



Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David



BMCX3000: LEGAL SYSTEM

Unit 3: PERSONNEL OF THE LEGAL SYSTEM

LEARNING OUTCOMES

- Describe the role of chartered legal executives, including qualification and areas of work
- Describe the role of solicitors, including qualification and areas of work
- Describe the role of barristers, including qualification and areas of work
- Describe the constitutional role of the Secretary of State for Justice/Lord Chancellor
- Identify the categories of judges and describe their work
- Explain the role of magistrates in the court system, and
- Explain the role of juries in the court system.

CONTENT



- Personnel of the legal system



- Solicitors



- Barrister



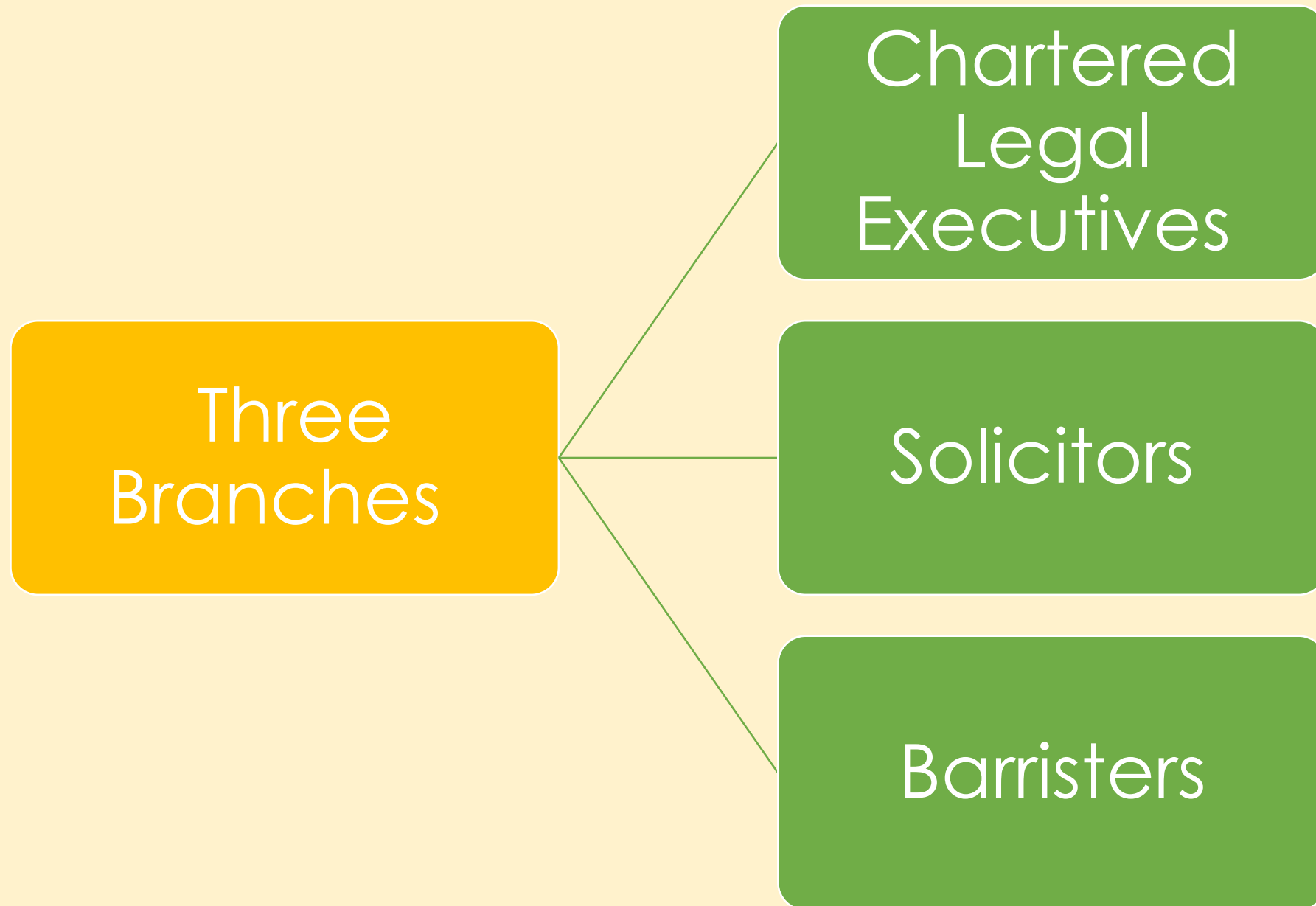
- Activities



- Summary



- Thank you, any questions?



