

What's the Difference between a Lawyer and a Barrister?

Some people are confused between lawyers and barristers which they use the terms interchangeably. But is there really a difference between them? How can we identify them?

The Legal Profession in Australia

Australia has a complex legal system, and understanding the distinctions between lawyers, solicitors, and barristers can be a daunting task. The [legal profession in Australia](#) encompasses a wide range of roles, including solicitors, barristers, judges, corporate counsel, and more. To become a lawyer in Australia, one must complete undergraduate or postgraduate tertiary studies in law, followed by practical or supervised legal training.

In the context of construction law in Australia, the legal profession plays a crucial role in providing legal services related to building and construction disputes. Construction lawyers, whether acting as a solicitor or barrister, specialise in various aspects of construction law, such as contract disputes, payment claims, and regulatory compliance.

When it comes to residential building disputes in Australia, the NCAT and court system are the primary forums for dispute resolution. Understanding the roles and differences between solicitors and barristers in these forums is essential to ensure that clients' rights and interests are protected throughout the process.

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What is a Lawyer?

A lawyer is any legal professional who can give legal advice to a client. The term 'lawyer' is an umbrella term for solicitor, barrister, judge, prosecutor, and even for the minister of justice.

What is a Solicitor?

A solicitor is a legal professional who specialises in a specific area of law. These areas of law include criminal law, family law, civil law, corporate law, construction law, etc. They provide advice to the client outside of court. Solicitors are the go-to lawyers of people for their legal matters.

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What is a Barrister?

A barrister, on the other hand, is a court advocate. When an issue becomes complicated, a lawyer can engage a barrister to represent the client. He/she may assist the solicitor/lawyer in drafting court documents and give legal advice to the client.

So, what's the difference between a Lawyer and a Barrister?

1. Legal Advice

Lawyers are the most accessible type of legal professionals for anyone having legal problems. They are expected to provide legal advice to clients who are not necessarily in a dispute yet but want to avoid legal disputes.

Barristers also give legal advice and this is usually for clients whose case escalated into something bigger. As court experts and advocates, they are expected to make sure that the client is taking the proper steps throughout their legal situation.

2. Client Representation

Lawyers and barristers can both represent clients inside the court. The only difference is, lawyers usually represent clients in the magistrate courts (or known as the lower courts). As for barristers, they usually represent clients in the higher courts. They are briefed or instructed by lawyers to properly represent the client in court.

3. Drafting Documents

Of course, court proceedings require a lot of paperwork. Lawyers must give a hand to their client in gathering the necessary documents needed to move forward with their legal situation. For cases that had reached the higher court, a barrister's assistance is needed to properly handle the client's current situation. Lawyers and barristers may work side by side to make sure that the right steps are taken.

Is there anything that a Solicitor can do that a Barrister cannot?

Unlike the usual lawyers, barristers do not prepare and sign the contracts and wills of a client. They may offer some legal advice but they're not the ones who handle it.

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Why take legal advice from Lawyers and Barristers?

1. To avoid making your situation more complicated.

The goal here is to avoid making your situation any worse. If you are already in a dispute that gives you headaches, you will surely not want any more of those. So better make sure that you listen and cooperate well with your lawyers to minimise the chances of getting in trouble. It wouldn't hurt as well to discuss and clarify the steps you are taking with your lawyers so you can assess whether it's worth your money or not.

2. Credibility on the documents.

Drafting documents under solicitor instruction gives more credibility as it is closely supervised. Documents for an ongoing court proceeding are important since it is used to get the client through his/her situation. Not only should the documents be carefully gathered and crafted, but they must also be handled with care.

3. To avoid future legal disputes.

Whether or not you've experienced getting involved in a legal dispute, taking advice from a legal expert is a wise move to make sure that you're not doing anything against the law. Even if you already went through a court proceeding successfully, it is still better to keep in mind what to do in legal disputes and to avoid conflicts in the future.

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Contracts Specialist principal lawyer John Dela Cruz, has over a decade of experience as a construction lawyer. He has dealt with all sorts of disputes related to building and construction. With his knowledge and experience, you can be confident that you are in good hands.

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