

CHAPTER 1

INTRODUCTION TO THE LEGAL PROFESSION IN ENGLAND AND WALES

1.1 Terminology

The most well-known name and the broadest term for a legal professional is **lawyer** as someone who has completed studies of law. In the UK a lawyer may obtain an undergraduate law degree, Bachelor of Laws (Latin: *Legum Baccalaureus*; LL.B.) and then decide to become a **barrister** or a **solicitor**. Therefore, it is not mandatory to progress to the degree of Master of Laws (Latin: *Legum Magister*, LL.M.) to enter the legal profession. It is also possible to complete a **law conversion course (GDP – Graduate Diploma in Law)** that would lead a non-law graduate who is looking to pursue a career as a solicitor or a barrister. The options of how to practice as a lawyer are wide. In comparison, the Slovak legal and educational system does not enable such a conversion and various options, and it does not distinguish between these two legal professions. The Slovak equivalent of the legal profession of solicitors and barristers would be “*advokát*”.

Other used terms are **legal counsel – barristers, legal practitioner** or **jurist**.

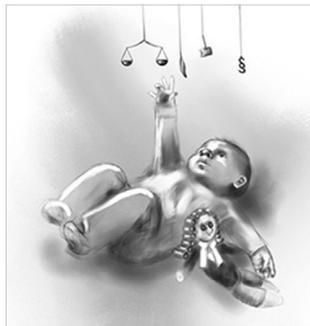
1.2 Barristers

Role of barristers: The primary function of a barrister (or **legal counsel**) is to do advocacy, and they have the right of audience in almost all judicial proceedings, and they may **appear before** any court of England and Wales. They will traditionally meet with clients or solicitors who are supposed to **instruct** them, conduct research, **negotiate between opposing parties**, draft judicial documents to go to court and present their client’s case in an **opening speech**. They may **examine and cross-examine** witnesses and experts and conclude during their **closing speech**.

How to become a barrister: A candidate with an LL.B. or with a one-year law conversion course has to join one of the four **Inns of Court**¹ (chambers) that are based in London. The admission is very selective. Once the selection is completed, a Student Member will have to take part in a **Bar Training Course (BTC)**, previously known as the Bar Professional Training Course (BPTC) during which the candidate will have to **complete qualifying sessions** (practice moots, advocacy exercises, educational lectures). At the end, s/he will **be called to the Bar Council** which is to be officially recognised as a barrister.

The second part of the training is called the one-year **pupillage**. The first half of the pupillage (**“the first six”**) is focused on observation and assistance of an assigned barrister and during the second half (**“the second six”**) the candidate will be taking cases and representing clients in courts.

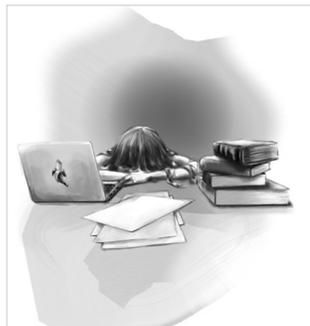
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¹ Gray's Inn, Lincolns Inn, Inner Temple and Middle Temple.



Exercise 3

Complete the derivatives.

ADJECTIVE	NOUN	VERB
	inalienability	unalienate
satisfactory		satisfy
protected		protect
liable		-
	default	default
valid		validate
enforceable	enforcement	
lapsed		lapse
	termination	terminate



Exercise 4

Read the following scenarios and decide on the issue of time.

1. Sarah discovers her car was damaged in a parking lot but waits three and a half years before filing a lawsuit against the property owner. The court informs her that the property owner raised an objection due to the passage of time.
2. A warranty on a television set specifies that repair requests must be made within two years of purchase. When the TV malfunctions after 26 months, the manufacturer refuses to honour the warranty.

GLOSSARY**CHAPTER 1**

Rights <i>in rem</i> /real rights	Vecné práva
Liability for damage	Zodpovednosť za škodu
Delivery of unjust enrichment	Vydanie bezdôvodného obohatenia
Relations of obligations	Závazkovéprávne vzťahy
Lease and sublease	Nájom a podnájom
Non-residential premises	Nebytové priestory
Cadastre of real estate	Kataster nehnuteľností
Foundation	Nadácia
Damage caused in the exercise of public authority	Škoda spôsobená pri výkone verejnej moci
Legal capacity	Právna spôsobilosť/subjektivita
Capacity for rights and obligations	Spôsobilosť na práva a povinnosti
Capacity for legal acts	Spôsobilosť na právne úkony
Capacity to perform unlawful acts	Deliktuálna spôsobilosť
Natural person	Fyzická osoba
Legal entity	Právnická osoba
Legal person	Právnická osoba/subjekt práva
Legal facts	Právne skutočnosti
Effectiveness <i>ex post facto</i>	Následná účinnosť
Statute of limitations	Premlčacie lehoty
Limitation period	Premlčacia doba
Time limits	Lehoty
Run from the date	Plynúť odo dňa
Respond to legal notices	Odpovedať na právne výzvy
Forfeiture of rights	Prepadnutie práv
Default judgment	Rozsudok pre zmeškanie
Lapse of claim	Preklúzia
Liability for defects	Zodpovednosť za vady
Pre-emption	Predkupné právo