

# Note on Legal Professions:

*A Comparative Study on the Terminology of Legal Professionals*

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is more painful than that  
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honor," and so on. The g  
arises mainly by compar  
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everyone.

As a sharpening of wits, controversy is often, indeed, of mutual advantage, in order to correct one's thoughts and awaken new ideas. But in learning and in mental power, the antagonists must be tolerably equal. If one of them lacks learning, he will fail to understand the other, as he is not on the same level with his antagonist. If he lacks mental power, he will be embittered, and resort to dishonest tricks, and end by being rude.

The only safe rule, therefore, is that which Aristotle mentions in the last chapter of his *Topica*: not to dispute with the first person you meet, but only with those of your acquaintance of whom you know that they possess sufficient intelligence to advance abstr



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## Introduction

This study, Note on Legal Professions: A Comparative Study on the Terminology of Legal Professionals, is the final project of the six-week Legal English course organised by the Lawyers' Association Youth Commission (Hukukçular Derneği Gençlik Komisyonu) and was prepared collaboratively by the course participants. It defines and comparatively explains twenty-four key terms used across the legal and law enforcement fields, aiming to bri-

dge the understanding gap between the Anglo-American and Turkish legal systems. Its objective is to enhance participants' ability to use Legal English and foster a deeper awareness of the structural and cultural distinctions between the two legal traditions. The study also aims to serve as a valuable reference for all Turkish legal professionals who wish to improve their Legal English and engage more effectively with international legal contexts<sup>1</sup>.

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<sup>1</sup> The editor extends her sincere thanks to esteemed colleague Andrew Goodman for his contributions in reviewing and improving the accuracy of the study.

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## Note on Legal Professions:

### A Comparative Study on the Terminology of Legal Professionals<sup>3</sup>

#### Attorney

"Attorney"<sup>4</sup> refers to a legal professional who provides legal services, represents clients in court, and manages legal affairs. To become an attorney, one must graduate from a law faculty and complete a legal internship.

In the Turkish legal system, an attorney is referred to as "avukat." Similar to the common law system, one must graduate from a law faculty, pass the Legal Professions Entrance Exam (Hukuk Mesleklerine Giriş Sınavı), and complete a one-year internship supervised by a bar association. After completing the internship, candidates can obtain a lawyer's license and begin practising as registered lawyers<sup>5</sup>.

#### Solicitor

The term "solicitor" is prevalent in common law jurisdictions, notably in England. Solicitors provide legal advice to clients, draft legal documents, and handle the preliminary phases of litigation. They typically do not represent clients in court but instead, organise case files and collaborate with barristers who represent them. However, over the last

30 years, a hybrid status has emerged- known as solicitor advocates- which allows solicitors to have right of audience in the High Court, a privilege which was traditionally exclusive to barristers.

In the Turkish legal system, unlike the English legal system, there is no distinction between attorneys as solicitors and barristers. Therefore, lawyers registered with a bar association after completing the required process are called "avukat". They are all entitled to provide consultancy, litigation and representation services for their clients.

#### Barrister

The term "barrister" originates from the distinction between lawyers in the English legal system. In civil law systems, the attorney at law is the sole legal professional alongside the judge and the prosecutor. However, in some common law systems, lawyers have differing roles with distinct functions for those providing legal advice and those representing clients in court. Nevertheless, this distinction has gradually diminished during the past twenty years.

Barristers are specialised attorneys who provide legal advice, often in a specific area of law. Unlike solicitors, they are primarily recognised for representing and advocating for their clients in court. However, over the past two decades, they have been sharing their exclusive rights with solicitors who have expanded their advocacy services.

#### Advocate

The term "advocate" refers to a legal professional representing or defending individuals in court. However, its meaning can vary across different legal systems. For example, in England, "barrister" is commonly used instead of "advocate"<sup>6</sup>.

In the Turkish legal system, the equivalent of "advocate" is "avukat". Becoming an "avukat," requires a law degree followed by a one-year internship (staj) under a bar association, including six months at a courthouse and six months in a law office. Upon completing the internship, candidates may obtain a law license and practise law as bar-registered lawyers (attorneys) in law firms, public institutions, or companies or be self-employed.

#### Counsel

The term "counsel"<sup>7</sup> refers to a legal professional, often used interchangeably with "lawyer" or "attorney". Legal counsel typically provides advice to individuals or organisations, with a particular focus on companies. Counsels often specialise in a specific area of law based on the organisation's needs. Their responsibilities include providing legal advice, drafting documents, and sometimes representing clients in court. The term "counsel" has the same meaning in civil law systems as well.

