

# Determinants of Thai legal professionalism: A structural equation model analysis

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## Abstract:

The purpose of the research is to examine what constitutes professionalism amongst Thai legal practitioners and consultants. By use of simple random-sampling, the 332 legal professionals were surveyed by use of a 72-item, 7-level Likert type agreement scale questionnaire on the study's four constructs. A confirmatory factor analysis was run prior to the structural equation model, with analysis of the data undertaken by use of LISREL 9.10 software. The results showed that ethics was viewed as the most important aspect by Thai legal professionals ( $\bar{x} = 5.71$ ), which was only slightly ahead of the legal consultant's experience ( $\bar{x} = 5.64$ ). Opposite to this however, the legal consultants' themselves felt that client satisfaction ( $\bar{x} = 4.95$ ), and quick solutions ( $\bar{x} = 4.84$ ), had minimal importance. Overall results also showed that the latent variable of communications skills (0.67) was most important, followed by competency (0.33), and knowledge management (0.17).

**JEL Classifications:** K4, K10, K41

**Keywords:** Attorney, ethics, international trade, law, Thai Law Society

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## 1. Introduction

Over the past few decades, the reputation of Thai private legal practitioners was not as lofty as those of their western colleagues, with common Thai opinion viewing individuals within this industry as being low on the social and economic status ladder (Chaimungkalanont, n/d). The practitioners themselves, as the industry grew and evolved, set out to be judges but few obtained the status and incomes that these positions offered. The vast majority therefore, were left to 'practice law' Thai style, which in Thai society during these early years was primarily involved in representing people in dispute, whose practice was held mostly in disdain in Thai society.

Today, however, Thailand has become a hub for various economic sectors, where international businesses and investment from abroad require a multi-jurisdictional, legal practice heavily reliant on legal practitioners and consultants (Chaimungkalanont, n/d). With this, the role of the Thai lawyer has increased, but along with this, it has brought great challenges to the profession in the sense of cross-cultural and multi-lingual hurdles.

With the increase of Thai legal consultants providing information and recommendations on matters from international business operations to legal migration, one might think that this would have been a targeted profession by the Association of Southeast Asian Nations (ASEAN) when the mutual recognition arrangements (MRAs) were established for eight professional services. This however was not the case, and legal services and lawyers were not included (Fukunaga, 2015).

In fact, at this time, it is difficult or impossible for a lawyer from one ASEAN country, to practice law in another ASEAN country. Even though ASEAN countries have entered into commitments through the ASEAN Framework Agreement on Services, the ASEAN Economic Community Blueprint, and various ASEAN free trade agreements, ASEAN lawyers do not receive more favorable treatment in other ASEAN countries than lawyers from non-ASEAN countries (Krairit, n/d).

This therefore has been one of many elements that has greatly limited the ‘internationalization’ of the Thai legal profession, which consequently has led to complications in relationships between Thai domestic firms and foreign enterprises. Globalization however, has fueled a massive increase in the potential for exchange of goods, services, and communication, and a growing need for legal norms to facilitate expansion of cross-border practice. As a comparison, Krairit (n/d) has stated that among the ASEAN member states, Singapore’s legal sector is the most open, while the Philippines and Thailand are completely closed. Given Thailand’s necessity to be only ‘Thai’ to practice law, further investigation and clarification is necessary.

### **1.1. What criteria define a Thai legal professional?**

The answer can be found in Section 4 of the Thailand Lawyers Act B.E. 2528 (1985), which defines a ‘lawyer’ as "a person who has been registered as a lawyer and a license, therefore, has been issued to him by the Lawyers Council." However, it should be noted here that there are various translations of this document, as the phrase ‘Lawyers Council’ in some of them is replaced with the phrase ‘The Law Society’ (Sathitsuksomboon, 2001).

In Thailand, there are also two fundamental distinctions concerning those who are legal practitioners and consultants. In the first group are those that are Thai nationals that have graduated from an accredited Thai university law school and who are members of the Thai Bar Association. They must also be registered with the Lawyers’ Council of Thailand (Law Society), which is also under Royal Patronage (Mahakun, Buasri, Darasorn, & Chanpetpul, 2017). However, unlike the United Kingdom, lawyers in Thailand are not divided into barristers and solicitors. Also, they are not required to pass a bar examination, as required by states in the United States (Sathitsuksomboon, 2001).

The second group consists of individuals who are not registered as a ‘lawyer’, or even trained in the law, but who still give legal advice in Thailand (Lyman & Tongmee, 2009). This second distinction has been stated to cause a series of problems, misconceptions, and ambiguities. In contrast however, a member of the Lawyers Council of Thailand can appear in court on behalf of a client.

TABLE 1. THAI LANGUAGE DESIGNATIONS OF LEGAL PROFESSIONALS

<i>Nak Khot Mai</i>	This is a general term which encompasses all those who have legal degrees—whether or not registered as lawyers—and covers practicing attorneys and in-house counsel, judges, prosecutors, government lawyers, and academics (Lyman & Tongmee, 2009).
<i>Tha Nai Kwam</i>	Individuals who are Thai nationals and registered as "lawyers" or barrister" with the Lawyers Council of Thailand (the Law Society) and who can appear in court (Lyman & Tongmee, 2009; International Bar Association, 2017).
<i>Ni Ti Korn</i>	Individuals who have university degrees in law (LL.B or a Bachelor of Law) and serve as government lawyers, in-house counsel, and academics, but who do not appear in court and who are not necessarily registered with the Lawyers Council of Thailand.
<i>Tee Pruk Sa Khot Mai</i>	Individuals who are 'legal advisors' and have some legal training, but who are not officially licensed (International Bar Association, 2017).

Also note that there are also several titles in the Thai language to describe and distinguish those trained (or untrained) in the law (Table 1), with Thailand functioning as a civil law jurisdiction (as compared to a common law jurisdiction used mostly in English speaking, commonwealth countries) (Lyman & Tongmee, 2009).

Advanced law degrees are also available, and these are often used by individuals who wish to act as judges or public prosecutors. Another route to becoming a Thai lawyer is to take an additional one year of study under the auspices of the Thai Bar Association (which is a different organization from the Lawyers Council of Thailand) (Lyman & Tongmee, 2009). The Thai Bar Association was first formed in 1914, and was Thailand's first lawyers' organization. It subsequently legitimized both the legal profession and legal practice in Thailand. Many years later in 1985, 'The Law Society of Thailand' was legally established with the creation of the Thailand Lawyers Act B.E. 2528 (1985).

