

## Get ahead in A Level Law

### Progression tasks



#### **A'Level Law - what will we study?**

The law teachers at Worcester Sixth Form College, offer you a very warm welcome to A'Level Law. You have chosen a great subject to study!

Our examining board is OCR and you can find the full specification which sets out the topics we will be studying, by following the link below;

<https://www.ocr.org.uk/Images/315216-specification-accredited-a-level-gce-law-h415.pdf>

In a nutshell some of the topics we look at are;

- The legal rules used to work out if a suspect is guilty of a criminal offence including offences such as Assault, Theft, and Murder.
- The legal rules used to work out if a person can claim cash compensation from a person whom has either caused them injury, eg. in a road accident, or who has otherwise infringed their rights eg. causing constant disturbances by having noisy parties!

Additionally we learn;

- The processes in which these rules are used – eg the Court system. [You will get an opportunity see this in action when we visit the courts]
- The people who are involved in the processes

## **A brief introduction to Law and the Legal System**

The key focus of our main activity involves the last on the above list and looks at some of the people involved in the legal process. However before we dive in, it's probably a good idea for us to give some thought as to why we have law and a legal system at all. What's the point of it, what is its purpose?

### **Why do we have *law* and a *legal system*?**

To get yourself thinking about law and the legal system jot down answers to the following questions. We will look at this again later in our course. At the moment there's no right or wrong answer– just thoughts and ideas at this stage. In fact we will learn later on that different people have different views anyway!

### **Questions**

- The term *law* has been defined as a *set of rules*. What do you think the purpose of these *rules* are?
- It is sometimes said that the main aim of the legal system is to achieve *justice*. What do you think the word *justice* might mean?

*After you have given thought to these words you could research them to expand your understanding*

- Why is it important we have a good /effective legal system?

*It might help to imagine..... someone you know is accused of stealing a Tshirt from a shop. Perhaps they did it but perhaps they didn't. You are a fair person who likes to see justice done. What would your hopes of the legal system be in this situation?*

### **A final word, for now, on this topic;**

It may have occurred to you that for a legal system to achieve justice it must be fair in the way it operates. The law, when applied, must arrive at sensible decisions that the general public agree with; and the processes enable those decisions to be made fairly with every side having a chance to have their side of the story heard.

Additionally the legal system must treat everyone equally; so the same rule of law must be applied to everyone charged with the same offence; processes must work effectively at finding the real facts and prevent the truth from being covered up; everyone must be able to have a good legal professional to defend them in court.

When we continue our studies we will see that, whilst the legal system is set up to generally achieve these things there are also gaps in the system which prevent justice being achieved.

## **The people in the law**

All kinds of people are involved in the legal process and each playing an enormously valuable part. Some of these people are highly qualified; some have no legal qualifications at all! Some of them are paid extremely high salaries; some are not paid at all! But the legal system would not work without each group of people! These people include; judges, magistrates, jurors, barristers, solicitors, legal executives.

One statistic that never ceases to amaze me is that magistrates try 95% of criminal cases. They volunteer to do this and don't get paid! In our studies over the coming months we will explore the reasons for this.

### **The Legal Profession**

For now we are going to focus on our legal professionals. Learning about the legal profession is an important part of the specification and give rise to popular examination questions. Additionally you may have already given some thought to a career in law and as we will see there are some options that need to be considered!

The *legal profession* in the UK is made up of three types of legal professionals. In the work place each type carries out a specific role which can differ to that of one of the others. Additionally each type of legal professional has its own professional qualification and training route which has to be completed in order for them to practice. The qualification will focus on the skills required to carry out the specific role of the particular type of legal professional.

This is unique to the UK as in most other countries there is only one type of legal professional training route. In the UK there are three! If you eventually decide to train as a legal professional you will need to decide which role you would like to specialise in and therefore which route to take.

[For students interested in a career in Law we offer the Law Professional Programme which provides further insight into all three career routes.]

In the UK the three types of legal professionals are Solicitors, Legal Executives and Barristers. One or two of them are more well-known!



## Solicitors

The work of a Solicitor

WISFC

Read the following notes and answer the questions below.

The majority solicitors work in *private practice in a firm* of solicitors. This essentially means solicitors working together as a business offering legal services to individuals or businesses. These legal practices can be typically found on the high street or in large commercial areas in cities.

