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# The Highs and Lows of Interviewing Legal Elites

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## Abstract

This article addresses some of the challenges faced by researchers who are seeking to identify, gain access to, conduct interviews with, and analyze data from elites. Drawing on the first author's experience of conducting elite interviews as a source of social research regarding laws and legal processes, this article offers both theoretical and practical insights. Theoretically, we examine interviews with senior legal experts as a particular form of elite interviewing. Interviewing legal elites poses its own set of challenges that at times relate to and sometimes depart from other experiences of interviewing elite groups. Practically, we provide suggestions for how researchers new to elite interviewing and those more experienced can reflect on and navigate different stages of their field research to help capture novel insights. Paradoxically, we show that while an uncomfortable conversation can appear to the researcher that it has not gone well, often it can be a sign of a high quality elite interview.

## Introduction

There is a growing literature on elite interviewing in various subject areas such as management (Empson, 2018; Li et al., 2021; Ma et al., 2021; Solarino & Aguinis, 2021), media and communication (Herzog & Ali, 2015), policy and administration (Goldstein, 2002), and geography (Harvey, 2010; Herod, 1999; McDowell, 1998). Interviewing elites expands the realm of knowledge through their interactions across time and space, their actions, relationships, and decisions (Langley & Meziani, 2020; McNulty et al., 2013). Despite the prevalence of elite interviewing as a research method, scholars of law, public policy, and management have often failed to benefit from existing methodological scholarship on elite interviewing and more specifically on interviewing legal elites. Legal elites are responsible for and have privileged access to domain knowledge and legal decision-making processes, which makes them an important group to research and learn from.

Providing understandings around the challenges that might occur during the process of interviewing legal elites can help researchers new to interacting with this group as well as those more experienced who are looking to reflect on their current practices to gain insight into the management and navigation of different situations to help enhance the data collection experience.

There has not been any definitive scope of how we define legal elites and the meaning of the term "legal elites" inevitably varies from one region to another based on different legal systems, norms, and terminologies. Conventional definitions of legal elites include a core group of former law clerks, justices, alumni of the Solicitor General's office, and lawyers of the Supreme Court (McGuire, 1993). Legal elites in Japan are the legal graduates that are on the bar or within the legal bureaucracy as opposed to those who have entered into corporate jobs. Corporate jobs attract elite positions of power but are not defined as legal elites (Milhaupt & West, 2002). Legal elites are those who are at the top of their legal field and who hold offices that yield the power of law, often drawing on specialized legal expertise and training to do so

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(Kenney, 2020). They can range from minister of judges, attorney generals, lord chancellors, judges, and individuals who run for political office such as in the United States, or head public inquiries and are well-known public figures in other countries such as the United Kingdom (Kenney, 2020). Legal elites in India are considered to include the judges in the Indian judicial system and litigators that practice before the Indian Supreme Court and some of India's High Courts (Galanter & Robinson, 2013). The empirical context of this article stems from primary research that involved interviewing legal elites in India.

This article provides a legal elite interview tool kit with illustrative examples from personal experience to help researchers prepare for arranging the interview, conducting the interview, and analyzing the interview data. Honing these research skills through this article with a backdrop of a legal setting will assist researchers in reducing their data collection time as well as enhance the quality of the data they collect. Social researchers conducting fieldwork on the legal profession are likely to find themselves researching and interviewing legal elites to gain expert insights on cases of important public interest, which could range from issues related to international trade, crime, human rights, and equality. While interviewing legal elites is an important method in its own right, it can also be valuable as part of a multi-method case study where insights from legal elites can generate valuable data and be used alongside other forms of primary and secondary data collection, including both qualitative and quantitative.

The first section starts with the literature on elites, the importance of this work, followed by the details of the research project undertaken by the first author from which this article draws its theoretical and practical insights. We then discuss the challenges faced in identifying and selecting respondents, gaining access to elites, conducting elite interviews, and analyzing data. Our emphasis is on the approach the first author took to mitigate these challenges as well as some recommendations for other researchers.

## Interviewing Elites

Interviewing as a research method is particularly useful for getting the story behind a participant's experiences (Ann, 2017). In comparison with other research methods, interviews have the advantage that they include direct involvement and actual encounter with the interviewee, in this context elites, with the potential to generate insightful information through asking questions and probing (Natow, 2020). All interviews are unique given the distinct setting, discussion points, and power relationships between the interviewer and interviewee.

