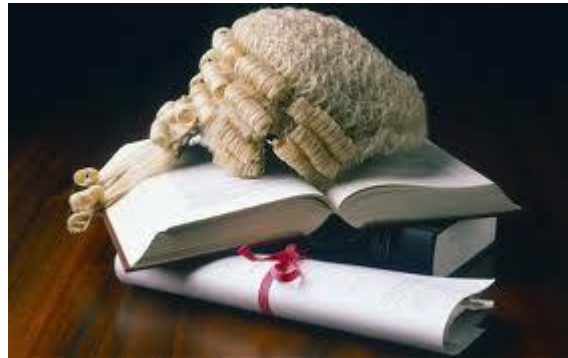


# The Legal Profession in Britain



# Branches

- The legal profession in England and Wales is divided into two branches: solicitors and barristers
- Each is governed by its own professional body
- Solicitors are represented by the Law Society and barristers by the Bar Council

# The role of solicitors

- Lawyers in the UK generally practise as solicitors in private firms, as legal advisors in corporations, government departments or advise agencies
- They can do advocacy (but cannot appear in every court), draft legal documents and give written advice
- Specialisation (contracts, wills, conveyancing etc.)
- Direct access by clients

# Client representation

- Solicitors are responsible for all the preparatory pre-court work, while barristers represent the client in the court
- Solicitors traditionally have the right of audience only in inferior courts

# Training

- The first degree – if not in law, they must take Graduate Diploma in Law
- CPE – Common Professional Examination
- One-year Legal Practice Course (LPC)
- Serving articles (traineeship) – 2 years of training with a senior solicitor

# Advocacy rights

- After the training, a trainee is admitted as a solicitor by the Law Society
- Advocacy rights in the Magistrates' Court and the County Court
- The Access to Justice Act of 1999 allowed them to apply for advocacy rights in the higher courts (only 2% applied)
- Certificate to practise renewable every year

## Qualifying as a solicitor



# The Law Society

- The governing body of solicitors
- A regulatory body that can set rules and discipline solicitors
- The representative of the interests of solicitors





# Barristers

- The right of audience in every court in England and Wales
- They are the court advocates and consultant specialists of the legal profession
- Court work – providing representation
- Specialist legal advice – giving opinions

# Nature of the work

- Sole traders with unlimited liability
- Self-employed practice - chambers
- Most barristers work in chambers, but it is no longer compulsory for them to do so
- They are now permitted to practise alone, working from an office or home

# Training

- Intending barristers need a qualifying law degree (LLB)
- Graduates in non-law subject undertake a one year conversion course known as GDL (postgraduate Diploma in Law)
- Bar Vocational Course to gain practical skills of advocacy
- The student barrister then applies to one of the Inns of Court

# Call to the Bar

- After passing the BVC and completing the necessary attendance at an Inn of Court, the person is called to the Bar and is officially qualified as a barrister
- Pupillage
- Tenancy in chambers
- Practise as barrister

# Pupillage

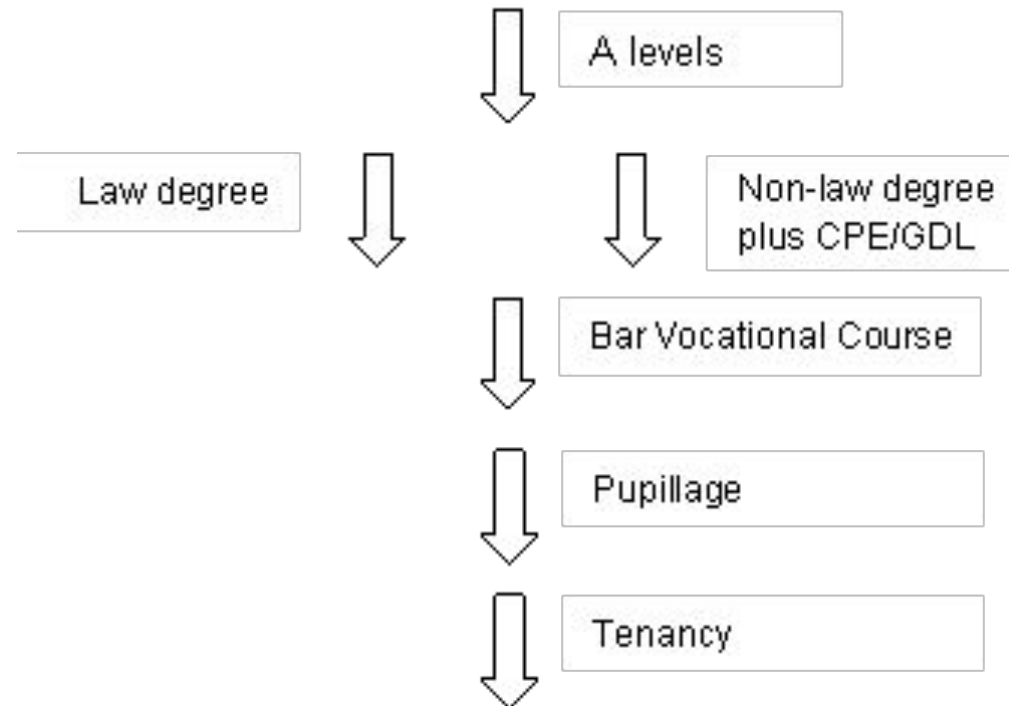
- One year pupillage in chambers
- Two parts: a non-practising six months when pupils shadow their pupil master
- Practising six months when pupils undertake to supply legal services and exercise right of audience