In January 2017 there were 10370 firms of solicitors. Others might work in the Crown Prosecution Service, Local Government, or legal departments in commercial or industrial businesses. There are approx. 136000 qualified solicitors in England and Wales.

When working in private practice solicitors may work as sole practitioners or in a partnership. A newly qualified solicitor will initially be an assistant / associate solicitor. Often they will hope to progress to being a partner in the firm initially as a junior partner and then to 'buy in' to become an equity partner who will receive the largest share of the profits of the firm.

Solicitor's practices range from small high street practices to big city firms, and this largely determines the work done by a solicitor. Small high street firms will probably be a general practice advising clients on a range of topics such as consumer problems, housing, business and family matters. Here the solicitor will spend much time interviewing clients, negotiating on their behalf and dealing with paperwork (writing letters, drafting contracts, drawing up wills and conveyancing.)

Most solicitors are office based and court work would not be their area of expertise. However solicitors dealing in some areas of law eg, criminal law and family law will also act for some of their clients in court. This is known as advocacy. Where a solicitor represents a client in court it will normally be in a lower court, either the Magistrate's Court or the County Court.

Although many solicitors will be general practitioners some will specialise in particular areas of law. The firm itself might have a **specialism**, such as family law, or an individual solicitor might specialise in matrimonial law. The large city firms usually concentrate on business and commercial law and these solicitors tend to earn higher salaries.

Traditionally solicitors have been able to act as **advocates** in the Magistrates' and County Courts but rarely allowed in the higher courts (Crown & Appeal Courts). The Courts and Legal Services Act (1990) enabled solicitors to take an in depth an Advocacy training course and apply for a certificate of advocacy, allowing them to appear in the higher courts. This gives a solicitor *full rights of audience*.

Such solicitors may, later in their career, be eligible to apply to become a judge.

**Answer the following questions**

Q	From the internet find the names of Solicitors practices in Worcester. Name two of them. You <i>could</i> jot down their areas of legal expertise
A	
Q	What is meant by sole practitioners and partnership?
A	
Q	The commentary gives you the statistics for the numbers of solicitors and solicitors firms for 2017. From the internet research the figures for 2019. If there is a change you <i>could</i> make a comment why you think this is?
A	
Q	Apart from private practice, where else might solicitors work?
A	
Q	How might the work of a solicitor vary between a high street firm and a big city firm.
A	
Q	What can solicitors now do since the Courts and Legal services act 1990 was passed?
A	

To reinforce your learning *[research if necessary]* explain the meaning of the following terms;

Conveyancing	litigation
<i>Solicitors rights of audience</i>	advocacy



**Conveyance deed should have -**

- Complete description of the property
- Information and signature about all the parties involved
- Mention of any other rights (if applicable) to the property
- The chain of title i.e. all legal rights to the present seller
- The method of property delivery to the buyer
- Sale agreement
- Sale consideration clause
- Any other terms and conditions

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## Solicitors Qualifications and Training

- **Add in the missing words from the word box below to complete a description of the training and Qualifications of solicitors**

The training requirements for a solicitor are overseen by the Solicitors Regulatory Authority.

Having completed A'Levels, the most typical way to begin training as a solicitor is to attend university and complete a ..... . Alternatively a student can begin with a degree in another subject but in addition must also undertake a one year course and take the .....

Currently the next stage is the one year Legal Practice Course [LPC]. This includes training in skills such as interviewing clients, negotiation, advocacy and drafting documents and legal research. Additionally there is a focus on business management and keeping business accounts.

However it is expected that from 2021 solicitors' training may be updated with a new qualification, the ..... [SQE,] which is currently being piloted/tested. This is anticipated to include both a written and a multiple choice section and also an oral examination.

After passing the examination stage the student must undergo a period of ..... under which they work in a solicitors firm, the legal department of a local authority or the .....for..... years. The trainees will be paid and their work will be charged to clients although at a lower rate than fully qualified solicitors. All work they undertake is supervised by a ..... solicitor.

At the end of the 2 years training contract they will be admitted as a solicitor by the law society and their name added to the roll kept by the.....

All solicitors are required to complete..... Continuing Professional Development [CPD] which is training to keep solicitors up to date with updates in the law and legal procedures.

compulsory	two	Graduate Diploma in law	Solicitors Qualifying Examination
Master of the Rolls	qualifying law degree	senior	authorised training
	Crown Prosecution Service		

**Carry out some research**



We have learned that solicitors can train and also work in the Crown Prosecution Service [commonly known as the CPS.] Find out more about the CPS. Write a paragraph explaining its key role. Follow the link below.

