



## **Part 2**

### ***The legal professions in Great Britain***



### **In England and Wales**

- ***Lawyers: the big shake-up***
- ***Judges***
- ***Other people involved in the administration of justice***

### **The Scottish difference**

## ENGLAND AND WALES

### Lawyers

The legal profession has been divided into 2 main branches (**solicitors and barristers**) for centuries. (since the 14<sup>th</sup> cent.) **Judges** are issued from their ranks.

Traditionally, the 2 professions (solicitor, barrister) were very distinct. Due to all the reforms that have been implemented in recent years, the separation of the 2 professions is not as clear cut as before and **solicitor-advocates** are now well-established. There is also a fierce debate about the creation of a **fused profession**.

The shake-up of the legal world is expected to go further with, for example, **important reforms concerning the education** in both professions, the emergence of new professions such as **Chartered Legal Executives** or the competition from **Alternative Business Structures (ABS)**



### Solicitors

The **Law Society** is the representative body of solicitors in England and Wales.

It is also responsible, through its independent regulatory body created in 2007, the **Solicitors Regulation Authority (SRA)**, for the **legal education and training** of solicitors, their **admission to the profession** and the **discipline** of the profession (i.e dealing with the **complaints** for example) .

## **1) EDUCATION & TRAINING**

The qualification system for solicitors has recently changed. From **October 2021**, the **Solicitors Qualifying Examination (SQE)** has become the new centralised way to qualify as a solicitor in England and Wales. The **SQE** is designed to **test the competences and legal knowledge** of students. For students who have already started a qualifying law degree, conversion course or training contract there are **transition arrangements** in place **for several years** to qualify as a solicitor under the former route.

To summarize, to qualify as a solicitor you must now:

- **have a degree (in any subject)** or equivalent qualification (such as legal apprenticeship)
- **pass both stages of the SQE assessment**
- **have two years' qualifying work experience** (which is much more flexible than the former 'training contract')
- **meet the SRA character and suitability requirements**

### **THE ACADEMIC REQUIREMENTS**

Although it is possible to get a legal qualification by completing a **6 year 'learn-as-you-earn' apprenticeship** after secondary school, the normal and quickest way of becoming a solicitor will still imply **to be a graduate** / to have a degree **in any subject**. Of course if the degree is **not a law degree (LLB)**, students will surely need to study law and legal practice to get ready for the SQE. It will be highly **recommended** - although **not mandatory** - to attend **a conversion / preparation course offered by Universities or private institutions** (for example 'SQE Law Essentials', MA Law or Postgraduate Diploma in Law)

### **THE SQE ASSESSMENTS**

The SQE is divided into two parts – **SQE1 and SQE2**.

In **SQE1**, students are tested on **'functioning legal knowledge'** which assesses their application of law based on realistic client-based scenarios in multiple choice questions. There are two multiple choice papers of 180 questions each, covering all aspects of the **SQE1 syllabus** (including criminal, tort, contract, land, equity, constitutional and EU law.) Students have to pass SQE1 before being eligible to sit the SQE2 assessments. It is likely that many candidates will take SQE1 at the same time as, or slightly after, they complete their academic education.

**SQE2** is a **single, uniform assessment** for all candidates, consisting of 15 to 18 exercises ('stations') which sample across the skills and practice areas. Candidates are not be able to choose the practice area for their skills assessment. SQE2 tests candidates' **legal skills** through **written and oral simulations** of the tasks that a newly qualified solicitor might have to undertake in practice (criminal litigation, dispute resolution, property, probate as well as business organisations, rules and procedures.) **SQE2** also tests candidates on the **practical legal skills** required for practice, including interviewing, advocacy, legal research, legal drafting or case analysis

It is likely candidates will take SQE2 near the end of their qualifying work experience (QWE). However, some employers may require their employees to complete the SQE2 at an earlier point.

Candidates will only be allowed **three attempts** at the **SQE1**, and once completed they will have to **finish SQE2 within six years**.

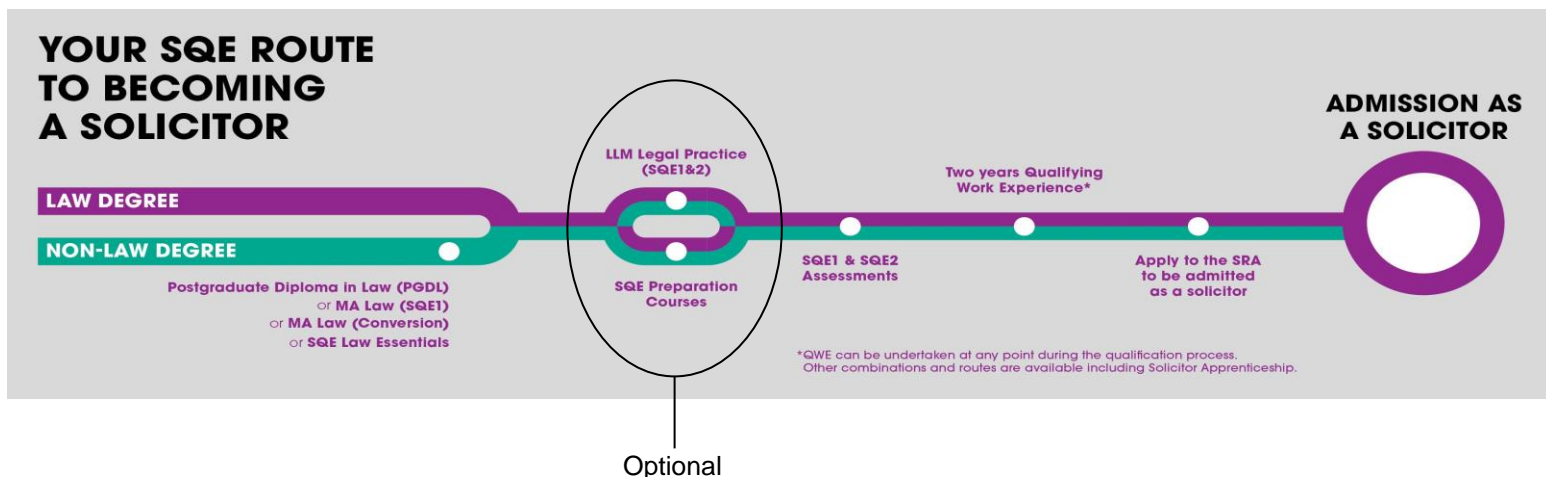
## THE PRACTICAL TRAINING

All candidates need to complete **at least two years full-time** (or equivalent) **qualifying work experience (QWE)**

QWE aims to be a more flexible approach than the former training period ('training contract'). It gives candidates the opportunity to interact with clients, see how solicitors work in practice, consider ethical challenges

Contrary to the previous system, there are no longer requirements for contentious / non-contentious work or to work in a specific number of legal areas.

