



THE  
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FOR CHARACTER & VIRTUES

Insight Series

*Solicitors of Satisfactory Character and  
Suitability*

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All solicitors applying for admission to the roll of solicitors are required to be of ‘satisfactory character and suitability’ before they are accepted. The Solicitors Regulatory Authority (SRA) discusses the criminal and behavioural conduct of would-be solicitors in their character and suitability assessment criteria, though add a catch-all caveat that they will consider ‘any information’ and take into account ‘all relevant matters’ when determining the level of risk to the public that someone poses. This paper will explore what being ‘of good character’ means as a solicitor, and how being assessed on your ‘character and suitability’ is relevant for each year that one seeks to be readmitted to the roll of solicitors. This paper will then contrast the character and suitability requirements to be a solicitor in England and Wales with the presentation of lawyers in two well-known Hollywood films. The Hollywood lawyer is often nefarious in their actions and reckless in their pursuit of a ‘win at all costs’ approach to reflect the differences between the pop culture fictional lawyer and the realities of what is required of the profession in this country.

#### *Introduction:*

In England and Wales, the Legal Profession encompasses a number of different roles and careers paths, including those of a solicitor and a barrister. When discussing the legal profession, it is not uncommon to hear use of the more generic term of ‘lawyer’ when talking about an individual who provides legal services and/or advice. In England and Wales, this more general term can include a number of different advisors, some of whom are regulated and some unregulated. A regulated lawyer is someone that is governed by an approved regulator or professional body. This means that the professional in question is qualified and expected to provide a quality service, as well as being expected to uphold the standards of conduct set out by the regulator. A lawyer’s actions and conduct are ‘watched over’ by the professional body. There are a number of regulated legal advisors with their own governing bodies; for example, the Bar Standards Board regulates barristers, the Intellectual Property Regulation Board regulates Patent and Trade Mark Attorneys, and the Solicitors Regulation Authority (SRA) regulates solicitors. In this paper, I will focus on the approach taken by the SRA and the requirements of character and suitability to be admitted to the roll of solicitors. The paper will consider the language used in the SRA guidelines with regards to assessing the character and suitability of solicitors in England and Wales, consider its impact on the practising solicitor seeking to renew their practising certificate each year that they practice for, and contrast the requirements of solicitors, in terms of their good character, with the

representation of ‘lawyers’ in popular culture, specifically in well-known films and television programmes.

In film and TV, lawyers are regularly painted as not just professionals who walk a moral tightrope in order to balance their obligations to their clients and to the Court, but often as professionals who wilfully overstep the bounds of moral and ethical conduct in order to win a case, or pursue some perceived notion of a ‘greater good’. The examples that I turn to include the hugely popular musical and film *Chicago*, in which the defence attorney, Billy Flynn, uses distraction techniques to create media hype around a case, rather than any skill in applying legal knowledge or constructing an argument, in order to win. Elsewhere, Fletcher Reede in *Liar Liar*, has built a reputation for winning cases by lying, which ultimately leads first to his downfall, before helping him reevaluate his life and change his practice as a lawyer. Both examples show an absence of good character and a lack of respect for the virtue of honesty, in terms of being honest to the Court. Honesty, or at least dishonesty, is something that the SRA character and suitability assessment tests for, in terms of one’s conduct and behaviour and the implications for them working in the legal profession.

It is important to note that the examples I draw on are, generally, American, rooted in different standards and rules of law different to that in England and Wales. Indeed, American law does not distinguish between the roles of solicitors and barristers, as in England and Wales, but this is moot. Such productions are globally popular, and the specifics of the laws to which the applicable lawyers are subject to become somewhat irrelevant in comparison to the overall storyline. The ways in which lawyers conduct themselves on screen are largely storytelling devices to move the plot forward, rather than an intended accurate reflection of reality. Their actions move the stories forward, just as with any character, regardless of profession. However, the ways in which professional characters conduct themselves, or at least how they are presented within the narrative of the text, impacts the reader, and creates impressions of how others in those professions may act in real life. In this instance, my intention is to contrast the fiction of various nefarious and morally questionable professional practices of lawyers on screen, with the realities of the requirement to be of good character in order to practice law in England and Wales. That is not to say the presentation of such characters is not entertaining. It is incredibly entertaining; *Chicago* is one of my all-time