An early examination of Thai legal history also shows that between 1897 and 1933, when the Ministry of Justice was tasked with law education, the 'Law School of the Ministry of Justice' was established (Ariyanuntaka, 2003). During this period, there were a total of 1,073 individuals who graduated with a Barrister-at-Law (Institute of Developing Economies-Japan External Trade Organization [IDE-JETRO], 2001). Between 1934 and 1948, there was only one legal law institution in Thailand (Faculty of Law at Thammasat University), but by 2000, there were a total of 21 law faculties in various universities throughout the Kingdom (Ariyanuntaka, 2003).

In the transition year 1948, the Thai Bar Association established the Institution of Legal Education which became responsible for Thai lawyer education and certification. In its first graduation year, six Barristers-at-Law were certified. Over the next decades until 2000, a total of 13,271 individuals were certified by the Thai Bar Association (Ariyanuntaka, 2003).

Confusion however can be forgiven when discussing the total number of Thai individuals who are certified to practice law as in 1985 the 'Law Society' was also established and according to their statistics, in 2002, they had 39,483 individuals registered as judges, public prosecutors, and attorneys (Ariyanuntaka, 2003). Recent research has revealed that this number has climbed to 78,142 individuals in 2015.

## **1.2. Common law vs. civil law**

Thailand, like most countries outside the English-speaking commonwealth sphere of influence, uses civil law as compared to common Law. The main difference between the two systems is that in common law countries, case law — in the form of published judicial opinions — is of primary importance, whereas in civil law systems, codified statutes predominate (Syam, 2014).

In civil law countries, judges act more as "investigators" (The Economist, 2015), and often take the lead in the proceedings by bringing charges, establishing facts through witness examination, and applying remedies found in legal codes (Syam, 2014). Thailand generally follows the civil law system. However, one must realize that Thailand belongs to the civil law system only by the fact of its codification (Sathitsuksomboon, 2001).

Lawyers still represent the interests of their clients in Thai civil proceedings, but have a less central role. This is also true for Thai judges, as civil law nations' judges have less power to change the law, than their common law counterparts (Barkan, 2009). The nature of this process is said to lead civil law systems to rely on an inquisitorial model, in contrast to the adversarial model characteristic of common law systems (Ua-amnoey, 2004).

As in common law systems, however, civil law consultants' tasks commonly include advising clients on points of law and preparing legal pleadings for filing with the court. Much of this authority however comes from the fact that all proceedings and documents

must be in Thai, and lawyers must be Thai nationals. But the importance of oral argument, in-court presentations, and active lawyering in court are diminished in civil law systems when compared to common law systems. Additionally, non-litigation legal tasks may be left to quasi-legal professionals who serve businesses and private individuals, and often times do not have a post-university legal education or license to practice law before courts (Syam, 2014).

In contrast, in a common law country, which is a peculiarly English development (The Economist, 2015), lawyers make presentations to the judge and jury, and examine witnesses themselves. The proceedings are then "refereed" by the judge, who has somewhat greater flexibility than in a civil law system to fashion an appropriate remedy at the end of the trial. In these cases, lawyers stand before the court and attempt to persuade others on points of law and fact, and maintain a very active role in legal proceedings. And unlike certain civil law jurisdictions, in common law countries such as the United States, it is prohibited for anyone other than a fully licensed lawyer to prepare legal documents of any kind for another person or entity (Syam, 2014). This is the province of lawyers alone.

As these descriptions show, lawyers almost always have a significant role to play in formal dispute resolution, no matter in which country they practice, but specific tasks assigned to them tend to vary significantly. And outside the courtroom, tasks typically performed by lawyers in one country may be performed by skilled laypeople in another (Syam, 2014).

### **1.3. Statement of the problem**

What is defined as legal professionalism goes beyond age, financial status, looks, university graduation, and licensing. Therefore, Thai legal practitioners and consultants today are now exposed to a globalized business environment in which their professionalism is judged by a multitude of international standards requiring examination. This qualitative and quantitative analysis attempts to explore how communications skills, competency, and knowledge management affect a Thai legal practitioner's professionalism. Furthermore, the study discovers how quickly and at what level, client satisfaction is delivered. Also, it is intended to explore how the practitioner's themselves view ethics within their profession, and how does client satisfaction affect their firm's "bottom-line". Finally, how does an individual's professional characteristics affect both their own, and their firm's service reputation.

## **2. Literature review**

### **2.1. Competency (COMP)**

Flanagan (1954) introduced the concept of the 'Critical Incidents Technique', which is thought of today as a key methodology in competency studies. Out of this, McClelland (1973) introduced the term 'competency', and the separation of 'competency' and 'intelligence'. Later researchers such as Gipps and Stobart (2003), defined 'competent', as educational training and experience, rather than a natural feature such as intelligence. This is consistent with Francis (2016), which examined legal job applicants in the United Kingdom, and stated that previous legal experience was often ranked as second or third most important in a recruiter's assessment. Boyatzis (1982) subsequently introduced competency modeling, which discussed the importance of systematic analysis, from which the behavioral event interview (BEI) was developed. Today, Boyatzis' BEI is known to many job seekers around the world.

Myatt (2013) emphasized the importance of personal competency over technical competency, and a worker's "soft skills", with leadership discussed in terms of closing gaps, not creating them. Giusti (2008) confirmed this for the legal profession, and stated

that soft skills for lawyers and the ability to deal with people effectively and politely, has a tremendous influence on professional success of a lawyer.

On an intercultural level, Matveev's (2016) Collaborative Intercultural Competence Model (CICM), emphasized the importance of how to work and relate effectively in an intercultural context. Deardorff (2009) also noted the lack of second-language learning and overseas experience in competency in his research.

Mansfield (1989) also indicated the importance of competency by stating it is the key to vocational and education training (VET). This is consistent with directives from the European Union (2015), which state that there needs to be relevant and high-quality knowledge, skills and competences developed throughout lifelong learning, which focuses on learning outcomes for employability, innovation, active citizenship, and well-being (Reeve, 2016).

From the above theories and scholars' concepts of competency, five components for the study's research were determined. These included client satisfaction (CS), service demand (SER), responsiveness (REP), revenue (REV), and celebrity (CEL), and were therefore placed into the research framework. From this, the following hypotheses concerning competency were developed:

H1: Competency has a direct and positive influence on Knowledge Management.

H2: Competency has a direct and positive influence on Professionalism.

