specialized expertise was required, indicating some willingness to allow ALSPs to play at least some role in more bespoke tasks…… Also, some law firms have actually sought to create **alternative providers** as wholly owned affiliates of the firm or as partnerships or joint ventures with others, providing more cost-effective options for clients, while creating a new avenue for profit for the firm…… Whether coming from a small start-up or a large accounting firm, the emergence of such a wide variety of new **alternative providers** has given clients a plethora of new vendors from whom they can receive services and further flex their buying power" (Thomson Reuters, 2017, pp. 2, 3, 4, 14).

The new entrants could be portrayed to carve out a new space under the pressure of the field incumbents who seek to prevent the entrants from entering or at least pushing them to the margin of the field.

> "As much as we would like to deny that lawyers are using their special access to the regulatory levers to protect themselves from competition by **alternative providers** and business models, this is clearly part of the story……This approach forces **alternative providers** to seek carve-outs for things like document assembly, supplying blank contracts (real estate agents), tax advice (accountants), non-profit assistance to immigrants in some hearings, and appearances before some federal

> administrative bodies such as the U.S. Tax Court, the Patent Office, and the Social Security Administration" (Hadfield and Rhode, 2015, pp. 1194, 1206).

> "In the United States, for instance, we know very little about the relative quality of different types of legal services providers, in part because lawyers' de jure monopoly has limited the recognition of **alternative providers"** (Chambliss, 2013, p. 601).

However, there is discourse which announces that alternative providers have made it to the field:

> "The increased market share of outside vendors reflects a proliferation of **non-traditional providers** of legal and legal related services. […] such **non-traditional providers** have now established a firm foothold in several service areas once dominated exclusively by law firms" (Georgetown Law and Peer Monitor, 2016, p. 10).

Furthermore, these alternative providers have caused upheavals to the profession:

> "The forces that caused this transformation in other professions and occupations – skyrocketing costs, internal expertise developed by sophisticated clients, disaggregation along global supply chains, and disruptive innovation by **alternative providers** – are, as I have indicated above, now present in the legal profession" (Wilkins, 2014, p. 10).

Alternative providers are sometimes called new providers, as in:

> **"New providers** of legal services are proliferating and creating additional choices for consumers and lawyers ……At the same time, technology, globalization, and other forces continue to transform how, why, and by whom legal services are accessed and delivered. Familiar and traditional practice structures are giving way in a marketplace that continues to evolve. **New providers** are emerging, online and offline, to offer a range of services in dramatically different ways. The legal profession, as the steward of the justice system, has reached an inflection point" (American Bar Association, 2016, p. 5).

A way to resist the new entrants discursively is to label them as *unregulated* thus

highlighting the probability of unnecessary risks that they bring to the consumers, but the incumbents themselves are tagged as *regulated* that are knowledgeable and ethical.

> "The Legal Services Board estimated in 2015 that twenty to thirty percent of expenditures on legal services are made to **unregulated providers**, noting that "this is permitted under the Legal Services Act 2007, which provides that individuals or firms must only be authorised and regulated if they wish to provide one of the six 'reserved legal activities'" (Hadfield and Rhode, 2015, p. 1206).

> "The impact of **unregulated providers** has almost certainly been greater on the U.K. as opposed to the U.S. market given, historically, the lesser protection provided to lawyers in the U.K. by unauthorized practice of law rules" (Webb, 2013, p. 537).

According to the above analysis, the keywords Set A in ILC, their collocates, and the concordances lines suggest that different social groups have used language in different ways to construct different discourses to advocate different professional identities under the frame of different versions of professionalism. The traditional professionals prefer to call themselves lawyers and build their identity on unique knowledge base and ethical behavior, while the identity of the new entrants are built in relation to the factors formerly external to the field: market, social, technological, etc.. However, the new entrants have successfully shifted the attention from the professional identity to the service itself and its recipient, the clients or consumers, which is the topic of the next section.

Similar results and conclusions could be reached after the same processes were applied to keyword items in Set A of CLC. However, *platform** appeared much more often in CLC than in ILC, so collocates and concordances were examined.

***Platform**(**platform, platforms, platform's**)* was the most striking items in the Chinese LegalTech corpus. It is worth noting the L1 collocates of *platform**: *service* (14.02, 386), *labour* (12.90, 31), *online* (14.47, 335), *mediation* (12.06, 17). Concordances

show that *platforms* are conceptualized as online marketplaces of legal services that mediates the lawyers' selling of their labour to consumers:

> "In a separate vein, a sizeable body of literature is concerned with features of different online **labor platforms** and the consequences of different platform policies (e.g. Lehdonvirta 2018), worker motivation for participation (e.g. Hall and Krueger 2018), and work outcomes for participants, and work outcomes for participants, such as normalized precarity (e.g. Cockayne 2016)" (Yao, 2019, p. 4).

The strongest collocates of *platform** within the R5 range was *economy* (19.90, 152), indicating that the use of *platform** is frequently associated with the business of law. *Legal* (14.67, 1297) and *service* (15.50, 386) often appear together to strongly collocate with *platform**, which may suggest that the legal service is highly commercialized as the word *platform* has strong indication of business models and capitalism (Srnicek, 2016). It also indicates outsider invasion of the profession because the platforms were usually established by previously industry outsiders. Below are some examples that could illustrate the ideas expressed above.

> "All in all, such enhanced understanding of the **platform legal service providers** will lend valuable help to China's legal profession in striking the right balance between mitigating the information asymmetry in the legal service market and correcting potential market failures on the one hand, and encouraging competition and safeguarding access to justice on the other" (Li, 2017, p. 100).

> "On the supply side, the **online legal service platforms** provide lawyers with an outlet for surplus service capacity and improves their total employment without interfering with firm work. On the demand side, the affordability and accessibility of online service has realized a large amount of previously latent demand for legal services" (Yao, 2019, p. 17)

> "As far as my sample is concerned, most of the **online legal service providers** using the **platform economy** model are not founded by law firms. Instead, the companies behind the scene are most often in the technology sector, or information technology to be more precise" (Li, 2017, p. 115).

> "Based on the findings presented in Part II, many practices of China's **online legal**

> **service platforms** actually conform to the abovementioned criteria, tilting to the conclusion that they are not only intermediating between the supply and demand, but are often also providing underlying services" (Li, 2017, p. 149).

Platforms are usually framed as tools to *control* (13.75, 52) their lawyers, as in: "Platform itself exerts **control** over lawyers in order to sustain service standards and increase revenues" (Yao, 2019, p. 15).

It would be seen from keywords in Set A of both ILC and CLC and their collocates and concordances that there are social struggles among incumbents and new entrants in the legal field. Different interest groups construct different discourses on professionalism to mirror the actual practice as well as to legitimate the introduction of new models. The studied texts also showed a possible tendency of a transition from the title-focused to the service and risk focused new regulatory regime (Mayson, 2019, 2020), as could be inferred from the quotation below:

> "It does bring the online legal service platforms into a professional licensing regime, thus imposing new compliance obligations on them; while the new regulation is a comparatively light one based on a deregulation of the legal profession in the larger picture, as the normal ownership and organizational restrictions for conventional law firms are not applicable to the alternative service providers" (Li, 2017, p. 152).

7.1.2 Set B: legal service objectives

Set B was chosen because the items were identified as all being related to the objects of the legal service providers, in terms of both to whom and what were offered by service providers. A convenient denomination was given to this set: legal service objectives (see table 7.2). Set B of CLC is presented in the appendix 3.

Table 7.2 Set B: the legal service objects in the keywords (ILC)

Type	Frequency	Relative Frequency (per 10k)	SMP
clients	5545	14.56444	12.758
client	3567	9.369043	7.380343
services	11832	31.0778	7.105351
justice	2748	7.217867	6.06503
access	3172	8.331541	4.17545
pro	1275	3.348901	4.064424
consumers	1348	3.540642	4.054195
protection	1787	4.693715	3.697366
sector	1518	3.987162	3.614001
delivery	1317	3.459218	3.610782
public	3716	9.760405	3.260989
consumer	1378	3.61944	3.230488
representation	1254	3.293743	3.180645
market	4798	12.60238	3.152624
individuals	1300	3.414566	3.065777
advice	1470	3.861086	3.019439
markets	1190	3.125641	2.855216
service	3409	8.954042	2.731103
demand	1336	3.509123	2.599044
matters	1173	3.080989	2.511489
needs	1965	5.161248	2.092263
bono	522	1.37108	2.37108
marketplace	418	1.097914	1.998025
offering	514	1.350067	1.800866
industry	1273	3.343648	1.73411
client's	216	0.567343	1.544183
provision	608	1.596966	1.527699
self-help	215	0.564717	1.497344

Set B from ILC comprises the objects that the producers provided, including both the

direct objects and the recipients of the objects. The keywords that are related to how the receivers of the professionals' services were referred to include: *clients, client, consumers, public, consumer,* and *client's*. It can be drawn from the collocation analysis that *client** (*clients, client,* and *client's*) co-occur with *lawyers* (19.29, 13429) and *lawyer* (17.64, 5104) more often than *consumer** (*consumer* and *consumers*) co-occur with *lawyers* (14.01, 14708) and *lawyer* (11.6, 680). When *consumer** collocate with *lawyer**, it is often the case that they are mentioned as standing together to face a third party, like in:

> "New providers of legal services are proliferating and creating additional choices for **consumers and lawyers**" (American Bar Association, 2016, p. 5).

> "Recommendations include: promoting a robust online **consumer** presence including a member directory that can be used by **consumers** to locate …… supporting greater efficiency in judicial processes for both **consumers and lawyers**; and establishing an Association Standing Committee on Future of Legal Services" (Illinois State Bar, 2016, p. 5).

However, when *client** co-occur with *lawyer**, they are used like a pair that face each other and depend on each other, as in:

> "Legal exceptionalism assumes that legal information is conveyed through one-to-one agency relationships in which a **client** depends on her **lawyer**'s judgment and independence" (Kobayashi and Ribstein, 2011, p. 1172).

> "In addition to their superior knowledge of the law and long-term client relationships that discouraged switching, lawyers during the Golden Age had the added advantage of the widespread belief among both **lawyers and clients** in the autonomy of law itself" (Wilkins, 2010, p. 2078).

According to definitions from various dictionaries, a *client* refers to a person or organization who uses services from a professional service provider (e.g. a lawyer, a doctor). It is expected that a fiduciary relationship between the person (or the organization) and the service provider will be established if the client is satisfied with

the services provided by the professional. Lawyers are framed as the trusted advisors of their clients (Green, Galford and Maister, 2001). The term *client* bears the connotation that the services are imbued with the esoteric knowledge and practical expertise owned by the professionals (e.g. lawyers), thus it is actually producer centric. The item *consumer* is usually defined in various dictionaries as a person that purchases and uses a commodity or service, but sometimes, personal use is emphasized as distinguished from commercial use. When a client is referred to as a consumer, besides making differences between corporate clients and individual clients, like in "consumer A2J", "consumer law firms" "consumer law sectors" (Supreme Court of Missouri and The Missouri Bar, 2016), "consumer law market" (Knake, 2013), a customer centric discourse is also invoked, or even the concept of consumerism is summoned (though consumerism is not only a personal law term), which emphasize the protection of the interests of the consumers of legal service (Sinnamon, 2014), rather than the professionalism of the legal profession that is embedded in the term of *client*.

The concordances also show that, unlike *client**, *consumer** strongly collocate with *service** and *protection* (22.29, 1787), like in:

> "Indeed, the regulatory models we explore would not only release the potential for innovation and cost reducing efficiencies in the practice of law, they would improve **protections for consumers**. That is a win-win for the profession, as well as for access to justice" (Hadfield and Rhode, 2015, p. 1195).

> "As the legal profession grew and its role became more central in the functioning of the economy and society, finding the right balance between **consumer protection**, innovation, and regulatory oversight has been a central theme in the evolution of the profession's regulation" (Brescia, 2016, p. 91).

> "The focus groups and poll were designed to provide more insight into public attitudes and concerns about access to legal services, and to obtain input not only from the legal profession, but also from **consumers of legal services"** (American Bar Association, 2016, p. 23).

> "A principal reason to regulate professional services is to raise the likelihood that

> **consumers of legal services** receive the quality that they (explicitly or implicitly) expect in those settings in which the ordinary regulated market does not adequately police quality" (Hadfield and Rhode, 2015, p. 1199).

It would seem that though the consumers of the legal services and the clients of the lawyers may refer to the same persons, but choices have to be made to suit for different discursive contexts which are shaped by the discourse practices of different social groups to advocate their legitimate versions of professionalism. It is assumed that lawyers mediate between the public purposes of the law and the private ends of their clients. But various other social groups (e.g. the new entrants to the field, the consumer groups, the government, etc.) would like to shift the focus from the profession to the products of the profession (i.e. the legal services). Legal services seem to serve the role of mediate the transactional relationship between the lawyers and their consumers. Whether consumers are protected and satisfied are more important than who can provide the services. This shift of priority paves the way for the rising and thriving of commercialized professionalism (Hanlon, 1998), and it also create an environment that are friendly to the market and technology driven innovations and models that usually have to involve formerly field outsiders to contribute their extra-legal expertise (Susskind and Susskind, 2015; Campbell, 2016b).

Set B contains another subset of items that referred to what the lawyers provide, or the direct object. It includes all-encompassing and neutral terms such as *services, delivery, offering, provision, matters, service*, as well as terms belongs to the economic discourse (e.g. *sector, markets, demands, needs, marketplace, industry*) and those belong to the rule of law discourse (e.g. *justice, access, pro bono, protection, representation, self-help*). ***Service*(service, services)*** is the most frequent keyword in Set B from ILC. Its L1 collocates included sets of opposites that were often seen in Set A: the professional vs non-professional (e.g. *legal, professional, law-related* vs *non-legal*). *Service** occurred in the corpus for 15, 630 times, more than half of times it co-occurred with *legal* (8000), so a collocation analysis was conducted of *legal service**. An examination

of concordances of the collocates of *legal service* in ILC showed that *traditional* legal service was transforming, which could be suggested by these items and their co-texts: *alternative, unbundled, online, technologies, commoditized, changing, unbundling, new, emerging*.

It is worth noting that some discourses favoring the new entrants strategically categorize the legal services into traditional or new/alternative/emerging categories. Framing certain categories of the legal services as emerging suggests that the new entrants do not grab the service opportunity out of the hands of the incumbents, but they respond to the unmet legal needs that is partly revealed by the serious A2J gap. New entrants are usually portrayed as those who carve out new spaces for the field, or find new ways of doing old things differently but more efficiently and effectively, as in:

> "Lawyer Metrics is a company devoted to developing data-driven and scientifically informed forecasting models that predict the future success of individual lawyers (particularly at or near the entry level) in law firms and other related legal enterprises" (Katz, 2012, p. 935).

> "The **emerging** legal services fields tend to be market driven. Traditional models of professionalism-which may never have matched reality and certainly do not today-tend to assert that lawyers and other professionals stand a bit aloof from market forces, putting a broad conception of public interest ahead of personal gain……The **emerging** legal service professions require some facility with legal rules, but, on the whole, parsing doctrinal points does not lie at the core of these new fields. Rather, taking the law as a given, they engage in the zone where the law meets the world at large. Instead of just parsing doctrine, they ask how a given task can be processed economically, how litigation can be avoided, and how to obtain rank-and-file compliance with legal rules" (Campbell, 2016b).

> "A group of A&O partners is developing a consulting style approach to solving clients' legal challenges. We are deploying technology, business process and project management to combine traditional law firm services and **new legal services** into hybrid legal solutions" (The Law Society, 2017, p. 49).

In comparison, notable L1 collocates of *legal service* in CLC include *online* (17.97,

335), *alternative* (13.39, 70), *internet-based* (11.6, 11), indicating that the focus of discourse is on the alternative or online legal service itself, rather than the conflicts between the new and the old models.