favourite productions on the stage. I have written this paper whilst watching *The Undoing* on Sky Atlantic – a drama which presents within it a moral tightrope for the defence attorney to tread. I took that phrase from an episode description as I felt that it summarises both the often ethically precarious path that legal arguments can take, and also gives a sense of the theatre and drama that Courtroom debates can provide. Not every case is as dramatic as *The Undoing* – as anyone who has sat through endless hours of costs assessments can attest – however, the reality is that every case is just as important, as one’s moral and legal obligation as a lawyer remain every bit as important for the day to day workload, as in the Hollywood-scripted bombshell moments, e.g. [\*spoiler alert\*] when Hugh Grant’s character realises that his wife has destroyed his defence during her testimony.

In my mind, there are huge synergies between a theatrical performance on the stage or screen, and giving an opening or closing speech in Court. I first qualified out of Law School as a barrister and have felt the same nervous energy in making my case to a Judge as reciting lines in a school musical performance. Personally, I studied Theatre Studies at A-Level before studying Law at Undergraduate, and firmly believe that it helped shape me as a lawyer beyond learning to project one’s voice, or recite lines without a script. It also gave me more courage and confidence to speak in front of a room full of peers, or engage a client, resilience to keep going with one’s line of argument when the opposition are deliberately arguing against me, and compassion to listen to my client in order to better understand their position. I wouldn’t have said at the time – during schooling or university training – that these were qualities of character that I might need to be a good lawyer, nor that I would need to declare myself to be of good character for each year I wished to practice, but in writing this paper, I have become much more aware of the character strengths that a good lawyer needs, which are often at odds with the vices depicted within my fictional peers on stage and screen. I focus on solicitors in this paper, but the requirements to be a barrister in England and Wales are not totally different in that there is a ‘fit and proper’ persons test for an individual before being called to the bar. At this point, it is worth looking more at who the SRA are, what their role is with regards to the character and suitability of solicitors, and begin to explore what requirements they ask of us in practice.

### *Solicitors in England and Wales:*

A solicitor is an individual (or firm) that will represent and defend a client's legal interests and will advise a client on an area of law. There are, of course, many different areas of law, and, so in reality, the day-to-day role a solicitor will play can vary depending on the area of law in question. However, all solicitors are subject to the rules and standards laid down by the SRA, who are there to act in the public's best interests in terms of regulating the profession and ensuring that solicitors practice law to a certain standard, or at least abide by its standards and codes. That means that all solicitors must follow the same professional principles and code of conduct, regardless of the area of law they practice in. The SRA regulates more than [200,000 solicitors](#) in England and Wales. Their purpose is to protect the public by ensuring that solicitors meet high standards and by acting when risks are identified, or the applicable standards are not met.

To practise as a solicitor in England and Wales, a person must first be admitted to the roll of solicitors. In order to do this, there are academic qualifications that must be gained via undergraduate and postgraduate courses, but before an individual can practice, they must also meet the character and suitability requirements set out by the SRA. Quite simply, if you do not meet the SRA's requirements, academically **and** ethically, you will not be admitted to the roll of solicitors, leaving you unable to work. Consideration must, therefore, be given to an individual's personal history and whether there is anything within that history which will make an individual fall foul of rules of character and suitability. Underpinning the character and suitability requirements is the SRA's role to act in the public interest.

The SRA's [assessment of character and suitability](#) is a four-part provision dealing with: Part 1: Character and Suitability requirements (Rule 1 – Application, Rule 2 Assessment); Part 2: Conduct and Behaviour (Rule 3 – Criminal Conduct, Rule 4 – Other Conduct and Behaviour); Part 3 (and Rule 5) Aggravating and Mitigating Factors; and Part 4: Disclosure and Evidential requirements.

When considering one's character and suitability, the SRA will consider the overriding need to: protect the public and the public interest; and maintain public trust and confidence in the solicitors' profession and in legal services provided by authorised persons.

In doing so, the SRA will consider the nature of the role, and individual circumstances, on a case-by-case basis. The above is taken from Rule 2.1, the Assessment of one's character and suitability to practice law. In asserting that the need is always to protect the public, the SRA are declaring that the law has a wider role to play in society. This is often a point of tension in legal practice, with a firm's obligation to the Court and to improve its bottom line may coming into conflict, as previous Jubilee Centre research has explored (see [Arthur \*et al.\*, 2014](#)).

