The issue of evaluating and assuring quality in legal services delivery systems is addressed by considering findings and concepts from research on health-care systems and from the social and behavioral sciences. A framework for conceptualizing the components of quality assurance and for classifying research on quality is offered. The concepts of outcome, process, and structure are the major elements of the framework. Also discussed is the linking of the various components to provide the knowledge necessary to create effective quality-assurance systems.

I. INTRODUCTION

The evaluation and improvement of any human-services delivery system requires attention to its distribution, cost, accessibility, impact, and quality. Each of these facets is influenced by and interrelates with a vast array of systemic variables. Although serious failure of any of these features would render the delivery system superfluous or nonexistent, quality is perhaps the one that is most readily implicated in the others and it is also the most elusive. Quality in legal services, its evaluation and its assurance, is the focus of this article.

This paper grew out of a conference on "the role of research in the delivery of legal services" which generated a number of papers on various aspects of legal ser-
vices and their delivery. Two of those are most closely related to the present paper in that they address the issue of quality and what might be done to evaluate and improve it.8

Rosenthal4 (1977) identifies five general approaches to the problem of evaluating the competence of lawyers: (1) by the training the lawyer has received and/or performance on proficiency examination, (2) by status in the legal community (the Martindale-Hubbell5 approach), (3) by successful or unsuccessful outcomes in matters handled, (4) by performance against minimal standards of competence (as in malpractice actions and advice given to consumers6), and (5) by detailed specification of what lawyers do in handling cases and assessment of how those tasks are performed. The first four are already in general use and are regarded by Rosenthal as largely inadequate. He argues for the superiority of the fifth approach, largely in terms of its potential for what we could call criterion validity as well as its feasibility. The present paper enables these five approaches to be located within a coherent framework and helps one further understand why Rosenthal's assessment is probably correct. Rosenthal, a lawyer and sociologist interested in the lawyer-client relationship7 discusses these evaluation issues from that perspective. His discussion is informed by familiarity with the details of legal practice.

Carlson8 is concerned with six essentials for the advent of a system of quality assurance: (1) the types of services that lawyers perform must be specified, (2) standards of performance must be set, (3) criteria must be established to determine whether standards have been met, (4) the way of applying criteria must be decided, (5) a decision must be made as to whether processes, outcomes, or some combination will be considered, and (6) a decision must be made as to whether results will be used only for educative feedback or as a basis for sanctions. In drawing from what is known in the area of evaluation of health care services, his paper is even more closely related to the present paper. We, too, apply that literature to the analogous evaluation of legal services. A lawyer turned health-systems analyst, Carlson is able to discuss which areas of legal practice the analogy to health care fits and which it does not fit, where lawyering is likely to be more difficult than health care to evaluate and control, and where it is likely to be easier. He discusses also the limited capacity of government regulation to maintain quality and what other solutions might be more successful.

Although our paper is similarly interested in the evaluation of legal services and borrows heavily from the field of health-care evaluation, we offer the additional perspective of behavioral scientists and evaluation researchers. We are more concerned with the practicalities of advancing knowledge in this area (i.e., conducting research), with the identification of promising variables and the development of

4Rosenthal, supra note 2.
5Martindale-Hubbell Law Directory (annual), 5 volumes. Summit, New Jersey: Martindale-Hubbell, Inc.
8Carlson, supra note 2.
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measures, and with the problems of drawing inferences about what "works." We are less concerned with the details of legal practice and more concerned with and knowledgeable about basic and general principles that underly discussion and action aimed at assuring quality. We also bring our field's brand of skepticism. We deal more explicitly than do the complementary papers with the value of being suspicious of untested assumptions, or sloppy data and weak inferences, and of intuition.