WHAT IS A CHARTERED LEGAL EXECUTIVE?

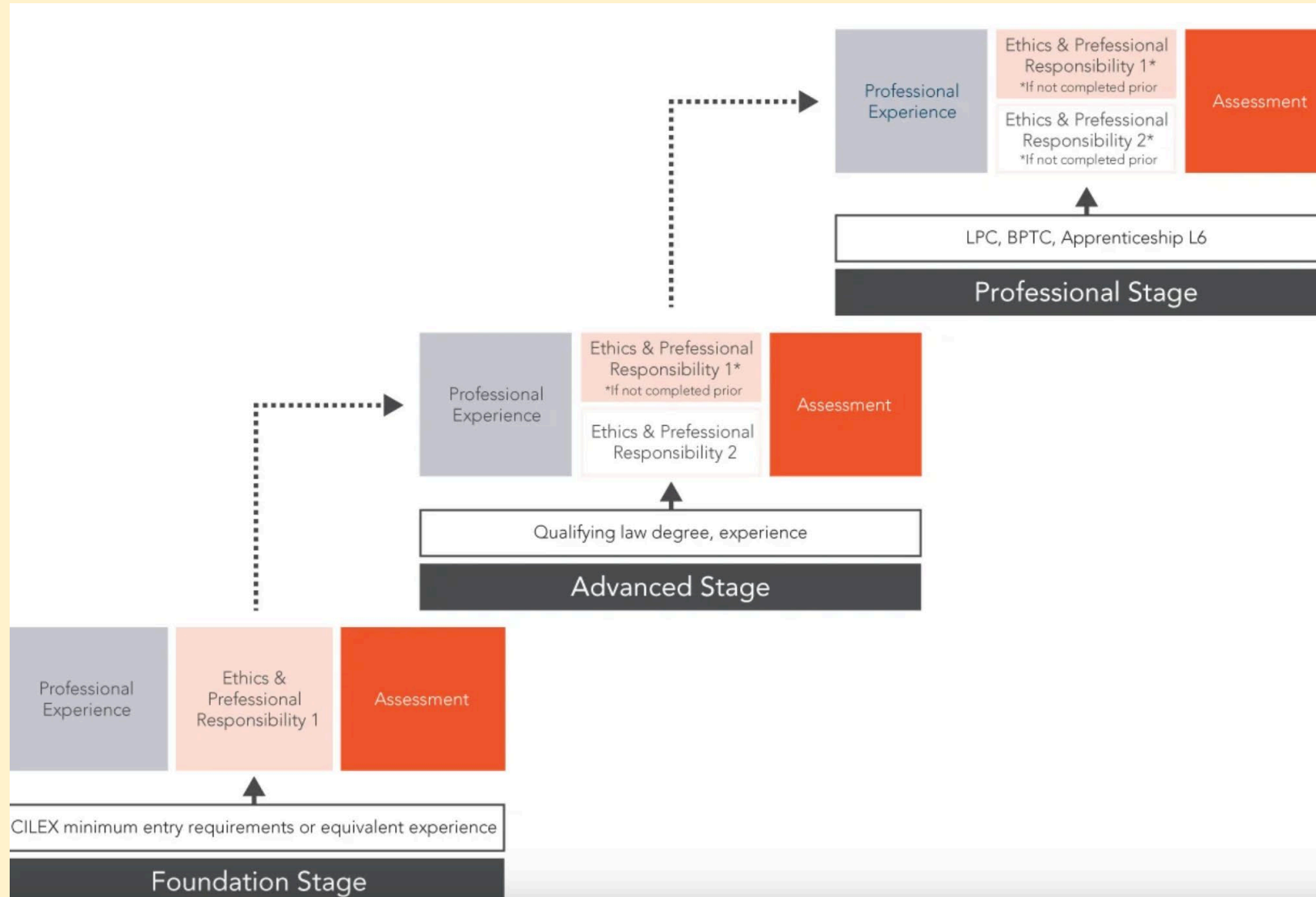
- Represented and regulated by CILEX.
- Different routes.
 - Complete all legal training through CILEX
 - Use CILEX to top up Law degree (gap fill)
 - CILEX Professional Qualification.
- Work in organisations which are regulated by CILEX.
- Work in a wide variety of areas.
- Partners and/or employees
- Fee earner or non-fee earner?



