

Qualifying either as a Barrister or a Solicitor Exam

1a). The organisation responsible for the training and discipline of barristers is called the Bar Council.

For someone currently studying for A Levels, can qualify as a Barrister via one of the following routes:

Route number 1 to becoming a barrister;

1. Law Degree.
2. Bar Vocational Course. This is a one-year course organised and monitored by the Bar Council, focusing on skills needed when the law student becomes a barrister.
3. Pupils join one of the four Inns of Court in London. This is an opportunity to meet, socialise with and make connections with more experienced barristers.
4. The student is then called to the Bar, which means they are qualified as a barrister.
5. Before they can appear in court, however, they must find a place to become a pupil to an experienced barrister. This involves two separate sixth-month periods and is called pupillage. Normally for the first six months the pupil barrister shadows a barrister and during the next six months may represent clients in court.

Route number 2 in becoming a barrister;

1. Student has a degree in a subject other than law.
2. Common Professional Examination: this is a one-year conversion.
3. Steps 2-5 of route number 1.

The financial realities of a barrister's life can cause problems. Many students leave undergraduate degree courses with considerable debt. Fees are normally a long time in coming to the newly established barrister.

1b). Most of the work of a solicitor involves giving advice to clients and carrying out administrative tasks, including conveyancing (dealing with the legal requirements of buying and selling property) or probate (drafting wills and acting as executors for the estates of deceased persons). Other routine work includes drawing up various kinds of contracts, setting up companies and advising clients on family law problems.

Solicitors can act as advocates and represent clients in both magistrates' and county courts, in which they have 'rights of audience'. The opportunity to obtain rights of audience for the higher courts (crown and High Court, and appellate courts) was first made possible by the Courts and Legal Services Act 1990, and was extended in the Access to Justice Act 1999. For rights of audience, solicitors have to qualify as solicitor-advocates.

Solicitors as a group actually do more advocacy work than barristers since 97% of criminal cases are tried in magistrates' courts, where both the prosecuting and the defending lawyer are solicitors.

Even where a barrister has been instructed to represent the client in a court case, the solicitor still has an important role in the overall litigation process, handling various procedural aspects of the case such as evidence gathering and discovery of documents.

Solicitors usually work in partnerships. There has been a trend in recent years for firms of solicitors to merge into larger partnerships, which in turn has led to increasing specialisation.

Barristers belong to a 'referral profession': this means that members of the public cannot go to them directly but first have to consult a solicitor, who will then instruct a barrister if it is considered necessary. This is one of the biggest differences between the two legal professions. This process is also similar to that of seeing a general practitioner first with a medical problem, and then being referred by the GP to a hospital consultant if the problem is serious. Barristers may, however, be engaged directly by certain professionals, e.g. accountants, and, since 1996, by members of the public whose cases have been handled by Citizens' Advice Bureau (CAB) staff.

Barristers are obliged under the 'cab-rank' rule to accept any case referred to them, provided it lies within their legal expertise, the appropriate fee has been agreed and they are free at the time to accept the brief. This means that barristers cannot refuse

to accept instructions in a case on the grounds of their own beliefs, the nature of the case or the character of the person on whose behalf they are instructed.

Most of the work of barristers involves advocacy in any court as they have full rights of audience in all English courts. The other main activity of barristers is that of providing counsel's opinions to solicitors on behalf of clients who require a specialised second opinion.

Barristers are self-employed and work from a set of chambers with other barristers who share administrative and accommodation expenses. A clerk is employed, whose work involves booking cases and negotiating fees.

After 10 years in practice, barristers may apply to the Lord Chancellor to become Queen's Counsel or QC called 'taking silk', as they wear a court gown made of silk. About 10% of barristers are QCs. Becoming a QC is a required step for most barristers if they aspire to be circuit or High Court judges.

As you can see from the different roles above, both the role of a solicitor and the role of a barrister are in some cases similar but in others very different.