Client* (*clients, client*) is the second most frequent words in Set B in ILC. The L1 collocates appeared to be related to three sets of meaning: firstly, the type of the client, corporate or individual (e.g. *corporate, organizational, sophisticated* vs *individual, private*); secondly, the process of client development and relationship maintaining (e.g. *potential, perspective, new, existing, retain, maintain*); and thirdly, what were done to the clients (e.g. *represent, representing, serving, advising, protect, help*). Compared with the direct object of what professionals provided (i.e. the legal services), the L1 collocates seemed to suggest that the indirect object *client** played a lesser role in the construction of discourses that advocate certain versions of professionalism that facilitate the transformation of the legal field.

It emerged from the concordances that legal services were transforming for the purpose of improving A2J (*manifested by such items as affordable or free access* to legal service generally), the means to this end included the adoption of technologies and the loosening of the regulations (*regulated, unregulated*) so as to allow *nonlawyers* to produce some kinds of the legal services.

Access to justice A2J *gap* became an *issue, conundrum, and crisis* (the R1 collocates of this item in ILC), it was most often preceded by *improve, improving, increase, promoting, facilitate, enhancing, expand, increasing, expanding enhance, greater, promote* (the L1 collocates in descending order). These words suggest that A2J in the West has fallen short of the people's need of it in the period that the discourses covered, otherwise, there was no need to improve it.

The A2J crisis has been used by some social groups to justify the introduction of new

ways of service production and the new entrants to the field, as in:

> "Even the Federal Trade Commission believes that the competition that these websites provide is better for consumers and has therefore hesitated to describe the services offered by these sites as the unauthorized practice of law. And there is the '**access to justice**' **conundrum**: the provision of these services, whether they are legal services per se, or not, are arguably better than no services at all" (Brescia *et al.*, 2014, p. 579).

> "For decades, there has been an access to justice crisis, with members of the public unable to afford legal assistance for such basic matters as uncontested divorces or landlord-tenant disputes……While these new providers have generally been resisted by the legal profession to the extent consumers can access them, '**the access to justice crisis** provides a strong argument for giving them a chance. While a full scope lawyer might be preferable, in a country where full scope lawyers are unaffordable, some assistance might be better than none'" (Campbell, 2016b, p. 56).

> "In short, lawyers will deliver legal services in new ways, and these changes will create unique opportunities to '**improve access to justice** in communities not traditionally served by lawyers and the law' and to offer better value to clients who regularly use lawyers" (American Bar Association, 2016, p. 18).

But the social groups that advocate the traditional professionalism have raised counter arguments that new models established by the new entrants cannot bring A2J benefits and have the risk of eroding professional core values, as in:

> "This seemed to imply either that the public interest can never be served by permitting a new law practice structure that poses any risk of compromising those core values or, alternatively, that no new structure that could provide public benefits (perhaps by reducing costs, promoting innovations in legal services, or **improving access to justice**), would be acceptable if it also put core values at any risk" (Schneyer, 2012, p. 108).

Courts have been battlefields where opposing groups have argued whether new models can improve A2J:

> "The **'increased access to justice' argument** was raised in the case of *Jacoby &*

> *Meyers, LLP v Presiding Justices of the Appellate Divisions of the Supreme Court of New York*, decided July 15, 2015, wherein New York's RPC prohibiting non-attorney equity ownership in law firms was challenged on first and fourteenth amendment grounds" (Illinois State Bar, 2016, p. 25).

A2J is usually talked in juxtaposition of market and technology:

> "In access to justice and consumer-driven innovations, technology brings efficiency and simplification to a surface level by offering consumers explanations and guidance into legal advice……A growing number of technology tools can facilitate **access to justice**……Darin Thompson, a lawyer with the Ministry of Justice in British Columbia contends that '**access to justice** can be improved significantly through implementation of simple artificial intelligence (AI) based expert systems deployed within a broader online dispute resolution (ODR) framework'" (The Law Society, 2017, pp. 7, 60, 99).

While access to justice problems were framed as a cause for the adoption of LegalTech in ILC, it is more often conceptualized as an effect of LegalTech in CLC., thus *Access to Justice* collocates most commonly with *improve* (15.96, 28) in CLC. Below are some examples that may illustrate this point.

> "Although there are still unanswered questions, it is arguable that the emergence of these legal service portals does **improve the access to justice** in China, at least moderately. In particular, the improvement can be supported by the fact that many portals offer online (e.g., by messaging or short voice recordings) or telephone consultation services, which can be obtained often for free or for a small price" (Li, 2017, p. 147).

> "I remain of the view, parochial maybe, that the promotion and adoption of legal technology can play some part in helping **improve access to justice** and strengthen the rule of law in China" (Susskind, 2017).

A careful reading of concordances of the keywords *client** and *consumer** in CLC help to show that there are similar struggles between producer and customer centric construction of the identity of service receivers, while different constructions are backed by different versions of professionalism. In comparison, the Chinese corpus has

keyword items *user** which are not key in ILC. Clients or consumers on the platforms are called users. An interesting L1- R5 collocates of *user** is *lawyer* (14.10, 321). Platforms are usually conceptualized as the matchmakers or intermediates between the lawyers and the potential clients who *choose* (12.51, 21) the needed *legal* (10.24, 1297) *service* (12.91, 386), as in:

> "Instead of merely presenting the information and leaving all decisions to **users** (conventional online legal portals), or purely relying on technology to match users with lawyers (Pocket Lawyer), they retain an in-house legal consultant team to serve the roles of gatekeeper and business conduit" (Li, 2019, p. 32).

Platforms like Pocket Lawyer frame lawyers and their clients as platform users, thus avoiding the implications of the subtle meanings imbued in "*client*", "*consumer*", "*lawyer*" and promoting the idea that they are just people who are happy to harness the power of the technology.

7.1.3 Set C: LegalTech

After Set A and Set B were compiled, this researcher found that there was another set of keywords that had part of their meanings in common. These keyword items were identified as all being related to LegalTech (see Table 7.4). Set C for the Chinese LegalTech corpus is placed in the appendix 3.

Table 7.3 Set C: LegalTech in the keywords (ILC)

Type	Frequency	Relative Frequency (per 10k)	SMP
innovation	3400	8.930403	9.28082
technology	5076	13.33257	8.261245
model	3274	8.599453	5.333302

technologies	1455	3.821687	4.592109
technological	1481	3.889978	4.591559
data	5896	15.48637	4.517188
models	1507	3.95827	3.82888
analysis	1701	4.467828	3.428251
alternative	1430	3.756022	2.831097
solutions	953	2.503139	2.825174
intelligence	977	2.566178	2.753878
documents	1009	2.650228	2.664482
processes	1074	2.820957	2.662781
tech	640	1.681017	2.654475
assistance	970	2.547791	2.628071
discovery	657	1.725669	2.466696
AI	618	1.623232	2.406657
tools	801	2.103898	2.360443
systems	1971	5.177007	2.357803
digital	566	1.486649	2.334897
innovations	565	1.484023	2.278941
innovative	586	1.539181	2.257078
information	4952	13.00687	2.250316
website	441	1.158326	2.158326
outsourcing	439	1.153073	2.153073
artificial	561	1.473516	2.150915
new	8378	22.00556	2.12938
code	742	1.948929	2.1216
web	439	1.153073	2.121258
automated	472	1.23975	2.09324
virtual	475	1.24763	2.081156
search	1297	3.406686	2.059325
electronic	731	1.920037	1.946765
smart	496	1.302788	1.911064
software	728	1.912157	1.866844
adoption	404	1.061142	1.865307

legalzoom	319	0.837882	1.837882
innovators	314	0.824749	1.824749
automation	323	0.848388	1.785889
platforms	333	0.874654	1.768553
document	790	2.075005	1.767331
analytics	291	0.764337	1.764337
draft	389	1.021743	1.750454
google	282	0.740698	1.740698
industry	1273	3.343648	1.73411
predictive	272	0.714432	1.705904
technical	467	1.226617	1.674196
Watson	284	0.745951	1.66282
predict	308	0.808989	1.644552
computers	457	1.200351	1.642101
startups	236	0.619875	1.619875
email	228	0.598862	1.598862
tool	331	0.869401	1.597805
platform	340	0.89304	1.59753
internet	781	2.051366	1.58934
prediction	236	0.619875	1.588116
cloud	294	0.772217	1.575324
algorithms	224	0.588356	1.564886
recognition	328	0.861521	1.564332
decision-making	223	0.585729	1.562298
e-discovery	209	0.548957	1.548957
expert	375	0.984971	1.544764
computable	206	0.541077	1.541077
APP	206	0.541077	1.541077
websites	197	0.517438	1.517438
blockchain	195	0.512185	1.512185
mobile	277	0.727565	1.495751
coding	200	0.525318	1.495413
computational	195	0.512185	1.497214

Technology* （***technology, technologies, technological***）is an umbrella word the meaning of which involves the application of knowledge from various fields for practical ends. While *technology* is usually viewed in the ILC as the key to unlock the law, to improve the operation of law, to make law more widely accessible, *innovation* focuses more on the uncertain and contradicting effects that LegalTech has on how the legal professionals are in the world. So, for Set C, this research mainly involves the subset of items that are linked to *technology** and *innovate**.

Technolog*: the strongest collocate of these items in the ILC was *emerging*. New entrants and some other social groups use it to build a discourse to hint that technology was something that came forth into the legal landscape naturally as if not from human efforts and interference. The only thing that field players should do is to adopt to this changing environment.

> "And then there are swathes of **emerging** technologies, from the Internet of Things to autonomous vehicles, to augmented reality and no one quite knows the impact they'll have on general business. Lawyers need to understand these things to help spot opportunities, not just waiting for what happens to happen" (LexisNexis, 2017, p. 15).

But in counteract, incumbents have constructed discourses to reign in the emerging technology:

> "Although there might be no part of the regulatory array that is specifically dedicated to the **emerging** technology, and although there might be gaps in the array, it will rarely be true to say that an **emerging** technology finds itself in a regulatory void" (Brownsword and Somsen, 2010, p. 27).

Technology* also co-occurred very often with its stages of development: *new, modern, existing, evolving, sophisticated, latest*, and different types of technological

applications: *communications, information, ledger, blockchain, digital, wearable, mobile, communication, internet, smart, cognitive, interface, computer, computing, search, encryption, web*. A striking group of items that collocate with technolog* suggest that technology is widely viewed by a wide range of social groups as silver bullets that should be actively used to solve many problems in the legal field. These items are: *capturing, using, use, harness, leveraging, enhancing, leverage, enabler, harnessing, utilizing, advanced, developing, embrace, embracing*, like in the quotations below:

> "Moreover, Rijmenam argues that big data, if **harnessed** by technologies, can contribute to the legal industry in four ways: first, by reducing costs and improving the efficiency of court processes; secondly, by driving transparency into the market; thirdly, to deliver new evidence in court; and fourthly, by improving the effectiveness of recruitment processes" (IBA, 2016, p. 19).

> "Over the past few decades, the legal profession has narrowed to serve just the one percent. Lawyers working in this space, of course, enjoy a very satisfying and financially rewarding life. The 99 percent is also a massive market opportunity. However, we may not be able to meet the needs of this market in the old fashion way, training lawyers by rote learning. We must **harness** technology to help us serve the broader market more efficiently" (Martin, 2013, p. 570).

> "To the extent that entrepreneurially minded enterprises are able to lower price points and convert the unrepresented population into those receiving legal services, this could obviously change the broader macro legal labor market. Many of the startups in the legal space are making this sort of a play. The key to success is to **leverage** technology, design, and a novel business model in order to deliver services in a cost effective manner" (Katz, 2014, p. 1436).

Innovat* **(*innovation, innovations, innovative, innovator*)** co-occurred with items that describing two opposing forces for or against the introduction of new technologies to the legal field: *impede, stifle, inhibits, inhibit, stifling* versus *promoting, spur, facilitate, stimulate, fuel, initiating, promote, support, foster, drive, develop, encourage, drives, facilitating, embrace, explore, enable*. It seems that the main theme in the discursive construction around *innovation* was the struggle between the forces that introduced the

new technology and the forces that prevented them from doing so. These forces seem to hinge on the regulatory regimes of the profession.

Regulations have been portrayed by various social group as the strongest forces that impede innovations. As the profession is largely self-regulated (see Chapter 2), the existing regulations seem to protect the interests of incumbent lawyers who can use them to fend off new entrants. Below are some examples.

> "Continued restrictions on permissible services may continue to **impede** innovation by lawyers and paralegals. Innovation may emerge largely in the unregulated sphere, putting the public potentially at risk" (Ontario Bar Association, 2014, p. 24).

> "The case has been made for decades: our existing approaches to regulating the American legal profession increase costs, decrease access, **stifle** innovation, and do little to protect the interests of those who need or use legal services"(Hadfield and Rhode, 2015, p. 1192).

> "At present, automated document assembly looks like an example of where unauthorized practice of law regulations could **stifle** innovation that would benefit consumers" (Campbell, 2012, p. 64).

> "Accordingly, those commentators, such as Hadfield, Henderson, and Ribstein, who argue that the unauthorized practice laws will seriously **inhibit** innovation in machine intelligence delivery of legal services, are not correct. Although unauthorized practice of law statutes undoubtedly **inhibit** innovation to some degree, they present only a manageable obstruction" (McGinnis and Pearce, 2013, p. 3064).

But voices representing the new entrants have been calling for the liberalization of the legal field. Many discourses are created that highlight the benefits of innovations.

> "The founders and leaders of these sharing economy companies bristle over calls for regulation, saying any such effort will **stifle** the entrepreneurial spirit and innovation. The search is on for the right level of oversight that will regulate these new economic models effectively without chilling innovation or harming consumer and worker interests" (Brescia, 2016, p. 90).

> "Professors Edward Iacobucci and Michael Trebilcock presented at the Law Society's ABS Symposium in October 2013. It was their view that the introduction of the ABS model should **facilitate** innovation, but would not cause dramatic change to the way in which legal services are provided in Ontario" (Ontario Bar Association, 2014, p. 14).

> "On the other hand, narrowly tailored regulation may be necessary in some instances to protect the public. Moreover, some existing and potential LSP entities currently face uncertainty about whether they are engaged in the unauthorized practice of law, the definition of which in most jurisdictions has not kept up with the new realities of a technology-based service world. In these cases, the establishment of new regulatory structures may **spur** innovation by giving entities express authority to operate and a clear roadmap for compliance" (American Bar Association, 2016, p. 41).

> "Allowing lawyers and paralegals to provide services directly with people outside the legal profession may **stimulate** innovation in the provision of legal services and result in a greater range of services for the public" (Ontario Bar Association, 2014, p. 8).

> "ABS are gaining traction and there are likely to be many more well established by 2020. External investment has enabled firms to invest in the latest technologies and in hard and cognitive systems to help support ambitions towards innovation. ABS have **facilitated** changes in law firms that are primarily driven by customer demands" (The Law Society, 2016, p. 32).

***Disrupti** (**disruption, disruptions, disruptive**)*: while these items strongly collocated with both *innovat** and *technolog**, it co-occurred far more times with the former than the later: 342 vs 70 times. An examination of concordances showed that *disrupt** were used in the discussion of the impacts of the technology on how the legal services and their producers were organized, and their new way of acting (see Chapter 4), as in these examples: "disruptive innovation will revolutionize the legal world" (Pistone and Horn, 2016, p. 1) "times are changing: disruptive innovation and the legal profession", (IBA, 2016, p. 1), "disruptive innovation: new models of legal practice" (Williams, Platt and Lee, 2015, p. 1).

Some social groups have used the disruptive innovation framework (Christensen, Raynor and McDonald, 2015), which have been successfully used to explain innovation strategy in the business world, to give players in the legal field a unique perspective to understand and believe how the profession will evolve driven by the new environments that are underpinned by revolutionized information and media technologies. Disruptive innovations are framed as inevitable and all pervasive. The best strategy for players in the legal field is to embrace or capture them. Examples are as follows.