Criminal conduct plays an important part in the assessment of character and suitability. The SRA identifies a number of situations whereby criminal conduct described as 'most serious' **will likely** result in refusal of admission to the roll, and criminal conduct described as 'serious' **may** result in refusal of admission. A non-exhaustive list of the 'most serious' criminal conduct identified by the SRA considers whether an individual has been convicted by a Court of the below criminal offences:

- An offence for which the individual received a custodial or suspended sentence;
- An offence involving dishonesty, fraud, perjury, and/or bribery;
- An offence of a violent or sexual nature;
- An offence associated with obstructing the course of justice;
- An offence which demonstrated behaviour showing signs of discrimination towards others; or
- An offence associated with terrorism.

In addition, the 'most serious' criminal conduct will also consider convictions by a Court of more than one criminal offence; these could be less serious offences when considered in isolation, but they are taken more seriously because of frequency and/or repetition.

If an individual has shown a pattern of criminal offences or criminal behaviours, e.g. starting with a police caution but moving through to a conviction/s, then it will also be considered in the 'most serious' category. If an individual has accepted a caution from the police for an offence involving dishonesty, violence or discrimination, or a sexual offence, and if an individual has been included on the Violent and Sex Offenders register, then an individual will likely be unsuitable for admission. Here, the inclusion of dishonesty is important, when considering one's character. The premise of the legal profession is to always be honest and

act with integrity, including to the Court (i.e. not to mislead the Court), therefore, the assertion is that if you have committed an offence for being dishonest in any aspect of your personal or professional life, then you may not be deemed suitable or appropriate to practice law as a solicitor.

In providing a non-exhaustive list, the SRA does leave room to practice discretion when considering the character and suitability of a lawyer, in relation to criminal conduct, as it leaves the door open to other situations which merit a finding of ‘most serious’ or ‘serious’ criminal conduct, whilst not being specifically identified within the rules. What is also important in the assessment of character and suitability, here, is that when considering criminal conduct, the rules state that the Assessment is subject to the Rehabilitation of Offenders Act 1974 and the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and bearing in mind the public interest in supporting the rehabilitation of offenders.

The Rehabilitation of Offenders Act (ROA) is legislation introduced to help ex-offenders re-enter the workforce. In essence, pursuant to the terms of the ROA, some offences can become ‘spent’ after a set period of rehabilitation, resulting in the offender being treated for the purposes of that spent conviction as if they have never been cautioned or committed a crime. For a number of employers, the impact of the ROA means they cannot legally enquire as to spent convictions on a candidate’s application. Although there are some exceptions to this, including for roles in the legal profession. There is, here, though a clear acknowledgment as to the role that rehabilitation plays in society, and the purpose behind the ROA, which aims to rehabilitate offenders and not prevent them from being considered for opportunities in the future due to a relatively minor historic offence.

A consideration of criminal conduct in the assessment of character and suitability in order to work as a solicitor within the legal profession is not unexpected. It is not, though, just criminal conduct which is considered, as a non-exhaustive list of other types of behaviour and conduct for consideration is also identified by the SRA. Once again, the door is left open as to what other types of behaviour and conduct would render a refusal of admission to the roll. Other types of behaviour identified by the SRA relate to integrity and independence, assessment offences, financial conduct and events along with regulatory or disciplinary findings, and some examples are provided. The SRA will for example consider behaviour:

- which is dishonest;
- which is violent;
- which is threatening or harassing;
- where there is evidence of discrimination towards others.

Again, the inclusion of dishonesty is important with regards to understanding the SRA definition of character. If one is dishonest, even if they have not been criminally convicted of dishonesty, then the SRA are indicating that there would be serious question marks over their perceived suitability to practice law. The assessment of character and suitability also looks into how an individual handles their own personal finances. The SRA will consider whether an individual has been declared bankrupt, or entered into any individual voluntary arrangements. They will also consider evidence that the applicant cannot satisfactorily manage their own finances (e.g. the applicant has fallen behind with six or more consecutive payments and/or has been registered with a credit reference agency). Another example given by the SRA is if there is evidence that an individual is subject to possession proceedings (e.g. for falling behind on mortgage payments).

