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The Legal Profession

Prior to these lessons you should have read and précised chapter 10 of "*OCR Law for AS*" by Jacqueline Martin



No chatting in this Lecture

- ☛ Ensure your mobile is switched off.
- ☛ Take notes - you can annotate your PDF printout.
- ☛ Raise your hand if you wish to ask a question
- ☛ **Do not eat food in this classroom or leave any litter. When you leave the classroom please put your chair neatly underneath the desk.**

Types of Examination Questions

- ☛ The training of Solicitors and Barristers ...
- ☛ The work of Solicitors and Barristers ...
- ☛ Control of Solicitors and Barrister ...
- ☛ Reform proposals ...

Solicitors

- ☛ Over 100,000 practising in England & Wales
- ☛ Controlled by the Law Society.
- ☛ They have three stages of training (sub-headings):
- ☛ (1) Academic, (2) Practical, (3) Professional.

Solicitors training

- ☛ There is also a non-graduate route - undertaken through ILEX.
- ☛ Each student to re-produce in class figure 10.1.
- ☛ Three students to present to class one of each of the three routes to becoming a solicitor.

Solicitors: 3 stages of training:

Three sub-headings for 3 stages of training ...
Academic stage, Vocational Stage, and Professional/practical stage.

Solicitors can specialise in one area of law, but they still need a Law Degree or CPE (sub-heading (1) Academic Stage) –provides general subject knowledge.

Solicitors - 3 stages of training

Then must also do the (sub-heading (2) Vocational Stage) Legal Practice Course (at the College of Law or authorised University).

Then (sub-heading (3) Professional Stage) a period of apprenticeship as a trainee solicitor (who is paid).

Enrol with the Law Society (Master of the Rolls).

Solicitors work ...

What do solicitors do?

In what way can they specialise?

What is conveyancing?

What does a right of advocacy mean?

What is a certificate of advocacy?

Complaints against solicitors

Clients can sue a solicitor for breach of contract or negligence (see Griffiths v Dawson [1993])

What happened in the case of White v Jones [1995]?

What mechanism exists for complaints against a solicitor?

What is the role of the Legal Service Complaints Commissioner?

What powers does the Legal Services Ombudsman have?

Barristers ...

Senior Branch of the Profession

12,000 in independent practice in England & Wales.

Provide advocacy and written advice.

Controlled by 'General Council of the Bar'.

Barristers Training...

(Sub-heading) Academic Stage...

Law Degree or any other subject plus CPE.

(Sub-heading) Vocational Training...

One year bar course.



Barristers training:

(Sub-heading) Professional stage

**Membership of one of 4 Inns
– 12 dinners –
Call to the Bar.**

Practical Training...

Pupillage of 2 x 6mths.



Direct Access

**Sep 2004 – Bar granted direct access to anyone
for civil cases – no need to approach via a
solicitor.**

**Direct access is still not allowed for
criminal cases or family work.**



Activity...

**Read the article on page 128 of
“OCR Law for AS” and answer the
questions.**



What is a QC - How can I become one?

Who used to appoint QCs and why was it criticised?

Are women and ethnic minorities fairly represented?

What is the current method/system for appointing QCs?



Criticism...

**This leads to the assumption that Barristers
need to come from wealthy middle-class
backgrounds.**

**The Bar has developed an
aloofness from the general population.**



Control Over Barristers

**By Bar Council Benchers
Who set training and investigate complaints.**

**Legal Services Ombudsman may investigate
complaints about the way the Bar Council
has investigated a complaint.**

Complaints against Barristers

- A barrister cannot sue if their fees are not paid.
- Client cannot sue for breach of contract.

Salif Ali v Sidney Mitchell & Co (1977)

Held that a barrister could be sued for negligence in respect of written advice and opinions.

Hall v Simons 2000

House of Lords held that lawyers could also be liable for negligence in the conduct of advocacy in court.

This overruled Rondel v Worsley (1969).

Complaints against Barristers...

- **Bar Standards Board** – can order barrister to pay compensation of up to £15,000.
- **Senate of the Inns of Court** – can disbar a barrister from practising.
- **Legal Services Ombudsman** – investigates complaints.

Criticisms of Training Process

- **Financial problems.**
- **One year of formal law for non-law graduates.**
- **Over-supply of graduates.**

Criticism of Training

- Michael Zander argues that both the academic and vocational stages of training should be improved. He argues that law degrees should include preliminary training in areas such as drafting documents and developing interview skills.

Criticism of Training

- Zander further argues that both pupillage and training contracts can be 'infinitely variable' in quality 'ranging from excellent to deplorable depending on where they are undertaken'.

Who Deals With What (a Solicitor or Barrister)?

- A conveyance of land?
- Dealing with a person accused of a summary offence?
- Dealing with a breach of contract?
- Dealing with a Divorce?
- Taking an appeal to the House of Lords?

Legal Executives...

Professionals – educated via the Institute of Legal Executives (ILEX)

Need just 5 GCSEs – practical experience and 5 year training.

Must be supervised by a Solicitor – but they can convert their qualification through a Law Society Legal Practice Course.

Paralegals

USA term - often refers to a partly qualified legal secretary.

In England and Wales Paralegal Association set up in the late 1980s – aimed at those who lack the educational qualifications to take the ILEX course.

Can only work with legally qualified personnel – often doing office work (Local Govt, Commerce etc) ...

Licensed Conveyancers

Qualification first introduced in 1985 to break Solicitors monopoly on conveyancing.

Must have some practical experience and take professional exams. Need not be supervised by a solicitor.

Many now work for banks and building societies - assisting in mortgages and conveyancing (as a result of the provisions of The Courts and Legal Services Act 1990).

Fusion

- ☞ Fusion used to be a major debate. However, the Courts and Legal Services Act 1990 and the Access to Justice Act 1999 mean that barristers and solicitors can take a case from start to finish.

Fusion ...

- ☞ Under the AJA 1999 barristers have a right to do litigation (prelim work in starting a case). Solicitors now have wider rights of advocacy in all courts.

Legal Services Act 2007

- What is the role of the Legal Services Board?
- What provisions are made for complaints about legal services?
- What provisions are made for alternative business structures?

Women and ethnic minorities

- Legal profession has an image of being white and male dominated.
- However, over half of the entrants to the profession are now women.
- Despite this, only 10% of QCs are women and only 23% of solicitors partners are women...**Why is this?**

Break into Law Firms ...

- Produce a detailed essay plan for the examination questions on page 132 of "*OCR Law for AS*".