## **2.2. Communications skills (CSK)**

According to former US Chief Justice Warren Burger the practice of law is highly dependent on good communication skills, especially persuasive verbal skills, with Justice Berger often calling upon the legal community to increase the study of communication skills in law schools (Kessler, 1998). Re (1982), also suggested that there should be more time devoted to teaching counseling skills in law schools, and that the legal counselor can play a crucial role in avoiding controversy and in resolving disputes without resorting to litigation.

Legal professionals also need to exhibit key skills. These have been identified as good verbal communications, good listening, sound advice, openness, curiosity, value, and persuasion. Furthermore, according to the Sydney University Law Society Careers Guide (2014), the selection criteria common to many legal graduates, include planning and organizing, team-work abilities, excellent written and oral communication skills, problem-solving, and data analysis skills.

Francis (2016) stated that law firms in the United Kingdom placed a high importance on 'personality' or 'commercial awareness', which was as important or maybe more so, than academics. Furthermore, law partners were stated to say that a legal candidate can have the best academic record in the world but if they can't hold a conversation in an interview, then they serve no usefulness to the firm. So specifically, firms place a high priority on communication skills, motivation and drive, work ethic, organizational and planning skills, teamwork, imitative, presentation skills, and overall passion.

Another form of "communications" within the legal profession involves the technological tools used. Before the internet age, lawyers communicated with their clients by use of personal meetings, over the phone, and by mail. Later came the fax machine, which was added to the mix only after much deliberation concerning its security and legality. Then in the mid-1990s, email became commonplace and lawyers quickly adapted to this new form of electronic communication (Black, 2017a). However, security with these devices has reared its ugly head, as protection of the "attorney/ client privilege" is still of paramount concern.

Today, "cloud" collaboration has become the trend, along with the ever-present smartphone. In this latest environment, secure, encrypted, web-based computing (the cloud) is becoming the trend, with 38% of the legal professionals surveyed in 2016 by the American Bar Association reporting its use (Black, 2017a). Lawyers are also increasingly communicating and collaborating with their clients online, and according to the report, 33% of lawyers now share documents with their clients online, while 26% report using online messaging and communication tools with their clients.

Given the extent and pace of change in communications mediums, legal professionals need to seize the day and take advantage of the unique opportunities presented by technology. Due to client awareness and use of technology, there has also been an associated sudden shift in expectations that has dramatically increased competition in the legal services space. Examples of this include legal collaboration platforms such as LegalZoom and Rocket Lawyer (Black, 2017b).

From the above theories and scholars' concepts of communications skills (CSK), skill types (SKILLS), communications tools (TOOLS), and the counseling environment (ENV) were added to the study. From this, the following hypothesis concerning communications skills (CSK), was developed:

H3: Communications Skills has a direct and positive influence on Knowledge Management.

H4: Communications Skills has a direct and positive influence on Professionalism.

### **2.3. Knowledge management (KM)**

Traditional methods of managing human capital, innovation, and learning within organizations, particularly law firms, have proven ineffective as they often fail to contribute to a firm's success (Kabene, King, & Skaini, 2006). This is consistent with Gomes (2001) who also strongly believes that knowledge is an asset and should be managed, in a similar fashion to traditional cash flow, human resources, or raw materials.

According to Maister (2000), the difference between a "really professional" consultant and an ordinary consultant, is not technical qualifications and analytical skills, but instead the right attitudes and behavior, with integrity (ethics) being central to the idea of professionalism. Also, integrity is seen as vigorously enforcing values, standards and principles, whose end-result is the achievement of the best brand names and the highest profits (Maister, 2003).

Originally, Thailand embraced ethical concepts in the legal profession from India, as appeared in the Indapas Principles and the Law of the Judicial Procedures, which combined good norms and Buddhist beliefs with a policy of political administration (Jayaphorn, 2006; Mahakun et al., 2017). Subsequently, Thailand adopted the Law of the Three Seals. Subsequent to this, Thailand's administrative system, legal system, and culture were reformed along Western lines due to ever increasing Western trade,

In the UK market for legal services, a successful approach to international strategy development involved a "processual" approach. Using this strategy, the client was involved to a significant degree with the approach relying on expert (specific) knowledge of relevant markets as well as specialized knowledge rooted in legal and financial disciplines (Nonaka, 2005).

In Thailand, to be registered and to obtain a lawyer's license, the candidate must complete training in professional ethics and the basic principles of advocacy and the legal profession. The training course, run by the Institute of Law Practice Training of the Law Society of Thailand, is usually divided into two terms. In the first term, the candidate has to learn the theory of case conduct and professional ethics for not less than 90 hours (Sathitsuksomboon, 2001). In the second term, he/she must practice working in a

qualified law office for at least six months. An examination will be held at the end of each term. After completion of the training course, a candidate may apply for membership in the Law Society of Thailand. Exceptions can be made to the training course if a candidate has over a year experience in a law firm and has passed an examination given by the Law Society of Thailand (Palma, 2015).

Today, law firms face an increasingly competitive market due to increased specialization and a need to compete globally (Kabene et al., 2006). Among other things, these forces have reiterated the value of knowledge within the industry. According to Lambe (2003), large law firms today recognize that they are in a knowledge business, and they too suffer from the challenges of connectivity, globalization, and speed. As a result, major law firms must share knowledge more efficiently and more effectively than ever before.

In order to do so, many law firms are turning to KM software systems for a solution (Black, 2017a, 2017b; Buckler, 2004). Furthermore, KM especially helps junior lawyers "acquire good road maps", as compared to having to learn "the road" through years of experience. It also helps firms capture senior lawyers' knowledge before they retire.

From the above theories and scholars' concepts of KM, the following frequently discussed items were included in the study. They included types (TYPES), data and Information (DAI), and knowledge management (KMA), and were therefore placed into the research framework. From this, the following hypothesis concerning knowledge management were developed:

H5: Knowledge Management has a direct and positive influence on Professionalism.

## **2.4. Professionalism (PRO)**

In Thailand, according to Section 35 of the Thailand Lawyers Act B.E. 2528 (1985), a legal professional's qualifications include being a Thai national, being at least twenty years of age, not having gone to prison, not having been bankrupt, not having an ailment which is contagious and repugnant to the public, or being mentally ill. Also, although you cannot have indecent behavior or delinquent morals (Section 4), you can however be a politician (Section 10). Pertaining to education, a legal professional is expected to have a Bachelor's Degree, or an Associate Degree in law, or a certificate in law equivalent to a Bachelor's Degree or Associate Degree from an educational institute accredited by the Law Society of Thailand. Also, the individual must also be a member of the Thai Bar Association.