QWE can be done in **law firms, legal clinics in academic institutions, law centres or other appropriate organisations**. There is no minimum length of time for placements. Candidates should consider whether a placement will give them enough time to have the opportunity to develop the necessary competences. They do not have to complete QWE in one block directly before qualifying as solicitors, as most candidates currently do. A candidate can gain experience as they progress through their education, and this experience could include **summer work placements** or work as a **paralegal**. However, it is likely that many employers will continue to take on trainees for a two-year period as is current practice.



## THE CHARACTER AND SUITABILITY ASSESSMENT

The assessment of character comes at the **final stage of the legal training** and is carried out once the candidate – who has completed all the components of the SQE - **applies to the Solicitors Regulation Authority (SRA)** to be added to the **Roll of solicitors** (this aspect remains unchanged from the former pre-2021 arrangements). This background check seeks to assess the future solicitors' **integrity and fitness for the profession**. The SRA takes into account the need to **“protect the public and the public interest”** as well as **“maintain public trust and confidence in the solicitors’ profession”**. For example, any criminal conduct will be taken into account in judging whether a candidate is fit to practice as a solicitor, with serious offences increasingly affecting the likelihood of being barred from practice. Beyond criminal offences, any examples of financial dishonesty, a disciplinary hearing from a regulatory body, and providing misleading or false information when asked for evidence could count against the candidate.

## THE COST

The SRA has sought to make the ***route into the legal profession the same for all applicants***, and to make it ***more financially accessible***. The cost for the SQE is ***significantly less*** than the cost for students under the former system of qualification. SQE 1 costs £1,100 to £1,650 and SQE 2 costs £1,900-£2,850. The combined cost is, therefore, £3,000-£4,500. Including the £9,000+ a year to complete a degree, the total cost would be a maximum of £32,250, which is much more reasonable than £57,500 before.

## 2) ROLE OF SOLICITORS

They are the main ***advisers to the public***: they are the first contact for a person who needs legal advice. Solicitors ***represent and defend clients' legal interests*** in many situations, for example: giving expert advice on everyday issues, such as buying and selling homes, and dealing with relationship breakdowns; helping businesses with commercial transactions; protecting individuals' rights, making sure they're treated fairly by public or private bodies etc ...

Their functions include ***non-contentious work*** i.e dealing with the legal aspects of a client's business or personal matter such as drawing up of wills, probate, adoption of a child, conveyancing (transfer of property), drawing up of contracts, advice on employment law, formation and winding up of companies...

But they are also involved in ***contentious work*** such as matrimonial cases (divorce and child care), personal injury, negligence, breach of contract, criminal cases ...

Concerning contentious work, they can try to ***settle the case out of court*** by reaching an ***agreement*** with the other party. If a settlement out of court is impossible, they play the part of an ***intermediary (= a go-between)*** between the client and the barrister: they engage the barrister and prepare the various documents (= ***the brief***) necessary for the barrister's ***pleadings***. But they ***can also represent their clients in court***.

In the past (before the passing of the ***Courts and Legal services Act, 1990***):

- ***barristers*** had the ***exclusive right to represent clients in the superior courts*** (***Crown Courts*** in criminal trials, the ***High Court*** in civil trials, and also in the ***Court of Appeal*** and in the ***House of Lords***)
- and ***solicitors*** had the right to ***appear only in the lower courts*** (the ***Magistrates' courts*** in criminal matters and the ***County Courts*** in civil matters).

The 1990 Act established that ***solicitors*** could appear in ***higher courts*** if they obtained a ***certificate from the Law Society proving their competence*** to do so. They become ***solicitor-advocates***

After a slow start, a significant number of ***solicitors*** have now ***specialized in advocacy***. However the total number remains low. Approximately ***7,000 solicitors*** (in April 2023) have obtained the ***higher right of audience*** for criminal or civil cases, or both. The 'Law Society Gazette' has noted that a number of solicitors decide to qualify as ***solicitor-advocates*** very early in their careers.

Solicitors are supposed to be ***on an equal footing*** with barristers ***before all court*** including ***the Supreme Court of the United Kingdom*** or ***the European Court of Justice***. They wear a gown, winged collar and bands, and may also wear a wig in circumstances where they are worn by barristers.

In the light of this evolution a potential ***fusion*** between the professions of barristers and solicitors is regularly evoked, but the idea is met with strong resistance, particularly from the Bar.

There are about ***165,000 practicing solicitors*** in ***England and Wales***. (March 2024)

There is an **increasing tendency for solicitors to specialize**: for example, they may choose to become tax lawyers, matrimonial lawyers, criminal lawyers...

Solicitor-client relationship

Solicitors have a **contractual relation with their clients**, so they may be sued by them for negligence and they can sue their clients for non payment of fees.

The solicitor-client relationship is regarded in Equity as a fiduciary relationship, i.e. a relationship based on good faith, so **anything said by the client to the solicitor is in strict confidence**.