#### Legal Consultant

Legal consultants are lawyers who provide advice

on various legal matters often serving companies and public institutions as internal legal advisors. They may also provide consultation services for individuals. While they typically do not have the authority to represent clients in court, they provide legal advice and strategic guidance. Unlike attorneys, legal consultants focus primarily on advisory roles rather than direct courtroom representation. However, attorneys may also engage in legal consulting services in some cases.

#### A Public Defender

In the United States, a public defender is a lawyer funded by the government to represent individuals accused of crimes who cannot afford a private attorney.

In Turkey, legal representation is provided to those with insufficient means through the legal aid system, and the bar association assigns an attorney. Specifically in criminal cases, indigent defendants are provided with a court-appointed defence attorney (müdafi) to ensure their right to a fair trial.

#### Legal Executive

Legal executives (or chartered legal executives) in the UK are lawyers with practical experience and/or academic credentials, allowing them to provide substantive legal support to solicitors or other legal practitioners. Like solicitors, they can offer legal advice, administer oaths, and have limited rights of audience in court, typically within specific areas of law, but they have lower-level authorities compared to solicitors. While legal executives often work alongside solicitors, they may also operate independently in police stations and courts.

In the Turkish legal system, lawyers have no distinct hierarchical levels, as all lawyers receive the same legal education and hold equal authority across all areas of law. However, informal distinctions may

<sup>3</sup> The editor utilised artificial intelligence in the editing process of this work; however, all revisions, including those related to grammar and content, were made by her.

<sup>4</sup> The term "attorney" is no longer in use in England and Wales, as opposed to the USA where it is common.

<sup>5</sup> In common law systems, "lawyer" is a generic term which refers to a law graduate, not a specific profession.

<sup>6</sup> It is important to note that "advocate" has a broader use extending outside the legal context, such as a patient's advocate, a consumer's advocate or an environmental advocate. For instance, "patient advocates" help patients communicate with their healthcare providers to ensure they have the necessary information to make informed healthcare decisions; "consumer advocates" protect customers' rights and work to improve laws governing the sale of goods and services. An advocate can publicly support an idea, such as "environmental advocates", encouraging individuals, companies, and governments to adopt practices that minimise environmental harm.

<sup>7</sup> In England and Wales, the term 'counsel' is exclusive to barristers.

arise based on the experience and specialisation of individual lawyers. Nevertheless, gaining experience does not create an official hierarchy within the profession.

### Paralegal

A paralegal is a legal professional who works under an attorney's supervision. They undertake tasks such as legal research, drafting legal documents, and assisting with client communication. In general, paralegals are not law graduates, but they possess specialised training in legal studies or a related field.

In the Turkish legal system, there is no direct equivalent to the paralegal role. The closest concept is that of legal assistants who may have graduated from the "Adalet Meslek Yüksekokulu" (the Vocational School of Justice) and support lawyers with administrative and procedural tasks.

### Notary Public

A notary (a notary public) is a lawyer authorised to prepare, witness, and authenticate specific legal documents. In both common law and civil law legal systems, notaries perform crucial tasks such as verifying signatures, authenticating documents, certifying sworn declarations (affidavits) and official statements, apostilling international documents, and certifying sworn translations. Additionally, they verify powers of attorney and oversee the execution of contracts between parties. They authenticate significant legal documents, including real estate transfers, mortgages, wills, and inheritance documents. Moreover, they play a crucial role in corporate affairs by certifying company establishment documents and board decisions. Nevertheless, their role, authority, and responsibilities significantly differ based on the governing legal system.

In common law systems, notaries are typically self-employed or state-appointed, operating within a less centralised structure. Their powers are generally limited to document certification and sworn declarations. They do not provide legal consulting services, as lawyers handle such matters exclusively. They also do not play a significant role in document preparation. Real estate transfers, for example, are typically managed by lawyers or land

registry officers rather than notaries. Similarly, lawyers or testate executors conduct inheritance transactions, and lawyers or trade registrars handle company formation processes.

In contrast, civil law systems, including Turkey, feature state-appointed notaries often holding public servant status and operate within a more centralised and regulated framework. They have broader powers and greater responsibilities, particularly in real estate transfers, inheritance transactions, and company establishments. They actively assist in preparing legal documents and can provide legal consulting services to ensure legal compliance. Unlike in common law systems, real estate transfers are directly approved by notaries, making this a fundamental aspect of their duties. Similarly, inheritance matters are handled by notaries, with wills requiring approval in their presence. Notaries also play a key role in company formation by approving the necessary documents, a responsibility considered one of their core functions.

