

b) The work of a solicitor is quite different from that of a barrister

Outline the work of the two professions and consider whether this statement is accurate.

In the legal profession, there are two main categories of a lawyer. These two categories are barristers and solicitors. Between the two there are differences such as their training, their wages as well as their individual roles. In this essay, I will be discussing the different areas and how they differ. I will also compare them to each other and will analyse and evaluate them.

To train as a barrister, you need a degree of at least at upper second class honors. If the degree is in law then the graduate can go onto the next stage of training. However, if the degree is in another subject than law, then the student must do a Common Professional Examination or then a Postgraduate Diploma in Law to go onto the next stage of training as a Barrister. This is known as the academic training. On the other hand, to train as a solicitor the graduate is needed to have a similar educational background to a barrister. It is essential to have a degree of some sort and by doing a Common Professional Examination (CPE), it provides general knowledge of the subject. This is handy as when the student goes and does their practical training, they are not shocked by what is going on. It provides a brief insight.

During a barristers training, once the academic side has been completed, the hopeful barrister is required to join one of the four Inns of Court, either Gray's Inn, Lincoln's Inn, the Middle Temple or then the Inner Temple. After joining one of the four Inns, the barrister has to attend twelve dinners or then if not one can attend educational forums such as weekend residential courses. The purpose of the dinners is so that the barrister can meet people of the same profession such as judges. The barrister makes contacts so that when they need advice of any sort, they can ask a contact. This is beneficial as the barrister can learn additional information from the senior and experienced members of the professional as not everything is written in black and white.

The Bar Vocational Course (BVC) is the practical part of a barristers training. The BVC helps to develop key skills such as legal research, fact management and advocacy as well as the core areas of knowledge of civil and criminal litigation and evidence and sentencing. Then after completing the BVC, the students are called to the Bar where they graduate. The duration of this course is one year. Each student on the BVC course pays between £4000 and £7000.

A solicitor goes on a vocational course known as the Legal Practice Course (LPC) where the students can expect to pay between £4000 and £7000. The duration of this course is one year as is the barristers training. The course is of a practical nature and consist the students learning a variety of skills and techniques. For example students will learn the technique of learning how to interview clients, how to draft contracts, how to advocate before courts. Additionally, the students will learn how to draft business and solicitor accounts. Therefore, this course is seen to be very demanding and it is essential that the students dedicate themselves to this in order to pass it successfully. The skills mentioned need to be mastered if you hope to become a top

solicitor as these are what solicitors mostly do. If not, then your career can be jeopardized if mistakes are made.

If students intend to practice as a barrister, then they have to spend twelve months doing a pupillage with a senior barrister. This is the final step for a student before becoming a practicing barrister. Pupillages are hard to find and there is not enough financial support for the trainee barristers. Up to £6000 is paid for pupillage by some groups of barristers but the trainees are to provide themselves for their travel expenses, books, specialised clothing and living expenses. Doing pupillage exercises the extensive knowledge and the skills the trainee barrister has gained during their legal studies and during the BVC. After six months of doing pupillage, the trainee barrister is allowed to appear in courts on behalf of clients. A major disadvantage is that their salary is often very small for all the hard work that has been put in. Little salary is better than no salary as it used to be in the old days.

For a solicitor, after having completed the LPC, the next step is to attain a training contract with a fully qualified solicitor. This is the last step before a trainee solicitor becomes a practicing solicitor with all the necessary qualifications. Usually this is with a firm. It could also involve working with a private company or a local authority. The contract is drawn up for two years and is similar in nature to a barrister's pupillage. The trainee solicitor will be required to adopt many skills and techniques learnt combined with the knowledge they have gained throughout their studies. During the two years, the trainee will gain experience of a day-to-day business of a solicitor. The trainee is expected to have the same degree of professionalism as a fully qualified solicitor has. The only disadvantage of this is that trainees get paid as little as £5000 a year.

After a trainee solicitor has completed the contract and has passed all exams, she/he applies to the Law Society in order to be admitted. This is done by the Master of the Rolls adding the name of the new solicitors to the roll of officers of the Supreme Court of Judicature.

A solicitor who wishes to practice has to take out an annual practicing certificate issued by the Law Society. This has to be paid for.

Once a barrister is qualified, they become self-employed. Normally they join a set of groups of barristers where they share the work load and working expenses. Wages of these barristers is often paid 18 months late. They can't wait this long as they have to pay for travel expenses etc, and cannot sue for their fees.

I will now describe the roles of a solicitor. Members of the public go to a solicitor to seek his/her advice. There is a variety of matters brought to a solicitor to deal with, including conveyancing, a great quantity of a solicitors work, probate and litigation. Solicitors are the only method of gaining access to a barrister, however, professionals such as accountants may approach an advocate directly.

The relationship between a solicitor and client in contractual and such is subject to the ordinary law of contract. This means therefore a solicitor can sue for their fees.

If the solicitor is negligent the client may have an action against him in tort for damages.

In equity the solicitor and client relationship is regarded as a trusted one.

The solicitor must act in good faith in every dealing with his client. He is in a position of trust and must refrain from using undue influence upon his client.

A solicitor owes a duty of confidentiality to his client.

A solicitor is liable to disciplinary proceedings where his conduct falls short of a criminal offence before the Solicitors Disciplinary Tribunal. The tribunal members of the Supreme Court have the jurisdiction to strike his name from the name from the roll or suspended him for misconduct.

Like a barrister, a solicitor can be liable for contempt of court.

I will now describe the roles of a barrister. A barrister is mainly known as an advocate as this is most of their work. A barrister can be called upon to prosecute in one case and defend in the other.

A barrister must be content with paperwork. Paperwork comes in the pre-trial stages of a case. She/He may be asked to give written advice on a legal matter, taking the counsel's opinion.

Barristers are not allowed to form partnerships but can share chambers and a clerk who serves other barristers.

Barristers can be fined or imprisoned for contempt of court.

An honorarium is paid to a barrister, voluntarily for a service which is free. Therefore a barrister cannot sue for fees. In Rondel v Worsley (1969) it was said that a barrister cannot sue for negligence whilst acting as an advocate, this has been overruled by Hall v Simons (2000). Now barristers can be sued for negligence by their clients at any time. As a matter of etiquette, barristers refer to each other as my learned friends. They do not shake hands and do not use headed notepads. An important rule is that subject to exceptional cases, counsel can only accept instructions from a solicitor.

After explaining the differences between barristers and solicitors, it seems that both have a lot in common. For example a similarity is that academic training is the same i.e. a degree of upper class is needed in Law or some other subject. Their training of a similar nature, working with qualified professionals. There they master key skills and techniques as well as exercising their knowledge. This practical training course will cost each between £4000 and £7000, so it preferred that students are from a wealthy background.

Barristers and solicitors roles, however, are not quite so similar. A barrister goes into court and fights whereas a solicitor's job is mainly paperwork and advice members of the public when needed. Solicitors are a link to barristers, yet some professionals can approach a barrister directly. This is the main difference between the two professions. So I conclude that, despite the similarities, the work of a solicitor is quite different from that of a barrister.