Any **breach of the practice rules** will result in a prima facie allegation of **misconduct** by the solicitor. Such allegations are now investigated by the **Law Society (SRA)** under the umbrella of the **Legal Complaints Service**. (now the **Legal Ombudsman** since 2010 )

Source : Solicitors Regulation Authority 2023

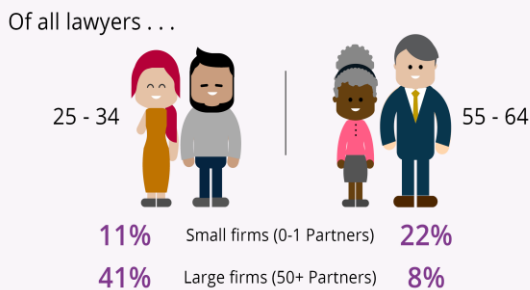
**Diversity in law firms - overall**



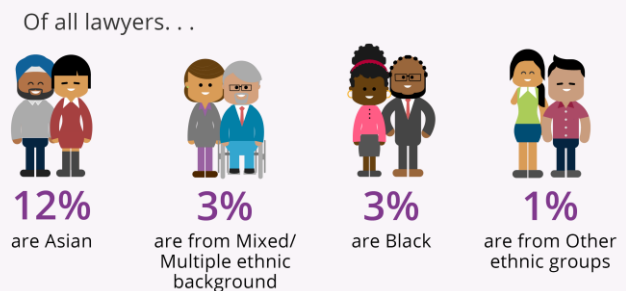
**Sex - women in all law firms**



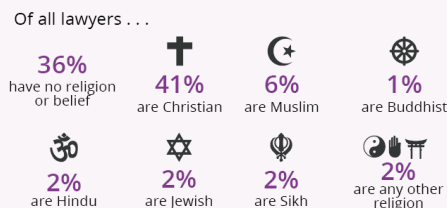
**Age in law firms**



**Ethnicity in law firms**



**Religion and belief in law firms**





## Barristers

Barristers specialize in **advocacy**. They are known individually as **counsel**, and collectively as **the Bar**. There are approximately **17,800 practising barristers (in 2023)**, **14,200 of whom practice independently in over 400 sets of Chambers** around **England and Wales**. **Two thirds work in London**, and about **40% are women (6,900)**; A further 3,500 barristers work (a growing number) in an employed capacity for various organisations. (government, Crown Prosecution Service, industry and trade ...) . The **Bar Council** is responsible for the **education**, the **maintenance of the honour and independence** of the Bar, the **maintenance of professional standards**, the **consideration of complaints of professional misconduct** against members of the Bar (administered by the **Bar Standard Board (BSB)** , a branch of the BC)

### 1/ EDUCATION & TRAINING

It is done in 3 stages.

#### THE ACADEMIC STAGE

At the end of his/her higher education, the student obtains a degree.

If it is a **law degree**:

. the student must have acquired the basic knowledge of 7 foundation subjects i.e. Criminal Law; Equity and Trusts; Law of the European Union; Obligations 1 (Contract); Obligations 2 (Tort): Property/Land Law; and Public Law (Constitutional Law, Administrative Law and Human Rights Law) In addition to these subjects, your degree should also cover the skills associated with graduate legal work such as legal research.. Excellent results are required at all levels of study and it is necessary to pass this degree at or above the level of **Lower Second Class Honours**.

If it is **not a law degree**, the student must obtain a **Graduate diploma in Law (GLD)** after a one-year law course (**conversion course**) .

#### THE VOCATIONAL STAGE

The vocational stage covers a range of subjects to ensure that law students acquire the specialist skills, knowledge of procedure and evidence, attitudes and competence to become barristers. In order to enrol on a Bar training course, you must be fluent in English, be a member of one of the **Inns of Court**, and have passed the **Bar Course Aptitude Test**. ( the **BCAT** tests students' aptitude for critical thinking and reasoning; it does not

test legal knowledge. Its aim is to ensure that those undertaking the Vocational Component of training have the aptitude to succeed. The test consists of 60 multiple choice questions )

During the vocational component, students must also attend qualifying sessions with their **Inns of Court** which are **colleges for barristers**, dating back to medieval times. The **4 of them** are in London, near the Law Courts (Lincoln's Inn, the Inner Temple, the Middle Temple and Gray's Inn). The Inns provide support for barristers and students through a range of educational activities, lunching and dining facilities, access to common rooms and gardens and the provision of various grants and scholarships. During this period, the student must also "**keep terms**": it means he/she has to dine in the Hall of his/her Inn a fixed number of times during the 4 terms of the legal year; this custom offers students the opportunity to meet senior members of the profession and to learn from them.

After a candidate has been accepted by an Inn, there is a **one-year course of training**, the **Bar Professional Training Course (BPTC)**: attendance is compulsory and the course is based on **continuous assessments** throughout the year ending with the **Bar Finals** in June. Fees for the BPTC are now between **£15,000 and £19,000**

Students who have completed the vocational stage successfully are called to the Bar referred to as **Barristers-at-Law**. However, they may not practise as barristers until they have completed the pupillage/work-based learning/practical stage

Because of the increasing number of applications for vocational training, a selection system was introduced in 1990: the **intake to the vocational course** is now **limited** each year.

### **THE PRACTICAL STAGE**

Students who want to practise must serve an apprenticeship called "**pupillage**":

It lasts a year with a practising barrister in **barristers' chambers** (this is the term used for the offices where barristers work – singular: a set of chambers) .They are **paid a salary**.

During the first six months:

- . the student learns to **draft pleadings**, to **prepare cases** and he **attends court hearings**
- . he/she takes part in "**mock trials**" (hypothetical cases involving legal problems) and "**moots**"

(mock trials that take place in court, before the Bench).

At the end of this first period, the student is given a **Practising Certificate** so he can now accept work for himself and appear in court during the second period.

At the end of the second period he is awarded a **Final Certificate**.

### **STARTING PRACTICE**

Then the young barrister must find a "**tenancy**" in barristers' chambers. He/she shares the chambers and the services of a **Clerk**. But if the barrister shares chambers, he/she remains **independent** and **self-employed**:

Before the Courts and Legal Services Act 1990, barristers were not allowed to work in partnership. Now, they may do so with the approval of the General Council of the Bar (this is to favour international opportunities).

He can also now , under certain conditions, **be instructed directly by members of the public**. Members of the public may **engage the services of the barrister directly** through the barrister's clerk **without a solicitor being involved at any stage**.



