

Law Homework

[1] A) Outline the stages in training and qualifying as a solicitor (10 marks)

Solicitors are general practitioners of the legal world, dealing with all kinds of legal problems. There are around 100,000 solicitors and their governing body is the Law Society, which supervises training and discipline.

There are three parts in becoming a solicitor which are academic training, vocational training and a training contract. Academic training is the starting point which involves a person successfully completing a qualifying law degree (law graduate route) or by completing a non-law degree course followed by a Common Professional Examination (CPE) or a Graduate Diploma in Law (GDL), which is a non-law graduate route. The next part in becoming a solicitor is the vocational training. This is a one year Legal Practice Course, designed to provide professional training and advocacy skills. This course cost around £5,000 and teaches solicitors how to apply the law to the need of clients.

After passing the Legal Practice exams the next stage is to enter a two-year period of practice based training under a training contract, usually in a solicitor firm. Trainee solicitors will work in at least three area's of law such as personal injury law, conveyancing and company law. The areas depend on the nature of the firm and the interests and needs of the trainee. Skills are developed through working on clients' cases under close supervision and work should be reviewed regularly.

The Solicitors Regulation Authority requires that all solicitors participate in continuing education throughout their careers. They have to complete at least 16 hours of education a year. In addition solicitors must complete the Law Society's Management Course Stage 1 by the end of their third year in practice. This is a one-day course which deals with basic aspects of management that are essential to a solicitor.

[1] B) Describe the work of Barristers, Solicitors and Legal Executives both in and out of court (20 marks)

Barristers are usually self-employed although like solicitors, some are employed by law centres and other advice agencies. Although barristers are usually self-employed they do share offices, called chambers, with other barristers. All barristers in a chambers share a clerk, who arranges meetings with the client and negotiates the barristers' fee.

In court advocacy is the main function of a barrister where they speak on behalf of their client, mainly appearing in higher courts. Barristers may also be involved in appeals to higher courts where they will try to find appropriate grounds for appeal, based on the original trial, and apply for leave to appeal. As barristers spend most of their time in court they become experts in predicting what decision a judge or jury will come to, therefore another role is giving legal opinions and advice on matters of law. Barristers are specialists, yet their work load varies from being in court to drafting legal documents and giving opinions.

Barristers work under the 'Cab Rank Rule' which means that if they are not already committed for the time in question they must accept any case which falls within their claimed area and for which a reasonable fee is offered. In practice barristers' clerks, who take their bookings, may manipulate the rule to ensure barristers are able to avoid cases they do not want to take.

Solicitors are usually the first port of call when a person recognises that they need legal advice. Solicitors' role is more varied than that of a barrister in the range of tasks they may be involved in. Solicitors have traditionally been able to do advocacy work in the magistrates' and county courts but not in the higher courts. This was changed by The Courts and Legal Services Act 1990 and The Access to Justice Act 1999. These acts are in place in order to equalise right of audience between barristers and solicitors.

The vast majority of solicitors work in private practices working with individual clients: the general public and local businesses. For most solicitors paperwork takes up most of their time including conveyance, drawing up wills and contracts, as well as giving written and oral legal advice. However solicitors do more work in court than is often imagined. In civil matters they represent their clients' at most interlocutory hearings (hearings before trial). In criminal cases they represent their client in the magistrates' court where they would usually be the advocate and because 98% of criminal cases are dealt with in the magistrates' court, solicitors as a group participate in more advocacy than barristers.

Solicitors work can be divided into two groups; contentious, which is the argumentative and aggressive work relating to going to court, and non -

contentious, which is dealing with things such as wills and non-argumentative work outside of court.

Legal Executives are members of the ILEX (institute of legal executives) which was set up in 1963 with the support of the Law Society. The aim was to provide a body recognising the work done by non-solicitors working in a solicitors' office. There are currently around 22,000 legal executives.

Legal executives specialise in particular areas of law such as conveyance, wills, matrimonial matters and general litigation. Day-to-day work of a legal executive is similar to that of a solicitor earning fees for the firm of solicitors for which they work. Legal executives are usually experts in one field of work, concentrating exclusively on that type of work and quite often all the work on a particular matter will be handled by a legal executive rather than a solicitor.