Francis (2016) examined legal professionalism and noted that essentially all law firms are the same when it comes to hiring young law graduates, whose criteria was excellent 'academics', a well-rounded personality with a multitude of extracurricular activities, previous legal work experience, and an ability to "fit" within a firm. This is consistent with Duff, Shiner, Boon, and Whyte (2000), which indicated achieving a Graduate Diploma in Law (GDI) in the United Kingdom as a key variable for employment success for non-law graduates wishing to become a solicitor or barrister.

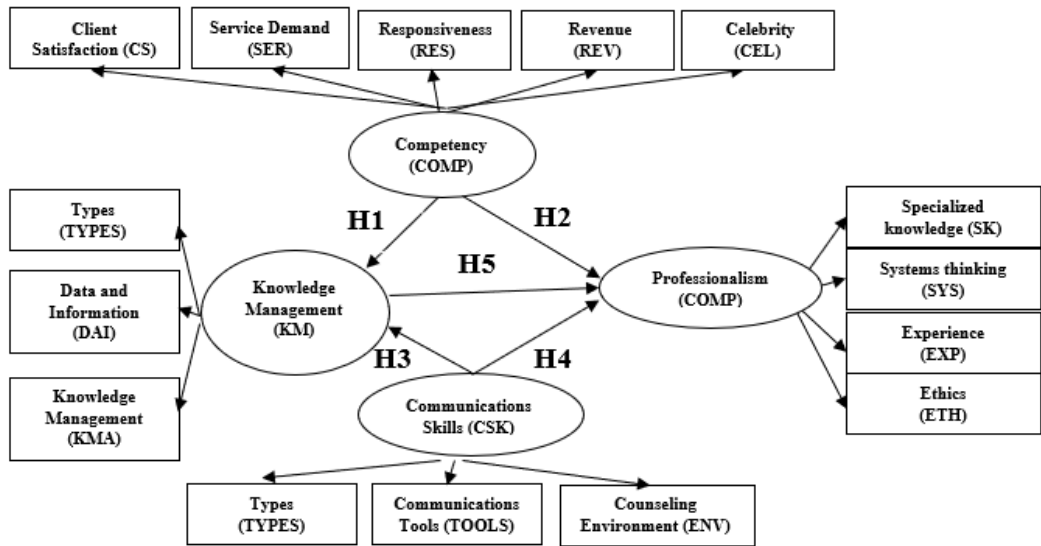
From the above theories and scholars' concepts of legal practitioners and consultants' professionalism (PRO), the following frequently discussed items were included in the study. They included specialized knowledge (SK), systems thinking (SYS), experience (EXP), and ethics (ETH).

## **2.5. Conceptualized model**

Based on the above hypotheses and review of the literature, the researchers have developed Figure 1's conceptual framework which includes the causal relationships

between competency, knowledge management, communications skills, and professionalism of Thai legal Practitioners and consultants.

FIGURE 1. CONCEPTUALIZED MODEL



### 3. Methodology

The sample population or unit of analysis for this research included questionnaires obtained between August to December 2016 from 332 Thai legal practitioners and consultants (Hair, Hult, Ringle, & Sarstedt, 2016).

#### 3.1. Sample and data collection

The population of this study was 78,142 Thai legal practitioners and consultants who were members of the Thai Law Society in 2015, and who worked as in-house (corporate) lawyers, lawyers of state-owned enterprises, in private law firms, or who were ‘freelancers’.

The research method used a 72-item instrument to assess the four constructs in the professionalism model. All questionnaire items used a 7-point response format (Likert 1972). The questionnaire was administered to 332 individuals involved as practitioners and consultants within the Thai legal profession. The questionnaire was developed from the literature review and related theory, and was constructed as a tool to measure concept definition and practice (Table 2).



TABLE 2. SUMMARY OF LATENT AND OBSERVED VARIABLES AND RELATED THEORY

LATENT VARIABLES	OBSERVED VARIABLES	THEORY
<i>DEPENDENT VARIABLES</i>		
Professionalism (PRO)	Specialized knowledge (SK) Systems thinking (SYS) Experience (EXP) Ethics (ETH)	Chaimungkalanont, n/d; Duff et al., 2000; Francis, 2016; Jayaphorn, 2006; Legal Services Commission, 2017; Mahakun et al., 2017; Thailand Lawyers Act B.E. 2528, 1985.
Knowledge Management (KM)	Types (TYPES) Data and Information (DAI) Knowledge Management (KMA)	Black, 2017a, 2017b; Buckler, 2004; Kabene et al., 2006; Gomes, 2001; Lambe, 2003; Maister, 2000; Nonaka, 2005; Sathitsuksomboon, 2001.
<i>INDEPENDENT VARIABLES</i>		
Communications Skills (CSK)	Skills (SKILLS) Communications tools (TOOLS) Counseling environment (ENV)	Black, 2017a, Black, 2017b; Francis, 2016; Gunashekar, 2017; Kessler, 1998; National Association of Colleges and Employers, 2015; Re, 1982; Shannon, 2011; Sydney University Law Society Careers Guide, 2014.
Competency (COMP)	Client Satisfaction (CS) Service demand (SER) Responsiveness (REP) Revenue (REV) Celebrity (CEL)	Boyatzis, 1982; Deardorff, 2009; European Union, 2015; Flanagan, 1954; Francis, 2016; Gipps & Stobart, 2003; Giusti, 2008; Mansfield, 1989; Matveev, 2016; McClelland, 1973; Myatt, 2013; Reeve, 2016; Ryan, Spencer, & Bernhard, 2012.

### 3.2. Questionnaire reliability

Five legal experts determined the reliability of the questionnaire so as to ensure that the responses collected through the instrument were reliable and consistent. The five authorities included a senior attorney with the Thai Attorney General's Office, an expert with the Legal Aid Commission of the Thai Lawyers' Council, an ex-judge who specialized in arbitration, the Vice Dean and professor at the Faculty of Law at Rangsit University, and finally, the Secretary-General of the Thai Lawyers' Council. The reliability value was calculated by using Cronbach's alpha (Cronbach, 1990) to ensure whether there was internal consistency within the items. Therefore, in order for the research questionnaire to be considered 'excellent', its value of Coefficient Cronbach's ( $\alpha$ ) must be at least 0.9. According to the pre-test, Cronbach's Alpha ( $\alpha$ ) ranged between 0.880 - 0.941, so the questionnaire items were deemed to be very reliable (George & Mallery, 2010; Hair et al., 2016).