For example, some lawyers assert that although they cannot articulate what it is that constitutes quality work by other lawyers or what it is exactly that they look at when they make such judgments, they are confident that they are able to sense it when it is present. If this is true, detailed research of the kind favored by Rosenthal and Carlson might as well be obviated and replaced by peer reviews (implicit process analysis, which is discussed later). If experts know quality when they see it, they can begin evaluating each other immediately and their judgments may be trusted to be accurate. We are more skeptical. Even if the assertion is correct, we insist upon empirical evidence in support of it. And we doubt that it is correct. We know from studies of person perception, clinical and other expert judgment tasks, that in a great many areas invalidity and unreliability are more the rule than the exception. Expert judgment often differs not only across experts, but individual experts are inconsistent across their own judgments. And, apparently, experts' confidence in the accuracy of their subjective judgments bears little or no relation to the actual accuracy of the judgments. In short, this paper brings different and complementary knowledge to the confluence of views formed by the work of Rosenthal, Carlson, and our own.

Vogt, Silverman, White, & Scanlon, Field Test Results of Peer Review Quality Assessment of Legal Services, Urban Institute (1976). In interviews with "approximately 90 attorneys either involved with or knowledgeable about the Legal Services Program . . . those interviewed generally agreed that, as attorneys, they could easily identify differences in the quality of services."

The most studied area of expert judgment is perhaps that of the psychiatrist and clinical psychologist. The results have been surprising and embarrassing, showing interjudge reliability to be poor (Ash, "The Reliability of Psychiatric Diagnoses," 44 J. of Abnormal and Social Psychology 272 (1949); Goldberg & Werts, "The Reliability of Clinicians' Judgments: A Multi-Trait-Multi-Method Approach," 30 J. of Consulting Psychology 199 (1966); Little and Shneidman, "Congruencies among Interpretations of Psychological Test and Anamnestic Data," 73 Psychological Monographs (No. 6, 1959), predictions (from the assessment situation to other behavior or situations) to be of a low order of accuracy [Mischel, Personality and Assessment (1968)], with training and experience adding little or nothing [Mischel, Personality and Assessment, (1968)], and clinical judgment almost always being inferior to even the simplest mechanical techniques [Meehl, Clinical versus Statistical Prediction (1954); Dawes & Corrigan, "Linear Models in Decision-making," 81 Psychological Bulletin 95 (1974)]. These problems of reliability and validity of human judgment have been demonstrated as well in assessing the competence of teachers [Medley & Mitzel, "Measuring classroom behavior by systematic observation", in Handbook of Research on Teaching (Gage, ed. 1963)], in business decision-making [Bowman, "Consistency and optimality in managerial decision-making," 9 Management Science 310 (1963)], in medical expert judgment [Einhorn, "Expert Measurement and Mechanical Combination," 7 Organisational Behavior and Human Performance 86 (1972)], and elsewhere. Contrary to common-sense impressions, errors in human judgment abound and for sound reasons (e.g., Ross, "The Intuitive Psychologist and his Shortcomings: Distortions in the Attribution Process," in Advances in Experimental Social Psychology Vol. 10, Berkowitz (Ed.) (1977)].

This is the human judge version of test-retest reliability. Whatever may be the shortcomings of standardized tests, the reliability of human judgment appears to fall shorter [Meehl, supra note 10; Sawyer, "Measurement and Prediction, Clinical and Statistical," 66 Psych. Bulletin 178 (1966)].

In this paper, we hope to bring some consistency to bear on conceptual thinking about research on quality by developing an appropriate nomenclature. The framework provided will offer both a model to guide research and a taxonomy for classifying past and future research. It will therefore be of potential use to researchers engaged in creating research proposals as well as in actually carrying out the research proposed. The broad outline of the framework — outcome, process, and structure — is borrowed from analogous research and conceptualizations in the medical-services area, along with methodological and substantive work from the social and behavioral sciences. Process is everything a lawyer does, outcomes are what processes are initiated for, and structures are the determinants and facilitators of the processes.