> "The provision of legal services, like any industry, is subject to the forces of **disruptive innovation**, which can alter the way in which legal services are delivered, the organization of law firms, legal education, legal regulation, and even the structure and content of law itself. These disruptive forces can bring needed legal change to address important problems where solutions based on traditional legal reform have proven elusive" (Kobayashi and Ribstein, 2011, p. 1480).

> "As we have seen in industry after industry, **disruptive innovations** change sectors in ways that do not allow for a return to the status quo. Instead, the changes that **disruptive innovations** bring are so fundamental that entire products or services are marginalized or, in some cases, even displaced, never to return again…. Indeed, regulators of lawyers and law practice are themselves beginning to encourage disruption in the market for legal services" (Pistone and Horn, 2016, pp. 2, 3).

> "While the scope of this report is on **capturing technological innovation** and its practical dimensions, there is value in touching on some of the labels thrown out around innovation such as 'disruptive' and 'radical' and which often accompany sensationalist statements about change. Tempering these terms in a way that addresses the time, resources, energy and, ultimately, the early failures behind any (successful) innovation may help firm owners and decision makers engage with the realities of thinking and doing different, better" (The Law Society, 2017, p. 108).

The collocations of *technolog**, *innovate** and *dirupti** in CLC is not as rich as in ILC due to the much smaller size of the former relative to the latter.

It would seem preliminarily from the language use in both ILC and CLC that there was a generally positive evaluation about the impact of the technology on the improvement

of the quality and efficiency of the legal services. However, there seemed to be ambivalent attitudes regarding the introduction of the new technologies to the legal profession, especially in ILC, as their effects on the existential state of the professionals were not so clear, often triggering such arguments of the death of the legal profession, the lawyers, and the law schools. The above keyword analysis may have presented preliminary evidence that the legal profession in the West and in China is in the midst of a profound transformation driven by new entrants armed with new technologies. When keywords were invested in terms of their contexts and co-texts, they bore out the preliminary findings that the arguments on the impact of the legal technologies could be organized using two dimensions: legal technologies mediated our perception of the state of the A2J and the existential state of various players in the legal field. Before going on to identify the frames that organized the ideas and the words in the corpora, the section below compares CLC and ILC.

7.2 The comparison of the Chinese and international LegalTech discourse

A keyword comparison was conducted by comparing frequency lists derived from ILC and CLC. In the analysis, both the absolute frequency (AF) and relative frequency (RF, per 10k words) are taken into consideration. Juilland's D is chosen for measuring the dispersion of the words across different texts within each corpus. Kilgarriff's (2009) SMP with constant set at 100 and no frequency cut-off points applied were used to identify the keywords for this analysis. The detailed lists of the strongest keywords (with SMP greater than 2) that were extracted from the two corpora were put in the Appendix 4 and 5.

Putting aside the proper nouns signifying the names, places of the topical objects in the Chinese LegalTech corpus, the first category of keywords that caught the attention immediately are: *Chinese, China China's, foreign, counterparts, western, local, west.*

The frequent occurrence of these words indicated that Chinese or the Western LegalTech was discussed in the corpus with reference to each other. Concordance analysis prompted some examples that are listed as follows:

> "As such, the electronic discovery/disclosure industry has not taken off in **China** in the same way or scale as it had in the **US** – although document search and retrieval in legal proceedings are fundamental **worldwide** needs. Market strategies should definitely be tailored to local legal practices" (Ko, 2019).

> "The **Chinese** LegalTech companies, similar to those in **western** nations, have built data banks of their own and provided clients with search and retrieval services" (Artificial Lawyer, 2019a).

> "What sets **China** apart from **Western** countries is that the advancement of **Chinese** LegalTech is largely state-backed, as can be seen from the founding of internet courts and the progressive integration of LegalTech into judicial processes" (Artificial Lawyer, 2019b).

> "Technology-enabled innovation, such as workflow automation, also is taking hold in **China**, Hart Shepherd says, adding that a key takeaway from the report is how ready to embrace change the **Chinese** legal market is, compared to the **West**, which still has to shed its traditional ways of working" (Legal Executive Institute, 2019).

> "A second major difference between **China** and the **West** is that the modern **Chinese** legal industry is only about 30 years old. This has two significant implications for LegalTech development in **China**. Firstly, as **China's** legal industry is quite young and under-developed, the **Chinese** legal community as a whole is generally forward-thinking and open towards innovation" (Artificial Lawyer, 2019b).

The second category of keywords that attracted attention were some words that indicated the significant research objects in the Chinese LegalTech corpus. They were mainly words that were concerned with the specific technology enabled innovations and models: *portal, platform, portals, platforms, matchmaking, intermediation, portal's, o2o, e-commerce, gig*.

The third category of keywords were related to the problems caused by the technology enabled innovative models. For example, there were concerns with non-lawyer *ownership* of the firm: "In terms of the non-lawyer ownership of legal practices, outside capital is typically attracted to highly commoditized legal sectors, where access is less of an issue" (Li, 2017, p. 106). Issues were raised about professional *autonomy* and professional *status*: "How has the emergence of online legal services changed the professional autonomy and professional status of the participating lawyers?" (Yao, 2019, p. 2). Some feared the threat that professional purity would be contaminated in the innovative models:

> "Intra-professional status has also been approached from the perspective of **professional purity** (Abbott 1981), which asserts that professions are organized around abstract knowledge and professional purity is "the ability to exclude nonprofessional issues or irrelevant professional issues from practice" (Abbott 1981, p. 823)" (Yao, 2019, p. 5).

When it comes to ILC, the most striking category of keywords relative to CLC was related to the education of lawyers that are future ready. These words were *schools, students, student, school, assessment, learning, education, graduates, faculty, course, skills, teaching, clinical, admission, accreditation, curriculum, training, career*. There were many studies on law school education in China (Conner, 1994; Burr, 2010), but the focus of the topic had usually been on how Chinese law schools contribute to the legal aid and rule of law in China (Liebman, 2007; Zhou and Palmer, 2020). Some law schools in the West have got on board LegalTech since 2016 when the Report on the Future of Legal Services was published by American Bar Association (American Bar Association, 2016). Artificial Lawyer, a UK LegalTech media, listed a range of LegalTech initiatives and education options by law schools across North America, Europe, and Australia, including such postgraduate programmes as Master in LegalTech by IE Law School in Spain and LLM in LegalTech by Swansea University School of Law in the UK (Artificial Lawyer, no date). A literature gap seems to exist regarding how the Chinese law schools shape or are shaped by the technology driven

transformation of the Chinese legal profession.

The ILC was constructed out of the context of serious problems in access to justice gap, which could be revealed by many concordances of *pro bono*, for example: “Even with the profession’s deep commitment to pro bono and further innovations, pro bono work alone will not resolve the tremendous need for civil legal representation” (American Bar Association, 2016, p. 16). While A2J was an important topic in both corpora, the Chinese one seemed to frame technology enabled innovative models as a cure for A2J, and the international one more often conceptualized A2J as a cause or a context that push the profession to adopt technology. As analysed in the last section, A2J in the Chinese corpus collocated more with the word *improve* when LegalTech was involved. This might indicate that the influences of traditional professionalism on the field players in the West is much greater than in China where the imported modern legal profession institution without a Chinese cultural root has developed from scratch for just over 40 years. The new entrants to the Chinese legal field face much less impediments in innovating legal services in terms of professional identity, organization, and regulation than their Western counterparts, and accordingly, the discourse on those innovative initiatives leans toward the positive side of the effects of the LegalTech.

While both corpora constructed discourse on the dichotomy of lawyer and nonlawyer, the ILC had a wider scope in terms of representing and shaping social struggles among other groups of participants in the legal field, for example, the relationship between the interests of the profession and the *protection* of consumers. Concordances also showed that there were many discussions about the regulatory *objectives and principles* from the perspective of the regulatory bodies in ILC, but the discussions of regulation in CLC were usually in the form of independent comments from scholars or industry observers. This might indicate that the Chinese legal field, unlike its Western counterpart, has not yet developed into a stage of complex dynamics where various social groups deeply rooted in the field unleash power to the field in attempts to relandscape the field

according to their interests. Thus, comments mainly come from relatively independent observers. There were also more mentions of the core *values*, *ethical* obligations, rules, and practices of the profession in ILC than in CLC, suggesting that the discourse construction of professional identity in the West focused more on professional ethics than in China. This might indicate that the Chinese legal profession is less independent from the government than its Western counterpart, and the legal professionalism there are more likely to stem from government guidance rather than from professional identity construction and self-organization and self-regulation.

When it comes to the similarities between the two corpora disclosed by the results of keywords process of Lancbox, lockwords were good indicators. These are "words with the most similar high frequency, statistically, across several corpora"(Baker, 2011; Biber and Reppen, 2015, p. 73). The most striking group of lockwords were *outsider**, indicating that previously field outsiders were highly likely to be able to participate in the games played in the legal fields both in China and in the West. For example, a text in ILC argued that "excluding nonlawyers from the law business maintains silos between disciplines and closes off the law to outsiders who might contribute innovative solutions" (Jewel, 2014, p. 379).

It would seem from the key set and keyword analysis that the discourses in the two corpora are highly similar in the sense that the implications of LegalTech in the Chinese legal field were viewed through almost the same perspectives that were used to understand the role of LegalTech in the transformation of the Western legal profession. As the CLC is too small to reconstruct frames out of the discourse, this research used ICL as the data for framing analysis, but the research also reflected whether the frames developed from the ILC were applicable to CLC.

7.3 Framing analysis

Shunting back and forth between keywords, their collocates, and concordances gave this research a flavor of the language traces of the struggles among various social groups of the legal field. Framing analysis may help to reveal how these groups organize their arguments to construct discourses that advocate their versions of professionalism. The keywords, collocates, and concordances analysis, yielded two possible frames: *expanding A2J through technology,* and *embracing disruptive innovation*. Examination of each of the frame revealed a cohesive argument. Technology mediates the relation between the legal profession and A2J. Technology constitute the state of the A2J and they co-shape each other. Technology also constitute the existential state of the legal profession and they, too, co-shape each other. The mediation is shown in the two frames that represent the hermeneutic and existential dimensions of the impact of the technology respectively.

Frame 1: Expanding A2J through technology

A general frame of *expanding A2J* was identified by a set of variables presented in table 7.5, that is, arguments made by those in support of the adoption of LegalTech, which were not necessarily rooted in the concerns of disruption that LegalTech caused to the legal profession, rooted instead on the need to widen the A2J or the provision of more and affordable legal services to the people with low and moderate incomes. The frame argument begins with the premise that traditional legal models inevitably led to the problem of A2J that could only be addressed by harnessing the technologies in the production of the legal services. The main topic is A2J, including access to the law, judges, lawyers, law-related information, legal analysis, and the legal services, etc., followed by the less frequently occurring concerns of the transformation of the production/delivery of the legal service, and the automation and commodification of traditional legal work enabled by technologies (e.g. digitization of information,

machine learning, and the internet). Actors related to this frame are all-encompassing, including: the lawyers, law firms, clients (individual and corporate), bar associations, non-traditional legal service providers, law students and law schools, consumers, advocacy groups, pro bono lawyers, courts, judiciary, new vendors, nonlawyers, paralegals, lead-generation companies, outsourcers, solo practitioners, programmers, commentators, outsiders or fringe actors, etc., suggesting an all-involved transformative process that was taking place in the legal field. Benefits of the utilization of legal technologies were argued to result in simpler, faster, cheaper, better, efficient, effective, affordable, meaningful, and quality legal services as well transparent court processes, thus promoting equal A2J for all. On the flipside, the products generated by legal technologies might contain errors that could lead to malpractice claim against the lawyers (Brescia *et al.*, 2014, p. 572; IBA, 2016, p. 27). Other risks of using technology to solve the A2J problem included the violation of the unauthorized practice of law regulations; innovation largely restricted to be able to emerge in the unregulated sphere, putting the public potentially at risk; key principles of the professional rules of conduct at risk, traditional models of practicing law and the legal culture, and the lack of regulations on algorithm and new technologies.

Table 7.4 Frame elements and variables: Expanding A2J through technology

Frame Elements	**Variables**
Topic/Theme	A2J, including access to the law, judges, lawyers, law-related information, legal analysis, and the legal services etc. Transformation of the production/delivery of the legal service The automation and commodification of traditional legal work enabled by technologies (e.g. digitization of information, machine learning, and the

	internet)
Actor	Lawyers, law firms, clients (individual and corporate), bar associations, non-traditional legal service providers, law students and law schools, consumers, advocacy groups, pro bono lawyers, courts, judiciary, new vendors, nonlawyers, paralegals, lead-generation companies, outsourcers, solo practitioners, programmers, commentators, outsiders or fringe actors,
Benefit	Simpler, faster, cheaper, better, efficient, effective, affordable, meaningful, quality legal services, transparent court processes,
Risk	the products generated by legal technologies might contain errors that could lead to malpractice claim against the lawyers Unauthorized practice of law Continued regulatory restriction on permissible services some of the key principles of legal ethics (e.g. loyalty, independence, and confidentiality) at risk Innovation largely restricted to be able to emerge in the unregulated sphere, putting the public potentially at risk.

	Unregulated algorithm and new technologies
Treatment recommendation	To harness/leverage/embrace/utilize new technologies to better serve everyone To allow new kinds of vendors to provide access to legal service To adopt the regulation

This set of variables nicely represented the typical A2J framing of calling for the adoption of legal technologies used by legal scholars, bar associations, industrial commentators and journalists, legal start-ups, outside investors, innovative law firms, and lawyers. The A2J problem was framed as primarily the inevitable results of the inefficient and ineffective models of producing and delivering the legal services, which could be nicely solved by embracing new technologies. The improvement of the service delivery could expand the access to law that was viewed as a business as well as a public service. Thus, the solutions associated with this set of variables were to harness/leverage/embrace/utilize new technologies to better serve everyone, to allow new kinds of vendors to provide access to legal service, to change the regulations that hinders innovations, and for those lawyers and law firms that do not want to be left behind, to adapt to the changing technological and legal environments. The arguments with this kind of framing were likely to be used in reports and articles that were written to promote the adoption of technology in the legal sector.

Frame 2: Embracing disruptive innovation

This set of variables mainly indicated the introduction of the theory of disruptive innovation (Bower and Christensen, 1995; Christensen, Raynor and McDonald, 2015) from business strategy field to explain and predict the tech-fueled transformation (or the changes in the existential states) of the legal profession. Topics indicated the strong supports for disruptive innovation by some interest groups that could be categorized

under the banner of consumerism as well as those new entrants looking for a market. Topics included the using of inefficient market structure to explain the rise of disruptive innovations; the pre-requisites of using technology to remedy the market inefficiencies (e.g. the digitization of law, and the automation and commodification of traditional legal work); the changes happened to the producers of the legal service; the competition between the traditional and alternative business models of practicing law; and the relationship between regulations and innovations. The main actors were referred to as legal service providers, startups, entrepreneurs, businesses instead of being referred to as law firms, professionals, or lawyer. The same group of people that produce and deliver the legal services are addressed differently. Names like service providers have a stronger business focus, with particular emphasis on entrepreneurship in the legal field, while names like law firms are more traditional and have a hint of knowledge base. It is worth noting that the users of the legal services are very often referred to as consumers instead of clients, which may indicate the presence of consumerism in this frame. Other actors, such as government, legislation, and courts, are mentioned in the discussion about the relationship between innovation and regulation. The A2J frame emphasizes the effects that LegalTech has on the production and accessibility of the legal services. The disruptive innovation frame mainly involves with how technologies may change the existential state of the producers of the legal services, the future social structure of the profession, and the future of the legal services landscape. Risks that are frequently mentioned are: high development costs; legal profession's resistance to change; unfamiliar regulatory territory; significant time and resources spent on ensuring compliance with regulations; rendering the traditional models of practicing law and legal culture obsolete; and the ethical constraints on nonlawyer ownership and fee sharing with nonlawyers. The treatment recommendation of this frame is simple and clear: to harness technology and leverage novel business models to disrupt; improve and innovate the traditional legal field; and to gain market share or clients for new entrants.