#### *Character and suitability:*

It is evident that the character and suitability assessment is far reaching in terms of how much of a lawyer's life can be included. By this, I mean that it is not simply limited to having a criminal record, or having committed a series of criminal offences, but includes other factors that may constitute an 'absence' of character, or a recklessness or dishonesty in the way that one has lived their life before requiring admission to the roll of solicitors. As part of the rules governing character and suitability, the SRA will consider aggravating and mitigating factors. Examples of aggravating factors include (lack of) evidence of rehabilitation, repeated patterns of behaviour, whether events occurred very recently, and the vulnerability of those impacted by the behaviour. Examples of mitigating factors include evidence of steps taken to remedy conduct, evidence of remorse, one off events, or whether an event occurred recently or some time ago, and credible and cogent supporting references. These elements are all essential to an assessment of character and suitability to ensure that an applicant is treated fairly and given the opportunity to provide further relevant information as to the conduct or behaviour being considered. At the time of writing, we are in the middle of a global pandemic, which has had an impact on many people in society, regardless of their profession. The pandemic



itself is unprecedented and as such, the impact of it, particularly financially, is also unprecedented. The impact of a pandemic alone could well impact on an individual who had, say, lived a previously debt-free life, or their ability to successfully keep up with mortgage payments. It is important to recognise that an assessment of character does need to be on a case-by-case basis to ensure the equitable treatment of all involved. As a balance, the SRA must also, in making an assessment, uphold their role to act in the public interest.

The SRA, in its [SRA Enforcement Strategy](#), explain as follows:

It is important we regulate in a way that helps maintain and build public trust and confidence in solicitors. That means protecting consumers, setting and enforcing high professional standards, and supporting access to affordable legal services, the rule of law and the administration of justice.

As well as making sure solicitors are competent, we want to promote a culture where ethical values and behaviours are embedded.

Our SRA Principles and Codes of Conduct aim to drive high professional standards. Through them we seek to give a clear message to the public, regulated individuals and firms about what regulation stands for and what a competent and an ethical legal profession looks like.

The focus on character and suitability of solicitors wanting to enter the profession reflects that the legal profession is not one that relies solely on academic qualifications. To become a regulated solicitor, one must essentially convince the regulating bodies that they have acceptable ethical and moral strengths to carry out the requirements of being a lawyer. This is not something that is only required to enter the profession at the beginning of one's legal career, but an ongoing requirement that one must sustain each year of practice. Every year, solicitors have to renew their practising certificate, which includes an annual declaration that they regularly reflect on the quality of their practice, and identify and address areas of development. The character and suitability assessment criteria impose on solicitors an ongoing obligation to tell the SRA about anything that may raise an issue relating to character and suitability, or any change to information disclosed in previous years. This obligation continues once an individual has been admitted as a solicitor for as long as they continue in the profession. This, therefore, emphasises the importance of character to a solicitor

throughout their career. This is more than simply abiding by a set of rules or codes, but a requirement for how a solicitor should live both their professional and personal lives. It is not enough in the law just to do one's job well; you must be a good person, as well. Or at least, not live a life that gives an impression that you have been dishonest, reckless, or greedy. This creates a marked distinction with the portrayal of many lawyers on the television screen, for example in *Suits* (referred to again below).

In stating the character and suitability requirements of solicitors, the SRA does not use positive or negative descriptors. The implication is, of course, that solicitors be of 'good' character, working with positive purpose and professional practice. That, though, is both harder to evidence and almost impossible to regulate. Indeed, the notion of regulating solicitors for not being positive role models, say by undertaking regular *pro bono* work, or having virtuous outside interests, seems counterproductive. Rather than provide positive examples and standards for solicitors to aspire towards, the character and suitability rules must instead provide a baseline for all solicitors to satisfy the SRA that an applicant is of good character and suitable for the role. Indeed, one must not be of bad character; one must not engage in the activities that the SRA can evidence as indicators of falling below the character threshold and determine that one is unsuitable to be admitted to the roll of solicitors, and continue to practice as one. That said, as a recent publication from the Jubilee Centre indicates, much of a lawyer's reputation as an accomplished legal professional is rooted in their character (see Thompson, Maile and Riley, 2020). As the expert legal voice in that publication writes, one would be 'devastated' to discover that a judge or peer thought that they did not practice with integrity or honesty. In short, that they did not practice with good character. The legal profession is already one that requires public trust in order to operate successfully. Having to formally satisfy an assessment of one's character and suitability is essential to the law, although relevant to many other professions – particularly those public sector professions like teaching and healthcare. It is much needed in the legal profession, and something that deserves the serious attention that it is given by the SRA and other regulatory bodies.