COMMON PRACTICE AREAS

- The main types of work carried out by chartered legal executives (including trainee legal executives) are:
 - conveyancing – buying and selling houses and flats and commercial property (e.g. shops and offices);
 - litigation – this includes completing court procedures and forms as well as representing clients in court hearings;
 - wills and probate – drafting wills and winding up the financial affairs of people who have died;
 - family – divorces and disputes involving children and finances when relationships break up, including representing clients in court hearings; and
 - employment – disputes between employers and employees, including representing clients in court and tribunal hearings.
 - In addition, some chartered legal executives work in other areas such as criminal litigation and company law.

CPQ FRAMEWORK



RIGHTS OF AUDIENCE

- (1) Civil litigation
 - All chartered legal executives who have completed the Civil Litigation Pathway in the CPQ qualification are entitled to represent clients in chambers (uncontested hearings) in the County Court and High Court. On completing an additional civil proceedings advocacy skills course, they can represent clients in the following courts and tribunals:
 - open County Court hearings;
 - Magistrates' Court - all civil and enforcement cases;
 - Tribunal hearings; and
 - the Coroner's Court.
- 2) Criminal litigation
 - On completing an additional criminal proceedings advocacy skills course, chartered legal executives who have completed the Criminal Litigation Pathway in the CPQ qualification are able to represent clients in the following courts:
 - Magistrates' Courts;
 - Youth Courts;
 - Crown Court or High Court - chambers hearings for bail applications;
 - appeals to the Crown Court or committals for sentencing in the Crown Court;
 - Coroners' Courts.
- (3) Family litigation
 - On completing an additional family proceedings advocacy skills course, chartered legal executives who have completed the Family Litigation Pathway in the CPQ qualification are able to represent clients in the Family Court.

SOLICITORS

- Now can qualify using the SQE.
 - Now compulsory
 - Start with a degree- any degree.
 - Then SQE1
 - Then SQE2
 - Qualifying Training- a total of 2 years.
- Work in law firms.
 - Rights of audience in Magistrates, County, intellectual property enterprise court, Family court, Tribunals and the coroner's court.
 - Can apply for rights of audience.

BARRISTERS

Independent

Advocacy

5 Stages ;

1) the academic stage;

2) admission to an Inn of Court;

3) the vocational stage;

4) the call to the Bar; and

Pupillage'.