Table 7.5 Frame elements and variables: disruption to the profession

Frame Elements	Variables
Topic/Theme	Inefficient structure of the legal market (e.g. unmet market needs and underserved market) and the emerging disruptive innovations that redefines the competitive landscape Changes happened to the producers of the legal services (e.g. technology as a substitute for lawyer, mediating between the lawyers and the clients, and enabling new way of addressing attorney's desire for better work-life balance, etc.) Traditional (knowledge-based) vs alternative business models (usually market and technology based) to deliver legal services The relationship between disruptive innovation and regulation (both a driver and an impediment)
Actor	Lawyers, paralegals, clients, established firms, businesses, consumers, customers, professors, legal service providers, enterprises, startups, incumbent, players, legislation, regulation, government, entrepreneurs, techies, industrial experts, legal educators
Benefit	Disruptive innovations enrich user experience, enhance value propositions,

	and make legal service more measurable and broadly available mainly through converting the unrepresented population into those receiving legal services. Disruptive innovations transform the legal industry by ushering in the genuine changes with substitutive potential that ultimately produces new market and social structure for the legal sector. Legal service providers who are able to harness the disruptive innovations will survive, stay, succeed, and displace incumbents, and that ability constitute a key future competitive differentiator.
Risk	high development costs Rendering the traditional models of practicing law and legal culture obsolete Legal profession's resistance to change The ethical constraints on nonlawyer ownership and fee sharing with nonlawyers unfamiliar regulatory territory significant time and resources spent on ensuring compliance with regulations

Solution/Treatment recommendations	The lawyers and firms should harness technology and leverage novel business models to disrupt, improve and innovate the traditional legal industry

This set of variables produces a cohesive frame that is consistent with and closely reflects consumerist positions and arguments on how the legal profession should develop in the future, the traces of which can be found in the regulatory reform of the legal sector in the UK, especially after the passing of the Legal Service Act 2007. The treatment recommendations element of the frame validates that the articles and reports in the corpus are generally favorable toward encouraging disruptive innovations in the legal industry.

The two frames demonstrate face validity[21] when compared with what has been found by existing literature on how interest groups construct different arguments for or against the legal technologies. Results from these analyses support the frame analysis method adopted by this research that combines what was proposed by Touri and Koteyko (2015), Matthes and Kohring (2008), and Van Gorp (2007) (See section 5.5).

7.4 Discussion and conclusion

This research combined software-driven statistical analysis (mainly the corpus tools) with qualitative examination of context to identify frames of LegalTech in a large sample of academic articles and industrial reports published between January 2010 and August 2017. There has been little previous research that had attempted to reconstruct frames out of a large collection of texts on LegalTech, thus it was almost impossible to compare the frames found by this research against those found by others. So, section

[21] in the sense that the test appears to cover the concept that it purports to measure, as used in in (David et al., 2011, p. 342).

7.3 chose to mainly focus on the discussion of key findings against the emergent concerns on the serious A2J gap and the existential crisis of the legal profession. The section tried to explain why the two frames come into existence by putting them against the wider and ongoing transformations in the legal field.

It is helpful for the understanding of the two frames by comparing them with Webley et al.'s (2019, p. 6) three narratives on the relationship between LegalTech and the profession. These three narratives are that LegalTech may augment, disrupt, or end the current legal services environment. This categorization of LegalTech discourses shows that they conceptualized the transformation of the profession only through the lens of lawyers' reactions to the technology, leaving out other important social forces such as consumerism, LegalTech entrepreneurship, commercialism, etc. The two frames reconstructed in this research are comprehensive in that they embed both the professionals and the LegalTech in wider contexts. For example, A2J sets the contexts that causes the rise of LegalTech and the improvement of A2J is understood as an effect of LegalTech (Susskind, 2008, 2013; Brescia *et al.*, 2014; Cooper, 2014; Cohen, 2017; Tremblay, 2017). Different social groups create discourses surrounding LegalTech differently as indicated by the framing elements of the two frames that have been identified by this research. The resistance to and capture of LegalTech by different social groups (see section 7.1) reveal how the state of A2J were conceptualized and how different conceptualizations were shaped by the hegemonic struggles among field players (Heidegger, 1977; Verbeek, 2015; Franssen, Lokhorst and van de Poel, 2018). The *disruptive innovation* frame organizes ideas about LegalTech's multi-dimensional effects on the existential state of the profession (Cabral *et al.*, 2012; Brescia *et al.*, 2014; Cooper, 2014; McCauley, 2016), including but not limited to augmenting, disrupting, and ending the current legal service environment. The *Disruptive innovation* frame also organizes ideas regarding the changing professional identity, organization, and regulation.

The incumbent professionals formed just one group of players in the legal field. The *disruptive innovation* frame was acute with the *death* analogy (Kritzer, 1999; Susskind, 2008; Campbell, 2016b; Hunter, 2020). But such a view of the future of the old profession as akin to death may stimulate the profession to adopt the new technologies and innovative models to augment the service design and delivery (Susskind, 2013; Susskind and Susskind, 2015). In the analyzed material, the disruptive innovation was generally understood as a necessary tech-driven transformation that the professionals should embrace, rather than as some fearful things that the professionals should resolutely resist through strengthened and exclusive professional self-regulation and other measures. Through the lens of *disruptive innovation* frame, such transformative situations that lawyers find themselves in are conceptualized as inevitable and positive: the active utilization of new technologies and working together with nonlawyers, the adoption of new models of practicing law, the changing meaning of the professional identities, and the expanding of old set of professional rules to include new ones that fit more with the current situation. In comparison, traditional professionalism has conceptualized the disruptive innovations differently: as the pernicious unauthorized practice of law, the nonlawyer ownership and fee sharing with nonlawyers (i.e. the control of the profession by the outsiders), the demise of some of the key principles of legal ethics (e.g. loyalty, independence, and confidentiality), and the potential risks to the public caused by unregulated algorithms and new technologies. Views of disruptive innovation as being about necessary transformation have been criticized and resisted by the legal professionals, bar associations, courts, government regulatory bodies as ruining professional identities and responsibilities (Abel, 1986a; Kritzer, 1999; American Bar Association, 2016; Mayson, 2020).

This study contributes to knowledge in the sense that it identified the *A2J* and *disruptive innovation* frames as the most salient organizing ideas in the discursive construction of LegalTech in the analyzed samples. It would be drawn from the analysis that the discourse on LegalTech is not merely a reflection of technological advancement in itself

in the legal field, which is impossible because LegalTech includes both the technical and the social (Law, 1987; Kittler, 1990; Latour, 1992; Hughes, 1994; Grint and Woolgar, 1997; Williams, 1997, 1997; Lievrouw and Livingstone, 2006; Boczkowski and Lievrouw, 2008; Hackett *et al.*, 2008; Verbeek, 2015). For example, the adoption of certain legal technologies must be explained in the context of serious A2J gap which is a complicated social, political, and legal problem. The two frames reconstructed from the corpus suggest to a certain extent that LegalTech is a socialmaterial ensemble, the representation of which is only possible when various social, temporal, political, economic, and cultural contexts are taken into consideration (Lievrouw and Livingstone, 2006; Boczkowski and Lievrouw, 2008). The two frames can also make clear a continually renewable social action and struggle that shape the discourses as well as material future of LegalTech (Williams, 1997; Boczkowski and Lievrouw, 2008). Different or competing ways of constructing discourse surrounding LegalTech issues presume different purposes and practices of participant groups of the legal field (Kitchin, 2014).

The salience of these two frames in the sample texts of this research may be attributed to a combination of factors. These include the growing momentum of the regulatory changes in Australia and the UK, particularly the increasing emphasis on the reconciliation of consumerism and professionalism in regulating the legal services market in England and Wales at largely the same time as the publication of the texts analyzed here (Cox, 2009; Schneyer, 2009; Boon, 2010; Law Society, 2019; Mayson, 2019, 2020). The core message of this regulatory reform has been that consumer interests should be promoted, and an independent and effective legal profession should also be encouraged, possibly through the introduction of ABS (Heslett, 2010; Legal Services Board, 2017; Mayson, 2019). In addition, facilitated by a perceived crisis regarding equal access to justice for all (Mattei, 2007; Carney *et al.*, 2014), growing interests in technology mediated legal service production and consumption (Bennett *et al.*, 2018; Law Society, 2019), and limited evidence of the traditional legal models

being capable of efficiently supply sufficient and effective legal services(Susskind, 2008, 2013), consumerism has been gaining ground and its core ideas have become increasingly central to new regulatory structure for the production and delivery of legal services in the UK and Australia. LegalTech is supposed to be able to improve the efficiency of the service production, but at the same time, LegalTech is constructive, and their utilization has consequences in the transformation of professional identity, organizational form, and regulation, thus changing the existential state of the profession (Hughes, 1994; Cortez, 2014; Mayson, 2020).

Another factor that could help account for the saliency of the two frames is the reflection in the analyzed text the competing views on what it means to be a lawyer, or the problem of professional identity that was discussed in Chapter 2. As many concordances that involve the *disruptive innovation* frame show, messages about embracing disruptive innovation to widen A2J often came from providers who are usually considered to be fringe players or outsiders of the legal profession (Li, 2019; Mayson, 2020). It has been recognized for a long time that there has been ideological confrontations between law as a business and law as a profession (Cohen, 1916; Whelan, 2008; Feinberg, 2011; McMorrow, 2012), and the role of nonlawyers and the legal technologies have been underrepresented in the legal profession discourse created previously. It is arguable that had these fringe players and outsiders been given more opportunities to speak, their representation as violating the law and regulations, offering low quality services, and contaminating the professional purity would cause less worries among policy makers, professionals, and the consumers (Li, 2017, 2019). This also conveys a need to select a corpus of articles that is written with a more futurist-orientation that emphasizes both the business and the professional perspectives. In other words, it could be better to focus on the consumers, nonlawyers, technologies, as well as the professionals in the process of constructing the discourse on professionalism in the contemporary tech-mediated new legal field.

Additionally, wider concurrent developments in how the implication of LegalTech is understood, particularly the growing emphasis on the use of the technologies to broaden A2J and the professional identity crisis (Kritzer, 1999; Susskind, 2008; Campbell, 2016b), could also have contributed to the widespread use of the two frames together. As actors in the field come to use and rely on LegalTech to make sense of and do work in the world of the legal services, their discursive and material practices adapt and mutate in response to the legal technologies (Verbeek, 2015; Franssen, Lokhorst and van de Poel, 2018). The reality of the A2J is not just reflected in the legal technologies, it is changed by them, and the introduction of the technologies into the field reshapes the organizational, social, and cultural worlds of the professionals (Surden, 2014; Susskind and Susskind, 2015; Remus and Levy, 2017; Qian *et al.*, 2019). However, on the one hand, it would seem from the evaluation of concordances that the disruptive innovation frame is more related to the discursive practices through which the futurist can monetize their views on the directions of the transformative existence of the legal professionals, because the advancement of the technologies bring angsts among the professionals who need to see through the fog. On the other hand, the A2J frame is more related to the material practices, that is, the actual use of technologies in the production and delivery of the legal service. As such, the discourses created by LegalTech entrepreneurs engaging with material practice were more likely to be guided by the *A2J* frame, and that constructed by the futurist concerns more with the existential state of the legal professionals by invoking the *disruptive innovation* frame. But the identities of the legal entrepreneurs and the legal futurists often overlap, causing the frequent co-occurrence of the two frames.

Finally, the salience of the two frames could also be attributed to the nature of the sample of this study and specifically, the inclusion of industry reports and scholarly articles that discusses the future of the legal profession. Contrary to a corpus that contains balanced arguments from both sides, the texts in this corpus are biased toward the positive implication of technology on the legal profession. It is, therefore,

reasonable to assume that readers and indeed, writers of the texts may have positive attitude toward the innovative legal models involved in the texts, resulting in more positive writing and the ignorance of LegalTech hypes and purposes behind the technology advancement (Gartner, 2017, 2020). This bias toward the positive attitude may also reveals that previous outsiders (e.g. LegalTech entrepreneurs) were fighting to reshape the legal field to their advantage by producing and rallying discourses that praised for the role of LegalTech in the process of the field transformations.

In conclusion, this study has contributed to better understanding how LegalTech were framed. It is argued that the widespread use of the *innovative disruption* and the *A2J* frames is an overall positive development which recognizes the reality that A2J can be widened by the introduction of innovative legal models. At the same time, concerns are raised about the existential crisis of the traditional legal profession. A further distinctive and positive finding was how ethics and regulations are engaged with by both the traditional professionalism discourse and LegalTech discourse. While numerous existing studies have highlighted the necessity of professional autonomy to the rule of law (Pound, 1943; Abel, 1986b; Pearce, 1995; Hanlon, 1998), here ethics and regulations were sometimes discussed as an undesirable phenomenon that needs to be combatted. By framing ethics and regulations in this way, the texts that this study has analyzed can be said to be to a greater extent part of the solutions than of the problem. It is arguable that this engagement with ethics and regulations can be further improved by accounting for the sources of ethics and regulations from a sociological perspective (e.g. in terms of hegemonical struggles among different interest groups playing in the legal field). Similar to the discourse of traditional professionalism, ethics and regulations were always seen in LegalTech discourse as coming from the innovators as well as incumbents of the legal fields. There were mixed negative and positive representations of ethics and regulations. Ethics and regulations are sometimes portrayed as the safeguard of the professionals as well as the consumers, but at other times, they are described as hindering the adoption of the new technologies and

disruptive models.

Chapter 8 Conclusions

This research sought to address two sets of research questions surrounding the localization of the Western law in China and the implications of the LegalTech to the future of legal services and the legal profession there respectively. Below, responding to the research questions provided in the Outline at the beginning of the thesis, this chapter elaborates on the contributions to knowledge in three different areas. First, this researcher has constructed a novel integrative framework to analyse the legal profession (see section 8.1). Second, this researcher has extended social-cultural theories to conceptualize the transformation of the Chinese legal field as hegemonical struggles among different groups of field players (see section 8.2). This conceptualization was extended to critically analyse the news discourse, the competing framing of the same series of events that were covered by the British and Chinese newspapers. Third, this research's unique interdisciplinary perspective blended the theories of culture, philosophy of technology, and sociology of the legal profession, thus opening up a new area of research into the implications of LegalTech by highlighting the new integrative framework and from the perspective of hegemonical struggles among groups of field players (see section 8.3). The multi-disciplinary and critical analysis of the LegalTech discourse conducted by this research contributes a novel view of how narratives around LegalTech are organized through the two frames: *the innovative disruption* and the *A2J* frames. This chapter then reflects on the methodology of the research (see section 8.4) and closes with a discussion of the limitations and recommendations of this research (see section 8.5).

8.1 The new integrative framework for the analysis of the legal profession and its transformation

This present study builds on existing enquiry into the legal profession from the three perspectives of sociology of law (Macdonald, 1995; Freidson, 2001; Abel, 2003; Evetts, 2011b; Flood, 2011b; Saks, 2012; Larson, 2013; Abbott, 2014), organizational theory (Greenwood, Hinings and Brown, 1990; Faulconbridge and Muzio, 2008; Von Nordenflycht, 2010; Besharov and Smith, 2014; Greenwood and Prakash, 2017; Lander, Heugens and van Oosterhout, 2017; Smets *et al.*, 2017), and theory of regulation especially in the digital age (Mayson, 2019, 2020). In addressing the first part of research question 1 ("In what aspects can the Western legal profession be understood and analysed?"), this researcher contributes to the literature in the way that it blended three perspectives to construct a novel integrative framework to analyse the dynamics in the legal field. Though a single perspective has the advantage of being parsimonious, it cannot offer somewhat sufficient explanations to the evolution of the profession that find itself in an increasingly complex environment. For example, in theorizing the evolution of professional identity, starting only from the social perspective cannot provide a sound explanation. However, when the organization methods and the regulatory regimes for the professionals are considered together with the transformation of professional identity, the explanatory power can be largely improved. The new integrative framework built for this research is in an advantageous place in that it can capture more dimensions to increase the explanatory power in the analysis of the profession. In addition, the framework includes the intertwined but parallel elements, so it can be used to analyse the interactions between these elements.