<https://www.cps.gov.uk/about-cps>

## Regulation of solicitors



Solicitors carry out important work for their clients [customers] and they charge a lot of money for their services! It is crucial that a solicitor acts in a professional manner and completes the job correctly ensuring that a client's needs are met. All sorts of things can go wrong if a solicitor is not careful or does not act professionally!

For example, what happens if a solicitor, when dealing with the purchase of a house for a client, doesn't notice that the client's next door neighbour has the right to drive over the client's land right passed his window!

### The Law Society

The Law Society is the governing body of solicitors and has been in existence for nearly 200 years. Firstly it supports the interests of solicitors in England and Wales but also deals with complaints against solicitors.

### Complaints against solicitors

A client who wishes to make a complaint against a solicitor for misconduct should in the first instance use the complaints procedure of the solicitor's firm. If the matter is not resolved the case can be referred to the **Solicitors Regulation Authority** and if there is sufficient evidence of serious misconduct it will put the case before the **Solicitors Disciplinary Tribunal**. If the complaint is upheld the tribunal can; reprimand, fine, suspend or in the most serious cases strike off a solicitor from the roll such that's/he can no longer practise.

"The Law Society exists to support, promote and represent all solicitors so they can help their clients. We also work to ensure no one is above the law and to protect everyone's right to have access to justice"

### Carry out some research;

- Have a brief look at the Law Society website. You might like to look at the careers page.  
<https://www.lawsociety.org.uk/>
- It is also possible to sue a solicitor in court where the solicitor has been negligent [careless.] Research the case of **White v Jones 1995**

<https://www.lawteacher.net/cases/white-v-jones.php>

There is also a good summary of this case in Wikipedia.

## Legal Executives

Our next type of legal professional is a legal executive. This legal profession is perhaps the least known of the three types but has become, over time, to be enormously respected and provides an alternative method of entry into the legal world.

Legal executives work in solicitors offices, generally carrying out the same role as an associate solicitor. Historically legal executives may once have been perceived as somewhat inferior to a solicitor but that perception no longer exists. They carry out the same roles as an associate solicitor and when doing so command similar salaries.

### The work of Legal executives

- Add in the missing words from the word box below to complete a description of the work of legal executives.

Legal executives are qualified lawyers who have passed the CILEX qualifications. They work in solicitors firms and carry out the same role as an ..... One of the solicitor partners in the firm will be ultimately responsible for their work.

Legal executives are fee earners contributing directly to the..... of the firm of solicitors. Their work is charged an hourly rate to the clients. They tend to focus on one area and

become an .....in that field; examples include conveyancing, wills and probate, matrimonial law including....., general litigation, and they can advise clients accused of criminal offences.

Legal executives have some *rights of audience* in court. They can make applications in the County Court as long as these are not defended. However since the year ..... legal executives can do an advocacy course to widen their rights of .....

Income	2008	audience
associate solicitor	divorces	expert

### Qualifications and Training of Legal Executives

Legal executives generally start training with level 3 qualifications, either A'levels or level 3 vocational qualifications. To become a legal executive it is necessary to pass the Professional Diploma in Law, a level 3 qualification. Then students proceed to complete the Professional Higher Diploma in Law [PDHL] which is degree standard. Both of these courses cover academic areas of law and also areas of legal practice. For example, students might learn, in Family law, what the legal rules are for getting a divorce; and then how a solicitor would process the divorce.

Other areas of law that students study are Criminal law, Contract law, Tort Law, Property law, Commercial Law, amongst others.

Student legal executives often combine part time study whilst working for a firm of solicitors.

Additionally it is also necessary to have worked in a solicitors firm [or other legal organisation such as the Crown Prosecution Service or local government legal department] for at least 5 years. Students can do both studying and working along-side each other.

Once all this has been achieved the person becomes a *Fellow of the Chartered Institute of Legal Executives*.

#### Some things to do;

- Draw a flowchart mapping out the key stages to qualification



- Explain how this training route might help some students enter the legal profession compared to the traditional degree route?

## Barristers



### The work of a Barrister

Probably when many of us think of the word 'lawyer' it is the picture of a barrister that we see. [By the way, the term *lawyer* is a general term used for anyone who has a professional legal qualification.]

