



The Legal Profession

Unit 1A/Foundation

THE LEGAL PROFESSION

WORKING IN LAW

Exercise 1

Look at this list of legal occupations. All of these people work in law. We call all of the people who work in these jobs, 'the legal profession'. Match the jobs with one of the descriptions.

Solicitor

Attorney

Barrister

Lawyer

- a** This person is a lawyer who gives legal advice and opinions to solicitors. He or she passed the exams of the Bar Council of England & Wales at the end of his or her studies.
- b** This person is a lawyer who gives legal advice to individuals and companies. He or she passed his or her exams in the USA at the end of his or her studies and is usually a member of the American Bar Association.
- c** This person is a lawyer who gives legal advice to individuals and companies. He or she passed the exams of the Law Society of England & Wales at the end of his or her studies.
- d** This is the general job title that we use for people who work as a solicitor, barrister or attorney.

Exercise 2

Read this text about working in law. The most important words are in the key vocabulary below. Decide if the statements on the next page are true or false.

Key vocabulary

● lawyer	● practise	● barristers	● law firm
● attorney	● judge	● training contract	● acting for
● qualified	● legal practice	● partnership	● represent
● litigation	● advocacy	● pleading a case	● specialise
● right of audience	● appear	● solicitors	● clients

There are two types of **lawyer** who **practise** in England. They are called **barristers** and **solicitors**. In the USA and most other countries, lawyers don't make this division – a lawyer is simply known as an **attorney at law**, or an **attorney**.

In both England and the USA, it is not possible to take a special exam to be a **judge**. If you decide that you want to be a judge, you must get a lot of experience as a lawyer first, then apply to be a judge and wait to see if you are chosen.

Most law students in England become solicitors. When they finish their university studies they do a one year legal practice course and then a two-year **training contract** with a **law firm**. After that, they are **qualified** solicitors. Many solicitors work for a **legal practice**, which is usually a **partnership** of solicitors

who work together. Solicitors practise in many areas of law, although each solicitor usually chooses to **specialise** in one particular area. They represent their **clients** both in and out of court. We often describe this as **acting for** a client. The process of making a claim in the civil court is called **litigation**.

Barristers are self-employed lawyers and don't work in partnerships in the way that solicitors do. They are specialists in **advocacy**, which is the skill of speaking for someone in court. We call this **pleading a case**. They also give opinions on areas of law to solicitors and the solicitors' clients. It is not just barristers who have the **right of audience** in court – solicitors are also allowed to **represent** their clients in court and many solicitors **appear** in court every day. It is not true to say that a client always needs a barrister in court.

a There are two types of lawyer practising in England. True False

b Last year I finished my training contract and I started working for a large international law firm. I am now a qualified lawyer. True False

c Only barristers can speak on behalf of clients in court. True False

d Many solicitors work together in partnerships but barristers don't. True False

e In the USA and England lawyers can take a special exam to be a judge. True False

MAKING A CLAIM IN THE CIVIL COURT

In the English and American legal systems we divide the law into two main areas. These are **criminal law** and **civil law**.

This means that everything that is *not* a criminal matter is a civil matter.

Exercise 1

Look at these situations and decide if the person needs a **criminal** lawyer or a **civil** lawyer. In other words, is it a **criminal matter** or a **civil matter**?

a Mr Bellerby is opening a new factory. He needs to visit a lawyer to get a contract for all of his employees to sign.
 criminal civil

b Mrs Robson is thinking about what she wants to happen to her house and possessions after her death. She needs to visit a lawyer to get the correct document, which is called a 'will'.
 criminal civil

c The police are taking Mr Dean to the police station because they say he stole a car. He needs a lawyer to come and visit him there to tell him what to do.
 criminal civil

d Mr Flynn owns a restaurant. He has a contract with a company to deliver fruit and vegetables to his restaurant. The company didn't deliver them on the agreed date, so Mr Flynn lost money because he could not open his restaurant that day. Mr Flynn needs to see a lawyer about asking the delivery company to give him the money he lost.
 criminal civil

e Mr Allen is a bank manager. The bank is saying that some money is missing. Mr Allen has a new car and expensive clothes. The police are coming to ask Mr Allen some questions. He needs a lawyer immediately.
 criminal civil

Help desk

What do these words mean?

criminal law – the law that punishes acts against a person or against property that people consider to be harmful to the whole community. The state prosecutes criminals.

civil law – the law concerning the rights and duties of private individuals and companies rather than criminal matters.

a matter – a subject or situation, e.g. a criminal matter, a civil matter.

a will – a legal document in which a person gives details of what they want to happen to their property after their death.

to steal (stole) – to take something that belongs to someone else with the intention of keeping it.

Exercise 2

Read the information below. It is about starting a claim in the civil court. Decide if the statements under it are true or false.

Starting a claim in the civil court

When you are in dispute with another person sometimes it is necessary to start a claim in the civil court. We sometimes call this process 'filing a claim' or 'issuing a claim'. Lawyers also say, 'starting proceedings'. We do not use the verb 'to prosecute' in civil law because that verb is only used in criminal law. In England most civil claims are filed in the County Court. There are over 200 County Courts in England and Wales. Most cities and large towns have a County Court.

The person who starts the claim is called the claimant in the UK. This person was called the plaintiff until 1999, when there were new court rules in England to make everything easier for people to understand. However, in the USA the claimant is still called the plaintiff. In both England and the USA the other party is called the defendant.

A claim form is the document that a claimant uses to start legal action against the defendant.

Why might a claimant start a claim? There are a lot of reasons, for example:

- someone refuses to pay you money that they owe to you
- someone does a job for you, but they do it badly – we call this bad workmanship
- something that you paid for is not supplied to you
- something that you bought is not working properly.

The claimant has to pay a sum of money, called a court fee, for the court to issue proceedings. In the claim form, the claimant must state the amount of his or her claim and request the defendant to pay all of the legal costs of the case.

Sometimes people talk about 'the small claims court'. They really mean the special procedure that exists at the County Court for small claims. A small claim is a claim for a maximum amount of £5000.

<p>a Starting a claim means the same as starting proceedings.</p> <p>b You can 'prosecute' someone in the civil court.</p> <p>c There are more than 200 County Courts in England and Wales.</p> <p>d The word 'plaintiff' is not used in England any more but it is used in the USA.</p> <p>e It is free to start a claim in the County Court.</p> <p>f There is a special court in a separate building for making small claims.</p>	<input type="checkbox"/> True <input type="checkbox"/> False
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Help desk**What do these words mean?**

to be in dispute – to have a serious disagreement with another person.

a party to a court case – the claimant or the defendant.

to owe money to someone – to have to pay someone for something that they have done for you or given to you.

legal costs – the court fees and payment for the lawyer who is acting for you.

a procedure – a decided way of doing something.

to prosecute – to take legal action against someone in the criminal court.