

Getting help with a legal problem

Most people only occasionally need legal help. When they do, how can they be sure that the person offering to help is properly qualified?

Different titles

The person offering legal services may have a title. What's the difference between a lawyer, a legal practitioner, a barrister, a solicitor, a solicitor and barrister, a barrister and solicitor, an attorney, or counsel?

- A **lawyer** is a person who has been admitted to the roll of Australian lawyers kept by the Supreme Court in the State the person was admitted.
- A **legal practitioner** is an Australian lawyer who holds a current practising certificate. A legal practitioner might also be called 'barrister' or 'solicitor' or 'counsel' - depending on the type of practising certificate they have.
- A **barrister** is an Australian lawyer who has a practising certificate allowing them to practise as a barrister only (a barrister's practising certificate).
- A **solicitor**; a **solicitor and barrister**; a **barrister and solicitor**; or an **attorney** are all Australian lawyers who have a practising certificate other than a barrister's practising certificate.
- A **counsel** can be either a barrister or a solicitor.

Who is allowed to engage in legal practice?

Only an Australian lawyer who holds a current practising certificate can engage in legal practice.

Practising certificates usually run for one financial year and then are renewed by the barrister or solicitor for the next year.

A lawyer who does not hold a current practising certificate is not allowed to provide legal services to others, whether for free or for a fee.



How do I know if the person offering to do legal work for me is allowed to do it?

Any person who says they are a barrister or a solicitor in Victoria or NSW should be listed on the Australian Legal Profession Register, [here](#).

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If the person says they come from a different State then you can check with the barristers' and solicitors' associations in that State.

Also, you can check whether a solicitor can act alone for you or whether they can only do your legal work as an employee. For example,

- A **principal** of a law practice can act alone for you.
- An **employee** of a law practice may only do work for you that is part of their employment at the law practice.
- A **corporate** legal practitioner works in-house only, as though their employer is their only client. They may not do work for you.
- A **government** legal practitioner works for the government and may not do work for anyone other than their employer.
- A **volunteer** at a community legal service may do your work but only if you are a client of the community legal service.

How do I know if my barrister or solicitor is insured?

Barristers and solicitors are holders of current practising certificates and must be covered by professional indemnity insurance.

Is it OK to share a solicitor?

You need a solicitor to act in your best interests, not somebody else's.

The same solicitor should never act for both parties to a sale or a dispute.

Safety checks

- ✓ In NSW and Victoria check on the [Australian Legal Profession Register](#) that the person has a practicing certificate.
- ✓ In other States, check with the State body below.
- ✓ If the person does not have a current practising certificate, do not let them do your legal work. They will be unqualified and uninsured.

For further information

[Law Society of the ACT](#), (02) 6274 0300

[Law Society of the Northern Territory](#), (08) 8981 5104

[Law Society of NSW](#), (02) 9926 0333

[Queensland Law Society](#), 1300 367 757

[Law Society of South Australia](#), (08) 8229 0200

[Law Society of Tasmania](#), (03) 6234 4133

[Victorian Legal Services Board](#), 1300 796 344

[Legal Practice Board of Western Australia](#),

(08) 6211 3600