Barristers (in England and Wales) are primarily specialists in *advocacy*. Advocacy is the skill of representing individuals or organisations in court.

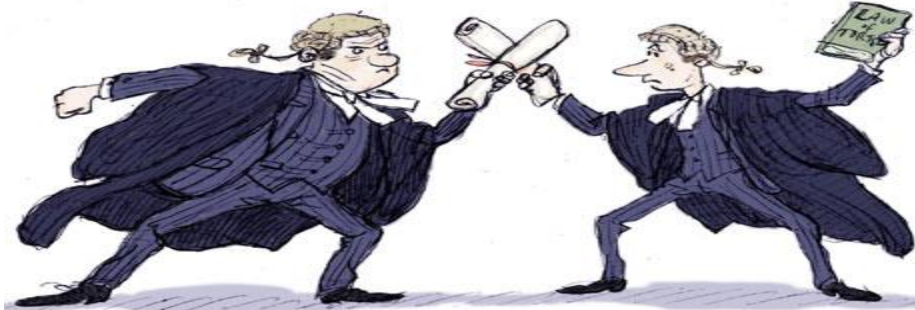
They are also independent sources of legal advice and can advise clients on the likely outcome of their case. Is it likely that the client would win or lose? Generally, they are hired by solicitors to represent a case in court and only become involved once advocacy before a court is needed. They plead the case on behalf of the client. In some cases it is now possible to go directly to a barrister to ask for advice and representation in court although as a general rule most cases are briefed through a solicitor.

Barristers usually specialise in particular areas of law such as criminal law Family law, commercial law, entertainment law, sports law and common law, which includes family, housing and personal injury law.

Most barristers work on a self-employed basis, while others work in government departments or agencies such as the Crown Prosecution Service and the Government Legal Service. An

increasing number of employed barristers work in private and public organisations, such as charities.

Self-employed barristers work in offices called chambers, and may have their own office or share one with other barristers.



After a barrister has practised for at least 10 years they can apply to become a Queens Counsel barrister [QC.] this is known as *taking silk*. Successful applicants will be able to take on more difficult and complex cases and will charge more for their services. Often a QC will have a junior barrister to assist in the case. [All barristers who are not QC's are known as junior barristers.]

### Typical work activities

Work activities depend on a range of factors, including the area of practice. However, barristers are generally involved in a range of the following tasks:

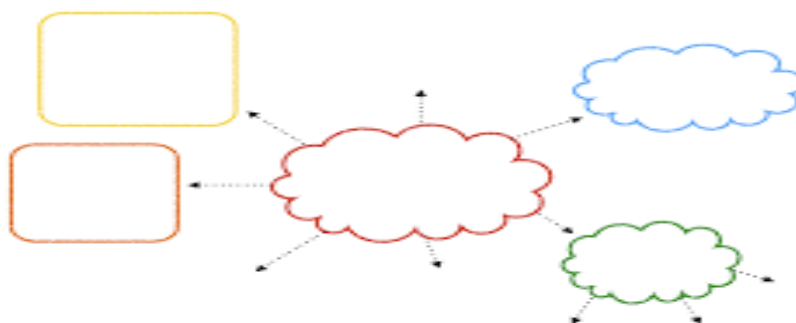
- taking instruction from clients and their solicitors;
- understanding and interpreting the law;
- undertaking legal research into relevant points of law;
- writing opinions on the likely success of the outcome of legal cases and advising solicitors and other professionals;
- preparing cases for court, including holding client conferences, preparing legal arguments;
- advising clients on matters of law and evidence and the strength of their case;
- representing clients in court including examining and cross-examining witnesses;
- summing up the reasons why the court should support the client's case;
- drafting legal documents;
- negotiating settlements.

The area of a barrister's practice will largely determine the balance and emphasis of these activities. For example:

- the work of a criminal barrister is likely to involve a lot of advocacy in court;
- a family law barrister may be representing clients in court in a divorce case, but may also be involved in mediation as a way of avoiding the need to go to court;
- barristers who practise chancery/commercial law are generally in court far less than those in other practice areas and instead spend more time undertaking drafting and advisory work.

Barristers who are not self-employed but are employed by an organisation undertake similar activities but just for the organisation by whom they are employed. At more senior levels, they may also become involved with the development of legal policy and strategy.

- Draw a spider diagram which represents the work of a barrister.



**Training and qualifications**

As we have already mentioned, barristers have their own professional qualifications and training route.

