

Get ahead in A Level Law

Bridging 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://ocr.org.uk/Images/587304-specification-accredited-a-level-gce-law-h418.pdf>

Some of the topics we look at are:

- ▢ The legal rules used to discover if a suspect is guilty of a criminal offence including offences such as murder, assault & burglary.
- ▢ The legal rules used to discover if a person can claim compensation from a person whom has either caused them injury, eg. in a road accident, who has otherwise infringed their rights eg. causing constant disturbances by having noisy parties or who has broken an agreement with them eg to deliver an item after payment is made but fails to do so.

Additionally we learn:

- The processes in which these rules are used – eg the Court system. [You will get an opportunity see this in action through visits to the courts] & the people who are involved in the system such as judges, barristers & solicitors
- Where law comes from such as Parliament & local Worcester law and the nature of law looking to reasons why we need rules such as morality & justice.

A brief introduction to Law and the Legal System

The key focus of our main activity involves 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.

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* means?

The Legal Profession

The work of a Solicitor

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 2024 there are approximately 206,000 qualified solicitors in England and Wales, most work in solicitor firms while others work in the Crown Prosecution Service, Local Government, or legal departments in commercial or industrial businesses.

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 *could* jot down their areas of legal expertise

Q

What is meant by sole practitioners and partnership?

A

Q

The commentary gives you the statistics for the numbers of solicitors in 2024. How has that changed in the last 10 years or more?

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 explain the meaning of the following terms:

Conveyancing

Litigation

Advocacy

Solicitors rights of audience

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..

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. All barristers are either King's Counsel or 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.

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.

Use the weblink below to explain the history the role of the legal ombudsman:

<https://www.legalombudsman.org.uk/who-we-are/>

Substantive law

Finally, we would like you to briefly look at an area of law you will focus on in the course, criminal law. Crimes are made up of an actus reus, a doing part and mens rea, a thinking part. Please answer the following questions:

1. What is perjury and why do you think it is an action or conduct crime?
2. What is murder and why do think it is a result or consequence crime/
3. What is an omission and do you think it should be possible for an omission to be a crime?
4. If you wish to hit x but hit y instead should that be a crime?

1.

2.

3.

4.

Thanks for completing the Law bridging task. We look forward to seeing you in the autumn. Have a great summer.