## **2/ ROLE OF BARRISTERS**

The role of barristers is **advice** (they give legal advice to solicitors and their clients) and **advocacy** (they represent them in court).

They have right of audience in every court from the Magistrates' Courts to the Supreme Court of the United Kingdom.

A barrister traditionally wore a **gown** and a **wig** (*except in Magistrate's Courts*). A reform took place on Jan. 1, 2008, **scrapping the wigs** for judges and barristers in all civil cases and keeping it only for criminal proceedings.

But barristers have overwhelmingly pressed for the **right to continue to wear them in civil courts as well**.

Traditionally also, a rule of procedure required that a **barrister should not be approached directly by his client**: he should be "**briefed**" by a **solicitor** so that he **would not be personally involved with his client** and **would only be concerned with applying the law**. As mentioned above, the rule has changed in recent years.

All barristers (no matter what age) are called **junior counsel**, unless they have **taken silk** (become a **KC**)

To "**take silk**", a barrister must be experienced, he must have practised at least 10 years and he must have earned a reputation. Then he can apply to become a **King's Counsel (KC)** – formerly **Queen's Counsel (QC)**.

If successful, he will be **appointed by the Monarch** on the **recommendation of the Lord Chancellor**: this will entitle him to **wear a silk gown**, to **appear in court assisted by junior counsel** and to **choose the cases** he wants to deal with.

There are currently about 2,000 barristers KC. A KC deals with the most important cases and he may **hope to become a member of the judiciary**.

**Solicitor advocates** who have been recognised for excellence in advocacy can now also be appointed KC

However in recent years there has been a debate about the relevance and use of the rank of King/Queen's Counsel.



### **BARRISTER – CLIENT RELATIONSHIP**

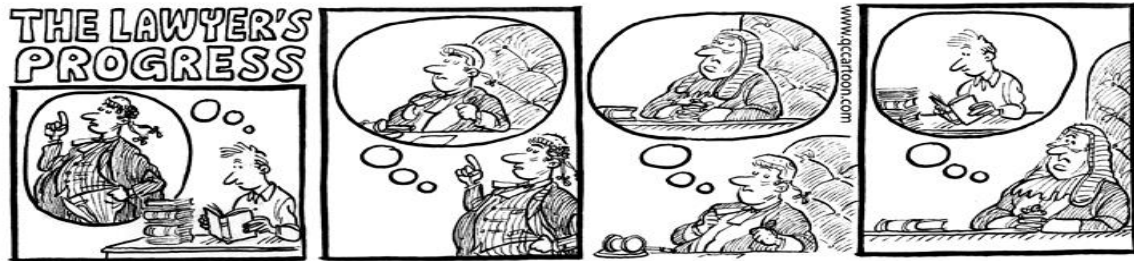
The relationship between a barrister and his client is **not contractual**.

Until the Courts and Legal Services Act, 1990, a barrister was not allowed to sue for his fees and consequently he/she could not be sued for negligence concerning the way a case had been conducted in court but he/she could be sued for negligent advice or preparation during the pre – trial period.

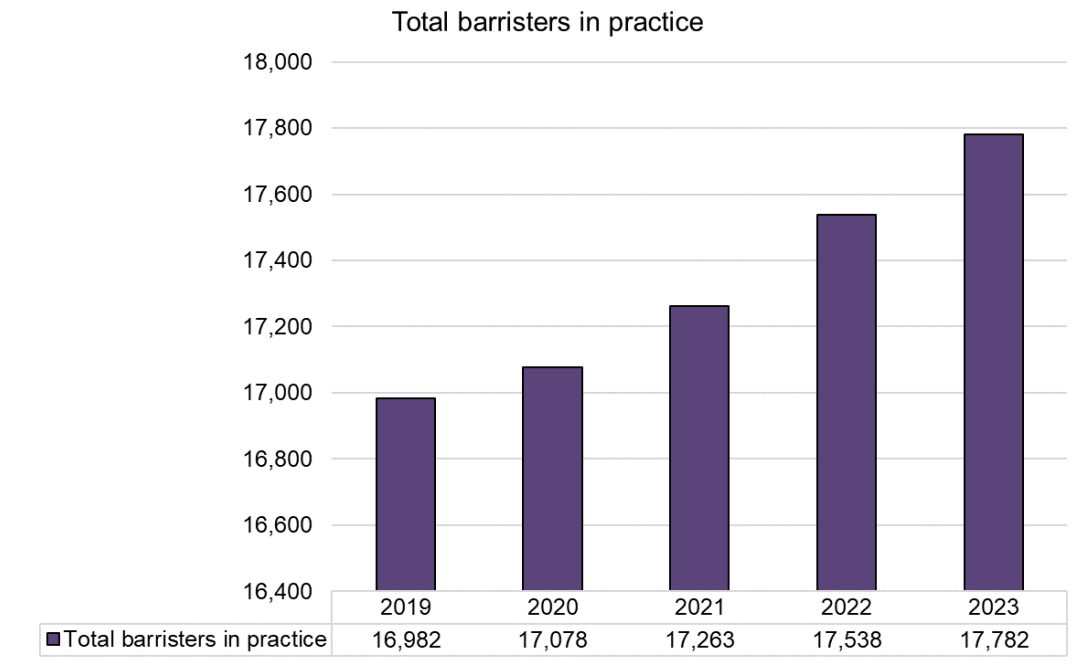
In July 2000, a committee of 7 judges of the House of Lords put an end to this old immunity by ruling that barristers (and solicitor – advocates) **could now be sued over their conduct of legal proceedings**.

A barrister is entitled to **brief fees** (which covers the preparation and the first day of trial), then they are paid **extra fees** for additional days in court.

**There is a rule that barristers** should accept any brief he is offered in the courts where they normally practise: this is sometimes called the "**cab-rank**" principle, but in practice the rule is often not respected and a client on **legal aid** may have difficulty in getting a particular barrister.



The Times Thursday February 19 2009



## Legal aid

**Legal aid** in England and Wales was originally established by the *Legal Aid and Advice Act 1949*. Today, legal aid in England and Wales costs the taxpayer £2bn a year and major reforms are currently in progress. It can cover legal advice, mediation or representation. Applicants must meet the **eligibility criteria** for income level.