Where the requirement for a stringent ethical code may be evident to legal professionals, there is a clearly different perspective in public life as to the role of a lawyer. If the

expectations of a lawyer are to not be of bad character, to uphold the law, and to have an obligation to the Court, why, then, is the portrayal of lawyers in popular life, in particular film, so different?

*Lawyers in popular culture:*

The SRA's character and suitability requirements are stringent. As a practising solicitor, it can often be somewhat difficult to reconcile my experience of working in the law with the frequent depiction of the unscrupulous lawyer, being of bad character, that will win at all costs in Hollywood films and on television. That isn't to say that there aren't films and television programmes where the counter position is shown (e.g. Atticus Finch in Harper Lee's *To Kill a Mockingbird*), and it certainly isn't to say that all lawyers are of good character, but it does lead me to query where and how the connotation of bad character has arisen in the context of the profession. Of course, we are comparing, here, the requirements of English law with the fictional presentation of international [largely American lawyers], who are held to different laws, different operating standards, and their own codes of conduct. The point is, though, that the viewing public will have limited knowledge of those differences and specifics, and the mass consumption of popular film and TV globally renders them almost moot. It is rarely questioned whether what is seen on screen is actually how it would unfold in reality. However, it is interesting to explore the depiction of lawyers in Hollywood films and TV programmes with regards to their character and suitability to practice. Firstly, lawyers that tend to feature in films are largely those that are involved in litigation. I expect this is because it makes for more compelling viewing. It is rare to see a fictional presentation of a legal dispute that has at its heart a lawyer specialising in, say, conveyancing or drafting wills. These would seem less interesting areas to develop a plot around. Far better to focus on a litigious debate on a criminal act, a murder, or something else equally shocking and alien to the general lived experience of the audience. This is because stories about events that we are less experienced of or accustomed to excite us. Many adults will have instructed a solicitor to draft their will, or see through their house purchase. The quibbles over whether or not a vendor will leave the lightbulbs in, or when a neighbour moved their fence panels over the boundary line simply do not compare to the drama of the Courtroom battle between Kevin Bacon and Tom Cruise in *A Few Good Men*.

Films are produced to entertain us. As with most popular fiction and art, the primary purpose of writing a screenplay, or novel is to indulge the audience, to amuse them, to appeal to their sense of familiarity. That is achieved in a multitude of different ways, but essentially characters in fictional texts are written so that the audience is either endeared to them or repulsed by them. In engaging our emotions, we become more entertained by the picture or words in front of us. We enjoy the experience more. That said, there is a long tradition of linking qualities and strengths of character and literary texts, with film, TV programmes, poems, and plays all providing useful aides to exploring the character strengths of individuals and how character is built and reflected upon. Whilst it is not my intention to explore the educational character-building potential of legal dramas, it is important to recognise that the characters within them are created for our entertainment, and should, in the case of lawyers, come with a disclaimer that they do not always reflect the realities of practising law!

One example to discuss is the portrayal by actor Richard Gere of the nefarious lawyer Billy Flynn in the film adaption of the musical *Chicago* (2002). Set in 1920's United States, Billy Flynn is a hotshot lawyer who represents two female clients (Velma Kelly & Roxie Hart), both accused of murder. Billy Flynn's standard operating procedure is to 'create' a defence for his clients (such as that they acted in self-defence) and spin their actions by whipping up a media frenzy as a distraction to the actual legal proceedings. The song 'Razzle Dazzle', well-known in popular culture and featured in both the musical and film, is sung by Billy Flynn as he identifies for the audience how to distract the jury by giving them a 'show'. As Billy Flynn explains, 'Roxie. You got nothing to worry about. It's all a circus, kid. A three-ring circus. These trials - the whole world - all show business. But kid, you're working with a star, the biggest!'