Furthermore, the questionnaire was divided into two parts, with Part 1 consisting of five items concerning the legal consultant's general and personal information. Part 2 consisted of the actual questionnaire concerning the legal consultant's views on items which make up professionalism within the legal profession (Table 3). For this, Part 2 measured 67 items divided into four parts, with competency consisting of 17 items, KM with 15 items, professionalism with 20 items, and communications skills with 14 questions. Respondents were required to determine the degree to which each statement reflected the degree of their professionalism by use of a Likert type agreement scale (Likert, 1972) ranging from 1 (strongly disagree) to 7 (strongly agree) (Table 3). Therefore, from the seven levels of frequency, the interpretation of these responses was calculated by using the formula:

Interval =  $\frac{\text{the highest score} - \text{the lowest score}}{\text{the number of interval}}$ . A 0.86 (rounded) interval level for the seven levels of frequency was used and is detailed in Table 3.

TABLE 3. THAI LEGAL PROFESSIONALISM LIKERT SCALE INTERPRETATION

Mean range	Likert Scale Responses	Interpretation
6.14 – 7.00	7 - strongly agree	I think this is extremely important.
5.28 – 6.14	6 - agree	I think this is very important.
4.42 – 5.28	5 - somewhat agree	I think this is important.
3.56 – 4.42	4 – undecided	I am not sure about its importance.
2.70 – 3.56	3 - somewhat disagree	I think this has an insignificant effect.
1.84 – 2.70	2 - disagree	I think this is not too important.
0.00 – 1.84	1 - strongly disagree	I think this is really unimportant.

### 3.3. Statistical analyses overview

To test the proposed research model, the researchers adopted the survey method for data collection, whose hypotheses were examined by use of LISREL (linear structural relations) 9.10 to the collected data (Jöreskog, Olsson, & Fan, 2016). Measurement and data collection implies an evaluation of the measurement model. Additionally, the measurement model in this research was analyzed in three stages: 1) the individual item reliabilities, 2) the model's convergent validity, and 3) the model's discriminant validity.

Individual item reliability was examined by looking at the loadings, or correlations, of each indicator on its respective construct. For reflective indicators, it is generally accepted that items must have a factorial load ( $\lambda$ ) of 0.707 or above, and all values have been statistically significant ( $|t| \geq 1.96$ ), representing convergent validity of scales. This threshold implies that there is more variance shared between the measures and their constructs than there is error variance. The initial analysis indicated that elimination of some items would enhance the fit indices, with standardized residuals indicating significant cross loadings for several items being deleted if they exceeded 2.0. Reliability for the derived scale scores was also measured via internal consistency coefficient  $\alpha$  (Cronbach, 1990).

### 3.4. Try-out

A trial assessment of 25 questionnaires was conducted prior to the actual survey to determine questionnaire reliability and consistency. The reliability value was calculated by using Cronbach's  $\alpha$  (Cronbach, 1990) to ensure internal consistency within the items. George and Mallery (2010) indicated the value of Coefficient Cronbach's  $\alpha$  as  $\alpha \geq 0.9$  = excellent, and  $\geq 0.8$  = good (Tavakol & Dennick, 2011). From even the most stringent criteria of Cronbach's (1990)  $\alpha$ , the study's questionnaires were deemed to be highly reliable as the score was 0.958.

### 3.5. Qualitative data analysis

Sample size suggestion usually depend on the complexity of the specified model, but typically range from 5 to 20 questionnaires per observed variable. Furthermore, the UCLA

Statistical Consulting Group (2016) has suggested that sample sizes should exceed 200 cases. Therefore, from the above and other reviewed theory, a ratio of 20:1 was deemed to be reliable. Thus, the study's 332 individuals for 13 observed variables (13 x 20=260) was deemed to be highly reliable.

### 3.6. Confirmatory factor analysis (CFA)

To access the measurement models, a confirmatory factor analysis (CFA) is used followed by structural equation modeling (SEM) to examine the general fit of the proposed model with data, and to identify the overall relationships among these constructs (Fan et al., 2016). Wong (2013) also noted that for marketing research, a significance level of 5%, a statistical power of 80%, and R<sup>2</sup> values of at least 0.25 are considered normal. Also, standard modelling accepts the proposed model if the *p*-value is higher than 0.05, and if the  $\chi^2/df$  ratio is less than two (Byrne, Shavelson & Muthén, 1989). This is consistent with Kline (1998) and Ullman (2001), which also indicated that the relative  $\chi^2$  (chi-square) should be less than two. Additionally, another common reported statistic is to use the root mean square error of approximation (RMSEA), as a measure of goodness-of-fit in SEMs (Chen, Curran, Bollen, Kirby, & Paxton, 2008) and to measure the discrepancy per degree of freedom (Hu & Bentler, 1999).

Hooper, Coughlan, and Mullen (2008) also indicated that items with low multiple R<sup>2</sup> values ( $\leq 0.20$ ) should be removed from an analysis as this is an indication of very high levels of error. Hair et al. (2016), used higher criteria and suggested that the R<sup>2</sup> values should be higher than 0.25.

## 4. Results

### 4.1. Respondents' characteristics (n=332)

From the final sample of 332 individuals (Table 4), it was determined that 61.75% were male, and 38.25% were female. All had achieved at least a law degree at the undergraduate level (80.12%), while 19.88% had obtained graduate degrees. Also, from the survey's results, 38.86% were under the age of 35 which might be a contributing factor to the fact that 47.59% were 'freelance' legal consultants. All surveys were conducted face-to-face between 09.00 - 17.00 at either a provincial court, a university campus, the Lawyers' Council offices, or law firms where the respondents' worked. Some respondents opted to finish the questionnaire elsewhere, and the survey was later posted.