Legal aid in England and Wales is administered by the **Legal Services Commission (LSC)**. Depending on the type of case, people can qualify or not for legal aid. It is available for most **criminal cases**, and many types of **civil cases** (debt, family issues, employment, housing, benefit payments, education, medical negligence ...) with exceptions (defamation, wills, personal injury, immigration ...).

Most **personal injury cases** are now dealt with a system of **contingent fees** (**"no win no fee" system**)

**Criminal legal aid** is generally provided through **private firms** of **solicitors and barristers in private practice**.

There is also a limited number of **public defenders** directly employed by the **Legal Services Commission** in **Public Defender Service** offices to provide advice in police stations and advocacy in Magistrates and Crown courts. However, the majority of state funded criminal defence work is provided by **private lawyers** contracted to the Legal Services Commission and paid **by the state** under the legal aid scheme. Civil legal aid is provided through **solicitors and barristers in private practice** but also non-lawyers working in **law centres** and **not-for-profit advice agencies** (for ex. **Citizen's Advice**)

Some lawyers or firms sometimes also provide **pro bono advice** or **representation**

## Chartered Legal Executives

Since 13 October 2011, "**Chartered Legal Executives**" is now legally protected as a professional designation and title. **CILEx** is the **professional body** which represents and regulates **legal executive lawyers**. CILEx provides education, training and the development of skills for its members. CILEx has around **20,000 members**, who are either **paralegals, legal professionals, or qualified Chartered Legal Executive Lawyers** (of which there are around **8,550**). The latter are **qualified lawyers** in a specialist area and undertake **work often similar to that of a solicitor**. They can also take an extra CILEx qualification to qualify as advocates, although their rights of audience are restricted in comparison to those granted to solicitors or barristers.

Trainees will often **work at the same time as studying** in order to acquire **practical skills**. The courses can be undertaken at a college, university or through an open learning programme. The courses are open to graduates and non-graduates.

They are eligible to be **partners in alternative business structures (ABS)**. Chartered Legal Executives are required to have the same high **ethical standards** as barristers and solicitors. Chartered Legal Executive lawyers attend to a **wide range of legal work**, generally **specialising in one or more** area or practice (conveyancing, wills and probate, personal injury, family law employment law etc...)

The modern legal executive evolved from the 19th-century managing clerk. When solicitor firms started to grow in the 19th century, they increasingly relied on an ever-expanding number of **law clerks** for drafting and organizing documents.

## Alternative business structures

**Alternative Business Structures (ABS)** were introduced in the Legal Services Act 2007 and are **professional firms/companies that provide reserved legal services** (such as conveyancing, litigation, probate) as a whole or **part of their business**. The first ABS was licensed in October 2011.

Two elements distinguish ABS from existing legal professional businesses: a degree of **external ownership** and investment (banks, insurance companies, phone companies, retailers ...) and/or a **mix of lawyers and non-lawyers working together in the same firm**.

The ABS can offer clients **a number of legal services** within reserved legal services the ABS is expressly licensed to provide. The reserved legal service is usually **provided by a lawyer** working within the firm who is already **qualified to provide them**. (examples of a 'reserved legal services' : the conduct of litigation , exercising rights of audience , conveyancing , probate activities , notarial activities; administration of oaths ...)

There was a lot of **reluctance from law firms** when the the first ABS were licensed. Most firms are now trying to get the best from the new system.



The Times Thursday June 11 2009

## Judges

**Until the 1990 Act**, judges were **recruited exclusively among barristers QC**. **The 1990 Act** put an end to the monopoly of barristers as regards the profession of judges, opening the way to **solicitors**, under certain conditions.

### THE DIFFERENT CATEGORIES OF JUDGES

- **FULL TIME JUDGES**

**THE JUSTICES OF THE SUPREME COURT OF THE UNITED KINGDOM** (Formerly the Law Lords / the Lords of Appeal in Ordinary)

12 Justices sit in the Supreme Court which started work on October 1, 2009, headed by a President and a Deputy President. They sit in panels of 5 or 7 at the top of the hierarchy, in the highest court in the country, the **final court of appeal**. Decisions are taken by majority.

They are appointed from among **top judges** who have a **15-year Supreme Court qualification** (i.e. Court of Appeal and High Court + Scottish and Northern Irish Courts)

**THE LORDS (AND LADIES) JUSTICES OF APPEAL**

Abbreviation L.J., plural L.J.J.

They sit in the **Court of Appeal**. They are **appointed by the King** on the **advice of the Prime Minister**, generally from **High Court judges**.

**HIGH COURT JUDGES**

They have not a distinctive title, they are known as **puisne judges**. They are referred to as **Justices of the High Court**; the name of the judge is followed by the letter J, plural JJ.

They are **appointed by the King**, on the recommendation of the **Lord Chancellor**, from **Circuit Judges of 2 years' standing**.

**CIRCUIT JUDGES**

They are **appointed by the King** on the advice of the **Lord Chancellor**, from **recorders** or from people with a **10-year Crown Court** qualification . They sit in County Courts and in Crown Courts.

### **DISTRICT JUDGES**

They are the judges who sit in either a County Court or a Magistrates' Court; the latter were formerly known as **Stipendiary Magistrates**

- **PART TIME JUDGES**

#### **RECORDERS**

They are **part-time judges** usually a **practising barrister** or **solicitor** sitting mainly in **Crown Courts** and in **County Courts** for about **a month a year**.

#### **MAGISTRATES**

Magistrates are also called **Justice of the Peace (JPs)**. They are **ordinary citizens** who exercise judicial functions on a **part-time basis**. i.e. they are **lay magistrates**. They generally generally **sit in threes** in order to give judgement.