This research finds that the transformation of the legal profession in the West can be understood from the aspects of professional identity, organization, and regulation. Traditional professionals in the West build their identity around two key constructs, the esoteric knowledge that is inaccessible to the laypeople, and the altruistic use of it. A bargain thesis has been invented to describe the relationship between professionals and the state and society: professionals exchange their esoteric knowledge and practical expertise for professional privilege and status. Self-regulation used to be one of the

defining characteristics of the legal profession. However, recent changes initiated by various social groups in, and around, the legal field have made professional autonomy no longer a bargain for any of the three sides concerned: the profession, the state, and the market. Co-regulation regimes have been established in some jurisdictions where external regulators share authority with the legal profession, thus separating the profession's regulatory and representational functions to some degree. Practice entities (e.g., law firms, ALSPs), rather than individual lawyers, has increasingly become the focus of regulation. Law firms have been traditionally configurated to be in the form of professional partnerships, rather than corporations, because the former is deemed as more effective in achieving ethical compliance and guaranteeing that professionals will behave as trustees of socially important knowledge than the latter form. With the help of LegalTech, some social groups that were previously industry outsiders have entered the legal field. The increasing reliance on technology in the process of legal service production requires the liberation of the regulations that ban non-lawyer ownership of the law firms. Incorporated legal practices in the form of ABS or other similar arrangements have begun to be a viable choice around the globe. The developments and shifts of professional identity, regulation, and organization have been the consequences of often conflicting and struggling social, political, economic, technological, and cultural forces.

The three-dimension approach has provided a good theoretical framework that can be used to analyse the localization and naturalization of the implanted Western legal profession institutions in China. These insights may also inform practitioners (e.g., legal service providers, law firms) as to what fundamental aspects they should pay attention to if they wish to construct a sound version of professionalism that can provide useful guides both to the design of the models of practicing law and to the formulation of good strategies for the business of law.

8.2 Hegemonical struggles and their representations in shaping the future of the Chinese legal profession

This research contributes to the literature in the way that it extends sociocultural methods into the study of the Chinese legal profession. Prior literature on the Chinese legal profession usually starts from the theoretical perspective of extending the rule of law to China (Peerenboom, 2002; Michelson, 2006; Alford *et al.*, 2007; Fu and Cullen, 2011; Pils, 2014). It is an exception that Liu applied organizational ecology (Liu and Wu, 2016) and social process theories to analyse boundary dynamics of the Chinese legal profession (Liu, 2013). Social and cultural theories have been used to study the Western legal profession (e.g., (Sommerlad, 1999, 2007, 2011)). Inspired by British cultural studies, built on the work of (Gramsci, Hoare and Nowell-Smith, 1971; Hall, 1986; Bourdieu and Wacquant, 1992; Jones, 2006; Grenfell, 2014), this research conceptualized the transformation of the legal profession in a novel way: viewing it as hegemonical struggles among different groups of field players in aspects of professional identity, organization, and regulation. This conceptualization responds to the second part of research question 1: how are professional identity, organization, and regulation transformed? Thus, this present study has constructed a unique integrative framework to approach the transformation of the Chinese legal profession from a special designed social-cultural perspective. The task of framework construction and perspective design were accomplished in Chapter 2. They were then extended to critically analyse the transformations of the Chinese legal field (see Chapter 2). They were also extended to critically analyse the media representation of the series of human rights lawyer detention events in China through the lens of news framing contests that represent the hegemonical struggles pertaining to the nature of the professional identities of the Chinese human rights lawyers (see Chapter 6).

In response to research question 2 on the localization of the Western legal institution in China, Chapter 3 has made a unique contribution in that it offers a novel perspective, or a special way of using cultural theories, to help analyse and understand the Chinese

legal profession and its transformation. It is arguable that the process of localization of the Western legal profession in the Chinese legal field is shaped by the conflicting colonization/appropriation forces and the all-encompassing technological forces. Legal colonialism can be defined as the forces that pull China's legal development towards assimilation to the Western style of the rule of law. Legal naturalization can be defined as the forces that push China's legal development towards adapting to its cultural and political characteristics. This researcher conceptualizes the localization of the Western legal institutions in China as a process of reconciling the conflicts between the Western prescriptions and indigenous social and political demands. It is a hegemonic process in which the naturalization and the colonization of the Western legal models are unified under China's long march to establish a modern socialist legality by blending in the imported legal culture well with certain features from China's own tradition and local legal culture. From the complex dynamics of two contradicting traditions emerges a two-track legal system: the fast-developing commercial law, and the restricted legal practice (especially when they are deemed as threatening national security) that facilitates the exercise of civil and political rights.

The Chinese government has created, virtually from scratch, a legal profession and the Chinese lawyers are imposed the obligation to assist the government's efforts to rule the country 'according to law'. The role of Chinese lawyers has transformed from state legal workers to private practitioners, and they are required by China's Lawyers' Law to subject themselves to supervision of the state, society and the parties concerned. The tremendous growth in the number of lawyers and the transformation of the professional roles reveal the Chinese government's efforts to appropriate the Western-style legal institutions and adapt them to fit the Chinese legal tradition and socialist legality so as to modernize its governance of a society that lacks a tradition of an autonomous legal profession. Chinese lawyers have not yet developed a strong professional identity that are based on the owning of esoteric knowledge. Under China's Lawyers' Law, the Chinese legal profession has never enjoyed full power of self-regulation since its

inception in 1979. However, the dynamics surrounding the autonomy of the profession not only shape the evolution of the Chinese lawyer but also reveal the struggles between the Westernization and naturalization forces in the Chinese legal field.

The hegemonical struggles between the colonizing and adaptive forces vying to shape the future of the Chinese legal profession not only take the form of material practice (e.g., the series of human rights lawyer detention and trial events, law making pertaining to the legal profession, etc.), but also are fought through discourse practice in media arena. Legal colonizers have spurred the Chinese legal professionals to conform to the Western legal ideologies and take on the Chinese government to win the professional autonomy and protect human rights. Legal colonists, represented and advocated by some Western journalists, have constructed discourses to help the general public and professionals form common senses that they can use to understand things happened in China's legal field. In response to research question 3 on the framing contests in news discourses surrounding the series of China's lawyer detention and trial events, Chapter 6 has attempted to excavate evidence of colonization/adaptation power exercising from the language use by both the British and the Chinese newspapers. The contest in framing the events either as "war on law" or "law and order for lawyers" was a representation war that was extended to the media arena from the hegemonical struggles between colonizing and appropriation forces exercising power in the political arena.

Keywords analyses helped recognize the most salient ways in which Chinese human rights lawyers were written about in the two corpora that respectively collected the news report on the same series of lawyer detention events happened in China between July 2015 and June 2018. Collocation and concordances of the keywords were examined and analyzed to find an explanation of why certain words occurred as keywords, what their most common uses were and whether there were differences and similarities across the two corpora. For example, the results of keywords, collocation, and concordance analysis conducted on the two corpora show that the word *communist* is used by the

Chinese newspapers as a neutral name for the ruling Party. On the contrary, using the *communist* to modify the Party, the UK newspapers has successfully represented the Party as *controversial*, *against civil rights, ferocious*, caring only about its own *survival*. Concordances of *Xi* with *crackdown* occurring within left and right 5 words suggest that the UK newspapers formulated a strategy of interpreting the events as initiated and overseen by President Xi. Under this discourse strategy, the events presumed the rule of powerful man rather than the rule of law, and Xi must have single-handedly started and ended the *crackdown* above the law. The UK newspapers' repetitive linkage of words concerning human rights lawyers with words concerning crackdown successfully constituted a strong discourse prosody about the Chinese legal profession. Such keywords and their collocates evoked the colonization discourse on the identity of the lawyers as an independent profession that should take on the authoritative government. While the UK newspapers framed the events as *war on law*, which foreground human rights, the Chinese newspapers counter framed the events as *law and order for lawyers*, which foreground the ordered development. This frame contest constituted a very important part of hegemonic struggles in the Chinese legal field: legal colonizers' struggles to colonize the rule of law as it is in the West versus the Chinese government's struggles to appropriate the Western institutions for purpose of building a particular version of the rule of law to pragmatically solve the problems situated locally.

8.3 LegalTech as an emergent mediation process where technology and professional identity, organization, and regulation co-shape each other in the hegemonical struggles among field players

In response to research question 4, this researcher has blended theories of culture, philosophy of technology, and sociology of law and the legal profession which forms an interdisciplinary perspective, to create an original and deep insights into the

conceptualization and the understanding of LegalTech and its applications (see Chapter 4). This research contributes to literature in that it advanced an original view of LegalTech as a field of emergent human and material agency reciprocally engaged through a mediation process where technology and the professionals co-shape each other.

It is useful to view as a mediation process the reconstruction of the identities of the legal professionals, the revolution in the model of organizing legal services, and the adaptation of the regulation framework to the changing technological environment. However, it is better not to view it as a process between a fixed subject (e.g., the legal professionals) and a fixed object (e.g., legal services), in other words, not to think that the object is always experienced while the subject is always affected. Instead, it is useful to view the process as a technical mediation from a phenomenological point of view. A clear understanding of what legal services are, and what it means to be a lawyer, cannot be reached until we first understand the relationship between the nature of legal services and the legal profession. Both legal services and the producers are constituted in their interrelation. When the relationship between lawyers and legal services is exclusive in the traditional settings, the identity of the lawyers is understood to be legitimated by its esoteric knowledge and the altruistic use of it, and legal services are produced under the guidance of a strict set of the rules of professional conducts. However, when the relationship between the subject and the object has changed the orientation (e.g., for tackling the A2J problem), the receivers of legal services become consumers and the law becomes just like any other ordinary service that do not have to be produced by professionals, and the producers of legal services can be lawyers, non-lawyers, as well as machines, depending on whether they can meet the demands of the customers. Legal service providers, unlike traditional lawyers, need not be organized strictly under the guidance of the traditional professional ideologies, and this creates new existential possibilities for the providers that braces disruptive innovations. The regulation and ethics framework also must adapt in the new environments to the technology-driven innovations in the legal field where law is usually practiced in the organizational

context. But all these changes are driven by the struggles between interest groups both within and outside the legal profession. The struggles are hegemonic in that they do not rely on coercive power but depend on the ideological struggles that aims to persuade the participants in the field to believe their models of professionalism.

Two characteristics make the commercialization of the legal services in China much easier than in Western countries: the weak monopolistic power of lawyers and accepted role of non-lawyers in the delivery of legal services, and people's preference for ADR relative to the court-centred formal justice of the West. Different models of professionalism offer different perspectives in understanding the state of A2J in China. The commercialization of personal law, particularly by the tech-enabled alternative providers, may widen A2J and bring disruptive innovations into the Chinese legal field. To this researcher's 10 years personal experience in the Chinese personal law sector, various types of talents other than lawyers (e.g., digital marketing professionals, programmers, management and strategy experts, investors) have entered the Chinese legal field, bringing in capitals, technologies, and non-law expertise with them. They work together with legal professionals in the law firms and ALSPs to improve the efficiencies of the service production and delivery. They also jointly initiated the digital transformation of the legal services in China. Their joint efforts have created many new models for the business of law as well as new service offerings. These efforts, by introducing fierce market competition among service providers, have flattened the price of the traditional services such as the litigation representation in labour, debts, personal injuries, divorce and many more areas. Some Chinese law firms and ALSPs make as their major businesses serving the popular market that targets average people rather than the luxury market that aims for the elite groups.

Most of these complex dynamics that are happening in the Chinese legal field can be subsumed in some way or another under one thing: the technology. However, rather than following the view of technological determinism in the legal field, this researcher

regards LegalTech as socially constructed as ways of revealing how the legal services, the legal profession, and A2J are. LegalTech emerges in the practice that is charactered by an intertwining process of technological affordance and organizational coordinating among different occupational groups in the changing professional work that is under the new regulatory regimes in the digital age. LegalTech both shapes, and is shaped by, the hegemonic struggles over the legitimate versions of professionalism among interest groups of the field. Different versions of professionalism treat the legal services, A2J, and the profession differently. This line of thinking leads to the next important topic: the understanding of LegalTech.

In response to research question 5, this study has advanced Webley et al.'s (2019) three narratives on the relationship between LegalTech and the profession (see section 7.4) by contributing a novel view of how narratives around LegalTech are organized through frames with regard to professional identity, organization, and regulation. It is argued that the widespread use of the *innovative disruption* and the *A2J* frames is an overall positive development which recognizes the reality that A2J can be widened by the introduction of innovative legal models. At the same time, concerns are raised about the existential crisis of the traditional legal profession. A further distinctive and positive finding was how ethics and regulations are engaged with by both the traditional professionalism discourse and LegalTech discourse. While numerous existing studies have highlighted the necessity of professional autonomy to the rule of law, ethics and regulations in the studied texts on LegalTech were sometimes discussed as an undesirable phenomenon that needs to be combatted, because incumbents can use ethics and regulations as tools to fend off new entrants and inhibit innovations,

By framing ethics and regulations in this way, the texts can be said to be to a greater extent part of the solutions than of the problem. It is arguable that this engagement with ethics and regulations can be further improved by accounting for the sources of ethics and regulations from a sociological perspective (e.g. in terms of hegemonical struggles

among different interest groups playing in the legal field). Similar to the discourse of traditional professionalism, ethics and regulations were always seen in LegalTech discourse as coming from the innovators as well as incumbents of the legal fields. As both the opposing sides are the source of ethics and regulations, there were mixed negative and positive representations of ethics and regulations. Ethics and regulations are sometimes portrayed as the safeguard of the professionals as well as the consumers, but at other times, they are described as hindering the adoption of the new technologies and disruptive models.

8.4 A reflection on the methodology

A multi-level (macro, meso, and micro) critical discourse analysis framework was designed and presented in Chapter 5 to link the critical analysis of the social practice and the empirical research on the discursive constructions of different versions of professionalism in the legal field. At the macro-level sits the critical socio-cultural analysis that is presented in chapter 2, 3, and 4. These three chapters tries to establish a conceptual understanding of the ongoing transformations in the Chinese and the Western legal field through a critical analysis of aspects of various versions of hegemonic professionalism being constructed by competing social groups.

At the meso level sits a critical approach to framing analysis that is designed and presented in chapter 5. This approach explains how the two empirical studies (presented in chapter 6 and 7 respectively) would spell out in detail the frames, framing strategies, and the role of social ideologies and their underpinning hegemonic interests. Various influences of LegalTech and colonization/adoption on the Chinese legal profession can lead to competing professional ideologies constructed by different social groups in the legal field. Using framing analysis as a bridge, this research regards frames as devices and relate them to the hegemonical struggles in the legal profession in the form of

different and competing discourses on professionalism in China and the West. As such, the framing analysis designed for this research is also multi-level in that it spans the critical, cognitive, and constructionist. It is critical in that the frames are regarded as the expressions and outcomes of the hegemonic struggles among social groups in the legal field. It is cognitive in that this research highlights how schemata are reproduced and transformed through various frame devices constructed out of the linguistics devices that were deployed in the discourses surrounding LegalTech and China's lawyer detention events. It is constructionist in that the frames are viewed as tools deployed by interest groups to create and disseminate their understandings of the nature of human rights lawyering and LegalTech.