Self employed

Full rights of audience

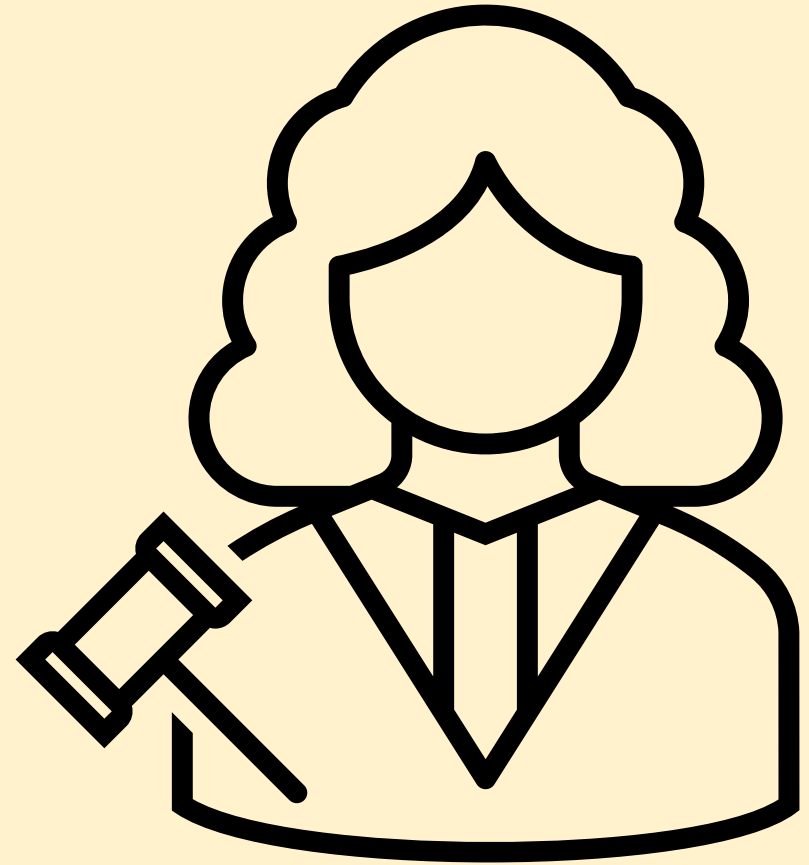
SECRETARY OF STATE FOR JUSTICE / LORD CHANCELLOR

- Is responsible for:
 - statutory responsibilities for upholding the rule of law (**s1 Constitutional Reform Act 2005**);
 - protecting the independence of the judiciary (**s3 Constitutional Reform Act**); and
 - a limited role in the appointment of justices of the Supreme Court.
- Does not hear cases anymore.
- Minister in Cabinet (MP)



JUDGES

- Different judges sit in different courts
- [Judicial Appointments Commission](#) –
Constitutional Reform Act 2005- to make
appointment fairer and more diverse.



Reflection

- Look at the case studies of CILEX judges at Judges Case Studies (https://www.cilex.org.uk/membership/career_progression/cilex-judges/our_cilex_judges)
- . Do you think they have increased the diversity of the judiciary?



CATEGORIES OF JUDGE

Is it a strength or a weakness that judges may hear cases from a range of different specialisms?

Judge	Outline selection criteria	Courts in which judge can sit
Justice of the Supreme Court	Very senior judge with extensive experience	Supreme Court
Lord Justices of Appeal	Senior judges with lengthy judicial experience	Court of Appeal [#] Divisional Court of the High Court
High Court Judges	Has met the judicial-appointment eligibility condition [*] for at least seven years or has served as a Circuit Judge for at least two years	High Court Divisional Court of the High Court Crown Court Family Court
Circuit Judge	Has met judicial-appointment eligibility condition [*] for at least seven years or is a Recorder or has served as a District Judge or District Judge (Magistrates' Courts) for at least three years	Crown Court County Court Family Court
Recorder	Has met the judicial-appointment eligibility condition [*] for at least seven years	Crown Court County Court Family Court
District Judge (Magistrates' Courts)	Has met the judicial-appointment eligibility condition [*] for at least five years	Magistrates' Court Family Court
District Judge	Has met the judicial-appointment eligibility condition [*] for at least five years	County Court Family Court

LAY MAGISTRATES

- Lay magistrates – not legally qualified

- 26 half day sittings a year

- Local people/ Knowledge

- Not legally trained.