Their duties are limited to maintaining public order and reducing the work of the superior courts by dealing with the **less serious crime**

They are **appointed by the Lord Chancellor**, on the advice of a number of committees in England and Wales, These committees provide the Lord Chancellor with the names of persons whom they think worth of being magistrates, i.e. persons suitable in character, integrity and understanding. They try to have a **fair representation of all socio-political groups** and to balance sexes, so that each Magistrates' Court is **representative of the community**. JPs are **not lawyers**; so nowadays before they can take their functions, they receive some **part-time legal training**, including courses on English law, and have the obligation to attend some court sessions as observers. They are removable by the Lord Chancellor for absenteeism, misbehaviour, etc... Magistrates are **unpaid volunteers** but they are given **expenses** (e.g. travelling expenses). They exercise their duties on a part-time basis, helped by a "**Clerk to the Court**";

### **Other people involved in the administration of justice**

#### **THE LORD CHANCELLOR (Secretary of State for Justice)**

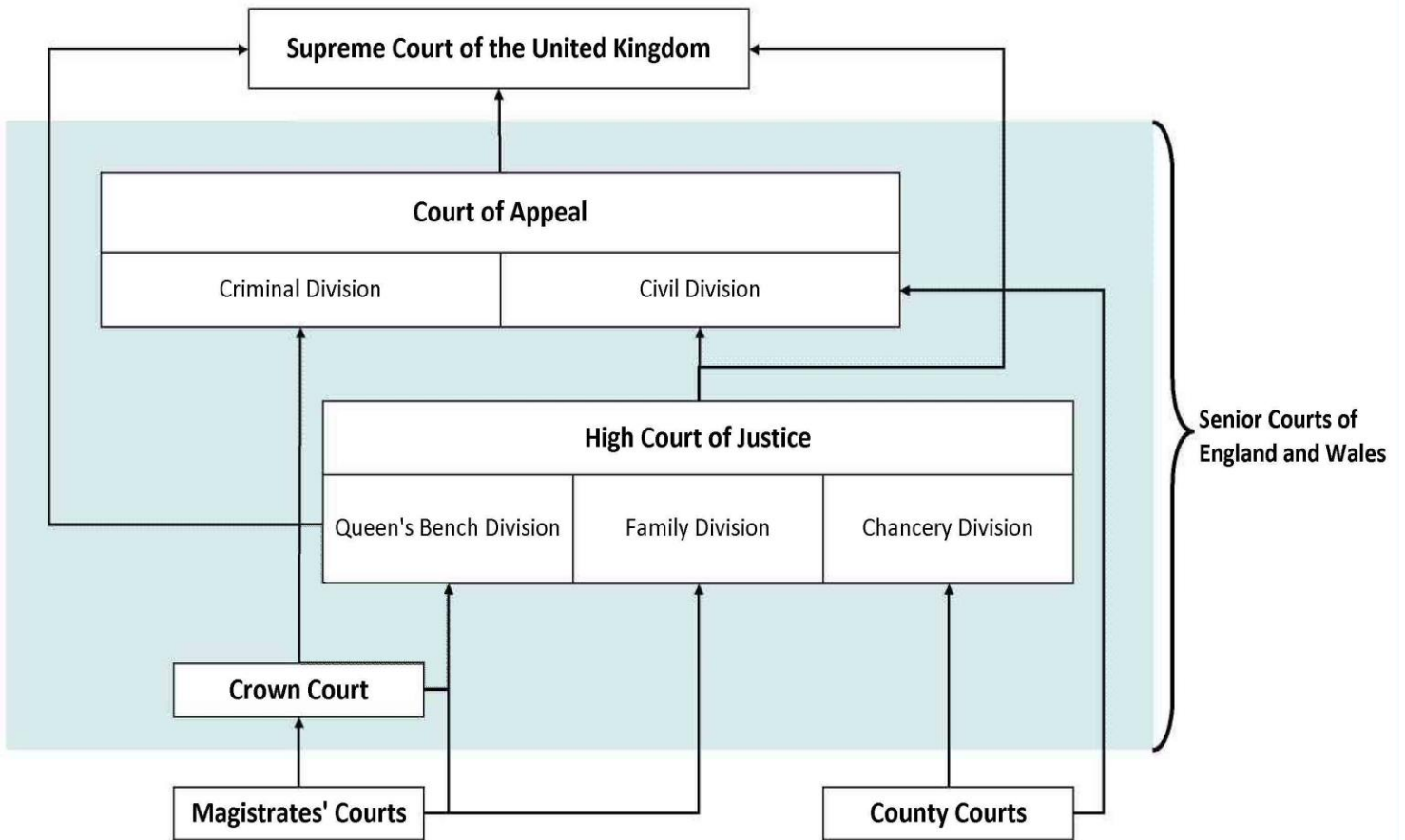
**Until 2003**, he was **the head of the judiciary of England and Wales**, a **member of the cabinet** (in charge of Justice) , and the **Speaker of the House of Lords**. Because he held prominent positions in all three branches of government, the office was a clear exception to the doctrine of the separation of powers. **Since the Constitutional Reform Bill** , his judicial powers are greatly reduced. He is a **member of the Cabinet** (heading the **Ministry of Justice**) and, by law, is **responsible for the efficient functioning and independence of the courts**. His role as **head of the judiciary** was transferred to the **Lord Chief Justice** and the **Lord Speaker** now presides over the House of Lords.

**THE ATTORNEY-GENERAL** is a Minister, therefore a **member of the Government** . He is the government's principal legal adviser, e.g. he scrutinizes drafts of bills. He is also head of the Bar, he can start proceedings in the High Court and represent the interests of the Crown where the public interest is concerned. He represents the Crown before international courts.