TABLE 4. RESPONDENTS' CHARACTERISTICS (N=332)

	Frequency	Percent
<i>GENDER</i>		
male	205	61.75
female	127	38.25
Total	332	100.0
<i>AGE</i>		
Under 35 years old	129	38.86
Between 36-45	97	29.22
Between 46-55	64	19.28
Between 56-70	35	10.54
Over 70 years old	7	2.11
Total	332	100.0

TABLE 4. RESPONDENTS' CHARACTERISTICS (N=332)

<i>EDUCATION LEVEL</i>		
Bachelor	266	80.12
Masters	60	18.07
PhD	6	1.81
Total	332	100.0
<i>PROFESSION</i>		
private sector employee	31	9.34
Employee of state-owned enterprise	34	10.24
Private business	106	31.93
Freelance	158	47.59
Other	3	0.90
Total	332	100.0
<i>POSITION</i>		
business owner	51	15.36
executive (CEO, Managing Director, ec.)	17	5.12
middle-level executive	6	1.81
Manager	14	4.22
In-house lawyer	128	38.55
Other	116	34.94
Total	332	100.0
<i>LEGAL EXPERIENCE</i>		
Less than 5 years	131	39.46
5-10 years	69	20.78
11-15 years	35	10.54
16-20 years	40	12.05
Over 20 years' experience	57	17.17
Total	332	100.0

#### 4.2. Respondents' information

Table 5 shows that the factors that affect Thai legal consultant's professionalism (PRO) which includes knowledge management (KM), competency (COM), and communications skills (CSK). Interpreted results from the 7-point agreement scale survey ranged from 4.95 - 5.73 (Best & Kahn, 2003; Likert, 1972).

TABLE 5. MEAN AND STANDARD DEVIATION FROM THAI LEGAL PROFESSIONALISM SURVEY

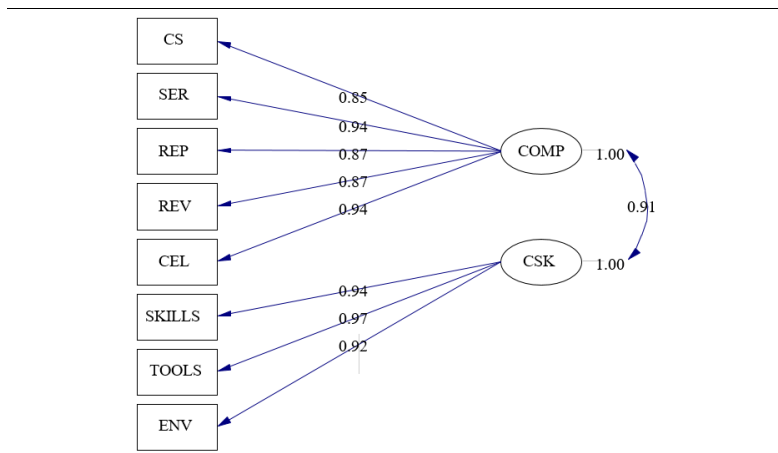
LATENT VARIABLES	$\bar{x}$	S.D.	QUESTIONNAIRE INTERPRETATION
Knowledge Management (KM)	5.52	1.19	I think this is very important.
Professionalism (PRO)	5.59	1.23	I think this is very important.
Competency (COMP)	5.19	1.36	I think this is important.
Communications Skills (CSK)	5.51	1.28	I think this is very important.

Note:  $\bar{x}$  - the standard mean, S.D. - Standard Deviation.

**4.3. Confirmatory factor analysis (CFA) results**

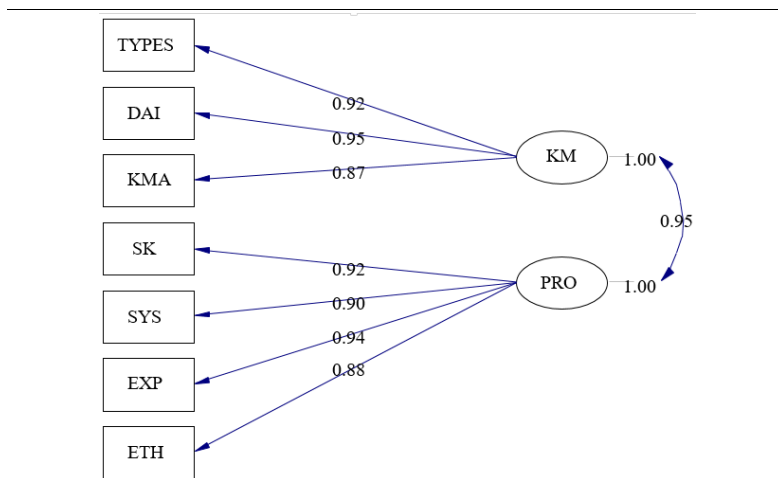
CFA analysis of the dependent and independent variables was built on the conceptual framework derived from the study of relevant documents and scholarly research (Figures 2 & 3).

FIGURE 2. CFA OF EXTERNAL LATENT VARIABLES COMP AND CSK



Note: Chi-Square ( $\chi^2$ ) =3.92, df=10, p value=0.95081, RMSEA=0.000

FIGURE 3. CFA OF INTERNAL LATENT VARIABLES KM AND PRO



Note: Chi-Square ( $\chi^2$ ) =2.60, df=7, p value=0.91907, RMSEA=0.000.

By analyzing the confirmatory components with the LISREL 9.1 program,  $\chi^2$  was determined to not be statistically significant ( $p > 0.05$ ),  $\chi^2/df$  was  $< 2.00$ , RMSEA  $< 0.05$ ,

and standardized root mean square residual (SRMR) <0.05. The goodness-of-fit statistic (GFI) was also indicated to be 0.99, which shows good fit as it is higher than 0.90 (Hooper et al., 2008). The value for the adjusted goodness-of-fit index (AGFI) was 0.99, which indicates a well-fitting model as its value is also greater than 0.90 (Hooper et al., 2008).

**4.4. Convergent model analysis**

From the LISREL 9.10 analysis of the data, and the measurement of the four latent variables and their related hypotheses, it was determined that there was a good model fit with the empirical research data. Also, to assess the validity of the testing, convergent validity and discriminant validity are used. In SEM, CFA is usually used to access construct validity (Jöreskog, Olsson, & Fan, 2016). Hair et al. (2016) and Byrne et al. (1989) indicated that factor loadings or regression weight estimates of latent to observed variables should have values greater than 0.50, which indicates that all the constructs conform to the construct validity test and validity convergence.

TABLE 6. GOODNESS-OF-FIT CRITERIA AND THEORY APPRAISAL

CRITERIA INDEX	CRITERIA	VALUES	RESULTS	SUPPORTING THEORY
Chi-square: $\chi^2$	$p \geq 0.05$	26.09	passed	Rasch, 1980
Relative Chi-square: $\chi^2/df$	$\leq 2.00$	0.555	passed	Byrne et al., 1989
GFI	$\geq 0.90$	0.990	passed	Hair et al., 2016; Jöreskog et al., 2016.
AGFI	$\geq 0.90$	0.974	passed	
SRMR	$\leq 0.05$	0.007	passed	
RMSEA	$\leq 0.05$	0.000	passed	Hu & Bentler, 1999.
Cronbach's Alpha	$\geq 0.70$	0.943	passed	Cronbach, 1990; George & Mallery, 2010; Hair et al., 2016; Tavakol & Dennick, 2011.

