

Difference between a barrister and a solicitor essay sample

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The legal profession originated from England. In England, the legal profession is divided into two branches. These two branches of legal profession are barristers (also known as advocate in Scotland) and solicitors. Although Malaysia adopted its legal system from England, there are no such division in Malaysia. In other words, it is a fused profession in Malaysia. A legal practitioner in Malaysia does the work done by both barristers and solicitors. Barristers and solicitors are both lawyers but they are different types of lawyers. One is not skilled or more knowledgeable than the other. Although an ample knowledge of the law is common to both professions, there are considerable differences between the work done by a solicitor and a barrister, and between the training systems for the two professions. A barrister and a solicitor underwent different training and have different areas of expertise. Barristers are self-employed. In England, a barrister is not allowed to form a partnership. Therefore, the barrister need not worry about the financial performance of the firm which in turn stops him from acting dishonourably in order to increase profit.

The duty towards achieving a just legal system overrules his personal interest. On the other hand, a solicitor is not self-employed. He is either employed by a firm or an organisation. A solicitor can also be in a partnership with another solicitor and together, they handle the performance of their firm. The solicitor is also the one who chooses the appropriate barrister for the client. It is possible for a barrister not to handle a case all the way through. This is because a barrister is usually briefed each time a specific piece of work needs to be done, for example, a hearing or a piece of drafting. Therefore, they can afford to have different barristers dealing with

the same case at different times. However, a solicitor will remain responsible for the same case all the way through. This is because a solicitor is reserved by his or her client and is responsible to deal with what comes up when it comes up. If a barrister is not available to attend a hearing involving Client A due to clashing of schedules as he has been already made an appointment with Client B beforehand, he has to honour his commitment with Client B.

This is called the 'cab-rank rule' and it is what helps keep barristers independent by preventing them from choosing their clients and which cases to handle. In the absence of such a rule, it might be tricky for an unpopular person to obtain legal representation. Simply put, the key difference between a barrister and a solicitor lies in the day-to-day nature of their work. A barrister is a legal professional who represents you in court. They specialize in litigation work. They prepare the drafting of pleadings and conduct the presentation of the case in court. On the other hand, a solicitor is a legal professional who generally gives you legal advice and appoint a barrister for you. A solicitor also prepares a summary of facts. All in all, although there are differences between these two roles of lawyers, the most important thing is that they work hard to achieve a just result and to preserve the legal system.