

## 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