# Full Qualification Certificate

Pupils must learn:

- the rules of conduct and etiquette at the Bar
- to prepare and present a case competently
- To draft pleadings and opinions
- The qualified barrister applies for a tenancy in chambers

## Qualifying as a barrister





# The Inns of Court

- Gray's Inn, Lincoln's Inn, Inner Temple and Middle Temple
- Keeping terms (dining at their Inn a fixed number of times or attending weekend courses run by their Inn)
- Call to the Bar – passing the examination conducted by the Council of Legal Education



# The Bar Council

- The governing body of barristers
- Regulated by a Code of Conduct
- Regulatory and representative functions
- Main purpose: to maintain and enhance professional standards
- Complaints against barristers are handled by the Bar Standards Board

# Bar Statistics



- According to the General Council of the Bar, in December 2006 there were 12,034 barristers in independent practice in England and Wales, of whom 67% were men
- 10% of all barristers from an ethnic minority

# Junior and Senior Barristers

- When a junior barrister has practised at the Bar for 10-15 years, it is possible to apply to the Lord Chancellor to 'take silk' - to become a senior barrister, or *Queen's Counsel*, whose work concentrates on court appearances, advocacy and opinions
- All barristers who are not QCs are known as junior barristers
- An independent selection panel recommends who should be appointed to the Lord Chancellor

# Queen's Counsel

- QCs or silks tend to specialise and take on more complex cases than junior barristers, and can command higher fees



# Silks

- <http://www.youtube.com/watch?v=1rHZzjcRB3g>

# Solicitors and barristers

- Solicitors are in direct contact with the lay client; can be sued for negligence
- They represent clients in courts of inferior jurisdiction
- In more serious cases, they do the preparatory work and approach the barristers
- Barristers represent the client in all courts

# Legal Services Act 2007

- The Act provides for the creation of the Legal Services Board (LSB) that consists of a Chairman and 7-10 members
- The role of the Board is to have independent oversight regulation of the legal profession

# Advocates' liability

- The House of Lords held in *Arthur JS Hall and Co v Simmons* (2002) that it is no longer in the public interest for advocates to have immunity from suit.
- Barristers can now be sued for professional negligence alleged to have occurred in court (previously they could be sued only for out-of-court preparatory work)



# Vocabulary exercise

Complete the following:

Professional \_\_\_\_\_ must be passed before anyone can become a solicitor. A solicitor is bound contractually to his or her client and can be sued for \_\_\_\_\_.

Barristers may take instructions only from \_\_\_\_\_, not from \_\_\_\_\_ directly.

# Answer key

- Professional EXAMINATION must be passed before anyone can become a solicitor. A solicitor is bound contractually to his or her client and can be sued for NEGLIGENCE. Barristers may take instructions only from SOLICITORS, not from LAY CLIENTS directly.

# Vocabulary exercise II

**Fill in the blanks with the words from the list below:**

*monopolies, sections, scrutiny, feature, clients, eroded, audience, conveyancing,*

- The chief \_\_\_\_\_ of the English legal profession is that it is divided into two \_\_\_\_\_, solicitors and barristers. The two sides were, traditionally, characterised by their \_\_\_\_\_. The Bar had a monopoly over rights of \_\_\_\_\_ in the higher courts and solicitors have a monopoly over initial contact with most \_\_\_\_\_. Solicitors' best-known monopoly was \_\_\_\_\_. These monopolies have been considerably \_\_\_\_\_ in the 1980s and 90s and the legal profession has been in a state of flux since it was subject of \_\_\_\_\_ by the Royal Commission on Legal Services from 1976-1979.

# Answer key

- The chief FEATURE of the English legal profession is that it is divided into two SECTIONS, solicitors and barristers. The two sides were, traditionally, characterised by their MONOPOLIES. The Bar had a monopoly over rights of AUDIENCE in the higher courts and solicitors have a monopoly over initial contact with most CLIENTS. Solicitors' best-known monopoly was CONVEYANCING. These monopolies have been considerably ERODED in the 1980s and 90s and the legal profession has been in a state of flux since it was subject of SCRUTINY by the Royal Commission on Legal Services from 1976-1979.

# Comprehension check

- Read Unit 6 (p. 27-28) and answer the following questions:
- Whose apprenticeship is known as a training contract?
- Who specialises in the formation of companies?
- Who is liable to be sued for negligence?
- Can barristers be disbarred?

**Thank you for your attention!**