II. OUTCOME

Effective methods of evaluation and quality assurance require the development of measures of outcome, that is, of the end result for a client or population of clients. Essentially, outcome in the legal-services area refers to the degree of successful resolution of the legal problems which motivated the client to seek assistance. However difficult measuring outcome may be in the medical area (do you measure longevity, relief of symptoms, functional capacity, etc.?), it will usually be more complicated in the legal area. Whereas in medicine it may be assumed that nearly all patients desire a reduction in symptoms and an increase in functional capacity, the goals of a client in legal services will be more varied and complex. In a domestic conflict, a successful outcome for one client may be a divorce but for another a reconciliation. In a criminal prosecution, a successful outcome for one client may be minimization of time incarcerated (where plea bargaining is a desirable strategy) but for another it may be a criminal record free of convictions. In short, goals-in-view are part and parcel of the client’s needs, desires, and definitions.

The importance of developing valid, reliable outcome measures cannot be overstated. The kinds of services to be provided, effectiveness of strategies and tactics, the importance of training and education of lawyers, the structure and management of the law office, can be evaluated only against the criterion of outcomes for clients. One lesson from research in medical quality assurance is that many of the assumed desirable characteristics of physicians and treatment from the profession’s perspective turned out to be of little relevance to actual patient outcomes and therefore

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19See Brook, Quality of Care Assessment: A Comparison of Five Methods of Peer Review (1973). An example of an outcome measure used in medicine is perinatal mortality; see Shapiro, “End Result Measurements of Quality of Care,” 45 Milbank Memorial Fund Quar. 7 (1967).
20For definitions and discussions of reliability and validity, see Keslinger, Foundations of Behavioral Research 442-447, 457 (1973).
represented increased costs with no increase in patient health. Innovations or restraint of innovations in legal services might improve or degrade the situation of the client; the effects can be known only through assessing their impact upon actual outcome, that is, by evaluation research.

The dimensions of outcome measures may be quite numerous and may be defined according to different criteria by lawyers and clients. In cost-benefit terms, a good outcome to a lawyer may conflict with a client's goals such as reaching an outcome in a much shorter period of time, or with other costs to the client, in dollars, energy, or so on. Therefore, multiple criteria to evaluate quality must be employed.

Outcome measures may be subjective (such as client satisfaction, professional peer judgments, etc.) or objective (favorable rulings or settlements, improved financial resources, removal from jeopardy of litigation, etc.). Direct outcomes are exemplified above, while indirect outcomes refer to other benefits that result from the solution of immediate legal problems. These types of outcome measures merge with impact measures. They are the consequences further downstream of the legal transaction and may include reduction in domestic conflict, improved housing, improved physical or mental health, improved academic performance by children, or a host of other social, economic, or health indicators.

Emphasis on outcomes may be criticized on grounds of practicality, as when the outcomes (particularly indirect outcomes) are many years downstream of the legal transaction; for example, the need to wait for a will to be probated in order to assess the quality of the lawyer's work in drafting the instrument. Other outcomes may not only be too distant but also too numerous for easy measurement. These difficulties do not diminish the importance of outcome measures, but instead point to the need for intermediate and multiple measures of outcome. Peer review of the completed instrument might be appropriate in the example of wills. Moreover, just as certain medical procedures, especially drug effects, are studied over extended time periods, longer-term outcome data may yield important insights into whether the legal profession's standards of performance are in need of overhaul.

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16For example, class rank, grades in medical school, place of physician training, and number of journals read have been found, contrary to the medical profession's expectations, to have little or nothing to do with medical care in terms of outcomes. Cochrane, Effectiveness and Efficiency (1974); Brook, supra note 14; Peterson, Andrews, Spain, et al., "An Analytical Study of North Carolina General Practice 1953-1954," 31 J. of Medical Ed., Part 2, 1 (1956); National Institute of Medicine, Advancing the Quality of Health Care: Key Issues and Generic Principles (1974); Clute, "The Quality of General Practice," The General Practitioner 262 (1963); Price, Taylor, Nelson, et al., Measurement and Predictions of Physicians Performance, Two Decades of Intermittently Sustained Research (1971).