At the micro level, the focus is on the linguistic details, the actual situated examples of the working of language in news texts (chapter 6) and various kinds of texts surrounding LegalTech (chapter 7). Corpus methods such as Keyword, collocation, and concordance procedures have facilitated this research to identify frames in the texts under study. The analysis of language use at the micro level and framing analysis at the meso level help this researcher to work backwards to critically infer the macro-level cultural conditions that make the texts possible. The corpus assisted framing analysis process helps this research to decode and excavate the power relations buried in the discourses on the political and technological transformation of the Chinese legal profession. Hence, all the three levels of analyses unite in the critical discourse analysis presented in chapter 6 and 7.

Chapter 6 and chapter 7 are empirical research that also compare China and the West so as to put the studied topic into their particular contexts to understand how someone else's logic is. This comparison may facilitate the methodological sophistication in detecting cross-level linkage by testing the effects of system and culture-level variables on actor-level process of communication.

8.5 Limitations and recommendations

This researcher is aware of the social embeddedness of research and does not argue that the criticism presented in this thesis can be drawn from an outside position or from a pure detached perspective (Bourdieu, 1984; Wodak and Meyer, 2015), but is itself well integrated within the cultures this researcher has subjected to, his idiosyncratic experiences and backgrounds, as well as his material interests in the Chinese legal field.

One of the biggest sources of subjectivity stems from confirmation bias caused by the subjective selection of evidence that support the conclusions that pre-exist in the minds of the researcher before the research. Under the influence of confirmation bias, a researcher may impose his/her political agendas and theoretical lens onto the analysis (Benwell and Stokoe, 2006, p. 44; Kuypers, 2010, p. 306). This research uses corpus data that requires the pulling together of ideas and observations from a vast range or resources, or even the whole texts on the studied topic, instead of just cherry-picking one or two, or a particular group of articles that endorse dominant ideologies in one culture. Thus, some attempts have been made to take subjectivity out of this research to some extent by incorporating corpus-based approaches that require "quantitative evidence of patterns that may be more difficult to ignore" (Baker, 2006, p. 92).

Confirmation bias may also be caused by using pre-determined categories developed from pre-existing theoretical and empirical knowledge, cultural values, ideologies in the previous study (Touri and Koteyko, 2015, p. 602). To mitigate this source of subjectivity, this research designed an inductive approach where grounded analysis was employed to extract frames. Starting from data (e.g. a systematic inductive identification of linguistic elements that denote the frame), instead of using deductive approaches that start from using predetermined framing categories to manually search and code manifest contents in the texts for study, has placed this research's framing analysis on a solid empirical foundation. The choice of inductive methods reduces the

chance of using theory to fit parts together in a way that confirm the pre-determined theory (Scheufele and Scheufele, 2010; Van Gorp, 2010).

A well-designed and implemented data collection and analysis strategy may reduce the subjectivity but surely cannot take it out completely. This research has conducted a framing analysis that use quantitative methods enabled by the corpus assisted CDA to find the framing devices in the form of the manifest linguistic elements and the inferred reasoning devices. After the frames are identified, this research tries to return them to their social contexts to explain how hegemonical struggles among social groups in the legal field are represented in the form of constructing different and competing discourses on professionalism both in China and the West. Subjectivity is at its high in the processes of raising the ladder from the micro level of language use to the meso level of frame, and also from the meso level of frame to macro level of culture. In the subjective process of shunting back and forth between the keyword lists, their collocates, and concordance lines to find frames, this researcher has felt a "dynamic process of negotiating meaning that requires the bridging of qualitative and quantitative approaches as well as empirical and interpretative ones" (Duguid, 2010, p. 115; Touri and Koteyko, 2015, p. 603). In this sense, framing analysis is inherently a subjective enterprise that must include interpretation. Without subjectivity, it is virtually impossible to connect the abstract components of a frame and the manifest frame elements. Researchers have to make compromise between allowing certain degree of subjectivity and the feasibility of the research.

This research tends to be explorative in finding frames that help people to organize thoughts on the transformations in the legal field. Once the explorative work is done, it is recommended that some studies may be conducted in the future that tend to be more confirmative, using deductive approach and automated tools, so as to test the reliability and validity of the frames reconstructed by this research from the studied texts.

There are some suggestions about corpora building for the future research from a combined consideration of the data collection and analysis methods and the topic under investigation. Chapter 3 critically analysed the evolution of the Chinese legal profession and Chapter 6 provides some empirical foundation from a discourse perspective, but the scope is limited to only human rights lawyering. It is recommended that future research may build larger corpora using bigger search terms (e.g., "Chinese lawyers", "Chinese law firms") to collect from various database articles published during the 40 years since 1979 when the Chinese legal profession was reborn. Many types of research can be built on the back of this thesis and these corpora. The following recommendations gives just one example. The forty years can be divided to several phases for comparison. There are perhaps many ways to identity the different phases depending on the purpose of the future research. For example, phases can be identified according to the different core leadership of China's Communist Party during the 40 years to examine how state policy had impacted on the development of the profession. Corpus based CDA can be applied to the collected texts to comparatively examine the ever-changing power relations in the legal field, the transformation of the versions of the Chinese professionalism over the several phases, and the drivers of changes. Such a design may provide a panorama picture of the evolution of the Chinese profession overtime, not limiting the attention to human rights lawyering and seemingly regarding political agendas (e.g., the pursuit of the rule of law) as the sole forces behind the transformations.

As LegalTech is a fast-moving topic, significant changes may have occurred in the language employed up till now. These new changes were not included in the studied texts. But the technology-driven transformation is still in its early phase when initial drivers of change had manifested themselves in the texts. The impacts of Covid-19 were not included in the studied texts. It is highly likely that Covid-19 would accelerate the adoption of LegalTech (Breydo, 2020; Moren, 2020; Suarez, 2020; Kronblad and Pregmark, 2021). Furthermore, technology hypes usually go before the reality of

adoption so as to encourage field players to embrace emerging LegalTech (Gartner, 2020, 2017), hence the texts contained in the LegalTech corpora built for this research are more likely to have positive attitudes toward LegalTech. Therefore, it is recommended that future research may build corpus that contains balanced arguments on the implication of LegalTech to the evolution of the legal landscape. It is worth to collect texts on LegalTech after 2017 to build newer corpora and compare them with ILC that is based on IBA's research. It is also worth to build corpora to capture how Covid-19 has moderated the impacts of LegalTech on access to the legal services and the existential state of the professionals.

This research has only used English language texts. As LegalTech is in its emerging stage, the writers on LegalTech mainly focus on things happened in their own language cultures. Hence, there are just dozens of English articles with the main topic on LegalTech in mainland China, while numerous articles have been written in Chinese language on LegalTech. Future research may collect Chinese language articles on LegalTech to extract frames that help players in the Chinese legal field understand the future of the profession and the driving forces behind the transformations. The research can then compare frames found in the Chinese and English texts respectively to infer the cultural forces that generate the differences in framing.

In the analysis of discourse surrounding LegalTech, this thesis did not focus on any specific practice area. But a specific practice area may have its unique social structures and power dynamics that shape and are shaped by the technological applications in particular manners. Future research may choose to limit the focus to one or more specific practice areas to examine the implications of the technology to the state of the legal services and A2J as well as the existential state of various kinds of service providers in those specific spaces. Technology influences many other professions beyond the law. This research has transferred theories of the media technology to critically analyse the transformations in the legal fields through the lens of the

implications of LegalTech. However, the technology mediation theory, the social constructive view of technology that were discussed in Chapter 4 can also be used to critically analyse how the media technologies have changed the Chinese journalism and disrupted the Chinese journalism profession. This researcher owns a vertical legal media company in China that operate on various new media platforms (e.g., WeChat, Weibo, Toutiao, Douyin). He is a new entrant to the Chinese journalism field. His personal experiences suggest that it may be meaningful to study how different interest groups in the Chinese journalism field have used the media technologies to reshape the identity, organization, and regulation of the Chinese journalism profession.

This research did not focus on the discourse practices of any specific social group that compete to win the hegemonic places in the technology driven transformative process of the profession. Future research can limit the focus to some specific social groups, such as the LegalTech start-ups and entrepreneurs, outside investors, ALSPs, traditional firms in transition to embracing technology, and so on, to examine what versions of professionalism they have constructed to justify and legitimize their proposed position in the field and how.

The technology was discussed in a highly general way in this research. It is recommended that future research choose to focus on specific types of LegalTech, for example, the technologies that help managing the business of law, like various marketing platforms, Customer Relation Systems, and the technologies that boost the efficiency and improve the quality of the services, like e-discovery, document automation, predictive analytics, practice management software, etc. Different types of technology may affect how people understand A2J and legal services differently, and repercussion of different types of LegalTech on the existential states of various kinds of service providers may be different.

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Appendix 1 The detailed list of original 100 keywords of the UK Corpus

N	Keyword	UK corpus			China corpus			Keyness
		AF	RF	Dispersion	AF	RF	Dispersion	
1	Mr	92	18.32122	0.763522	0	0	0	19.32122
2	Xi	87	17.3255	0.824571	1	0.207676	0	15.17419
3	Jinping	49	9.75804	0.792314	0	0	0	10.75804
4	disappeared	48	9.558897	0.776824	0	0	0	10.5589
5	crackdown	154	30.66813	0.87855	11	2.284433	0.658856	9.641886
6	prominent	42	8.364035	0.788344	2	0.415351	0.223178	6.616051
7	questioned	28	5.576023	0.770251	0	0	0	6.576023
8	her	199	39.62959	0.791513	25	5.191892	0.595471	6.561741
9	activists	212	42.21846	0.903325	27	5.607244	0.737707	6.541072
10	unprecedented	25	4.978592	0.786507	0	0	0	5.978592
11	president	55	10.9529	0.80936	5	1.038378	0.415947	5.863929
12	Tom	24	4.779448	0.808469	0	0	0	5.779448
13	Phillips	24	4.779448	0.808469	0	0	0	5.779448
14	amnesty	30	5.97431	0.769252	1	0.207676	0	5.774984
15	missing	41	8.164891	0.590334	3	0.623027	0.269328	5.646789
16	fear	23	4.580305	0.732767	0	0	0	5.580305
17	Ai	23	4.580305	0.681584	0	0	0	5.580305
18	Tiananmen	23	4.580305	0.625591	0	0	0	5.580305
19	whereabouts	23	4.580305	0.719214	0	0	0	5.580305
20	secret	34	6.770885	0.726455	2	0.415351	0.294316	5.49043
21	treatment	22	4.381161	0.768886	0	0	0	5.381161
22	jailed	59	11.74948	0.772112	7	1.45373	0.525196	5.195958
23	war	21	4.182017	0.770838	0	0	0	5.182017
24	husband	42	8.364035	0.710044	4	0.830703	0.422749	5.114994
25	agents	31	6.173454	0.751078	2	0.415351	0.262641	5.068322

26	almost	20	3.982874	0.725038	0	0	0	4.982874
27	dissent	20	3.982874	0.730747	0	0	0	4.982874
28	friends	25	4.978592	0.719388	1	0.207676	0	4.950493
29	human	385	76.67032	0.925194	71	14.74497	0.814258	4.933023
30	remain	29	5.775167	0.763907	2	0.415351	0.293585	4.786916
31	centre	19	3.78373	0.614695	0	0	0	4.78373
32	where	53	10.55462	0.777228	7	1.45373	0.601244	4.709
33	communist	92	18.32122	0.86206	15	3.115135	0.712034	4.69516
34	guardian	23	4.580305	0.710257	1	0.207676	0	4.620697
35	Xi's	18	3.584586	0.638124	0	0	0	4.584586
36	outspoken	17	3.385443	0.678617	0	0	0	4.385443
37	daughter	17	3.385443	0.58368	0	0	0	4.385443
38	campaign	26	5.177736	0.634773	2	0.415351	0.243582	4.364808
39	researcher	21	4.182017	0.790915	1	0.207676	0	4.2909
40	torture	106	21.10923	0.753653	20	4.153514	0.615885	4.290127
41	she	177	35.24843	0.815743	36	7.476325	0.633341	4.276433
42	months	52	10.35547	0.825299	8	1.661406	0.484698	4.266719
43	you	60	11.94862	0.7748	10	2.076757	0.55394	4.208529
44	Christian	38	7.56746	0.715551	5	1.038378	0.270467	4.203077
45	Halliday	16	3.186299	0.451418	0	0	0	4.186299
46	artist	16	3.186299	0.626158	0	0	0	4.186299
47	mother	16	3.186299	0.506848	0	0	0	4.186299
48	friend	16	3.186299	0.727357	0	0	0	4.186299
49	least	29	5.775167	0.787784	3	0.623027	0.381544	4.174402
50	believed	20	3.982874	0.675339	1	0.207676	0	4.126002
51	likely	20	3.982874	0.66628	1	0.207676	0	4.126002
52	detention	146	29.07498	0.889015	31	6.437947	0.796556	4.043452
53	last	86	17.12636	0.819553	17	3.530487	0.68731	4.000973
54	Ms	15	2.987155	0.590344	0	0	0	3.987155
55	Trump	15	2.987155	0.474565	0	0	0	3.987155
56	situation	19	3.78373	0.761644	1	0.207676	0	3.961104
57	house	19	3.78373	0.502569	1	0.207676	0	3.961104
58	diplomats	26	5.177736	0.631548	3	0.623027	0.420789	3.806305

59	off	18	3.584586	0.738723	1	0.207676	0	3.796205
60	1989	14	2.788012	0.727649	0	0	0	3.788012
61	respected	14	2.788012	0.711845	0	0	0	3.788012
62	square	14	2.788012	0.608416	0	0	0	3.788012
63	Poon	14	2.788012	0.615573	0	0	0	3.788012
64	Jinping's	14	2.788012	0.701192	0	0	0	3.788012
65	wife	64	12.7452	0.723388	13	2.699784	0.708342	3.715135
66	concern	25	4.978592	0.730301	3	0.623027	0.427124	3.683606
67	supporters	25	4.978592	0.712728	3	0.623027	0.272711	3.683606
68	international	89	17.72379	0.846353	20	4.153514	0.634232	3.633208
69	300	17	3.385443	0.616575	1	0.207676	0	3.631308
70	silence	17	3.385443	0.559421	1	0.207676	0	3.631308
71	Weiwei	17	3.385443	0.67	1	0.207676	0	3.631308
72	days	43	8.563178	0.819874	8	1.661406	0.55901	3.59328
73	sweeping	13	2.588868	0.72961	0	0	0	3.588868
74	sleep	13	2.588868	0.686064	0	0	0	3.588868
75	Nee	13	2.588868	0.617444	0	0	0	3.588868
76	Qiaoling	13	2.588868	0.636654	0	0	0	3.588868
77	EU	13	2.588868	0.322832	0	0	0	3.588868
78	campaigners	13	2.588868	0.537025	0	0	0	3.588868
79	Heping	61	12.14777	0.774333	13	2.699784	0.687604	3.553657
80	say	46	9.160609	0.828502	9	1.869081	0.638941	3.541416
81	month	20	3.982874	0.743037	2	0.415351	0.264928	3.520592
82	visit	20	3.982874	0.617511	2	0.415351	0.196015	3.520592
83	forced	38	7.56746	0.773316	7	1.45373	0.579676	3.491607
84	worked	27	5.376879	0.751555	4	0.830703	0.481199	3.483295
85	home	56	11.15205	0.845137	12	2.492108	0.549094	3.47986
86	hundreds	16	3.186299	0.599146	1	0.207676	0	3.466409
87	today	16	3.186299	0.599843	1	0.207676	0	3.466409
88	nearly	23	4.580305	0.677048	3	0.623027	0.223932	3.438208
89	Pils	12	2.389724	0.484321	0	0	0	3.389724
90	Christmas	12	2.389724	0.313108	0	0	0	3.389724
91	spent	12	2.389724	0.70651	0	0	0	3.389724

92	appeared	12	2.389724	0.630358	0	0	0	3.389724
93	German	12	2.389724	0.619173	0	0	0	3.389724
94	yesterday	12	2.389724	0.646611	0	0	0	3.389724
95	abuses	12	2.389724	0.63188	0	0	0	3.389724
96	attorney	26	5.177736	0.67111	4	0.830703	0.505932	3.374516
97	charges	68	13.54177	0.850613	16	3.322811	0.66745	3.363962
98	week	49	9.75804	0.790106	11	2.284433	0.645529	3.275463
99	says	25	4.978592	0.688639	4	0.830703	0.47044	3.265736
100	represented	25	4.978592	0.711029	4	0.830703	0.477487	3.265736

Note: All of the words are shown in their lower-case formats apart from cases where they are usually used with an upper-case initial letter (e.g. Trump).