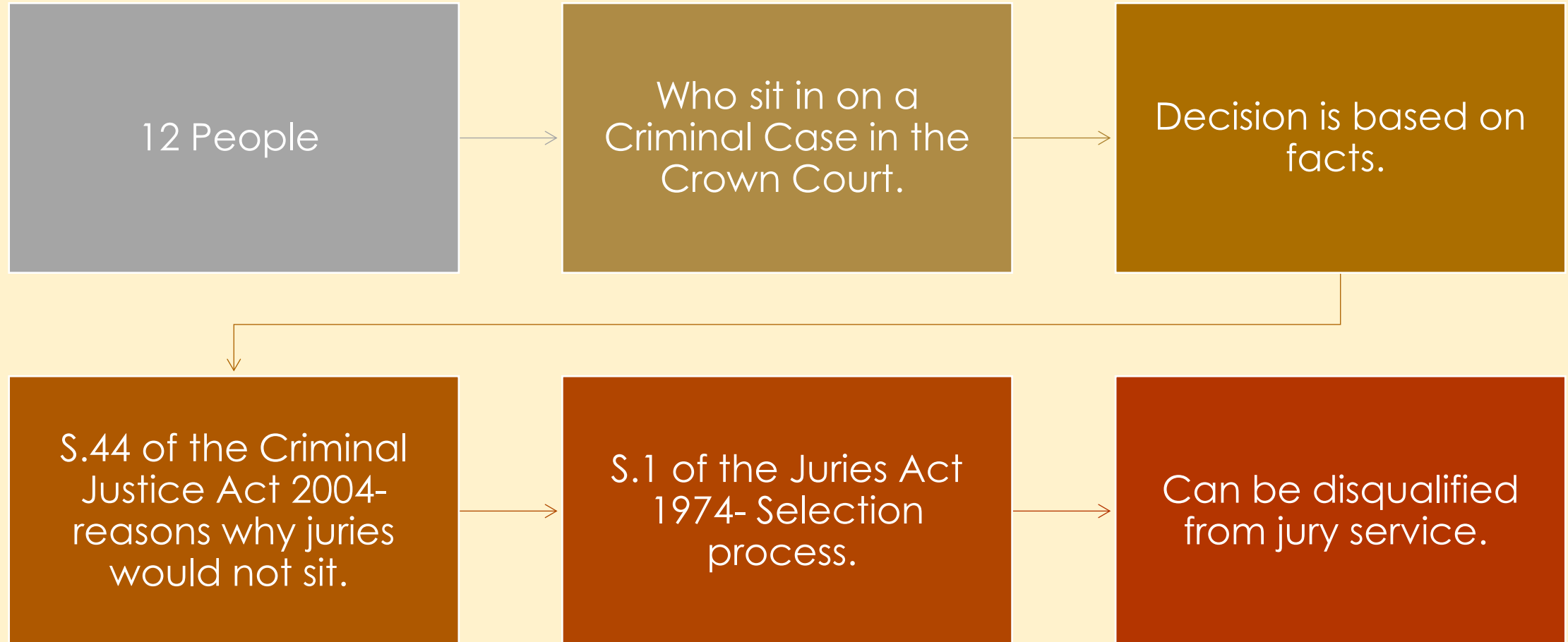
Criminal court

Family court

ACTIVITY

1. Read the guidance for becoming a magistrate at [Becoming a magistrate: guidance for applicants.](#)
2. What questions are prospective candidates advised to ask themselves before applying?
3. What are some advantages and disadvantages of magistrates?

JURIES



JURY SECRECY

- To be fair, long-standing rule that discussions should be kept secret
- Seen as important to encourage free and open discussion among juror members when deciding cases
- And also fear of juror intimidation later
- Individual jurors who reveal discussions, may be guilty of an offence: Juries Act 1974
- Some exceptions, e.g. can reveal concerns to judge or member of the court, such as of contempt of court
- Juries and the internet:

ACTIVITY

1. Can you identify some advantages and disadvantages of Juries?
2. Read the following BBC report on jurors using the internet for research <https://www.bbc.co.uk/news/uk-22550323> - BBC News. How realistic is it to expect jurors not to use the internet? What dangers do you think could arise if they do?
3. Should juries be abolished?
Remember to back up your answers

KNOWLEDGE CHECK (1):

- Which of the following are the responsibilities of the Secretary of State for Justice/Lord Chancellor?
- (Select 2 correct answers)
 - a. Ensuring that judges comply with government policy
 - b. Protecting the independence of the judiciary
 - c. Upholding the rule of law
 - d. Supporting the police in the fight against crime

KNOWLEDGE CHECK (2):

- Match the following professional bodies with their regulators

1) Solicitors

A) Law Society

2) Barristers

B) Bar Standards Board

3) Chartered legal
executives

C) Solicitors Regulatory Authority

D) CILEX Regulation

E) Bar Council

KNOWLEDGE CHECK (3):

- Lay magistrates only sit in the lower Criminal courts
- TRUE
- FALSE

KNOWLEDGE CHECK (4):

- Which of the following statements are true about juries?
- A) Jurors can research cases independently online
- B) Jurors can be aged 18-80
- C) Jurors must be on the electoral register
- D) Jury duty is optional
- E) Jurors are sworn to secrecy

SUMMARY

- Chartered legal executives.
- Solicitors.
- Barristers
- Judges
- Secretary of State
- Juries

THANK YOU!

Any Questions?