Semi-structured interviews have the advantage of following a broad protocol and the flexibility of following new lines of inquiry based on the responses of interviewees. Hence, the interview has been a key method for data collection for elites in different fields (Anleu & Mack, 2017; Herzog & Ali,

2015; Ma et al., 2021). Interviews can also be conversational and an opportunity for elites to step back and reflect on their actions, behaviors, and policies, which when conducted well can create an environment conducive to generating novel and revelatory data that is difficult to capture through other research methods.

While elite interviewing has been a part of research methodology discourse for many years, it is only recently that it has started to gain momentum. Due to the relative recency of this topic, there is limited literature on how to interview elites and the predicaments that can arise before, during, and after the elite interviews (Burnham et al., 2008; Lancaster, 2017; Li et al., 2021). This article builds further on the elite interview literature by giving insights from the first author's personal experiences with interviewing legal elites. The emphasis is on interviewing a new class of elites within the legal industry.

## Reflections from Social Research on Laws and Legal Processes

Drawing on rich examples from a social research project with legal elites, this article provides reflections and guidance for researchers entering the field of interviewing legal elites. Our motivation is to help optimize the experience of researchers interviewing legal elites and to help create an environment where legal elites feel relaxed and engaged to generate rich and novel data that would not have been possible to collect through other methods or from ineffective elite interviewing. Acquiring the appropriate interviewing skills can help researchers to gain the trust of interviewees, which is essential for fostering a rich conversational environment during the interviews to acquire unique data for analysis.

The empirical context of this article is from the doctoral research of the first author, which was a social research project that explored the formulation of public policy instruments, case laws, judgments, and government orders by interviewing legal elites in India. The research aimed to understand the emerging trend of crossing over distinctive boundaries of power between the three actors of the state in the policy instrument formulation process. India and other common law countries depict some of the classic cases of this policy instrument formulation process. The research involved utilization of multiple research methods, with legal elite interviews forming one relevant data collection technique. The scope of this article is limited only to interviewing elites and does not discuss the other types of research methods undertaken in the research project such as participant observation and focus group discussions.

In order to achieve the research objectives, case laws of a similar nature were shortlisted and data on these case laws were collected using semi-structured interviews from legal elites. The respondents selected for the interviews belonged to various walks of the legal world and they were working within

top positions of their field (i.e., legal elites) such as Supreme Court and High Court judges, and Supreme Court and High Court lawyers (see Table 1).

While attempting to interview legal elites, a variety of challenges were encountered, ranging from difficulties with identifying the appropriate respondents, gaining access, building trust, conducting the interview, and analyzing data. The discussion that follows entails a methodological and reflexive account of managing these challenges.

## Identifying and Selecting Respondents

In a qualitative data-based research study, one of the most important parts of the research design is identifying and then selecting the appropriate respondents (Silverman, 2015). This challenge arguably increases when the respondents are from an elite category as great care needs to be given to gain their trust (Hassan et al., 2020). Respondents should be selected who we believe at the time will be best placed to provide insights concerning our research questions, rather than respondents who are more convenient to identify because of their prominence and high status. Effective identification can be through two approaches (Johnson, 1990). First, researchers from the outset can make decisions about the status and knowledge base of their potential informants and use this for exploring data-driven answers. Second, researchers can explore and analyze networks before selecting the informants. In either approach, it is important to gain access to people who can inform and enrich understanding of the research problem (Löblich & Pfaff-Rüdiger, 2012).

The approach taken by the first author was to blend two approaches of purposive sampling followed by snowballing sampling for interviewing legal elites. Purposive sampling is a technique in which the researcher decides what needs to be known and sets out to find people who can and are willing to provide information because of their expertise and experience (Bernard, 2017). This sampling method in legal elite interviewing was used to collect data from selected case law experts with relevant knowledge. An exhaustive list of potential respondents was developed keeping in mind these case laws and considering who would be well-informed about the phenomenon in question. The justification for this was the relative inaccessibility of the legal elite professionals to provide relevant information in the field (Scally et al., 2021). The respondents identified for interviewing from the shortlisted case laws (see Table 1) were selected using purposive sampling. The snowball sampling technique was also used where referrals were made among people who share or know of others who possess some characteristics that are of interest to the researcher (Handcock & Gile, 2011). The snowballing technique was particularly helpful in identifying backup and subsequent respondents. For instance, after interviewing the first respondent, two recommendations were made of other respondents, who were subsequently contacted for interviews. Similarly, further respondents who were interviewed knew and gave a reference to potential interviewees, which enabled more elites to be interviewed. Thus, the sample was expanded by asking the identified respondents to refer to other people from the selected list of the case laws that might provide relevant insight into the research (Marshall, 1996). The interview often ended with a question: "Do you know anyone relating to these case laws [the list of selected case laws was shared with the respondent] whom you would recommend I could speak with regarding the research topic?"

