

Barristers and solicitors

- The two main branches of the legal profession are solicitors and barristers (advocates in Scotland).
- In the past ten years, the difference between the branches has become increasingly blurred: solicitors can now qualify as higher court advocates, and barristers can deal directly with some kinds of client without the need for the client to see a solicitor first.

Type and variety of work

- Solicitors' work covers a broad range, including **advising** commercial and private clients on business matters and property and undertaking litigation.
- The degree of specialisation of solicitors' firms varies enormously. Some offer general legal services, from **conveyancing** and **drafting wills** to **acting for defendants** in criminal cases. Others **specialise** in one or two areas, perhaps doing only **corporate work** or **personal injury work**. The smaller the firm and the broader its range of work, the less likely its solicitors will specialise in only one area.

- Most barristers' work is confined to **litigation**, although some do largely advisory work, for example on taxation or company matters.
- Traditionally barristers specialise in one or a few areas of law, although this is not true of all. In their early years most undertake a broad range of cases until they develop expertise in a particular area. Whether, or how much, you specialise as a barrister will depend to a large extent on the cases you get in your early years.

Training

- Beyond the academic stage, the training to become a barrister or solicitor is very different.
- The **Bar Vocational Course** is exclusively focused on the skills and knowledge required of an advocate: litigation, evidence, drafting, advocacy, etc. This is followed by 12 months of **pupilage**.
- The **Legal Practice Course** is much broader and covers business law and practice, property and litigation and advocacy. This is followed by a two-year **training** contract in a firm.

Working conditions

- Most solicitors are salaried employees and keep office hours, report to a senior person and work within the collective ethos of the firm.
- Barristers are self-employed but usually work out of chambers (a group of barristers) with a clerk who takes referrals from solicitors. Theoretically free to work as and when they please, barristers must be available to take work as it comes in. Barristers are generally paid a fee for each piece of work from which they must deduct their share of the costs of running the chambers. A barrister's earnings are therefore much less secure than a solicitor's, particularly in the early years.

Advocacy

- Many barristers, particularly those doing criminal work, spend most of their time as advocates. However, some civil practitioners spend more of their time dealing with cases out of court.
- Solicitors have rights of audience in the lower courts and although many do no advocacy some do a substantial amount.

- Some solicitors qualify for rights of audience in the higher courts, with some City firms encouraging this. The advantage of this route over qualifying as a barrister is that you work from the base of a legal practice. It is done to enhance your work. The disadvantage is that you are unlikely to do the same volume of advocacy as those who qualify for the Bar.

Contact with clients

- A solicitor has overall conduct of a case and develops a working relationship with the client, which can be rewarding. But it can also be frustrating, particularly dealing with the more demanding clients, accounting for all client money and dealing with documentation and costs.
- A barrister is briefed by the solicitor for specific tasks, for example, drafting a document or acting as an advocate. This would appeal to someone who dislikes routine paperwork but can be frustrating if insufficient or wrong information is provided. A barrister may have little opportunity to develop any relationship with the client.

Not a final choice

- The division between solicitors and barristers is becoming less distinct, with solicitors doing more advocacy and clients instructing barristers directly. Moving between the two halves of the profession is straightforward, so a choice now will not dictate your work for life.