Appendix 2 The detailed list of original 100 keywords of the China Corpus

N	Keyword	China corpus			UK corpus			Keyness
		AF	RF	Dispersion	AF	RF	Dispersion	
1	associations	39	8.099352	0.516621	0	0	0	9.099352
2	organization	39	8.099352	0.761056	0	0	0	9.099352
3	regulation	39	8.099352	0.617627	0	0	0	9.099352
4	radical	38	7.891676	0.613098	0	0	0	8.891676
5	interests	35	7.268649	0.790774	0	0	0	8.268649
6	organized	35	7.268649	0.805588	0	0	0	8.268649
7	judicial	119	24.71341	0.872209	11	2.190581	0.655127	8.059162
8	color	33	6.853298	0.579362	0	0	0	7.853298
9	incidents	39	8.099352	0.78251	1	0.199144	0	7.588206
10	Qing'an	30	6.230271	0.675814	0	0	0	7.230271
11	incited	28	5.814919	0.76517	0	0	0	6.814919
12	opinions	28	5.814919	0.699422	0	0	0	6.814919
13	organizations	26	5.399568	0.677709	0	0	0	6.399568
14	influence	32	6.645622	0.762602	1	0.199144	0	6.3759
15	organs	43	8.930055	0.828342	3	0.597431	0.413983	6.216265
16	organizing	31	6.437947	0.79154	1	0.199144	0	6.202714
17	decisions	31	6.437947	0.758963	1	0.199144	0	6.202714
18	railway	25	5.191892	0.723419	0	0	0	6.191892
19	profits	23	4.776541	0.739175	0	0	0	5.776541
20	Gou	50	10.38379	0.618974	5	0.995718	0.361083	5.704105
21	hype	28	5.814919	0.800278	1	0.199144	0	5.683153
22	yuan	33	6.853298	0.732025	2	0.398287	0	5.616371
23	subversive	33	6.853298	0.702555	2	0.398287	0.282408	5.616371
24	disrupting	27	5.607244	0.777444	1	0.199144	0	5.509967
25	illegally	32	6.645622	0.76001	2	0.398287	0.292588	5.467849

26	Xu	58	12.04519	0.758871	7	1.394006	0.528449	5.449105
27	shot	21	4.36119	0.763395	0	0	0	5.36119
28	overseas	77	15.99103	0.837207	11	2.190581	0.598444	5.325371
29	Cao	20	4.153514	0.739025	0	0	0	5.153514
30	surnamed	19	3.945838	0.677957	0	0	0	4.945838
31	facts	33	6.853298	0.806305	3	0.597431	0.385261	4.916205
32	petitioners	47	9.760758	0.754767	6	1.194862	0.580183	4.902704
33	west	23	4.776541	0.584851	1	0.199144	0	4.81722
34	paid	41	8.514703	0.778958	5	0.995718	0.516684	4.767559
35	shooting	18	3.738162	0.550987	0	0	0	4.738162
36	behavior	18	3.738162	0.723585	0	0	0	4.738162
37	rumors	18	3.738162	0.626132	0	0	0	4.738162
38	hiring	18	3.738162	0.720231	0	0	0	4.738162
39	officer	27	5.607244	0.70359	2	0.398287	0.286913	4.725242
40	name	45	9.345406	0.802712	6	1.194862	0.569776	4.713465
41	Xu's	17	3.530487	0.421098	0	0	0	4.530487
42	banners	17	3.530487	0.721369	0	0	0	4.530487
43	multiple	21	4.36119	0.750829	1	0.199144	0	4.470848
44	station	29	6.022595	0.754333	3	0.597431	0.420725	4.39618
45	business	16	3.322811	0.640676	0	0	0	4.322811
46	revolutions	16	3.322811	0.47663	0	0	0	4.322811
47	Sina	16	3.322811	0.694685	0	0	0	4.322811
48	organize	20	4.153514	0.731909	1	0.199144	0	4.297661
49	professional	24	4.984217	0.696938	2	0.398287	0.201314	4.279677
50	times	95	19.72919	0.86239	20	3.982874	0.742222	4.160087
51	education	19	3.945838	0.539241	1	0.199144	0	4.124474
52	dead	19	3.945838	0.770242	1	0.199144	0	4.124474
53	should	106	22.01362	0.855748	23	4.580305	0.708176	4.12408
54	order	98	20.35222	0.877746	21	4.182017	0.734313	4.120445
55	deputy	15	3.115135	0.675781	0	0	0	4.115135
56	revised	15	3.115135	0.480407	0	0	0	4.115135
57	science	15	3.115135	0.672001	0	0	0	4.115135
58	shouting	15	3.115135	0.696495	0	0	0	4.115135

59	departments	15	3.115135	0.654728	0	0	0	4.115135
60	severely	15	3.115135	0.673061	0	0	0	4.115135
61	anti-china	34	7.060974	0.7696	5	0.995718	0.435957	4.039135
62	judges	34	7.060974	0.737226	5	0.995718	0.399797	4.039135
63	global	76	15.78335	0.84698	16	3.186299	0.725901	4.009115
64	ideas	22	4.568865	0.714188	2	0.398287	0.276294	3.982634
65	issue	22	4.568865	0.732458	2	0.398287	0.287977	3.982634
66	public	227	47.14238	0.907537	56	11.15205	0.82715	3.961669
67	accordance	18	3.738162	0.737142	1	0.199144	0	3.951287
68	discontent	14	2.90746	0.687594	0	0	0	3.90746
69	incite	14	2.90746	0.69362	0	0	0	3.90746
70	40	25	5.191892	0.811023	3	0.597431	0.195219	3.876156
71	justice	88	18.27546	0.850739	20	3.982874	0.741548	3.868342
72	system	143	29.69762	0.850273	35	6.970029	0.790919	3.851633
73	association	43	8.930055	0.629171	8	1.593149	0.387097	3.829342
74	Zhou	177	36.7586	0.846408	45	8.961466	0.656907	3.790466
75	chief	17	3.530487	0.736338	1	0.199144	0	3.778101
76	hired	17	3.530487	0.728543	1	0.199144	0	3.778101
77	support	42	8.722379	0.833438	8	1.593149	0.582789	3.749256
78	industry	13	2.699784	0.317685	0	0	0	3.699784
79	disrupt	13	2.699784	0.697142	0	0	0	3.699784
80	safeguard	13	2.699784	0.686048	0	0	0	3.699784
81	disrupted	13	2.699784	0.623505	0	0	0	3.699784
82	yin	13	2.699784	0.717573	0	0	0	3.699784
83	image	20	4.153514	0.730064	2	0.398287	0.283821	3.685591
84	investigation	41	8.514703	0.804181	8	1.593149	0.617443	3.669169
85	activities	75	15.57568	0.81869	18	3.584586	0.706516	3.615523
86	western	61	12.66822	0.821463	14	2.788012	0.609319	3.608282
87	regulations	16	3.322811	0.618679	1	0.199144	0	3.604914
88	influenced	16	3.322811	0.689092	1	0.199144	0	3.604914
89	slogans	16	3.322811	0.709053	1	0.199144	0	3.604914
90	profession	33	6.853298	0.759703	6	1.194862	0.350804	3.578037
91	led	19	3.945838	0.74217	2	0.398287	0.223753	3.537069

92	reprieve	19	3.945838	0.709083	2	0.398287	0	3.537069
93	county	12	2.492108	0.601909	0	0	0	3.492108
94	Heilongjiang	22	4.568865	0.749692	3	0.597431	0.386202	3.486138
95	center	15	3.115135	0.668857	1	0.199144	0	3.431727
96	sway	15	3.115135	0.688585	1	0.199144	0	3.431727
97	intermediate	51	10.59146	0.828449	12	2.389724	0.696336	3.419588
98	incident	28	5.814919	0.747688	5	0.995718	0.490222	3.414771
99	procuratorate	18	3.738162	0.731882	2	0.398287	0.252296	3.388548
100	Zhou's	24	4.984217	0.643021	4	0.796575	0.409782	3.330903

Note: All of the words are shown in their lower-case formats apart from cases where they are usually used with an upper-case initial letter (e.g., Trump).

Appendix 3: Keyword sets complied out of the Chinese LegalTech Corpus

Set A: Legal service providers in the keywords (CLC)

Type	Frequency	Relative Frequency	SMP
lawyers	503	49.59916	46.6356
firms	522	51.47269	36.44063
lawyer	321	31.65275	28.27122
platform	228	22.48233	19.81666
firm	338	33.32906	18.76002
profession	186	18.34084	17.82583
portal	152	14.98822	15.59831
professional	164	16.1715	10.63297
providers	92	9.071815	9.59226
portals	84	8.282962	9.236787
firm's	78	7.691322	8.691322
platforms	64	6.310828	6.897053
employees	85	8.381568	6.749548
lawyer's	44	4.338694	5.338694
professionals	49	4.831728	5.071143
professions	37	3.648447	4.55731
practice	82	8.085748	4.55452
partnership	41	4.042874	4.52281
partners	40	3.944268	4.120302
license	31	3.056807	4.036628
counsel	31	3.056807	3.845337
partner	35	3.451234	3.618966
practices	32	3.155414	3.208898

non-lawyer	22	2.169347	3.169347
partnerships	21	2.07074	2.96691
provider	20	1.972134	2.885575
workers	32	3.155414	2.361147
referral	13	1.281887	2.20473
practitioners	13	1.281887	2.194133
non-lawyers	12	1.18328	2.18328
incumbents	10	0.986067	1.986067
output	16	1.577707	1.89543
nonprofessional	8	0.788854	1.788854
paraprofessionals	7	0.690247	1.690247
attorney	7	0.690247	1.673514
graduates	7	0.690247	1.673514
associates	8	0.788854	1.633673
entrants	6	0.59164	1.537822
paralegals	5	0.493033	1.493033
practitioner	5	0.493033	1.470971

Set B: The legal service objects in the keywords (CLC)

Type	Frequency	Relative Frequency	SMP
clients	166	16.36871	14.23694
service	386	38.06218	10.71754
services	459	45.26047	10.24686
users	106	10.45231	6.620153
client	83	8.184355	6.537122
market	256	25.24331	6.082416
justice	60	5.916401	5.104509
advice	55	5.423368	3.989843
access	77	7.592715	3.844858
user	182	17.94642	3.429537

markets	40	3.944268	3.42176
needs	76	7.494108	2.884466
representation	27	2.662381	2.712955
user's	17	1.676314	2.676314
customer	25	2.465167	2.665583
consumers	20	1.972134	2.653724
industry	51	5.028941	2.406928
public	63	6.212221	2.185696
society	33	3.254021	2.03068
buyers	12	1.18328	1.993883
arbitration	10	0.986067	1.976188
individuals	17	1.676314	1.858616
offering	14	1.380494	1.824182
consumer	11	1.084674	1.457864

Set C: Legaltech in the keywords (CLC)

Type	**Frequency**	**Relevant Frequency**	**SMP**
online	335	33.03324	25.0252
innovative	274	27.018232	24.90541
platform	228	22.482325	19.81666
portal	152	14.988217	15.59831
model	226	22.285111	12.93683
innovation	126	12.424443	12.5463
portals	84	8.282962	9.236787
technology	141	13.903543	8.590354
tech	62	6.113615	7.04319
platforms	64	6.310828	6.897053
dataset	57	5.620581	6.620581

ai	58	5.719188	6.164449
website	44	4.338694	5.338694
solutions	52	5.127548	4.941679
models	54	5.324761	4.884114
data	170	16.763137	4.867017
alternative	70	6.902468	4.704068
digital	40	3.944268	4.642536
innovations	37	3.648447	4.264669
analysis	50	4.930334	3.718236
technological	29	2.859594	3.624056
internet	58	5.719188	3.499768
lawtech	25	2.465167	3.465167
algorithm	23	2.267954	3.203883
technologies	22	2.169347	3.018443
websites	20	1.972134	2.972134
search	52	5.127548	2.863515
information	167	16.467317	2.806264
mobile	22	2.169347	2.744066
virtual	19	1.873527	2.660695
intelligence	24	2.366561	2.599729
artificial	20	1.972134	2.584503
process	55	5.423368	2.38804
uber	14	1.380494	2.380494
blockchain	14	1.380494	2.380494
automation	14	1.380494	2.300003
adoption	14	1.380494	2.154317
adopt	15	1.4791	2.137188
disruption	12	1.18328	2.119695
computation	12	1.18328	2.109457
tools	17	1.676314	2.035275
processing	15	1.4791	2.015571
unbundling	10	0.986067	1.976188
system	90	8.874602	1.782586

new	170	16.763137	1.644145

Appendix 4: The strongest keywords with SMP greater than 2 in the International LegalTech Corpus

Type	International legaltech corpus		Chinese legaltech corpus		SMP
	AF	RF	AF	RF	
schools	4275	11.22867	8	0.982174	6.169321
students	4756	12.49206	10	1.227717	6.056451
u.s.	1902	4.995773	3	0.368315	4.381866
family	1438	3.777035	1	0.122772	4.254679
diversity	1174	3.083616	0	0	4.083616
assessment	1122	2.947033	0	0	3.947033
attorneys	1837	4.825044	4	0.491087	3.906576
states	2337	6.138339	7	0.859402	3.839051
student	988	2.59507	0	0	3.59507
our	3611	9.484613	16	1.964347	3.536905
survey	1452	3.813807	3	0.368315	3.518055
privacy	1119	2.939153	1	0.122772	3.508418
school	4753	12.48418	24	2.946521	3.416725
would	5840	15.33928	31	3.805923	3.399821
women	1055	2.771052	1	0.122772	3.358698
learning	1985	5.213779	7	0.859402	3.341816
jobs	1027	2.697507	1	0.122772	3.293195
respondents	1011	2.655482	1	0.122772	3.255765
united	1761	4.625423	6	0.73663	3.239275
programs	1299	3.411939	3	0.368315	3.224359
canadian	843	2.214215	0	0	3.214215
bar	4584	12.04029	25	3.069292	3.204559
solicitors	1378	3.61944	4	0.491087	3.098035
health	771	2.0251	0	0	3.0251
immigration	736	1.93317	0	0	2.93317
india	869	2.282506	1	0.122772	2.923573
hours	1274	3.346275	4	0.491087	2.914837
education	5213	13.69241	33	4.051466	2.908544
graduates	1662	4.365391	7	0.859402	2.885547
assistance	970	2.547791	2	0.245543	2.848389
members	1631	4.283967	7	0.859402	2.841756
competence	797	2.093392	1	0.122772	2.755138
class	1052	2.763172	3	0.368315	2.750223