17See Weiss, Evaluation Research: Methods in Assessing Program Effectiveness (1972); Struening & Guttentag (Eds.), Handbook of Evaluation Research (1975).


Finally, a concern for outcomes may encourage a pluralist attitude toward means. Debates about input criteria not only ignore the outputs which are the real goal but fail to appreciate that a variety of means may be acceptable for reaching those carefully attended ends.

Although the systematic empirical assessment of a delivery system’s quality depends upon the criterion of outcome measures, reports in the literature of studies of or involving outcomes are few. They include such measures as verdicts and awards or settlements (including plea bargaining). Studies of client satisfaction may be included but are of problematic value (since clients frequently praise services that are shoddy by most other measures). Rosenthal, who has done one of the few studies linking lawyer-client actions to outcomes for clients, found that active client participation with counsel was associated with higher recoveries for damages.

Studies of lawyers and delivery systems ought to strive to include some measure of what clients sought to accomplish when they approached their lawyers and the degree to which those needs were met.

III. PROCESS

By process is meant the things a lawyer and other legal-service providers do to or for their clients — not outcomes — but the ways in which outcomes are pursued. Included are interviewing techniques, tactics and strategies, informing clients of available options, negotiation and bargaining with other attorneys, writing of wills, giving of advice, trial of cases, and so on.

The development of process standards of lawyer performance may be normative, that is, the consensual judgment and opinions of peers and others specifies what good lawyering is in contrast to bad lawyering; or it may be empirical, that is, the desirability of a given procedure is determined by its actual impact upon outcome variables. The former is the essence of the most common form of peer review for quality assurance: the implicit process judgment method. Virtually all of the performance standards used by lawyers, the lawyer behaviors praised or derogated by peers,
the tactics and strategy textbooks, and the substance of courses in clinical legal education, are normative. The effect of a particular strategy upon outcome is assumed on the basis of unsystematic experience; it is not empirically tested in any rigorous way. However, the experience of research in clinical medicine is that many of the treatments once regarded as good medical practice, that is, normative performance standards, were later found through empirical testing against outcomes to be ineffective or even harmful compared to alternative treatments that had previously been held in low regard. Empirical testing of legal services procedures will no doubt afford similar surprises.

In some instances processes are so determinative of outcomes that one need not look very hard to establish a link. Some processes, such as failing to take judicial action within the time prescribed by the statute of limitations, are their own outcomes. Some processes, such as negotiation or trial advocacy, call for a great deal of professional judgment, while others are so clear-cut and amenable to specification that they lend themselves to the explicit process review method where the actual procedures are compared to a protocol of the appropriate procedures, and the shortcomings are readily detected.

A danger of setting standards and criteria for process variables, without reference to effects upon outcome, is that innovation could be stifled. Ineffective and wasteful practices, as well as effective and worthwhile procedures, could be enforced by a "quality assurance" program that is not tied to outcomes. Continual experimentation with new techniques should be encouraged, but deviation from process standards should not be capricious. Development and testing of innovations, measured against outcome, should be an ongoing part of any quality-assurance program.

Empirical studies of process variables are more plentiful than studies of outcome. Many are general, descriptive studies of what it is that lawyers do — in terms of skills, tasks, roles, societal functions, and other conceptions — and are not specifically helpful in understanding how to rigorously assess the performance of individual lawyers. Some studies come closer to what would be needed from a quality-assurance perspective, for example, the OLS-OEO "evaluation" studies conducted by the Urban

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26 An informal survey of textbooks and classes suggests that one has only to read through any of the "how to" textbooks or sit in a lawyering process course to get "tips" on the appropriate strategy for a given situation.


28 For discussion of explicit process review method, see Brook, supra note 14; National Institute of Medicine, supra note 16.