The first author used snowballing technique for interviewing legal elites for many reasons including leveraging an existing contact to establish new contacts and increasing the likelihood of prospective respondents agreeing to interview if someone they know had already been interviewed. The first author was mindful of ethical considerations and the former interviewee gave permission to be mentioned beforehand and the potential interviewee gave prior consent to be contacted via snowballing. Most of the prior interviewees gave their consent for using their names for snowballing, apart from two, who expressed their reluctance and therefore were kept anonymous.

## Gaining Access

Gaining access is a key challenge with interviewing elites (Cunliffe & Alcadipani, 2016; Ma et al., 2021), and yet relatively few studies have elaborated on this concern (Burnham et al., 2008; Lilleker, 2003; Morris, 2009). To gain access, one needs to carefully work to make contacts, create opportunities, and manage one's mindsets (Empson, 2018). Some might gain access through activities that will place researchers in close contact with potential respondents such as attending conferences, seminars, discussion forums, and meetings (Lancaster, 2017). The interview opportunity and gaining access to elites increases if elites can understand how they would benefit from participating in the research (Emmel, 2013; Harvey, 2021). As mentioned above, a prior connection through a professional or personal network increases the opportunity for a researcher to gain access to elites compared to the absence of any prior connection (Li et al., 2021). While there is another school of thought that argues that access to elites is not always problematic (Buchanan et al., 2014; Delaney, 2007). We expand further on other strategies for gaining access to elites based on the context of social research regarding laws and legal processes, primarily because when we talk to newcomers of elite interviewing, they almost always ask how we "managed" to interview the who's who of the legal industry.

Gaining access to elites requires some tailored strategies that best fit the researcher's area of expertise, the research objectives, time, and accessibility. In this research project, the access strategy was a multi-pronged approach. The first author leveraged being an insider within the legal industry for gaining access to legal elites. The lead researcher's profile is an important factor in convincing the elite to agree to the interview since they might consider the rationale and value of the

**Table 1.** Summary of Legal Elites Interviewed.

| Management Category | Case Law Type | Year | Petitioner/ Appellant | Respondent | Regulations | Judgment/Decision | Nature of Legal Elite Interviewed |
|---|---|---|---|---|---|---|---|
| Social | Writ Petition (Civil) | 2013 | Parivartan Kendra | Union of India | Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 | Acid attack victims under the disability list | Lawyer |
| | Civil Petition | 2006 | Seema | Ashwini Kumar | The Hindu Marriage Act, 1955 | Compulsory registration of marriage | Lawyer |
| | Writ Petition (Civil) & Suo Moto Writ (C) | 2016 | Shayara Bano | Union of India and Others | Muslim Personal Law (Shariat) Act | Unconstitutionality of Triple Talaq | Judge |
| | Writ Petition (Civil) | 1992 | Common Cause | Union of India | Drugs and Cosmetics Act, Societies Registration Act | Revamping blood bank system in India | Judge Lawyer |
| | Writ Petition (Civil) | 1997 | Vishaka & Ors | State of Rajasthan & Others | Constitution of India, Human Rights Act, 1993 | Sexual Harassment at Workplace Guidelines | Lawyer |
| | Civil Appeal | 2009 | The University of Kerala | The Council of Principals of College in Kerala & Others | Constitution of India | Anti-ragging guidelines | Lawyer |
| | Writ Petition (Civil) | 2018 | Common Cause | Union of India and Another | Constitution of India | Guidelines on Passive Euthanasia | Judge Lawyer |
| | Writ Petition (Civil) | 2012 | Dr. S. Rajaseekan | Union of India and Others | Motor Vehicles Act | Directions on Road Accident | Lawyer |
| | Writ Petition (Criminal) | 2012 | Shreya Singhal | Union of India | Constitution of India, Information Technology Act, 2000 | Unconstitutionality of Sec66A IT Act | Lawyer |
| | Writ Petition (Civil) | 2005 | Rajive Raturi | Union of India and Others | The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act; Constitution of India | Public places to be made accessible for persons with disability | Lawyer |
| | Writ Petition (Criminal) | 2018 | Navtej Singh Johar and Others | Union of India | Indian Penal Code, Constitution of India | Unconstitutionality of Sec 377 | Lawyer |
| | Certiorari Writ 530 U.S. 914 (2000) | 2000 | Stenberg | Carhart | United States Constitution | Partial-Birth Abortion Ban Act 2003 | Lawyer |
| | Special Leave Petition (Criminal Appeal) | 2014 | Mukesh and Another | State for NCT of Delhi & Others | Indian Penal Code, Criminal Procedure Code, Indian Evidence Act | Criminal Law (Amendment) Act, 2013 | Lawyer |