TABLE 7. CORRELATION COEFFICIENT, RELIABILITY, AND AVE OF THE LATENT VARIABLES

LATENT VARIABLES	KM	PRO	COMP	CSK
Knowledge Management (KM)	<b>1.00</b>			
Professionalism (PRO)	0.917	<b>1.00</b>		
Competency (COMP)	0.891	0.883	<b>1.00</b>	
Communications Skills (CSK)	0.882	0.940	0.867	<b>1.00</b>
$\rho_C$ (Construct Reliability)	0.938	0.952	0.952	0.962
$\rho_V$ (AVE)	0.836	0.834	0.800	0.893
$\sqrt{AVE}$	0.914	0.913	0.894	0.945

Note: \*Sig.  $\leq 0.01$ , The correlation coefficient between latent variables (below the diagonal in **bold**), reliability of latent variables ( $\rho_C$ ) and the average variance extracted (AVE).

Results in Table 6 show that the  $\chi^2$  value was 26.09, which had 47 degrees of freedom [df]. Therefore, the ratio between  $\chi^2$  and the df was equal to 0.555 when tested, which showed statistical significance as it was  $\geq 0.05$ , which confirms the model's hypotheses are not different from the empirical data. Further confirmation was established as the results of the goodness-of-fit index (GFI) equaled 0.979, and the adjusted goodness-of-fit index

(AGFI) equaled 0.959. The comparative fit index (CFI) was equal to 1.000. The root-mean-square error of approximation (RMSEA) was equal to 0.000. The SRMR was equal to 0.023. As SRMR is an absolute measure of fit, a value of zero indicates a perfect fit with a value of  $< 0.05$  indicating a good fit (Hu & Bentler, 1999).

The validated results are detailed in Table 7 and Table 8, as well as Figure 4.

TABLE 8. HYPOTHESES TESTING RESULTS

HYPOTHESES	COEF.	T-VALUE	RESULTS
H1: Competency has a direct and positive influence on <i>Knowledge Management</i> .	0.60	8.83**	Supported
H2: Competency has a direct and positive influence on <i>Professionalism</i> .	0.23	3.21**	Supported
H3: Communications Skills has a direct and positive influence on <i>Knowledge Management</i> .	0.38	5.83**	Supported
H4: Communications Skills has a direct and positive influence on <i>Professionalism</i> .	0.61	10.28**	Supported
H5: <i>Knowledge Management</i> has a direct and positive influence on <i>Professionalism</i> .	0.17	2.15*	Supported

Note: \*Sig.  $< 0.05$ , \*\*Sig.  $< 0.01$  Critical ratios (t-values) more than 1.96 are significant at the 0.05 level. S.E. - standard error, CR - critical ratio (t-value).

Table 9 shows the direct effect (DE), indirect effect (IE), and total effect (TE) of each construct (Zou & Fu, 2011). Professionalism (PRO) is influenced by the direct and positive contribution of communications skills the most, due to the value of 0.67. Knowledge also has a direct and positive influence on competency, as total effect was shown to be 0.60.

TABLE 9. DE, IE, AND TE OF THE SEM ANALYSIS

Dependent variables	Independent Variables				
		R <sup>2</sup>	COMP	CSK	KM
Professionalism (PRO)	DE	0.97	0.23**	0.61**	0.17**
	IE		0.10*	0.06*	-
	TE		0.33**	0.67**	0.17**
Knowledge Management (KM)	DE	0.91	0.60**	0.38**	-
	IE		-	-	-
	TE		0.60**	0.38**	-

Note: \*Sig.  $\leq 0.05$ , \*\*Sig.  $\leq 0.01$ , COMP - Competency, CSK - Communications Skills.

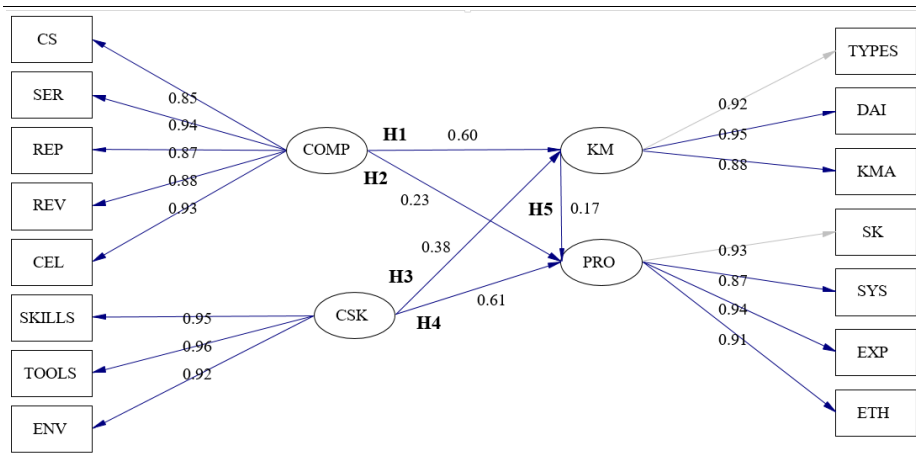
#### 4.5. SEM results

Both Hooper et al. (2008) and Hair et al. (2016) discussed low R<sup>2</sup> values ( $\leq 0.20$  and  $\leq 0.25$ , respectively), and suggested that they be removed from the analysis as this is an indication of high error rates. The SEM results (Figure 4) showed that all models meet

the required criteria at 26.09  $\chi^2$  value, with  $\chi^2/df$  (26.09/47) at 0.555,  $p$  value at 0.98, GFI at 0.99, AGFI at 0.97, SRMR at 0.00, and RMSEA at 0.000.

All causal factors in the model were shown to have a positive influence on the Thai legal consultant, with 98% of the variance of the factor affecting the professionalism ( $R^2$ ). Ranked in importance, the three latent variables were communications skills (CSK), competency (COMP), and knowledge management (KM), with a total score of 0.67, 0.33, and 0.17, respectively.

FIGURE 4. SEM RESULTS WITH VALUES FROM ESTIMATES (N=332)



Note: SEM final model with values from estimates (n=332). Chi-Square = 26.09, df = 47, p-value = 0.99424, RMSEA = 0.000

## 5. Discussion

Results from the study showed that competency was determined to have had a direct (0.60) and positive affect ( $p \leq 0.01$ ) on knowledge management, which supports hypothesis H1, which is supported by research from Casner-Lotto and Barrington (2006), which indicated that competency is the ability to use knowledge, facts, and data to solve workplace problems.

