



## What is legal advocacy?

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Legal advocacy is when lawyers represent someone (their client) in a court or tribunal. This means they do and say things on their client's behalf. Examples include:

- sending a written summary of their client's case to a court or tribunal
- presenting their client's case to a court or tribunal.

To provide legal advocacy services, a lawyer must be allowed to work as:

- a barrister (regulated by the [Bar Standards Board](https://www.barstandardsboard.org.uk/for-the-public/search-a-barristers-record/the-barristers-register.html) [<https://www.barstandardsboard.org.uk/for-the-public/search-a-barristers-record/the-barristers-register.html>].)
- a chartered legal executive advocate/CILEx advocate (regulated by [CILEx Regulation](https://cilexregulation.org.uk/practitioners-directory/) [<https://cilexregulation.org.uk/practitioners-directory/>].)
- a solicitor (regulated by us).

The only exception to this rule is in some tribunals.

The regulators of these lawyers set the standards they need to meet, including

- treating people fairly and not discriminating against anyone
- being competent, which means being able to do their job properly
- acting in the interests of their clients
- keeping their client's information confidential unless they agree to share it with other people
- following their client's instructions, which means the decisions they make about how to take their case forward.

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## **When might I need legal advocacy services?**

You might need legal advocacy services if you're being prosecuted for a crime or have a dispute which is going to court (often known as civil law disputes).

Here are some examples of disputes in which you might need legal advocacy services:

- your ex-partner about divorce or childcare arrangements
- your employer about your treatment at work
- the Home Office about your immigration or asylum claim
- the Department for Work and Pensions about your benefits
- a local authority about excluding your child from school



## **Legal advocacy in courts**

The [courts of England and Wales](https://www.judiciary.uk/about-the-judiciary/the-justice-system/court-structure/) [https://www.judiciary.uk/about-the-judiciary/the-justice-system/court-structure/] are split into lower courts, higher courts and tribunals.

Lower courts deal with less-serious cases:

- Magistrates' courts deal with less-serious crimes, including most driving offences.
- The County Court deals with civil cases that aren't worth lots of money.
- The Family Court deals with most divorce cases if they go to court.

Higher courts deal with appeals and cases that are serious

- The Crown Court deals with crimes such as murder and appeals against magistrates' court decisions.
- The High Court deals with civil cases that are worth lots of money as well as appeals against County Court and Family Court decisions.
- The Court of Appeal and the Supreme Court only deal with appeals against decisions of other courts and tribunals.

Only barristers and solicitors with a special qualification (called higher rights of audience) can represent someone in the higher courts.

## **Legal advocacy in tribunals**

[Tribunals](https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about) [https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about] are similar to courts, but have different rules and deal with specific areas of civil law. Examples include:

- employment law
- immigration and asylum law
- education law
- the law on benefits.

In each area, there is a tribunal where claims start (known as a first-tier tribunal) and a tribunal to deal with appeals against decisions of a first-tier tribunal (known as an upper-tier tribunal).

To provide legal advocacy in an upper-tier tribunal, someone must be allowed to work as a barrister, a solicitor or a CILEx advocate. This also applies to some of the first-tier tribunals, including the one that deals with immigration and asylum law.

Some first-tier tribunals let people who aren't qualified as lawyers provide legal advocacy services:



- People who are training to become a lawyer can volunteer for charities to represent people who can't afford a lawyer in first-tier tribunals.
- Trade union officials can represent their members in the first-tier employment tribunal.

It's more common for people to represent themselves in tribunals because they're not as formal as courts. Find out more about [representing yourself](https://www.legalchoices.org.uk/legal-choices/got-a-legal-issue/courts/i-want-to-represent-myself-in-court) (<https://www.legalchoices.org.uk/legal-choices/got-a-legal-issue/courts/i-want-to-represent-myself-in-court>).