*(continued)*

**Table 1.** (continued)

| Management Category | Case Law Type | Year | Petitioner/ Appellant | Respondent | Regulations | Judgment/Decision | Nature of Legal Elite Interviewed |
|---|---|---|---|---|---|---|---|
| Economic | Writ Petition (Criminal) | 1997 | Vineet Narain and Others | Union of India and Another | Constitution of India | Guidelines on Independence of Vigilance Commission | Lawyer |
| | Civil Appeal | 2010 | Shreya Vidyarthi | Ashok Vidyarthi and Others | Hindu Succession Act | Women manager in joint family business | Lawyer |
| | Civil Appeal 2016 | 2016 | The State of Tamil Nadu Rep. By its Secretary Home, Prohibition & Excise Dept and Others | K Balu and Another | Motor Vehicles Act | Ban of liquor shops near highways | Judge Lawyer |
| | Writ Petition (C) & SLP (Civil) | 2016 | Rajive Kumar Gupta and Others | Union of India and Others | Persons with Disability Act, 1995 | Disability Reservations in Promotion | Lawyer |
| | Writ Petition (Civil) | 2012 | Manohar Lal Sharma | The principal secretary and Others | Mines and Minerals (Development and Regulation) Act; Coal Mines (Nationalisation) Act, 1973 | Coalgate | Lawyer |
| | Writ of Mandamus | 2014 | Maria Carolina P. Araullo Et. Al. | Benigno simeon c. Aquino iii | Section 29(1) of Article VI of the 1987 Constitution | Unconstitutionality of DAP- for cross border funds | Lawyer |
| Political | Writ Petition (Civil) | 2003 | Common Cause | Union of India | Constitution of India | Restraint on publication of Politician's photo on public Ads | Lawyer |
| | Writ Petition (Civil) | 2004 | People's Union for Civil Liberties and Another | Union of India and Another | Election Rules, 1961; Representation of Peoples Act, 1951; Constitution of India | Election Commission directed to include none of the above (NOTA) provision in electronic voting machines | Lawyer |
| | Writ Petition (Civil) | 2005 | Lily Thomas | Union of India and Others | Representation of Peoples Act, 1950 | Convicted MP's cannot contest for elections | Lawyer |
| Environmental | Writ Petition (Civil) | 2015 | Swaraj Abhiyan | Union of India and Others | Disaster Management Act, 2005 | Disaster Management Guidelines | Judge |

interview in terms of the background of the researcher (Liu, 2018). This was particularly salient in the legal industry where education and status play an important role in ensuring one is perceived as a legitimate researcher. This is likely to be a common trend in other professionalized fields such as accountancy, banking, healthcare, and management consulting. In our case, the first author had a bachelor's and master's degree in law and before beginning doctoral studies in public policy had practiced as an advocate. The first author's professional experience helped her to gain access to interview legal elites, both in the first stage of speaking to personal assistants of elites and in the second stage of the elites agreeing to be interviewed. An insider interviewer is seen as someone who has more direct and relevant knowledge and will produce

more "correct" interpretations of the opinions (Herod, 1999). This kind of "insiderness" is often considered advantageous at the beginning of a study (Labaree, 2002). However, being an insider has its own set of dilemmas that the researcher must be mindful of, for instance distancing from the behavioral and social responsibilities within the community and disengaging from the set after the interview is completed. Mullings (1999) recognized "temporary insiders" as one other segment, who represent themselves as being so well-located to access elites by displaying a sound knowledge of the topic under discussion.