Institute. These consist of interviews with lawyers on a sample of their cases, as well as hypothetical questions. The interviewers made judgments of the lawyer's performance (and, by inference, "competence," which is a structure variable, to be discussed in the next section). These measures, then, are normative, implicit, process judgments of the attorneys and their work.

A recent field test of a peer-review procedure for assessing the quality of legal services was conducted by the Urban Institute for the Legal Services Corporation. The study represents a good beginning in that it well understood what was minimally required of such a technique: variability and reliability. Unfortunately, the study suffers from a number of shortcomings that make it useful primarily as an illustration of some pitfalls to avoid. A closer look will be informative. Small teams of lawyers sought to assess the quality of legal services by making site visits, interviewing providers, and discussing with them a sample of their cases. Variability in ratings of the providers' services did obtain. Unfortunately, the process observations were contaminated by the panelists' having first reviewed a certain amount of structure information: law school attended, previous legal experience, publications, etc. It is not possible to know what was actually being assessed — process or structure or both or neither (peer reviewers may have been responding most strongly to irrelevant features of the interview such as how pleasantly the interaction proceeded rather than how good the services were). Thus, we cannot be sure what was being measured. Moreover, we cannot know whether whatever was measured was an index of quality other than in a purely normative sense. No link to an outcome criterion was attempted. Validity was limited to "face" validity. Thus, we cannot know if the different ratings received by the different staff attorneys are measures of differences in the quality of their services or measures of their affability, the prestige of their degree-granting institution, or any number of other contaminating variables. Whether one has succeeded in measuring quality or not, the very least that such a study should tell us is whether peer reviewers make reliable judgments, that is, whether different panelists make the same assessment of the same services provided. The study concludes that a high degree of inter-rater agreement obtained. The raters participated in a joint interview of the provider being assessed, by definition not independent samples of the services provided, and thus undoubtedly producing an overestimate (perhaps a large overestimate) of the reliability of the peer judgments. These are unfortunate mistakes.

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31Vogt et al., supra note 9.

32Ratings of individual attorney skill factors (e.g., knowledge of the law, understanding of clients' problem, use of resources) correlated rather highly with the overall rating of attorney performance (median $r = .79$) meaning that little distinction was being made among the individual factors. Either no real differences exist among these skills, that is, they are really the same unitary ability; or a halo effect was operating on the part of the raters. (In the original report, supra note 9, this high correlation is mistakenly interpreted to mean that each factor is an indispensable and unique part of the quality assessment procedure; actually, the opposite is correct).
to make, especially in an expensive study that could have told us a good deal and whose (non)findings may be put to (mis)use.

The work of Carlson and Frederiksen at the Educational Testing Service\textsuperscript{33} includes the development of a taxonomy of lawyer behavior as well as systematic situational tests of lawyer performance. In studying the ways in which lawyers evaluate other lawyers, and developing criteria for lawyer performance, the researchers are measuring the processes of choice according to normative standards. These studies will not, however, test measured processes against the criterion of outcomes for clients, a further step which would answer the critical quality question of which processes best serve client needs. Rosenthal's research, however, illustrates this vital link.\textsuperscript{34} He could have studied the ways in which lawyers and clients interacted without reference to outcomes associated with these differential patterns. But the study is valuable precisely because it associates client participation with the amount of the recoveries.

IV. STRUCTURE

By structure is meant a variety of characteristics of legal-service providers (where educated, rank in class, scholarly contributions, length of experience, etc.), and legal-service facilities and institutions (library, number of lawyers, secretaries and other staff, computer retrieval equipment, fee schedules, open or closed panel, etc.) as opposed to the specific activities or services done to or for a client.

Little empirical investigation has been undertaken to confirm or refute assumptions about which structural variables are important in assuring high-quality legal services.\textsuperscript{35} As illustrated by experience in the medical-quality area,\textsuperscript{36} commonly accepted structural features of good quality care may be expensive myths in reality.