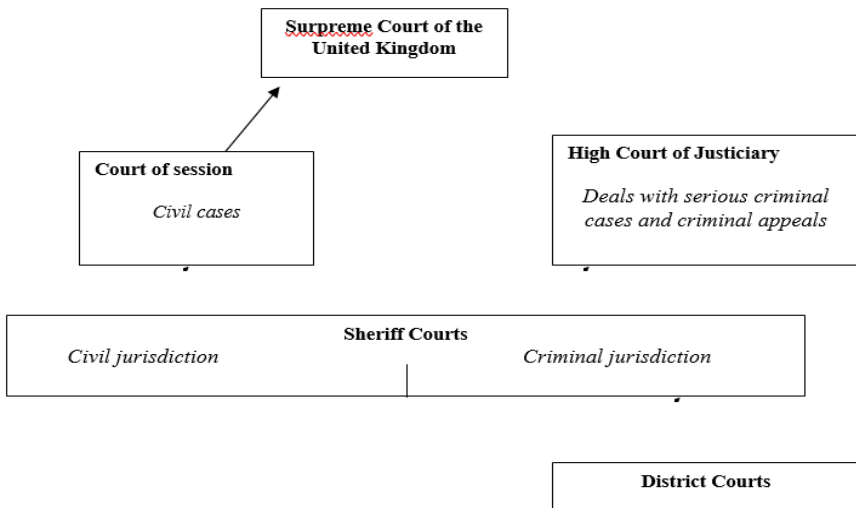
#### **THE DIRECTOR OF PUBLIC PROSECUTIONS**

The **DPP** is not strictly a Law Officer of the Crown but a Civil Servant who plays a very important role in criminal matters. He is **head of the Crown Prosecution Service (CPS)**.

## The court system in England and Wales



## The Court system in Scotland



# **The Scottish difference**

*Scotland has its own unique system, Scots Law, based on Roman (or Civil) law, and generally mixed with elements of Common Law*

*Scotland's legal system is separate from those of England and Wales*

*In Scotland the legal profession is divided between solicitors and advocates, the distinction being quite similar to that between solicitors and barristers in England and Wales*

## **Advocates**

*Advocates, the equivalent of the English Barristers, belong to the Faculty of Advocates which distinguishes between junior counsel and Queen's Counsel (QC).*

*Advocates specialise in presenting cases before courts and tribunals, with near-exclusive rights of audience before the higher courts, and in giving legal opinions. They usually receive instructions indirectly from clients through solicitors, though in many circumstances they can be instructed directly by members of certain (professional) associations.*

*There are about 460 advocates in practice in Scotland. About one-fifth are QCs who are typically appointed on merit after not less than about thirteen years in practice*

*Every advocate is entirely self – employed although for administrative purposes counsels are organised in groups known as 'stables'.*

*The usual basic requirements are a degree in Scots law and the Diploma in Legal Practice (after a one-year full-time postgraduate course at a Scottish University), followed by at least a year (usually 21 months) training in a solicitor's office and the last part of professional training before admission as an advocate is an unpaid year, spent shadowing a junior advocate . This is called 'devilling' .There is a different pathway to becoming an Advocate for: (i) Barristers qualified in England & Wales or Northern Ireland who have completed a full period of pupillage*

*Scholarships are available from the Faculty of Advocates for people considered to have particular talent and ability.*

## **Solicitors**

*Solicitors (95% of lawyers in Scotland ) are members of the Law Society of Scotland and deal directly with their clients in all sorts of legal affairs.. There are over 11,000 solicitors in Scotland (51% female)*

*In the majority of cases they present their client's case to the court, and while traditionally they did not have the right to appear before the higher courts, since 1992 they have been able to apply for extended rights, becoming solicitor-advocates.*

*The Law Society of Scotland require prospective solicitors to pass exams in a curriculum set by the Society. Ordinarily this is done by obtaining an LLB in Scots law at a university approved by the Society. Prospective solicitors are then required to take the Diploma in Legal Practice (a one year course provided by several Scottish universities) and then undertake a two year traineeship with a law firm, before they can qualify as a solicitor.*

## **Solicitor-Advocates**

*While Solicitors and Advocates are distinct branches of the Scottish legal profession, there has been a blurring of this position in recent years. The Law Society of Scotland may, upon proof of sufficient knowledge through exams, practice, training etc, grant rights of audience before the higher courts to solicitors. This is due to the Law Reform (Scotland) Act 1990.*

## **Judges**

*The Senators of the College of Justice, are the judges of the Court of Session and of the High Court of Justiciary ..The (judges or) sheriffs are experts in the law and sit in the Sheriff courts. They are generally former advocates and are appointed by the Queen on the recommendation (on merit) of the Scottish First Minister.*

*Similarly to the situation in England and Wales , a shake up of the Scottish legal system is in progress with major changes concerning cuts in legal aid , the development of ABS or the emergence of Chartered Legal Executives for instance*

*Note : the prosecution service is called the Procurator Fiscal Service in Scotland.*

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## VOCABULARY (in alphabetical order)