A detailed introductory letter that explains the research purpose and relevance of the research project was used for gaining access to the elites. A standard template for letters was not used and each letter was personalized with details of how the respondent's set of knowledge and experiences would be crucial for understanding the research question. For example, when the researcher requested an interview with a retired judge who had given judgment on one of the shortlisted case laws (Table 1), it was made explicit that the reason why the researcher wanted to interview him, rather than anyone else, was that he would be uniquely situated to understand the research question and give exclusive insights particularly relating to the case law. While this example was specific to the legal sector and the first author, this approach could be tailored to elites working in other sectors because often it is possible to understand from industry reports as well as mass and social media what work they have been conducting and therefore how specifically their expertise could contribute to the research. This can help to ensure that a generic request for participation becomes something more specific and compelling. The literature suggests approaching elites by sending formal letters, followed by telephone calls (Stephens, 2007). The first author decided to establish contact simultaneously through both letters and e-mails. The letters were sent to the participant's workplace and residence (if addresses were available) for increased reach and visibility. The letters and e-mails included an information sheet, an interview protocol, and a consent form to ensure that the interviewee understood the purpose and their rights before giving their consent for the interview. The interviewees were reminded that their identity would be protected, and their details would be kept confidential. Such formalities helped to give interviewees an understanding of the first author's professional conduct and helped to establish trust to gain access. While this was something that the participants were particularly sensitive about given their work in the legal industry, ethical conduct is an area that is considered highly important within many other professions and sectors.

Lastly, while researchers might successfully negotiate access to some elites, they also need to be prepared for repeated silences and rejections. At times, no response or repeated rejections from elite respondents can lead to feelings of inadequacy, worthlessness, and misdirection (Conti & O'Neil, 2007). In this case, the initial months included rejections through secretaries and personal assistants (gatekeepers) of the elite participants through telephone calls or text messages, as illustrated by the following excerpt:

*"Your request letter for conducting an interview for doctoral thesis is not accepted by Hon'ble Mr. X" (With Regards, Secretary)*

There can often be a strict gatekeeper and strategies to negotiate the barriers created by them need to be carefully considered in order to gain access to elites. It is important to positively engage with the elite's gatekeepers and build a good rapport with them (Harvey, 2021; Mikecz, 2012). This is helped by networking, finding a hook that grabs the gatekeeper's attention, being prepared to answer their questions, and speaking with polite confidence. During the research, the first author encountered gatekeepers that were informal and helpful during the interview process. For instance, a personal assistant to one of the lawyers interviewed provided some additional documents pertaining to the interview questions in consultation with the interviewee. The documents gave important background information to the case law that was being explored.

## Conducting the Interview

Once the respondents had agreed to be interviewed, an appointment was made with them at a time convenient to both the respondent and the researcher. The interviewee was asked for a suitable location for the interviews in order to give them as much flexibility as possible and to speak in a physical space of their preference. The spaces in which the interview is conducted can shape the data collected (Dowling et al., 2016) and this extends to the option of conducting interviews via the telephone or online. In this research project, the majority of interviews were conducted at the interviewees' workplaces: in court chambers or court offices, one at an interviewee's residential office, and two in public places (an airport and a courtroom canteen). The choice of the interview location by the interviewee positions them in a comfortable space to set the tone of the interview. This is important for showing flexibility and creating an open environment for interviewees, which can be important for helping to manage complex power dynamics during the interviews. Such power dynamics are distinct for each interview context, but can raise to the fore issues related to age, class, education, gender, experience, and knowledge, to name only a few examples. It is undesirable to prescribe generic guidelines because what may be appropriate in one situation may be inappropriate in another context. Nevertheless, it is important for researchers to reflect in advance on their own unique set of characteristics in relation to the interviewees because this can give clues as to issues that may influence how interviewees perceive them and therefore the different power dynamics that can manifest during the interviews. Interviewers should preferably be conducted at the location suggested by the interviewee in order to carve out a space for meaningful engagement with the interviewee to obtain candid and in-depth data. The quality of the interview is often affected by the location; enclosed spaces are free from background noises and help the interviewer to concentrate and take

notes and help the interviewee to focus on the questions being asked of them. A drawback of conducting interviews in public places is that elites may be more likely to be interrupted by others, as we have both found, which can break the flow of conversation. Conducting interviews in court chambers and court offices can be an intimidating experience for researchers not used to austere surroundings. This can be a similar experience for researchers interviewing political or business elites where the surroundings of government or corporate offices can be offputting for those unfamiliar with the organizational environment.

