

Requirements for becoming a solicitor



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In this essay, it will be explaining the definition of a solicitor then following the needs and requirements becoming one. Secondly, thoroughly looking at each section of the scenario by identify any unethical action and giving relevant case stories. Thirdly, analysing the charges the trainee can face breaking SRA principles and ethics. Then fourthly, finishing off the essay with a conclusion.

Many individuals today may come across a situation where they may need advice/help to overcome legal issues. In order for these issues to be addressed they must be dealt by qualified individuals such as “ *Solicitor, Barristers and legal executives.*” In UK, a Solicitor is a legal representative that gives guidance and support for any matters such as property, divorces etc. A solicitor can also provide assistances in any court and help the local community by offering free help for people who have low income. What qualifications do you need become a solicitor? The most common way to become a solicitor they must complete a LLB Law Degree then followed by the Legal Practice or another method by first completing non law degree, secondary take the “ *Common Professional Examination (CPE)*” then follow by the LPC.

This job contributes out many rewards and opportunities. However, there are numerous regulations and personal skills a solicitor must follow and deliver. Examples; devotion, numeracy skills, time management, commutation and interpersonal skills etc. These skills are essential because it shows how professional the individual is. Solicitor regulations Authority (SRA) are legal principles that control the solicitor and law firms in England and Wales. The SRA handbook aim to makes sure all clients and the public are protected

from solicitors/law firms. SRA also points out that any legal representative not following mandatory rules can result too fraudulently for any illegal actions caused by them. For example: if a solicitor discloses any information about a client to the public can be seen breaking; principle 6 “ *behave in a way that maintains the trust the public places in you and in the provision of legal services*” .

The first Issue in the scenario the trainee solicitor was offered a new position as a qualified solicitor after they have been admitted to the roll. However, the law firm will not pay for the trainee’s practising certificate until 4 months after being admitted. Just after being admitted, the supervisor gives a folder to the trainee that they will be dealing Mrs Frost divorce case. This can be a criminal offence because according to SRA Practice Framework rules 2011, under rule 9; is it a legal requirement to have a practicing certificate before handling any cases . “ *Rule 9 of the SRA Practice Framework Rules 2011 (‘ PFR’) sets out the circumstances in which you will be practising as a solicitor and must, therefore, hold a practising certificate*” and under section 21 “ *Solicitors Act 1974 To be qualified to act as a solicitor, you must have been admitted as a solicitor, be on the roll and have a practising certificate (s1 Solicitors Act). You will therefore be committing a criminal offence under section 21, as well as being in breach of the PFR, if you use any description which implies that you are qualified to act as a solicitor and you do not have a practising certificate.*” Although, the trainee is not fully qualified to be a solicitor, it is the supervisor responsibly to know how important to have a practising certificate as this can bring negative impact to the company.

Second Issue, during the case the trainee has been going through personal problem as she just ended a long relationship with her partner. Due to this, she has paid no attention to case by avoiding Mrs Frost calls and emails for a week and missing deadlines. This is breached of principle because under SRA principle 4 “ *act best interests of each client* ” and 5 “ *provide a “ proper standard of service to your clients”* ” . It is a solicitor duty to care and ensure their client’s needs are taken care in a profession and confidential manner. Any principles that are ruptured can face serious towards the solicitor and law firm for being unethical and immoral. *SRA v Iain Farrimond (2017)* in this case, the defendant was pleading guilty back in 2017 for trying to murder his wife. However, because the defendant was a solicitor this made the defendant break several SRA rules. Thought the trainee was going through distress, it is their duty to inform their line manager it is affecting their work.

Third issue, after a week overlooking the case the trainee finally speaks to Mrs Frost regarding about the progress of the divorce but lies claiming the court and Mrs Frost’s husband are the ones to be blamed for the delay. Principle 2 “ *act with integrity*” it is essential for clients to feel they can trust their lawyer/solicitor. By being dishonest to the client can result guilty for negligence then followed by “ *disciplinary sanction* ” . For example: if a client feels their solicitor breached their duty, they can file a case against them to sue for damages. *Fish v General medical Council (2012)* in this case, the defendant was found guilty for three different charges of misconduct which was not paying for accommodation, claiming false hours they worked and giving incorrect information on forms. *Regina v Ghosh (1982)* the defendant

was accused being deceitful about the sums of an operation. The defendant was charged for violation under the “ *Thief Act 1968*” .

Overall, in this scenario is very clear there were several of illegal activities undertaken by the trainee; not having practising certificate, although the trainee was on the roll they were not fully qualified as a solicitor and under the SRA an individual must need a practising certificate for all individuals who work in the law firm or as a sole practitioner. Under “ *Solicitor Act 1974*” if a person who performs as a solicitor but does not have right qualifications can be convicted for disobeying the law. However, although the trainee is at fault, this could have been avoided if management was not poor. Breaching of duty; if a solicitor has mistreated the SRA mandatory rules can get a disciplinary action against them, such as: penalty charge. In this case, the trainee did not complete the requirements of principle 2, 4 and 5; therefore Mrs Frost can take legal action counter to the trainee. Even though the trainee was going through a stressful time, she should have told the truth to her supervisor at the time to prevent missing deadlines.

Conclusion, in this essay accomplishes which routes to take in order to achieve right qualifications and personal skills. This essay also demonstrates how crucial is it for a solicitor/lawyer to follow the Law and SRA handbook because as explained before, the importance’s having principles is so that solicitors stay within their boundary and fulfil the requirements in lawfully manner towards others. Without this, personal data and confidential information can be tainted.

Cases

- *SRA v Iain Farrimond* (2017)
- *Fish v General Medical Council* (2012)
- *Regina v Ghosh* (1982)

Article

- “ Gazette” (2019)
- accessed 11 June 2019
- “ Swarb” (2019) accessed 13 June 2019

Websites

- “ Slater and Gordon” (n. d) accessed 10 June 2019
- “ Law society” (n. d) <https://www.lawsociety.org.uk/law-careers/becoming-a-solicitor/> accessed 10 June 2019
- “ Ucas” accessed 10 June 2019
- “ Law society” (n. d) accessed 11 June 2019
- “ Solicitor regulation authority” (n. d) accessed 11 June 2019
- “ Solicitor regulation authority” (n. d) accessed 11 June 2019
- “ Kingley Napley” (n. d) accessed 18 June 2019
- “ Legislation” (n. d) accessed 29 June 2019