- Add in the missing words from the table below to complete a description of the training and Qualifications of barristers

Initially to undertake training to be a barrister it is usual to have a ..... However a person can begin with a degree in another subject but must undertake a one year course and take the .....[GDL] Then you must join one of the four *Inns of Court* situated in London; Lincoln’s Inn, Gray’s Inn, Middle Temple, Inner Temple.

Student barristers must complete the one year.....[BPTC]

This includes various aspects of legal practice including case preparation, opinion writing, ....., interviewing clients, practice procedures including civil litigation. The course however focuses on ....., which is the skill required to represent clients in court.

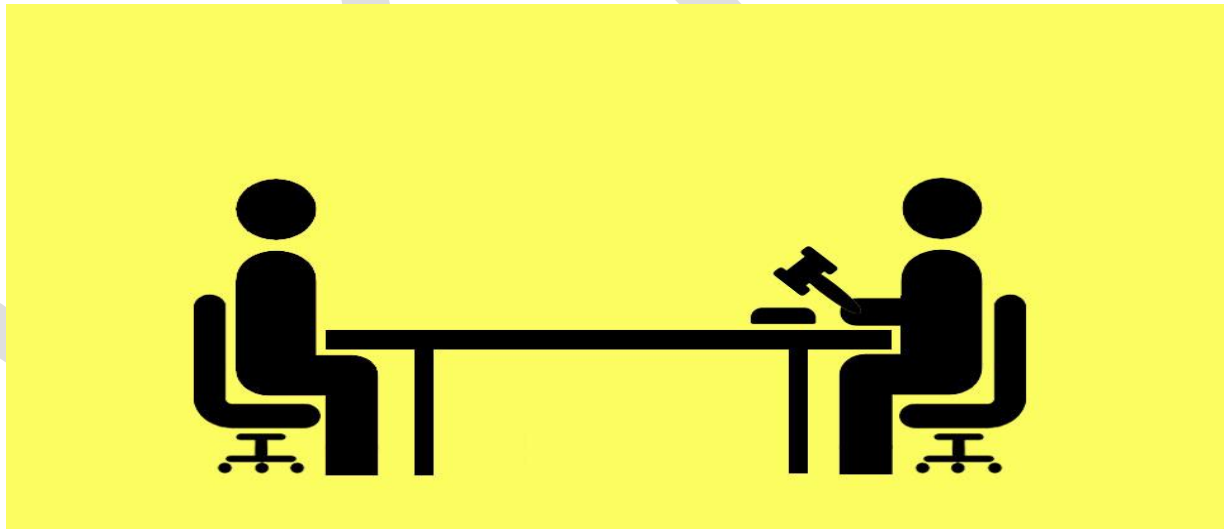
After passing the BPTC the student must obtain a ..... either in chambers or with the Crown Prosecution Service where, for a period of ....., they work by..... a qualified barrister. Often they will initially observe the senior barrister and then may represent clients under his / her guidance.

Pupillages are advertised on the Pupillage Gateway and applications are made usually about ..... months prior to the starting.

All barristers must commit to undertake continuing professional development to address on-going training needs.

Pupillage	one year	advocacy	Shadowing
	Graduate Diploma in Law		
eighteen	Bar Professional Training course	Drafting documents	qualifying law degree

## Regulation of Barristers



**The General Council of the Bar** is the regulatory body of barristers whose role is to protect and promote the importance of the Bar's high quality specialist advocacy and advisory services.

- It represents the interest of its members
- It develops work opportunities for barristers home and abroad.
- It advises the Government on legal issues and promotes fairness and access to justice for all.

## Complaints against barristers

**The Bar Standards Board** is an independent body. It sets the standards for entry in to the profession and subsequent training.

- It sets a Code of Conduct to which all barristers must comply and deals with allegations against barristers of breaching this code of conduct. It operates an in house tribunal for serious allegations of misconduct or breach of the code. If the complaint is upheld it can; reprimand the barrister; order further training; fine up to £50,000, suspend up to 12 months; disbar the barrister from practising.

**The Legal Ombudsman** - is an independent body which provides a final appeal for complaints against barristers, solicitors or legal executives if an original appeal has failed and the client is dissatisfied.

## Research

- Have a brief look at the Bar Council website. One interesting page is *becoming a barrister*.



**Congratulations!**

**You have made  
a great start to  
your studies of  
A'Level Law. We  
look forward to  
seeing you when  
college begins.**