All the interviews were conducted in English, although at times the native language (Hindi) was used to explain a point or to convey an idiom. Conducting interviews in English allowed the first author to transcribe the interviews as it was presented and discussed by the interviewees. Given the first author's legal background, it was relatively convenient to identify with the respondents' responses. For instance, while speaking about case law in the discussion, the interviewees at times used legal jargon or referenced some precedence from another case law. This helped the first author to gain credibility, establish rapport and create a comfortable environment for the interviewee to share anecdotes to strengthen the data. Interviewees typically showed an interest in the interview when they realized that the researcher was familiar and well-versed with the case law details and parties involved in it. The first author would quote interviewee statements from their published work to gain further confidence, which in turn encouraged interviewees to share more details of the case laws. Again, while the examples here speaks to the specifics of the first author's research within the legal sector, there are wider lessons for researchers around the importance of conducting background research on elites and signaling to them that you are well-versed in their field and the specific area of enquiry being pursued as part of the research.

A total of 23 interviews were conducted over two years. The length of the interviews was dependent on varied factors such as the location, the interviewee's time constraints, and the narratives which developed. The average length of the interview was 45 minutes, with the longest taking 60 minutes and the shortest 30 minutes. The first author aimed to achieve a realistic balance to attain the best quality data in the most feasible amount of time available (Harvey, 2010). The first author found the legal elites were short on time with busy schedules and this is undoubtedly a relevant trend to consider when interviewing elites in other sectors such as business, education, government, healthcare, and science.

In qualitative research, it is difficult to fix the exact number of respondents before conducting the research because reaching data saturation will vary depending on the unique context of each research project, which should not be determined by an arbitrary number of interviewees or percentage of a sample population (Barriball & While, 1994; Mann, 2016; Saunders & Townsend, 2016). We sought to achieve the point of saturation, that is, when new information stopped emerging and research questions were addressed (Guest et al., 2006; Marshall, 1996).

Saturation suggests the ability to extrapolate findings (Dubé et al., 2016) and the results reached can be generalized to some extent (Boddy, 2016). The first author felt confident of having reached the saturation point at the 17th interview, that is, when no new insights were emerging. Nevertheless, a further six interviews (a total of 23 interviews were conducted) to reduce the chance of missing any further emerging themes. The research was flexible enough to add more interviewees who could provide additional useful information. For instance, one of the interviewee's consent for the interview came at a later stage, when the data collection procedure was already completed and no new themes emerged from his insights. Therefore, when the last set of interviews establish the same facts and insights compared to the responses from earlier interviews, the interviewing process was concluded.

A major hurdle the first author faced in interviewing legal elites was some of the interviewees were sensitive to recording the interview, even when the interviewee was assured of confidentiality. Accuracy in reporting the results of the research can be greatly improved by recording the interviews. From the perspective of legal elites and lawyers, the unwillingness to be recorded can be due to client confidentiality concerns. Additionally, there may be concerns relating to (1) protection from any kind of harm, loss of reputation, professional stigma, or economic effect, and (2) concerns relating to privacy (Korkea-aho & Leino, 2019, p. 42). This example is likely to be more extreme in the context of legal research because elite participants are particularly sensitive to being on the record and their commentary on challenging topics entering the public domain. However, we would suggest this is also something that other elites are sensitive to because they will have experience of being interviewed by journalists and will often be advised by their legal and public relations teams around what to say and what *not* to say. The researcher needs to create a balance between protecting the interviewee's interest on the one hand and accurately collecting and reporting data on the other hand. In order to strike the right balance, the first author prepared field notes for every interview on the same day to avoid any loss of information (Kolbert, 2015). The interviewees in some cases also agreed to review the transcripts and suggest additional information, which would have been lost during transcription. This was advantageous on two fronts: first, the interviewee could trust the researcher's process, including transcribing the data; second, the additional steps enriched the transcripts by filling in the gaps or adding further contextual information.

