



THE ENGLISH LEGAL SYSTEM

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LEGAL PERSONNEL



BARRISTERS V. SOLICITORS

- Traditionally, a barrister has **access to the courts** and solicitors have **access to “lay clients”**
- Generally, a barrister can act only pursuant to instructions from a solicitor; specifically, the solicitor selects a particular barrister and that barrister is precluded from dealing directly with the client
- Barristers function as **sole practitioners**; solicitor are often **partners**

REQUIREMENTS TO BECOME A BARRISTER

1. Obtaining an undergraduate university degree in law (3 years)
2. Attending **the Inns of Court School of Law** (Gray's, Lincoln's, Inner Temple, Middle Temple), or other validated Bar Vocational Course provider (1 year)
3. Passing the “bar final exams” (thereafter “called to the bar”)
4. Completing a “pupilage” (internship) in chambers, where the novice lawyer benefits from association and attendance at court with an experienced barrister (1 year)

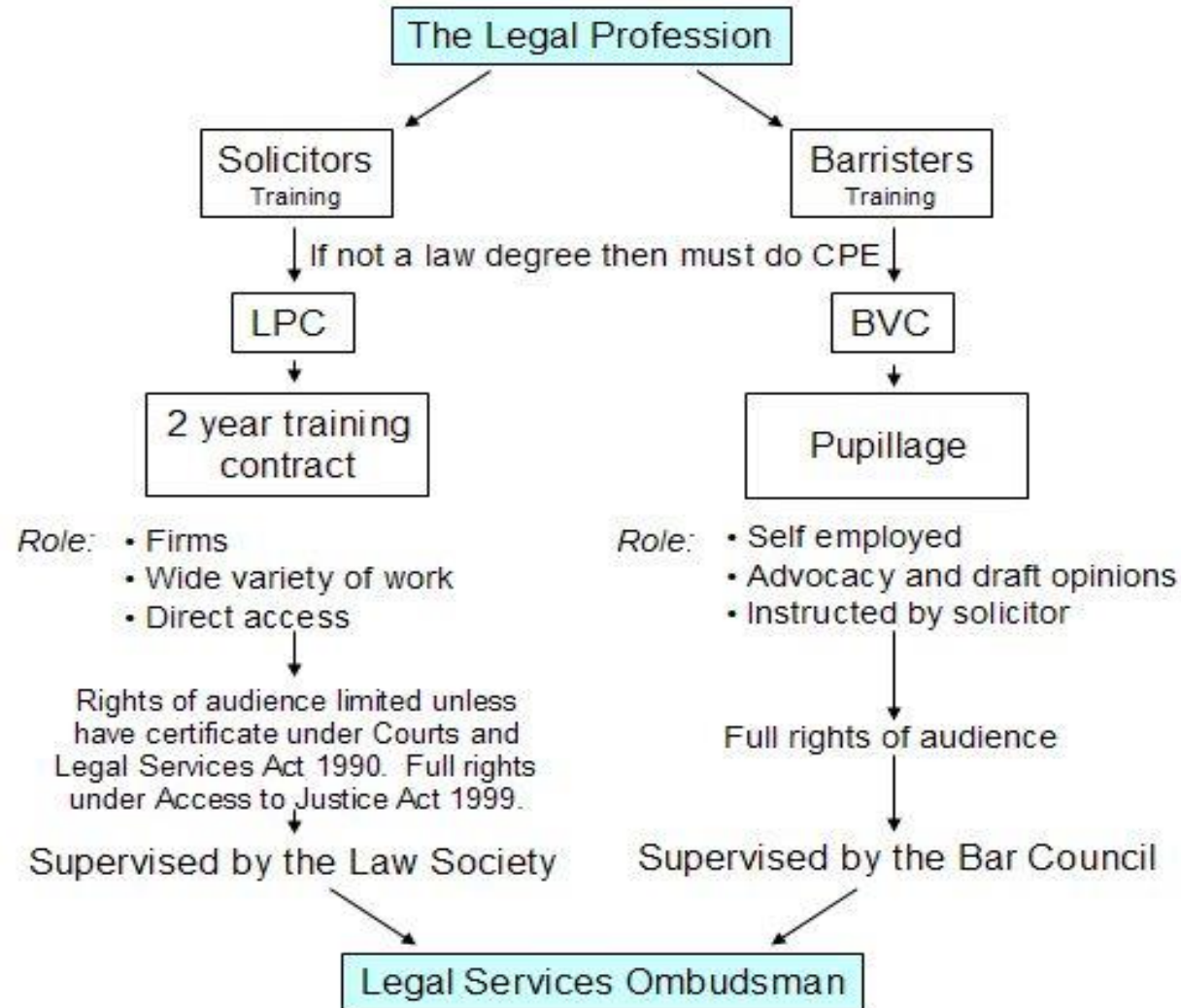
WHAT ARE THE CHALLENGES IN BECOMING A BARRISTER?

