Solicitors

A Legal practitioners

Lawyers in the United Kingdom jurisdictions generally practise as solicitors in private firms, as legal advisers in corporations, government departments, and advice agencies, or as barristers (see Unit 10). They can each do advocacy, draft legal documents and give written advice, but solicitors, unlike barristers, cannot appear in every court.

Traditionally, solicitors undertake work such as conveyancing (see Unit 40), and drawing up contracts (see Units 31–41) and wills. Barristers spend more time in court and have a right of audience in the higher courts. Unlike solicitors, barristers cannot usually be employed directly by clients but are instructed by solicitors. Solicitors normally form partnerships with other solicitors and work in offices with support staff. The qualification and practice of solicitors are regulated by the Law Society.

B Training

Sami, a 25 year-old graduate, is talking about his experience as a trainee.

‘My first degree was in engineering at Manchester University. Then I did two one-year law courses. The first led to the Common Professional Examination, or CPE; the second was the Legal Practice Course. I had a vacation placement at Applewood Branston, who offered me a two-year traineeship. They have a six seat system, which is quite common. Trainees spend time attached to different law departments, which suits me as I get a basic grounding in the main departments of the firm, helping me find which area of the law I’d like to specialise in. I can work in four or more different areas of law for four months at a time and then decide on a specialism later in the training contract. In my third seat, in Corporate Finance, I’ve learnt a lot from being on secondment with a client and got excellent back up from my seat supervisor, that is, supervising partner. It was good to put the professional skills training into practice straight away.’

C A partner in a law firm

Hélène, from Monaco, is an avocat admitted to the Paris Bar – the professional association for lawyers. She graduated with a Bachelor of Law (LLB) in Paris and obtained a Master’s Degree (LLM) in European Law from University College, London. She is a graduate of the Paris Institut d’Études Politiques.

‘I joined Applewood Branston two years ago and was promoted to partner in the corporate and banking team in Paris. Before that I worked for twelve years for other leading international law firms. I’ve got extensive experience of privatisations, mergers and acquisitions, and I advise investment banks and corporates.’
9.1 A potential Polish client is talking to an English solicitor. Complete the solicitor’s statements (1–3). Look at A opposite to help you. There is more than one possibility for one of the answers.

1. My firm undertakes a lot of __________ . We could advise you and help to __________ __________ contracts.

2. We can do __________ . If your case goes to court, we have __________ __________ ________ and I can __________ __________ in the lower courts.

3. No, I’m a __________ but my firm would instruct a __________ if a case were to go to the Appeal Court.

9.2 Complete the table with words from A, B and C opposite and related forms. Put a stress mark in front of the stressed syllable in each word. The first one has been done for you.

<table>
<thead>
<tr>
<th>Verb</th>
<th>Noun</th>
<th>Noun – person</th>
</tr>
</thead>
<tbody>
<tr>
<td>‘partner</td>
<td>‘partnership</td>
<td>‘partner</td>
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<tr>
<td>trainee</td>
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<td>advise</td>
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<td>practice</td>
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<tr>
<td>specialise</td>
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9.3 Ana García is talking about her career. Complete what she says with words from the table above and B and C opposite. There is more than one possibility for one of the answers.

I’m an __________ , a lawyer in Spain. I obtained my law __________ in Barcelona. In the summers, as a student, I did a vacation __________ in my uncle’s law __________ . I __________ from university six years ago. Because my English and French are good I got a __________ to the New York office of my firm. While I was there I was __________ by the mergers and acquisitions team. I’ve always enjoyed working with large companies so now I want to __________ in __________ .

Over to you

Write or talk to someone about your experience of legal education and training.

For information on the work of solicitors and links to other international professional organisations, go to: www.lawsociety.org.uk/home.law and the International Bar Association: www.ibanet.org/.
Explanations and clarification

A Explaining a procedure
When you list the different stages of a procedure, your listeners' comprehension of the information that you are presenting will be better if you use phrases to structure and signpost what you say. For example:

First ..., then ..., next ..., after that ..., finally ...

Other phrases you might use include:
The next thing/step is to ..., once that's been done ..., before that happens you/we ..., the last step will be to ...

B Approximating and comparing
When talking to or writing to a client or colleague from another legal system, you may need to explain or describe features of your system which are different or broadly similar. The phrases below can be used to compare aspects of your system. It may be appropriate to use key terms in your own language and then offer a comparative explanation, for example:

In Scotland ‘delict’ arises from the law of obligations. This is comparable to ‘tort’ in England.

You have X, that's what we could call Y.

We don't have X, instead we ...

We have X but it differs from (your) Y in the following way ...

There is no comparable procedure approach institution regulation remedy in our/your system

C Rephrasing and clarifying
When you are explaining something which is new or complex, it is important to check that your listeners understand what may be new terms or concepts. You can help their comprehension by rephrasing your words and help your own comprehension of what they say by rephrasing or summarising their words. You can use the phrases below to signal that you are rephrasing or asking for clarification.

Could I (just) clarify that ...

In England we have a common law system, that is, cases are ...

... tort, in other words, a civil wrong.

... call to the Bar, this (actually) means qualify as a barrister.

Let me explain further ... put it another way ...
17.1 Explain the different stages in getting proprietary rights for an invention as if to a client. Look at A opposite and use the information below to help you. The first part of the explanation has been done for you.

- consider submitting an application to the patent office in the research phase
- don’t publicly disclose the invention because this might be interpreted as prior publication
- think about using the services of a registered patent agent to help prepare the specification (the legal document) required by the patent office
- complete the form ‘Request for grant of patent’
- take or send the documents to the patent office
- the patent office decides whether the invention fulfils specific conditions before it grants a patent

You wanted me to give you an outline of the stages in getting proprietary rights. First, consider submitting an application to the patent office in the research phase.

17.2 Complete the sentences with words and phrases from B opposite. Use the index to look up any unfamiliar terms. There is more than one possibility for four of the answers.

1 A bona fide act is an act in good faith.
2 The jury system in Scotland that in England because there are 15 jurors on a panel in Scotland compared with 12 in England.
3 In the English legal profession, those with rights of audience in all the courts are barristers; in Scotland they are advocates.
4 ALADI (Latin American Integration Association) is APEC (Asia Pacific Economic Cooperation) because it shares the aim of strengthening the trading system between its members.
5 In Scotland, juries may reach one of three verdicts: guilty, not guilty or not proven. This England where only two verdicts are possible: guilty or not guilty.

17.3 Complete the sentences with words and phrases from C opposite. There is more than one possibility for two of the answers.

1 The clause excludes abnormal weather conditions, weather which is significantly different from previous records, like a hurricane.
2 Towards the end of the agreement there are usually the boiler-plate clauses, clauses such as what the applicable law will be and the way in which notices have to be served.
3 During negotiations, arguments can often arise in connection with when a party has to perform an obligation, disputes can happen over the interpretation of terms like: ‘immediately’, ‘forthwith’ and ‘as soon as possible’.
4 You referred to the term ‘forthwith’. you’re saying the term is ambiguous?

Use appropriate phrases from A to talk about a complicated legal procedure you have to manage in the course of your work. Or, compare an aspect of your country’s legal system or law with an equivalent in the UK or the USA or another legal system.