The interview protocol was used by the interviewer as a reference point to discuss topics; however, interviewees could freely speak in their terms about the phenomenon in question (King et al., 2018). The elites preferred to be asked their views and thoughts on the subject (Kvale & Brinkmann, 2014). The interview style and interview protocol were developed while being mindful of Neuman's (2014) six key points on the qualitative research interview method. First, questions were tailored as per the respondents' situation; they were informed that they may skip any question if they thought confidentiality

could be compromised and could return to a question later if they wished. Second, the researcher showed interest in responses and encouraged elaboration, by sharing personal experiences while dealing with similar case laws. Third, the researcher was giving directions for the interview, while ensuring that the interview was conducted in a friendly and conversational manner, by laying out a clear and concise structure, explaining upfront the context, and what insights we were looking for. Fourth, open-ended questions with probes were used to steer the topics; if the interviewee refused to openly respond to certain questions, the first author would try to pierce the veil by asking the same question but phrasing it differently. Fifth, the pace and direction around the topics were jointly controlled by the researcher and the respondents; the interviewee was not interrupted when they wanted to speak more on a topic of their interest. Sixth, the researcher acclimatized according to the respondent's norms and language; the discussions were not restricted to one language and the interviewer navigated between English and Hindi as per the interviewee's preference.

Once the interviews were concluded, this should not be assumed as the last point of interaction with the interviewee. Sometimes when the recording stops and there is some informal conversation, including over coffee or while walking along a corridor, some revealing insights from elites can emerge as their guard is lowered. This can provide valuable informal data that warrants noting in a fieldwork diary, which later can help make sense of and supplement data from other sources. Each interview opportunity can serve as an interface to establish and maintain a future link. The first author sent personalized messages or e-mails to all interviewees to express her appreciation for their time and participation. All of the interviewees were also sent a report of the research findings.

## Variable Experiences

Turning to the first author's experience, it is important to focus on the effects of the researcher's gender on field relations. In this case, as a woman the first author was interviewing both women and men of different ages. She found herself demonstrating a different self-representation while talking to different respondents from varied legal backgrounds. For instance, while talking to older male respondents the first author played relatively naïve and inexperienced, while with female respondents an informal and friendly rapport was easier to establish. The author also moved between positions from naïve interviewer to accomplished researcher depending on how the respondent responded to a young female asking questions (see McDowell, 1998). Feminist research ethics contribute to educating researchers about the attentiveness of power, boundaries, and relationships which is appropriate for both feminist and non-feminist research (Ruan, 2020). This section is titled "variable experiences" since it is based on a single narrative at a particular time, within a specific context and involving a limited number of respondents, however this

does not mean it is not salient for researchers to consider when interviewing elites in other settings.

## Analyzing the Data

The interviews were transcribed verbatim and transcripts for each interview were created. Each interview was different in its own way with regards to the type of respondent, nature of setting, and the case law handled. The transcriptions contained very detailed information of each interview covering both verbal and non-verbal data. However, during the interview process, the first author managed some informal conversations with some of the interviewees as an ice breaker, before winding up the interview and this information was not explicitly used for analyzing the data but helped to understand the questions better that were being explored.

Transcripts were arranged and coded to identify initial themes across all 23 interviews. There was not an opportunity to revisit the interviewees to cross-check the codes developed due to the interviewee's time constraints. The themes were compared and contrasted across additional information given by some of the interviewees when transcripts were sent for review. To establish reliability, the data were coded by two researchers independently and identified codes were discussed to arrive at a final coding scheme.

While interviewing legal elites, we reflected that there might be situations when the interviewee attempts to control the research data. For instance, one of the transcripts sent to the interviewee for a review was received back in a highly edited form. The edits were made at two levels: first, with regard to the case-related sensitive information, which was not available in the public domain; second, the form of presentation of some data was edited to ensure alignment with the published case laws. It is unlikely and often inappropriate that elites in other fields would edit a transcript, not least because it would be unethical to alter what was said during an interview. However, by following-up with elites with a transcript and framing the request to them that if they would like to add anything then the researcher would be happy to speak, then this could trigger further insights from elites that may not have emerged from the original interview. In order to access the interviewee in the future, the authorized version of the transcript was used for data analysis.