\textsuperscript{34}Rosenthal, supra note 7. Rosenthal's study is an interesting instance in that a single feature of the lawyer-client relationship (client involvement) is simultaneously a process in that it is what the lawyer does and a structure because it is a situation in which the lawyer operates. Thus, Rosenthal's independent variable is at once a structural as well as a process variable.

\textsuperscript{35}It appears that many structural variables, such as LSAT scores and law school attended, are assumed to be related to the outcome of "being a good lawyer." For example, Warkov, Lawyers in the Making (1965), reports that law students attending the "top" law schools are more apt than other students to get the "best" jobs after graduation. It appears that those hiring believed that students from the top schools would make "better" lawyers. Students also seem to share this opinion; Stevens, 59 Va. L. Rev. 551 (1973) found that students cite the quality and prestige of a law school as two of the main factors which influenced their decision to go to a certain school. Thus, although few legal scholars state that structural variables affect a lawyer's performance, there appears to be an implicit assumption that a strong correlation exists.

\textsuperscript{36}It has been found, contrary to the hypotheses of many experts, that class rank and grades in medical school, board certification status, place of physician training, number of journals read by a practicing physician, membership in medical societies, and participation in continuing education as currently practiced, have little or nothing to do with the quality of medical care in terms of outcomes. Cochrane; Peterson et al; National Institute of Medicine; supra note 16.
Attempts to modify the behavior of legal-service providers, such as by instituting a quality-assurance program through utilization review, peer review of process or of outcome, consumer education and review, etc., may be classified as structure characteristics. Many structure variables can facilitate or inhibit desirable processes and thereby indirectly influence the quality of legal service care.

Structural variables may be divided into dispositional, demographic, and situational groupings. By dispositional variables is meant psychological traits, states, or abilities, which are ordinarily thought to inhere in the individual attorney (skills, knowledge, honesty, motivation, etc.).

By demographic is meant sociological characteristics or social groupings of the attorney (socioeconomic class, ethnic group, institution granting law degree, sex, geographic origin, etc.). In most speculation about the determinants of the quality of a lawyer's performance, the variables are predominantly dispositional or demographic. If an attorney is intelligent, well educated, skilled, highly motivated, of good moral character, etc., it is thought that he will be a "good lawyer" (itself a dispositional phrase), or "do a good job" (a behavioral description).

Ironically, much social psychology research indicates that these classes of variables, considered alone, are relatively poor predictors of behavior but, when combined with situational variables, predictive power is often substantially increased.

By situational variables is meant characteristics of the immediate physical, social, economic, and organizational environment; for example, intraorganizational communication networks, the organization's reward system, fee schedules applied to a given case, the client's relationship to other actual or potential clients, conflicts of interest; the nature of relationships with colleagues (competitive, cooperative, individualistic, candid and unthreatening or secretive and defensive); or the presence of a quality-assurance review system. The importance of situational variables may be appreciated by considering the potential impact on a lawyer's performance of the fee arrangement (e.g., an hourly fee, a contingent fee, or a prepaid plan), inadequate secretarial support, or an overload of cases.

The interrelationship of these structural variables should also be considered. Skill and knowledge (dispositional characteristics) may be necessary but not sufficient conditions for good performance. Dispositional and situational variables may be mediators of demographic variables. Situational and dispositional variables may interact, and their combined impact may exceed the addition of the impact predicted for