Lyrics such as 'Give 'em the old Razzle dazzle, Razzle dazzle them. ...Razzle dazzle 'em and they'll never catch wise' show Flynn's tactics – essentially to treat the jury as small children and keep them entertained by moving and shiny objects to prevent them from focussing on the evidence and facts. Such a tactic is taken to the extreme by Flynn, who relishes in his own ability to distract and deceive. I mentioned earlier in this paper the overlap between theatrical performance and legal performance, and never is this more evident than in Flynn's description of himself as 'a star' – he is the actor, the big name, the one to be

celebrated – not for his character and suitability to practice law, but his ability to divert the attentions of jury members, and of everyone else, in his pursuit of the legal outcome he wishes for his clients. The song “They Both Reached for the Gun” is another example of his strategy, where Billy Flynn persuades a mob of reporters to believe his client did not murder her lover (when she in fact did). In doing so, the case becomes played out through the media, rather than the Courtroom. The portrayal of the lawyer coaching his client to ‘sell a story’ shows his client, Roxie Hart, as a ventriloquist dummy with Billy Flynn controlling the dummy with strings. Ultimately, he achieves his end goal as both clients are acquitted of murder. Such a tactic, to use the media to manipulate a legal case is not limited to *Chicago* on screen, and is a tactic still seen in television and film today where Hugh Grant’s character gives a television interview to a journalist in order to present an image of flawed but ultimately passive character. Indeed, if used as a tactic in real life it would create challenges as to the impartiality of jury members who may be sitting having already created an impression of what they have seen in the media. In the UK, there are strict requirements regarding media involvement in legal cases, particularly criminal ones, making Flynn’s MO harder to play out in reality.

Another film that challenges the character and suitability of lawyers is *Liar Liar* (1997), which stars Jim Carrey as Fletcher Reede, a successful lawyer who uses underhand ploys to win cases. Reede lies, regularly, in order to win cases, or achieve the best possible outcomes for his clients. However, the plot twist is when he finds himself unable to lie about anything, after a birthday wish made by his son for his dad to only tell the truth. This includes in the Courtroom. The film challenges the notion of honesty in the law, albeit from a moral perspective in that Reede’s son sees that lying is ultimately bad, and wants his Dad to be a better person, and a better lawyer, by not lying. Reede’s reputation, though, is as a successful lawyer for lying. He is known for it, but, as the film’s tagline states, he gets his clients to ‘trust me’ by showing them how he can spin their cases to their own advantage. However, in the end it is his inability to lie that ultimately creates his salvation.

The American Legal Drama *Suits* (2011-2019) is an example of a TV programme where questions of professional and legal ethics are asked, but not as you may expect. The series is based on the premise that one does not need a degree to practice law. That is because, when

running from a drug deal, law student dropout Mike Ross ends up in a job interview with Harvey Specter for one of the top legal firms in New York City. Harvey hires Mike on the spot for his raw talent and photographic memory. Mike then starts working as a law associate despite never having completed law school. Mike and Harvey work together whilst maintaining the secret that Mike is actually a fraud. Although unqualified, Mike is portrayed as competent, empathetic, compassionate and courageous, whereas Harvey (and numerous other 'hot shot' lawyers around him) are presented as lacking in empathy, being driven by money and protecting their records for not losing cases in Court. Mike persuades Harvey to get the company to undertake *pro bono* work and, over a number of series, changes the culture of the practice. The conflict here, though, is that whilst he may have the legal skills required for the job role, as well as a number of positive character strengths, he does not have the academic qualifications. Indeed, he acts dishonestly, repeatedly, every time he meets a client, steps into a Courtroom, or serves a paper. He is therefore acting in bad character, in spite of his applaudable character strengths, by representing clients ultimately, without being qualified to do so.

This portrayal of lawyers on screen as having questionable moral character, often in order to advance their client's case to win, and so their own reputations as lawyers, is at odds with the position in England and Wales, laid down by the SRA and Bar Standards Board in their codes of conduct. I have already identified that a solicitor, in order to work in this profession, has to have satisfied the stringent requirements as to character and suitability in order to practice. A barrister, who is often the advocate seen in the Courtroom, also has to undergo a similar assessment to determine that they are a fit and proper person to practice law. So, we have seen, that individually, the professional is required to be of good character to practice in the first place. So, where does the negative portrayal of lawyers on screen stem from?

