

Protecting the Citizen



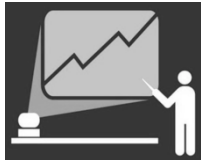
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Read & Précis: Chapter 4, Issue 1, pages 141-150

Welcome

- Ensure mobile phones are off
- No eating in the classroom
- You should take notes/annotate your Pdf print files



Topic Aims

- Civil and criminal law.
- Legal representation.



Criminal Law

- The law is a set of rules which sets a code of conduct in society.
- Why do we have criminal law?
- If a crime is believed to have been committed, the Police will investigate who was responsible.
- What is the role of the Crown Prosecution Service?

Criminal Law

- Can you give me an example of 'Criminal Law'?
- If I steal an apple which Court would I likely appear in?
- If I rob a bank which Court would I appear in?
- Distinguish between 'burden of proof' and 'standard of proof' in criminal law.
- What punishment can the court give a defendant?

Civil Law

- Can you give me an example of 'Civil Law'?
- Can you give me an example of a scenario that could provide both a criminal and a civil outcome?
- Unlike criminal law, civil law does not involve the state. It is often one private individual (or company) in dispute against another.



Civil Law

- What is the main purpose of civil law?
 - To compensate people.
 - To provide enforceable arrangements.
- If I want to claim for an unpaid debt of £300, which court will it be heard in?
- If I get seriously injured in an accident at work, which court might it be heard in?

Solicitors and Barristers

- The two professions are separate.
 - *Law Society* regulates solicitors.
- Solicitors deal with citizens directly, 'diagnosing' their legal problems and offering a solution.
- Citizens will usually approach a solicitor for advice or representation on litigation (civil law), conveyancing (property law), family law (divorce and custody) or personal injury claims.

Solicitors and Barristers

- Who regulates barristers?
- Self-employed.
- Must be a member of one of the four Inns of Court. **Can you name them?**
- Barristers have clients/citizens referred to them by solicitors. **Why?**
- A barrister advocates (i.e. argues) in court on behalf of their client.

Paying for legal services

- When faced with a legal problem, the average person will usually need expert help from a solicitor.
- What are the main difficulties for an ordinary person who is seeking legal help?
- When a person cannot get the help they need, it is said that they are being denied access to justice.

Access to Justice

- This Act was passed to replace the old Legal Aid scheme with two new schemes:
 - **The Community Legal Service** (for civil cases)
 - **The Criminal Defence Service** (for criminal cases)
- Both are overseen by the **Legal Services Commission**.

The Community Legal Service

This is able to provide:

- (1) **Legal Advice**
- (2) **Help at Court**
- (3) **Legal Representation**
- (4) **Support Funding**

The Criminal Defence Service

This is able to provide:

(1) Duty solicitor schemes

(2) Direct funding

- Advice and assistance
- Advocacy assistance
- Representation

(3) Employment of public defenders

Advice Services...

- CLS Direct (a telephone service)
- CDSD (a telephone service)
- Website – www.communitylegaladvice.org.uk
- Law Centres (e.g. Citizens advice bureau)
- Solicitors / not-for-profit organisations that have a contract with the CLS.

Conditional fee agreements

- A citizen can obtain an agreement with their lawyer that they will take on the case for no fee (or a reduced fee).
- If they lose, they will be given no fee (or a reduced fee).
- If they win, they receive the usual fee plus an additional 'success fee'.

Just to remind you...

➤ For the Unit 1 exam, you should be able to **know, understand** and **discuss**:

- The differences between civil and criminal law.
- The role of the solicitor, barrister and legal executive.
- Free legal advice schemes.