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87For a definition of dispositional variables, see Sarason, Personality: An Objective Approach 201 (1972).
88Demographic variables refer to characteristics of populations and are sometimes called sociological variables, in contrast to situational and psychological variables.
91For definitions of situational variables, see Sarason, supra note 37.
each variable. Indeed, research suggests that such interaction is the most important kind of knowledge an evaluator, predictor, or controller of behavior can have. It may be, for example, that some lawyers are type A and others type B, and that type-A lawyers perform better in situation 1 than in situation 2, and type-B lawyers perform better in situation 2 than in situation 1. Statements about what type of lawyer or what type of situation leads to better processes and outcomes would not be nearly as helpful as interactive statements which specify what happens at the separate levels of the two variables: type-A lawyers perform well in situation 1; type-B lawyers perform well in situation 2; other person-by-situation combinations produce poor performance. This match-mismatch consideration is often critical. It has obvious application to such concerns as the match-mismatch of lawyers to clients (black lawyers may do better with black clients than white lawyers, apart from other factors predictive of the performance of black and white lawyers; also, there may be religious, educational, socio-economic, and regional match-mismatches), and the mismatch of lawyers to legal problems (lawyer X may be a fine attorney on criminal matters but is ineffective on tax matters). In short, a good lawyer may do a poor job and a not so brilliant or motivated lawyer may do an excellent job due to the interaction of lawyer characteristics with situation characteristics, that is, factors other than their own attributes.

Studies of structure variables, although the least directly related to what lawyers do and outcomes that follow for clients, are the most numerous, perhaps because the variables are greater in number or because they are more accessible to study. It is difficult for a researcher to be present when a lawyer is lawyering. It is relatively easy to measure the lawyer's age, sex, ethnicity, LSAT score, and the type of practice.

Examples of studies of structure variables include the first phase of the ETS study which interrelates undergraduate grades, LSAT scores, law school grades, and bar examination scores. Taylor, of the Menniger Foundation, is examining the socialization of the lawyer through law school, the student's experiences, the stresses confronted, the personality and attitudinal changes wrought, and the typologies of lawyers that emerge. Such studies provide descriptions of structures and relate structure variables to other structure variables.

Other studies which relate structure variables to process variables typically examine the relationship between demographic characteristics and performance of lawyers. A familiar example is Carlin's Lawyers' Ethics. Numerous other examples

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43 Carlson, supra note 33.

44 Taylor and Schulman, Becoming a Lawyer, Research Proposal Submitted to the National Science Foundation by the Menninger Foundation, 1975.

45 Warkov, supra note 35; Carlin, supra note 29; Carlin, supra note 39; Johnstone & Hopson, supra note 29. Also see Law Office Efficiency (1972) for discussion of various structures for effective law office management which are suggested by the ABA and the Canadian Bar Association.

46 Carlin, supra note 39.
fit under the structure category. Where research relates to process or outcome, it is often too general to be of detailed help in mapping out the determinants of outcomes for clients.

V. CONCLUSION

Research that will contribute to quality assurance in the delivery of legal services will have to proceed first by identifying outcomes; then by establishing the causal links among structure, process, and outcome variables; and finally by manipulating structures and processes so that they produce the desired outcomes. These "manipulations" may take a variety of forms. The point for now is that quality-assurance procedures undertaken without knowing what outcomes are intended and how to measure them, or what policies and practices produce those outcomes and not others, are unlikely to lead to satisfying results.

When desired outcomes are identified, and it is known what processes and structures are necessary to generate those desired outcomes, and the appropriate structures exist and appropriate processes are practiced, then quality services will result. Quality is not thus defined. Rather, we have suggested how to determine that a delivery system is delivering quality services.

\textsuperscript{4}E.g., Ladinsky, "Career of Lawyers" and "The Impact of Social Institutions," supra note 39; Smigel, supra note 39.

\textsuperscript{4}An alternative strategy worth serious consideration is the evolutionary or "natural selection" approach. This strategy calls for focusing research energy on outcome identification and development of measuring instruments. Each year, "the, say, ten percent of" the worst performing programs are terminated and promising replacement programs are funded. Better programs will be imitated and the worst programs will be eliminated. We may not understand why some policies and practices work well and others work poorly, but we will be able to distinguish them. The net effect, ideally, is an ever-improving (ever-evolving) delivery system.