

## Chapter 12. Lawyers

Respecting the lawyer's mission is essential to the rule of law. Recommendation Rec(2000)21 of the Committee of Ministers of the Council of Europe, on the freedom of exercise of the profession of lawyer, defines the lawyer as *"a person qualified and authorised according to the national law to plead and act on behalf of his or her clients, to engage in the practice of law, to appear before the courts or advise and represent his or her clients in legal matters"*.

It follows from this definition that a lawyer may be entrusted with legal representation of a client before a court, as well as the responsibility to provide legal assistance.

In certain states or entities, other titles and definitions of a lawyer are used, such as solicitor (a person who gives legal advice and prepares legal documents) and barrister (a person who represents his/her clients in court). In **UK-England and Wales**, in the 1990s solicitors gained additional qualifications of solicitor-advocate and were allowed to plead before the higher courts. Insofar as **Ireland** is concerned, solicitors have had full rights of audience in all courts since the early 1970s. The word attorney is also used and is similar to the term "lawyer" as mentioned in this report (a person authorized to practice law, conduct lawsuits or give legal advice).

For practical purposes, the report uses the definition of a lawyer as stated in Recommendation Rec(2000)21, because the possibility to take legal action on behalf of a client determines the activity of the courts. Where possible, a distinction will be made between the above-mentioned categories.