Difference between Solicitors and Barristers

### Historical Background

* Barristers were generally members of the upper class who had an elite education from institutions such as Oxford or Cambridge
  + The barrister was a state officer serving a role for the crown
  + This historical distinction is now reflected in their detachment from the client; the fact that there are fewer barristers than there are solicitors; and the closer social group of barristers as compared to solicitors
    - For example barristers work in chambers (symbolic of their upper class beginnings) while solicitors work in offices
* Solicitors on the other hand were historically persons of the middle class and would not have had an elite education
  + Today this is why the solicitors work directly with the client; why they are located all over the country rather than in London; and why they are less insulated

Two prong system

* Barristers
  + Barristers do not generally communicate with clients. If a barrister does meet with a client, the client's solicitor must be present
  + The Cab-rank rule: generally requires barristers to accept *any* case given to them by a solicitor
    - this ensures unpopular causes or clients never go without representation
    - helps barristers appear more impartial as they are merely presenting a case and marshaling all that can be said in favor of the client
  + Barristers are switch-hitters arguing for both plaintiffs and defendants
  + Barristers cannot form partnerships, instead they maintain separate offices in chambers
* Solicitor
  + A solicitor is the first attorney a person would contact
  + Solicitors provide a wider array of legal services
    - They provide transactional services such as drafting contracts, deeds, wills, etc.
    - They also conduct discovery, interview witness, and prepare all documents that will be used by the barrister in presenting the client's case
  + They handle the case from inception until it reaches court at which point they must retain a barrister for the remainder of the process
    - There is an exception for solicitors who have "rights of audience" however they cannot wear wigs and have shorter black robes
  + Solicitors can form partnerships (or firms)

Barristers considered more competent

* Higher courts' judges are almost all barristers (this is one reason why they prefer oral argument as opposed to written briefs)
* There is a belief that barristers are more competent than solicitors and that you get a higher quality of advocacy from oral argument

Sources

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