admission	666	1.749308	0	0	2.749308
aba	1784	4.685835	9	1.104945	2.70118
course	1503	3.947763	7	0.859402	2.660943
representation	1254	3.293743	5	0.613858	2.660546
skills	2488	6.534954	15	1.841575	2.651682
billable	743	1.951556	1	0.122772	2.628812
task	1232	3.235958	5	0.613858	2.62474
indian	617	1.620605	0	0	2.620605
faculty	616	1.617979	0	0	2.617979
principles	734	1.927916	1	0.122772	2.607757
rule	2191	5.754857	13	1.596032	2.601993
we	8595	22.57553	66	8.102932	2.589883
protection	1787	4.693715	10	1.227717	2.555852
could	3698	9.713127	26	3.192064	2.555573
discussing	703	1.846492	1	0.122772	2.535236
funding	577	1.515542	0	0	2.515542
objectives	574	1.507662	0	0	2.507662
your	1593	4.184156	9	1.104945	2.462846
consider	1008	2.647602	4	0.491087	2.44627
might	2827	7.425367	20	2.455434	2.438295
environment	992	2.605576	4	0.491087	2.418086
article	1969	5.171754	13	1.596032	2.37738
bono	522	1.37108	0	0	2.37108
teaching	839	2.203708	3	0.368315	2.341353
changes	2000	5.253178	14	1.718804	2.299974
federal	700	1.838612	2	0.245543	2.279016
futures	575	1.510289	1	0.122772	2.235796
continue	980	2.574057	5	0.613858	2.214604
associate	460	1.208231	0	0	2.208231
computers	457	1.200351	0	0	2.200351
processes	1074	2.820957	6	0.73663	2.200214
clinical	456	1.197725	0	0	2.197725
little	964	2.532032	5	0.613858	2.188564
employers	443	1.163579	0	0	2.163579
nonlawyer	443	1.163579	0	0	2.163579
program	1453	3.816434	10	1.227717	2.162049
curriculum	535	1.405225	1	0.122772	2.14222
change	3322	8.725529	29	3.560379	2.132614
billing	827	2.172189	4	0.491087	2.127434
attorney	1224	3.214945	8	0.982174	2.126425
design	924	2.426968	5	0.613858	2.123463
values	1017	2.671241	6	0.73663	2.114003
house	423	1.111047	0	0	2.111047
responses	519	1.3632	1	0.122772	2.104791
chapter	420	1.103167	0	0	2.103167
individuals	1300	3.414566	9	1.104945	2.097236

requiring	413	1.084781	0	0	2.084781
competencies	413	1.084781	0	0	2.084781
though	895	2.350797	5	0.613858	2.076265
accreditation	407	1.069022	0	0	2.069022
australian	503	1.321174	1	0.122772	2.06736
retrieved	398	1.045382	0	0	2.045382
training	3355	8.812206	31	3.805923	2.04169
cpd	395	1.037503	0	0	2.037503
reduce	670	1.759815	3	0.368315	2.016944
career	952	2.500513	6	0.73663	2.015693
ethical	1507	3.95827	12	1.47326	2.004751
litigants	476	1.250256	1	0.122772	2.004197
method	475	1.24763	1	0.122772	2.001858
delivery	1317	3.459218	10	1.227717	2.001699

Appendix 5: The strongest keywords with SMP greater than 2 in the Chinese LegalTech Corpus

Type	Chinese Legaltech corpus		International Legaltech corpus		SMP
	AF	RF	AF	RF	
portal	152	18.6613	47	0.12345	17.50082
platform	220	27.00977	340	0.89304	14.79619
chinese	280	34.37607	532	1.397345	14.75636
china	343	42.11069	788	2.069752	14.0437
user	178	21.85336	304	0.798483	12.70702
portals	84	10.31282	18	0.047279	10.80211
china's	107	13.13657	146	0.383482	10.21811
gig	48	5.893041	4	0.010506	6.821376
users	104	12.76826	439	1.153073	6.3947
people's	53	6.5069	110	0.288925	5.824156
online	322	39.53249	2504	6.576979	5.349426
artificial	99	12.1544	561	1.473516	5.318097
economy	150	18.41575	1025	2.692254	5.25851
shanghai	42	5.156411	73	0.191741	5.165897
service	380	46.65324	3409	8.954042	4.787326
platforms	64	7.857388	333	0.874654	4.724812
pocket	31	3.805923	11	0.028892	4.670969
registration	40	4.910868	115	0.302058	4.539635
offline	31	3.805923	25	0.065665	4.509788
hangzhou	29	3.560379	7	0.018386	4.478046
beijing	38	4.665324	104	0.273165	4.449796
yingle	28	3.437607	0	0	4.437607
autonomy	47	5.77027	212	0.556837	4.348734

matchmaking	27	3.314836	8	0.021013	4.226034
intermediation	31	3.805923	62	0.162849	4.132887
agreement	69	8.471247	497	1.305415	4.108261
ai	79	9.698964	618	1.623232	4.078543
lawtech	25	3.069292	7	0.018386	3.995825
intelligence	107	13.13657	977	2.566178	3.964068
lawyer's	44	5.401955	236	0.619875	3.952129
yifatong	23	2.823749	0	0	3.823749
literally	26	3.192064	39	0.102437	3.802543
fawuzaixian	19	2.332662	0	0	3.332662
status	71	8.71679	738	1.938423	3.306804
interviewees	36	4.419781	250	0.656647	3.271536
deheng	18	2.20989	2	0.005253	3.193117
tech	61	7.489073	640	1.681017	3.166363
alibaba	18	2.20989	12	0.031519	3.111809
bidding	19	2.332662	29	0.076171	3.096777
purity	17	2.087119	1	0.002627	3.07903
asymmetry	20	2.455434	47	0.12345	3.075735
refund	18	2.20989	23	0.060412	3.027022
website	44	5.401955	441	1.158326	2.966167
foreign	73	8.962334	901	2.366557	2.959206
robot	20	2.455434	65	0.170728	2.951526
yuan	16	1.964347	10	0.026266	2.888478
world's	19	2.332662	61	0.160222	2.872435
user's	17	2.087119	29	0.076171	2.868614
lawyer	327	40.14634	5104	13.40611	2.856173
yingzaixian	15	1.841575	0	0	2.841575
miner	15	1.841575	0	0	2.841575
western	26	3.192064	186	0.488546	2.816214
applicable	27	3.314836	211	0.55421	2.776225
labour	31	3.805923	280	0.735445	2.769274
consultation	32	3.928694	297	0.780097	2.768778
paid	34	4.174238	331	0.869401	2.767859

visited	81	9.944507	1134	2.978552	2.750877
intra-professional	14	1.718804	0	0	2.718804
bestone	14	1.718804	0	0	2.718804
recovery	19	2.332662	86	0.225887	2.718572
internet	59	7.24353	781	2.051366	2.701587
provision	49	6.015813	608	1.596966	2.701542
join	22	2.700977	141	0.370349	2.700755
zhejiang	15	1.841575	30	0.078798	2.63402
lvqiao	13	1.596032	0	0	2.596032
customer	24	2.946521	203	0.533198	2.574045
registered	21	2.578206	149	0.391362	2.571729
regulations	46	5.647498	622	1.633738	2.523978
still	83	10.19005	1333	3.501243	2.485991
app	23	2.823749	206	0.541077	2.481219
uberizing	12	1.47326	0	0	2.47326
judicial	52	6.384128	756	1.985701	2.473164
dispute	37	4.542553	473	1.242377	2.471731
last	108	13.25934	1816	4.769886	2.471339
damages	17	2.087119	95	0.249526	2.470632
lawinfochina	12	1.47326	1	0.002627	2.46678
liability	36	4.419781	462	1.213484	2.44853
counterparts	17	2.087119	100	0.262659	2.444935
taobao	12	1.47326	5	0.013133	2.4412
bounty	12	1.47326	5	0.013133	2.4412
vices	16	1.964347	87	0.228513	2.412955
intermediary	14	1.718804	50	0.131329	2.403195
digital	40	4.910868	566	1.486649	2.377042
namely	18	2.20989	136	0.357216	2.365055
portal's	11	1.350489	0	0	2.350489
local	55	6.752443	884	2.321905	2.333734
licensed	38	4.665324	544	1.428864	2.332499
features	26	3.192064	306	0.803736	2.324101

prices	20	2.455434	188	0.493799	2.313185
partnership	40	4.910868	600	1.575953	2.294633
websites	20	2.455434	197	0.517438	2.27715
collaborative	19	2.332662	178	0.467533	2.270928
science	43	5.279183	685	1.799214	2.243195
wechat	10	1.227717	0	0	2.227717
66law	10	1.227717	0	0	2.227717
so-called	15	1.841575	106	0.278418	2.222728
shandong	10	1.227717	1	0.002627	2.22188
o2o	10	1.227717	1	0.002627	2.22188
e-commerce	13	1.596032	66	0.173355	2.212486
internet-based	11	1.350489	25	0.065665	2.205655
comes	25	3.069292	325	0.853641	2.195297
yingke	10	1.227717	6	0.01576	2.193153
visit	13	1.596032	70	0.183861	2.192852
providers	91	11.17222	1734	4.554506	2.191414
contracted	11	1.350489	28	0.073544	2.189467
fees	53	6.5069	928	2.437475	2.183841
opinions	19	2.332662	203	0.533198	2.173667
uber	14	1.718804	97	0.254779	2.166759
mainly	15	1.841575	119	0.312564	2.164904
trials	13	1.596032	78	0.204874	2.154609
shenzhen	10	1.227717	15	0.039399	2.143274
quote	11	1.350489	39	0.102437	2.132085
fails	14	1.718804	105	0.275792	2.131072
ownership	49	6.015813	874	2.295639	2.128817
wood	13	1.596032	86	0.225887	2.117676
summarized	11	1.350489	43	0.112943	2.111958
west	16	1.964347	155	0.407121	2.106675
disputes	23	2.823749	311	0.816869	2.104582
substantive	24	2.946521	335	0.879907	2.099317
failures	13	1.596032	91	0.23902	2.09523
listing	13	1.596032	91	0.23902	2.09523

side	28	3.437607	426	1.118927	2.094271
accessed	53	6.5069	989	2.597697	2.086585
rmb	9	1.104945	4	0.010506	2.08306
free	36	4.419781	612	1.607473	2.078557
professionals	52	6.384128	972	2.553045	2.078253
cities	13	1.596032	95	0.249526	2.077613
market	222	27.25532	4798	12.60238	2.077234
mobile	21	2.578206	277	0.727565	2.071242
rating	14	1.718804	123	0.32307	2.054921
ministry	16	1.964347	171	0.449147	2.045581
request	17	2.087119	194	0.509558	2.045048
sharing	35	4.297009	606	1.591713	2.043825
questions	63	7.734617	1247	3.275357	2.043015
bid	10	1.227717	35	0.091931	2.040163
license	30	3.683151	495	1.300162	2.036009
nowadays	9	1.104945	15	0.039399	2.025156
channel	10	1.227717	39	0.102437	2.02072
answer	25	3.069292	386	1.013863	2.02064

Appendix 6: The Emerging of Big Personal Firms

From the analysis and synthesis of the literature and industrial reports, a tentative conclusion could be drawn that the new legal landscape has created the possibility that personal firms, which are becoming increasingly capital intensive, can grow into big firms with hundreds or thousands of lawyers, especially in China. This prediction is also in line with the author's personal experiences and his familiarity with the individual legal sector in China. The likely emergence of big personal law firms may have strong effect on the professional identity, organization, and regulation.

The growth of individual spending on legal services[22] in the most of years during the last half-century in the U.S has lagged behind that of business spending[23] (Galanter, 1999; Henderson, 2018). However, the revenues generated in the personal sector is still enormous. The statistics from the U.S. Census Bureau's Economic Census show that total spending on legal services in 2007 and 2012 based on individual business in the U.S are 65.5 billion and 55.8 billion respectively. Clio, a cloud-based practice management system provider for solo and small firms, conducted research with 60,000 law firms as its samples, whose total revenue exceed $2.56 billion. According to the research, the average matter of the sample solo and small firms was worth approximately $2,500. Similar statistics are lacking in China, but it is reasonable to assume that market figures in the U.S. may offer ideas in China. The application of many kinds of innovative models including platform economy in the legal field (Li, 2017) make it possible that personal firms can generate numerous legal leads daily, facilitating the emergence of the successful firms out of low-stakes, high-volume cases (e.g. employment claims, debts, divorces, personal injuries from car accidents) that

[22]This refers to personal legal services for the individual.
[23] This refers to the legal services for businesses.

"requires capital for technology and marketing along with significant business acumen and managerial ability" (Henderson, 2018, p. 14). Furthermore, large personal law firms may emerge because it is probable that many legal problems can be routinized, and lawyers can speedily resolve them using pre-existing templates. Halon (1997) suggests that corporate firms submitted to the commercialized professionalism and reorganized their structure to encompass powerful commercial pressures, but firms serving individual clients usually retain the traditional model of professionalism. Things are changing in that firms that reside in the individual hemisphere, driven by re-engineered legal service value chain made possible by capturing the momentum of the application of new media and information technology in the legal field, have a tendency to grow bigger and become commercialized by reorganizing the firms to emphasize managerialism and entrepreneurship just like what corpore law firms do. For example, after it got public listed, Slater & Gordon, with a sizable proportion of business coming from the personal law sector (e.g. personal injuries), has witnessed tenfold growth in firm size: "from 400 staff and 17 offices in 2007 to 4,600 staff and 86 offices in 2016" (Reardon, 2016, p. 341), although this was largely due to its cherry-picking of personal law areas to practice in[24], as well as its absorbing of other rival firms in the personal injuries area.

An important reason why pure self-regulation cannot persist is the emergence and exponential expansion of legal services for organizations (Galanter and Palay, 1990). Like what happened to social structure of the bar in the U.S. where the legal profession was transformed into two separate and unequal hemispheres (e.g. one working for personal clients and the other serving corporate clients) (Heinz and Laumann, 1982), the last great transformation of the solicitors' profession in the UK also witnessed the fragmentation and segmentation of the profession into two salient categories according to size and work performed: "those heavily engaged in commercial work… and those

[24] Slater & Gordon have a particularly large personal injury practice because they will either be paid by their clients' insurance company or know that they will be able to win and get an uplift in fees (on a no win, no fees basis). It does some criminal defence work, and there seems to be no consumer law or welfare law.

engaged in work for individual clients… these practices operate in very different markets and have many unrelated, and, indeed, conflicting concerns"(Hanlon, 1997, p. 798)." Different categories of firm have differing value systems, norms of conduct, as well as the regulatory regimes (Davies, 2003, p. 195). Corporate law firms are usually much larger in size than firms operating in the individual sector. Many of business clients are sophisticated consumers of professional work, but most of individual clients are "one shot players who use lawyers infrequently and episodically (Rhode and Woolley, 2011, p. 2766) thus needing "paternalistic ethics rules to protect them from possible lawyer overreaching" (Schneyer, 2009, p. 19). The lawyers working in small firm more often engage in higher risk types of practice and lack collegial supports and controls. They are also at the margins of the profession in power and status, whilst the lawyers in the largest firms constitute "a distinct interest group within the solicitors' profession" and proactively seek a "regulatory program dedicated to their distinctive problems and needs" (Schneyer, 2009, p. 42). As personal firms get bigger, they tend to develop mechanisms to monitor the requirement, and compliance with, the professional rules, and they "are better at getting to the core of misconduct in their specialist areas of practice than formally disciplinary bodies" (Davies, 2003, pp. 197–199). In view of such tendencies, it seems worth thinking about how these foreseeable changes of the structure of the profession and the relevant status of the corporate law and personal law in the legal field might affect the future of professional self-regulation. For example, will the hemisphere thesis remain valid in the future when big personal law firms routinize cases. After all, the thrust of regulatory reform in the first place and the subsequent elimination of self-regulation "has been directed at smaller law firms from which the majority of the legal complaints derived" (Flood, 2011b, p. 514). Small firms in other jurisdictions, like in China (McMorrow, Liu and van Rooij, 2017) and in the U.S. ((Abel, 2010, 2011). Once personal firms get much bigger and embrace commercialized professionalism previously only possible for corporate firms, many of the bases for the removal of self-regulation will be no longer there. The last section discusses some situations in which China's legal profession is transforming with

reference to seismic changes happened to the legal profession in the West.