

Introduction to Litigation Lawyers System in Hong Kong

The Legal System in Hong Kong

Hong Kong derived its legal system from the United Kingdom and keeps a common law system. After the taking over of sovereignty by the PRC from the UK, except for the imposition of a Basic Law which is the constitutional document of the region, the common law system left by the UK continues without any break. The Court hierarchy and the legal profession keeps unchanged. The laws in effect before the taking over continues. Overall, the present legal system in Hong Kong keeps the traditions of the previous UK laws before 1997 but have not incorporated the changes of laws in the UK after 1997.

The Litigation Lawyers in Hong Kong

There is a separation of two streams of the legal profession in Hong Kong, the barristers and the solicitors. There is no merge of the two streams as in some other jurisdictions. A barrister mainly takes the function of attending court hearings in litigation cases and barristers can only be instructed by solicitors and generally cannot be engaged by lay clients directly with some exceptions. Solicitors are engaged by lay clients to conduct litigation cases and, when necessary, instruct barristers as counsel to attend court hearings and/or assist on other parts of the litigation work. Solicitors have full right of audience to represent clients to attend court hearings in the District Court but have limited right of audience in the High Court and above. Barristers have the full right of audience to attend court hearings in all levels of Court. However, after the introduction of the system of solicitor advocate, the strict distinction between solicitors and barristers now becomes unclear. A solicitor, after passing an examination, can become a solicitor advocate who will have all the same right of audience to represent clients in all levels of courts as a barrister.

Becoming a Litigation Lawyers in Hong Kong

There are two ways to become a solicitor in Hong Kong. The traditional way is to first complete an LLB or JD degree and then complete a practical training course PCLL and last complete a 2-years trainee solicitor. The second routine to become a Hong Kong solicitor is specifically for lawyers of other jurisdictions. Lawyers of other jurisdictions with certain years post qualification experience (2 years for common law jurisdictions and 5 years for continental law jurisdictions) can sit and pass an Overseas Lawyers Qualification Exam and become admitted in Hong Kong quickly without the need of 2- years training.

The pathway of becoming a barrister is similar. The traditional way is to complete an LLB or JD degree and then complete a practical training course PCLL and last complete a 1-years pupillage. The other way is for qualified lawyers from other jurisdictions which is by sitting and passing an examination. Existing solicitors with 3 years post qualification experience can also transfer to become a barrister after completing a one-years pupillage.

Author: The above information is prepared by the editor of the website of Youth Litigation Lawyers in Hong Kong.