Competency also had a direct (0.230) and positive influence ( $p \leq 0.01$ ) on Professionalism (H2). This result is supported by a survey of US organizations (Barrington, Casner-Lotto, & Wright, 2006), from which seven career competencies were identified as essential. At the top of the list was ‘professionalism/work ethic’ with an overwhelming 97.55%, indicating this was a key element to professionalism. From the study, revenue was also judged to be related to a legal consultant’s competency (mean = 5.28), which was Ryan et al. (2012), in which it was judged that business unit profitability could be accounted for by four competencies, specifically team leadership, developing others, achievement orientation, and impact and influence.

Concerning communications skills, they were shown to also have a direct (0.38) and positive influence ( $p \leq 0.01$ ) on knowledge management. (H3). Study results agree with the National Association of Colleges and Employers (2015), in which it was determined that written communications skills were viewed as the second most important attribute by employers (70.2%), while verbal communication skills were ranked fifth (68.9%).



Communications skills were also shown to also have a direct (0.61) and positive influence ( $p \leq 0.01$ ) on Professionalism (H4). According to Shannon (2011), the ability to communicate effectively with clients can have an immense impact on a lawyer's practice, and on the success of the law firm as a whole. This is supported by Francis (2016), in which UK legal recruiters stated that if a legal candidate can't hold a conversation in an interview, they most probably are of little value to the firm.

The study's investigation of Knowledge Management effects determined that it also had a direct (0.17) and positive influence ( $p \leq 0.01$ ) on professionalism. The weakness of the results however suggests that Thai legal consultants are more probably not as information savvy as their ASEAN and Western counterparts. Support for this comes from Rajah & Tann Singapore which has indicated the form is investing heavily in technology, making it possible for its lawyers to be truly mobile and available "anytime and anywhere" (Gunashekar, 2017). Technology has made the practice of law more efficient and has also enabled lawyers, both male and female, to integrate work and life.

In Thailand however, if one reviews the respondent's characteristics of the study, one will note that 47.59% are freelancers, and as such, don't normally have access to expensive software and databases that larger law firms utilize. Also, Thai language resources are limited as well (the language of law in Thailand), further reducing the perceived importance of English language resources and the observed variables of this hypothesis.

Professionalism (PRO) also yielded some interesting results as ethics was overwhelming stated to have the greatest importance in a Thai legal practitioners and consultants' professionalism (mean = 5.71) as noted in Table 10. This is consistent with legal practitioners' requirements from South Australia in which it is stated that lawyers must conduct themselves with integrity, and deal with other members of the legal profession with courtesy and integrity (Legal Services Commission, 2017).

Concerning ethics, the study identified the stated importance of both ethics training and ethical behavior within the legal profession, but according to Bairaktarova & Woodcock (2017), the teaching of professional ethics, or motivating students to take professional ethics seriously is not easy.

TABLE 10. THAI LEGAL PROFESSION ETHICS (N=332)

ETHICS (ETH)	MEAN	S.D.	INTERPRETATION
48. I think the legal counselor must be truthful and honest. (eth1)	5.68	1.38	I think this is very important
49. I think legal consultants must provide advice that does not break the law. (eth2)	5.70	1.43	I think this is very important
50. I think the consultant must be the one who is responsible for their advice. (eth3)	5.72	1.43	I think this is very important
51. I think consultant must be sincere, have good intentions, straightforward, with no hypocrisy. (eth4)	5.73	1.39	I think this is very important
52. I think the counselor must show good intent, be ethical, show honesty, fairness, and trustworthiness. (eth5)	5.72	1.43	I think this is very important

### 5.1. Equality under the law

Although gender was not a specific target for investigation in the study, the issue of gender in both the Thai and Asian legal professions arose as details of the survey were completed, and other regional surveys were reviewed. From this, several interesting facts came up that might be interesting to the reader, as well as scholars for further research.

The first eye-opening fact for the researchers were the number of men (61.75%) who were part of the sample as compared to the number of women (38.25%). The suggested reason for this was the large number of ‘freelancers’ who participated in the study (47.59%), as compared to in-house (corporate) council attorneys, which in Asia, seems to become more and more female dominated. This seems to be supported by research from Triamanuruck, Phongpala, and Chaiyasuta (2004), in which it was determined at least 60% of the law students in Bangkok today are women, while according to the Law Society of Singapore, in 2016, 42% of the total legal practitioners were women (Gunashekar, 2017), which is a significant increase from a 1973 survey in which 15% of the lawyers in Singapore were women.

Also, women play a key role across Asia as in-house, corporate lawyers, where they are usually recruited from law firms or government agencies. According to research from HR in Asia (2016), women lawyers serving as in-house corporate counselors were predominate in Kuala Lumpur with 74% (compared to women in Malaysian private practice at 72.3%). China was second for women corporate lawyers at 67.8%, then Ho Chi Minh City, Vietnam with 60% of the female lawyers working in-house.

## 6. Conclusion

Thailand for the past two centuries has ‘danced’ with how much or how little Western countries can influence Thai law. Since the beginning, trade and commerce has been at the core of the debate, which has greatly benefited Thailand as a nation, but at times challenged the legal profession in terms of ethics, corruption, and the general public’s perceptions of the what a legal practitioner and consultant is or should be (Chaimungkalanont, n/d; Mahakun et al., 2017). The time has therefore come for re-thinking, re-planning, and re-structuring Thailand’s legal infrastructure to create an environment that is friendly to international investment and trade.

Unfortunately, however, the large number of obsolete laws are slowing down Thailand’s potential economic growth, but drafting new laws that create a more business-friendly environment is time consuming (Chaitrong, 2017). Thailand also needs to change its mindset to have a new skill-set and ecosystem as Thailand 4.0 sets off on a path where a new international, digitally based, 2.1 trillion-baht (\$65 billion), e-commerce economy is at the center of the Kingdom’s projected growth (Jones & Pimdee, 2017; Leesa-nguansuk, 2017). Legal reforms will be necessary to resolve international disputes (shipping, warranties, product defects, purchase contracts, etc.), where good faith and trustworthiness is a foundation of negotiations and international trade. Furthermore, communications skills along with cultural awareness and language skills will play a fundamental role in what constitutes Thai legal consultant professionalism.

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