Qualitative research sometimes allows for triangulation of data, rather than solely relying on only the interviewees' testimony (Denzin & Lincoln, 2005). While we had used a multi-method approach to triangulate the research findings, we also validated the factual information provided by the interviewees from publicly accessible secondary data. For instance, the timeline of the events quoted in case laws during the interview was double-checked from newspaper articles and the interviewer's biography. Triangulation is considered a vital step in conducting interviews, not because the respondent is considered untrustworthy, but because it recognizes the subjectivity of the interviewee's personal experience (Hammersley & Atkinson, 2019). In this case, the secondary data substantiated the

primary data obtained from the interviews and gave clarity for dates for cases in two of the interviews. However, no major difference in observations was observed.

## Conclusions

This article reflects on the first author's experiences with interviewing legal elites in India and contrasting this with existing insights from the elite interview literature. This paper has sought to provide a hands-on guide for researchers new to interviewing elites, with a specific emphasis on challenges faced with interviewing sensitive classes such as legal elites in India. Although we show some particularities with interviewing legal elites in the context of India, we show that there are wider lessons for researching elites in other sectors and countries. In terms of identifying and selecting respondents, we suggest that a combination of purposive and snowballing techniques can be helpful. The purposive technique can give researchers a focal starting point, whereas the snowballing technique serves to gather fieldwork momentum as it helps to leverage existing contacts to find new respondents.

The process of gaining access to elites can be shortened and hassle-free by reflecting on one's postionality and developing a strategy before entering the field. First, the researcher can leverage being an insider to the industry since the researcher's background and experience can help the respondent see the value and rationale of the study. This was important in the context of the legal sector but is also important for other sectors where education credentials and professional experience represent an important signal of legitimacy to elites. We suggest that researchers can represent themselves as temporary insiders by attending conferences, seminars, and discussion forums to signal their knowledge of a topic, which can serve to open-up conversations with and access to elites. Second, a tailored introductory letter justifying how the elite respondent is not just any other person being contacted for the interview but possesses a set of domain knowledge and experience that is important for the research study can persuade elites to participate. In this case, the first author made it clear to legal elites how their background and experience was relevant to the research. There is the added opportunity of communicating to elites how they could personally benefit from participating in the research project, which may persuade them to engage. Third, initially the first author found herself speaking with gatekeepers and she recognized that positively engaging with them and signaling the value of the research and the potential benefit for the legal elite is an important first step in opening the door to accessing elites.

While conducting an elite interview there are some pivotal points for a researcher, such as the location of the interview, length of the interview, number of respondents, and medium of instruction. There is no panacea for managing all the different challenges surrounding interviewing elites. We have shared experiences related to interviewing legal elites in India

that may resonate with researchers interviewing elites in other contexts; however, it is best for researchers to reflect before and after their elite interviews with how to approach these issues with future elite interviews because every context is distinct and brings its own set of challenges and opportunities. A researcher should also be prepared for unpredictable pushback that might arise in the field. For instance, the first author needed to show sensitivity towards recording the interview and how to appropriately handle any tensions with legal elites. Analyzing data in the case of legal elites is arguably far more challenging with interviewees' controlling the data due to their client confidentiality concerns and sensitivity around being on the record. This article may serve as a way of gaining access to elites, but the process can involve dilemmas in balancing the interests of interviewees and maintaining objectivity. Changing the interviewee should not be the primary way to handle challenging situations since elites are not easily accessible and hence replaceable.

While it is seductive to believe that a comfortable interview has been a good interview, paradoxically, while a difficult interview to manage can sometimes feel to the interviewer like it has not gone well, it can often be a signal of an important conversation because the elite interviewee has pushed the interviewer to raise the quality of their questioning and pushed them to reflect on issues that can affect the richness of the responses given during the interviews (e.g., location, recording, and cross-checking). We suggest that a comfortable interview for the interviewer might be a sign that the questioning has not been challenging enough, whereas an uncomfortable interview is often a sign that the quality of questioning has been higher and has encouraged a greater richness in response from interviewees. Hence, while it is always important to be polite and flexible, negotiating issues around the interview and challenging interviewees during interviews, while uncomfortable, is an important part of the process of enabling researchers to conduct effective elite interviews.

In short, this article provides theoretical and practical insights from the literature and from the research project on how to identify, gain access, conduct interviews, and analyze data from elites. We hope that the insights from the context of legal elites in India will help others in different contexts to reflect on and strategize how to navigate the challenges of conducting elite interviews and provide a source of inspiration for them to share their own experiences from diverse empirical contexts.

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