- Requirements for the **Bar Vocational Course (BVC)** are strict and the course is demanding
- Many graduates have difficulty securing and financing a pupillage—the pupil can earn nothing in the first 6 months
- Although some chambers offer funding to pupils, the practice is not widespread

REQUIREMENTS TO BECOME A SOLICITOR

1. Obtaining an undergraduate university degree in law (3 years)
2. If the undergraduate degree is in a subject other than law, the student must pass the **Common Professional Examination (CPE)**. This requires first completing a 1-year course in substantive law and legal research
3. Completing a **Legal Practice Course (LPC)** (1 year)
4. Completing a “trainingship” (internship) with a firm of solicitors (2 years)

BARRISTERS AND SOLICITORS COMPARED



HOW DO BARRISTERS AND SOLICITORS WORK TOGETHER?

1. Client initially contacts the solicitor with a problem
2. Solicitor evaluates the problem. If filing a lawsuit is appropriate, the solicitor prepares all the necessary research and paperwork
3. If the case appears to be going to trial, the solicitor contacts the barrister and provides her/him with all necessary information and documentation. The solicitor also outlines the tasks the barrister must perform
4. The paperwork is traditionally tied with a colored ribbon (“brief”) and delivered to the barrister
5. After review of the instructions, the barrister conferences with the solicitor and the client, and then argues the matter at issue in court

“RIGHTS OF ACCESS”

- Typically, the solicitor is the “office lawyer” and the barrister is the “trial lawyer” (**advocate**)
- However, in 1990, Parliament passed the Court and Legal Services Act, which abolished the exclusive rights of barrister access to the higher courts
- In order for a solicitor to appear in court, however, she/he must obtain “certification”
- Relatively few solicitors have sought this certification
- Direct access to barristers by clients is generally not allowed; some exceptions exist for professional bodies such as trade unions and the police

JUDGES

- Known as “members of the bench:
- May enter the profession in any court (not necessary to start at the bottom)
- Appointed by the **Judicial Appointments Commission (JAC)**; thereafter permanently appointed by the Queen
- Both barristers and solicitors may be appointed as judges (must have 5-7 years of holding the relevant legal qualifications, as well as legal experience)
- Tenure: lower court judges can be removed by the Lord Chancellor for **incapacity** or **misbehavior**
- Higher court judges can only be removed by the Queen

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- Judges are expected to be **completely independent** since they review executive actions
- Judges are expected to be **impartial**
- Are subject to the principle of **judicial immunity** (generally, they cannot be sued)
- Must retire at age 70 (75 in some circumstances)

ATTORNEY-GENERAL

- Serves as head of the English Bar
- Is a member of government; represents the Crown in civil/criminal cases that are “political or constitutionally sensitive” (for example: treason)
- May order a *nolle prosequi* (order halting a criminal prosecution)
- Represents the public in **relator actions** (lawsuits aimed at protecting the public interest, for example nuisance)

SOLICITOR-GENERAL

- Is always a barrister, not a solicitor
- Functions as a deputy assistant to the Attorney-General
- May act on behalf of the Attorney-General if authorized to do so

CROWN PROSECUTION SERVICE

- Created by the Prosecution of Offences Act of 1985
- Is the first national system for prosecuting crimes independent of the police
- Is involved only in complex cases or those of public interest
- Has no investigative powers. Investigations are handled by the police, and then shared with CPS

TERMINOLOGY

1. Bar – the professional body of barristers
2. Bench – the seat of a judge in court
3. Common Professional Examination (for prospective solicitors)
4. Law firms

WHAT TYPE OF LAWYER ARE YOU— BARRISTER OR SOLICITOR?



HELENA NORMANTON



QUESTIONS?