This could be because of the tension between the duty to the public and private client, potential conflicts of the legal profession that do not exist in others, such as business, medicine, or teaching. In business, the fundamental purpose of professional practice is to make money, to increase that bottom line. In medicine, it is to treat human life, and in teaching, it is to educate younger generations. In law, though, whilst one's obligations have to be to the Court, and indeed to the public good, this also has to sit with the requirement to

advance a client case, providing a service, in order to receive payment. To quote from the SRA, though:

Although solicitors must advance their clients' cases, they are not 'hired guns' whose only duty is to that client. They also owe duties to the Courts, third parties and to the public interest.

The Courts have made clear that the standard of honesty required for solicitors is that they may be "trusted to the ends of the earth" (Bolton v Law Society [1993] EWCA Civ 32) and that the Courts have indicated that confidence in the legal profession, as a whole, is more important than the interests of one lawyer (Bolton v Law Society [1993] EWCA Civ 32).

This is not necessarily fairly reflected in the Courtroom scenes from the above cited films and TV shows, and that difference isn't only down to the different countries where the legal practice takes place. In England and Wales, the SRA sets out seven [Principles](#) which comprise the fundamental tenets of ethical behaviour expected. The seven principles require solicitors to act:

- in a way that upholds the constitutional principle of the rule of law, and the proper administration of justice;
- in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons;
- with independence;
- with honesty;
- with integrity;
- in a way that encourages equality, diversity and inclusion;
- in the best interests of each client.

The preamble to the principles provides that:

Should the principles come into conflict, those which safeguard the wider public interest (such as the rule of law, and public confidence in a trustworthy solicitors' profession and a safe and effective market for regulated legal services) take precedence over an individual client's interests. So ultimately, whilst balancing these interests may not be an easy task, there

is clear guidance on what the ultimate priority should be. This is not the approach of ‘win-at-all-costs’ often shown in film and television.

*Conclusion:*

This paper has sought to unpack and explore what the requirements of character and suitability are for solicitors wishing to practice law in England and Wales. In doing so, I have sought to draw upon the rules and guidance as set out by the SRA, who act as the regulating body for solicitors in this country. The assessment of character and suitability is far-reaching and nuanced. It provides a baseline for all solicitors to work from, and is an ongoing, annual requirement for all solicitors to meet in order for them to continue practising. That said, when we practice law, or indeed ‘perform’ it, questions of character and suitability are drawn more closely into context.

There are many overlaps between performing law and performing shows, for example, such as the requirement to recite significant amounts of information, speak in front of large numbers of people, and be persuasive in your argument. This is, perhaps, why some Courtroom scenes, in real life, are compelling, as we get to see some of the very best orators in society presenting their cases for and against a particular motion, or defending or prosecuting for a particular charge.

However, it is important that we not merge reality with fiction. Where a lawyer may be able to win us over with their presentation of an argument on screen, such as in the examples given above, television and film presentations of legal scenes often over simplify legal proceedings, and reduce professional motivations down to simply wanting to win a case for the glory of winning the case, or for money. Performing a legal service well is not character, and simply seeing it as such limits our ability to practice law suitably. Public perception of lawyers is coloured by what we see on TV and in film, as it is of doctors, and other professions, but this is not always an accurate representation of what it is like in reality. Indeed, it rarely is. Cases are not solved in a 45minute episode, or a 90min film; they take weeks, months, even years of grind, meticulous attention to detail, and legal research that will be reduced to a few late nights drinking coffee or eating junk food on the screen. In addition, given the various different areas of law within which to practice a significant proportion of



solicitors deal with non-contentious work. That is to say they will have no dealings with litigation or any requirement for the Court. One's professional integrity and reputation as a solicitor are not performed, they are authentic. One's character and suitability to be a solicitor are not determined by the number of cases one has won or lost, or the level of 'razzle dazzle' one creates around themselves. The character and suitability assessment to be a solicitor in England and Wales is an important part of the process to being admitted to the roll of solicitors, and its annual practising certificate renewal offers solicitors the regular opportunity to reflect that they are offering the best level of practice that they can offer to their clients, to the Court and the public, but, maybe most importantly, to themselves.



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- ◆ *Promoting a moral concept of character in order to explore the importance of virtue for public and professional life.*
- ◆ *A leading informant on policy and practice in this area through an extensive range of research and development projects contributing to a renewal of character and values in both individuals and societies.*

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