<b>Advisers</b>	Conseillers
<b>Advocacy</b>	Plaidoirie, plaider (defence)
<b>Avocates</b>	≈ Avocat (en Ecosse) cf. <i>barrister</i> (en Angleterre)
<b>Appoint</b>	Nommer
<b>Bar finals</b>	≈ CAPA
<b>Barrister</b>	≈ Avocat (en Angleterre et Pays de Galles)
<b>Be called to the Bar</b>	Être inscrit(e) au Barreau
<b>Breach of practice rules</b>	Violation des règles déontologiques
<b>Brief</b>	≈ dossier d'audience
<b>Chambers</b>	- Cabinet d'avocat ( <i>barrister</i> ) – (Angleterre) - Cabinet du juge
<b>Clerk</b>	clerc
<b>complaints</b>	Plainte, réclamation
<b>Compulsory</b>	obligatoire
<b>Contentious <i>adj</i></b>	Contentieux
<b>Continuous assessment</b>	Contrôle continu
<b>Conveyancing</b>	Transfert de propriété
<b>Core disciplines</b>	Matières fondamentales
<b>(Court) hearing</b>	Audience
<b>Curriculum</b>	Cursus ; programme (d'études)
<b>Director of Public Prosecution</b>	Avocat général
<b>Draw up / draft a contract</b>	Rédiger un contrat
<b>Enrol</b>	Se faire embaucher ; s'inscrire
<b>Expenses</b>	Frais ; dépenses
<b>Faculty of Advocates (scot.)</b>	Barreau (en Ecosse) cf. <i>the Bar</i> en Angleterre
<b>Fees</b>	-Honoraires -redevance, droit d'inscription
<b>Fiduciary relationship</b>	Rapports de confiance
<b>Go-between</b>	Intermédiaire
<b>Good faith</b>	Bonne foi
<b>Gown</b>	Robe
<b>Graduate <i>vb</i></b>	Obtenir un diplôme
<b>Home Secretary</b>	Ministre de l'Intérieur
<b>Implement</b>	Mettre en oeuvre ; accomplir
<b>In threes</b>	À 3 (personnes)
<b>Inns of Courts</b>	≈ école d'avocat (où sont formés les <i>barristers</i> )
<b>Intake</b>	Admission
<b>JP (Justice of the Peace)</b>	≈ juge d'instance (non professionnels)
<b>Justices</b>	Juges (Supreme court, Appeal Court, High court)
<b>Juvenile courts</b>	Tribunal pour enfants ;
<b>Keep terms</b>	Respecter le règlement des <i>Inns of Court</i>
<b>Law firm</b>	Cabinet d'avocats ( <i>solicitors</i> )
<b>Law Society</b>	Ordre des <i>solicitors</i>
<b>Lay magistrates</b>	Juges non professionnels
<b>Legal aid</b>	Aide juridictionnelle
<b>Life peers</b>	Pair (member de la Chambre des Lords) à vie
<b>Litigation <i>nom</i></b>	Contentieux; litige
<b>Lord Chancellor</b>	≈ Garde des Sceaux
<b>Lord Chief Justice</b>	Président de la Haute Cour
<b>Lord Justices of Appeal</b>	Juges de la Cour d'appel
<b>Master of the Rolls</b>	≈ Président de la Chambre Civile de la Cour d'appel
<b>misconduct</b>	Faute
<b>Mock trials</b>	Procès simulé (pour élèves –avocats)
<b>Moot</b>	Tribunal fictif
<b>Out of court settlement</b>	Règlement à l'amiable
<b>Personal injury</b>	Domage corporel
<b>Probate</b>	Validation de testament
<b>Prospective</b>	Future; potentiel



<b>Puisne judge</b>	Juge de la Haute Cour
<b>Pupillage</b>	Stage de fin d'étude du futur <i>barrister</i>
<b>QC</b>	Avocat de rang supérieur ≠ Junior Counsel
<b>Roman law</b>	Droit romain ; droit civil
<b>scrutinize</b>	examiner
<b>Self employed</b>	Indépendant , libéral
<b>Senators of the College of Justice (scot)</b>	Juges des cours supérieures (en Ecosse)
<b>Sheriff (scot)</b>	≈ Juge du Tribunal de Grande Instance (en Ecosse)
<b>Solicitor-advocates</b>	<i>Solicitor</i> autoriser à plaider dans les cours supérieures
<b>solicitor</b>	≈ conseiller juridique; avocat
<b>Stipendiary judges</b>	Magistrat professionnels (rémunérés) des cours inférieures
<b>Sue</b>	Poursuivre en justice (civil)
<b>Take silk</b>	Devenir QC
<b>Tenancy</b>	Place dans Cabinet d'avocat ( <i>barristers</i> )
<b>Trainee</b>	Stagiaire
<b>Training (period)</b>	Stage
<b>Vocational stage</b>	Formation professionnelle
<b>Wig</b>	perruque
<b>Wills</b>	Testaments
<b>Winding up</b>	Cessation d'activité; liquidation

The top 200 UK law firms 2020 by revenue

Rank 2020	Firm	Revenue 2019/20 (£m)
1	 DLA Piper	2,111.50
2	 Clifford Chance	1,803.00
3	 Hogan Lovells	1,755.00
4	 Allen & Overy	1,692.00
5	 Linklaters	1,639.70
6	 Freshfields Bruckhaus Deringer	1,521.00
7	 Norton Rose Fulbright	1,493.00
8	 CMS	1,255.00
9	 Herbert Smith Freehills	989.9
10	 Eversheds Sutherland	954.7
11	 BCLP	685.9
12	 Ashurst	644
13	 Clyde & Co	627
14	 Slaughter and May	507
15	 Gowling WLG	505.6
16	 Pinsent Masons	495.5
17	 Simmons & Simmons	390
18	 Bird & Bird	380.1
19	 Womble Bond Dickinson	375.9
20	Taylor Wessing	365.6
21	DWF	300
22	Fieldfisher	290
23	Addleshaw Goddard	287.5
24	Osborne Clarke	278.4
25	Irwin Mitchell	269.3

The ***Magic Circle*** is an informal term for what are generally considered the **five leading UK based** headquartered in the United Kingdom .All of the 'Magic Circle' law firms specialise primarily in Commercial law. For the past 15 years it has consisted of a distinct group of five:

- Allen & Overy
- Clifford Chance
- Freshfields Bruckhaus Deringer
- Linklaters
- Slaughter and May

The ***Silver Circle*** is an informal term for perceived **elite corporate law firms headquartered in the United Kingdom** that are the main **competitors for the Magic Circle in the United Kingdom**. The term was coined by *The Lawyer* magazine in 2005 in response to the pre-existing term, Magic Circle.

Law firms : Ashurst, Herbert Smith (now Herbert SmithFreehills), Macfarlanes, SJ Berwin and Travers Smith. According to *The Lawyer*, Lovells (now Hogan Lovells) and Norton Rose (now Norton Rose Fulbright), which had ambitions of expanding internationally, did not meet the criteria for the Silver Circle and were instead designated in an 'internationalists' bracket that also included DLA Piper, Clyde & Co, Simmons&Simmons and Denton

**Barristers' chambers** The following barristers' chambers are often described as constituting the **Bar's Magic**

**Circle:**

- Blackstone Chambers
- Brick Court Chambers
- Essex Court Chambers
- Fountain Court Chambers
- One Essex Court

The **Big Four** is the nickname used to refer collectively to the **four largest professional services networks in the world**, consisting of the global accounting networks **Deloitte, EY, KPMG and PwC**. They provide a wide scope of professional services to their clients including legal services . In the UK, 3 of them (PwC, EY and KPMG,) have won **alternative business structure (ABS) licences**, which allow UK businesses to provide legal advice and acquire law firms. Since then, their legal departments have grown rapidly, employing thousands of lawyers in the UK and worldwide