### Law Clerk (Judicial Clerk)

In common law systems, a "law clerk" (or judicial clerk) is a law graduate who assists judges. Civil law systems also utilise law clerks to provide administrative and legal support to judges. Across both systems, law clerks commonly handle tasks like organising case files, doing legal research, preparing draft court decisions, observing court proceedings, staying updated on legal developments, and facilitating inter-court communication.

However, there are notable differences between the two systems. In the United States, law clerks are more involved in legal research, drafting decisions, and supporting judges in reasoning. They are often viewed as future attorneys or judges. In civil law, law clerks perform administrative tasks, preparing documents. They have less legal training and typically have longer, more permanent roles in administrative work, as is the case in Turkey.

### Compliance Officer

The term "compliance", a concept and a principle of Anglo-American origin, is derived from the verb "to comply" (meaning to adhere to accepted standards) and extends beyond law to fields like medi-

cine, telecommunications, trade, information technology and the environment.

Compliance officers within a company, organisation, or government entity ensure adherence to all relevant laws and regulations and prevent regulatory violations. They also conduct regular training sessions for employees on regulatory changes. While a law degree is not mandatory, individuals with degrees in finance, business administration, economics, or related fields can become compliance officers. In Turkey, compliance officers work with similar responsibilities and authority as in the Anglo-American legal system, but under a distinct legal framework.

### Law Professor

A law professor is an academic who researches and teaches the principles and practices of law. The primary duties of law professors in common law systems include teaching, research, publishing, consultancy and legal expertise, conference participation, community service and academic administration. Law professors contribute to legal development by analysing judicial decisions, particularly regarding interpreting case law, which is fundamental in common law systems. However, their influence on judicial decisions is indirect<sup>8</sup>.

Law professors in civil law systems, including Turkey, share similar responsibilities to their common law counterparts but with key distinctions. They play a significant role in the theoretical and practical development of law. Given the primacy of written law in civil law traditions, their work in interpreting, systematising legal texts and participating in legislative drafting is vital. They contribute to the judiciary by creating legal doctrine (legal teaching) as a foundation for judicial decisions and legal reasoning. Unlike in common law systems, professors' doctrines are important reference sources for judges, and their academic opinions are frequently cited in judicial decisions.

### Judge

The term "judge" refers to a public official with the authority to hear and decide legal cases in a court of law. Judges preside over court proceedings, interpret and apply laws, and ensure justice is administered fairly. In a common law system, their responsibilities include ruling on legal motions, instructing juries, and delivering sentences. Becoming a judge requires years of legal experience, typically as a lawyer, followed by an appointment or election to a judicial position.

In the Turkish legal system, the term "judge" corresponds to "hâkim." Becoming a judge requires graduating from a law faculty, passing the Legal Professions Entrance Exam, and then the Exam for Justice and Prosecutor Candidacy. Successful candidates subsequently complete a two-year internship program supervised by the Ministry of Justice before being appointed to the judiciary. Alternatively, experienced lawyers can also become judges. Those meeting specific experience criteria may apply for mid-career judicial candidacy positions, following a different application process regulated by the Ministry of Justice.

### Justice

The term "justice" in its broad sense refers to moral rightness, fairness, and the rule of law. In legal systems, it often signifies the proper and fair administration of the law. More specifically, it is used as a title for judges in higher courts, such as "Supreme Court Justice," notably in common law countries like the United States and the United Kingdom.

The Turkish equivalent of "justice" is "adalet." Justice involves placing a person, an object, or a resource in the most suitable position, in alignment with its nature and competence. It entails making choices and decisions based on truth, reality, and fairness. Furthermore, justice involves applying rules equally to everyone without bias or favouritism. The Ministry of Justice (Adalet Bakanlığı) is responsible for ensuring the just and efficient operation of the legal system within the Turkish legal framework.

<sup>8</sup> In England, the Court of Appeal and Supreme Court very occasionally may invite the opinion of a law professor as an expert as amicus curia.



## Master

In the common law system, a “Master” is a judge of limited jurisdiction who primarily handles procedural aspects of a case from initiation to the trial. While a High Court judge delivers the final judgment on the merits of the case, Masters manage case progression and ensure the smooth progression of legal proceedings. Besides their administrative function, Masters also have the power to shorten legal proceedings (by awarding summary judgments or striking out cases).

The Turkish legal system does not have a ranking among judiciary members, but it maintains a clear hierarchy among courts. Turkish judges perform roles similar to Masters and High Court judges in the common law system, depending on the level of court to which they are assigned. Unlike Masters, Turkish judges oversee both procedural and substantive aspects of cases.

## Chancellor

The term “chancellor” has different meanings depending on the context and country. In England, the Chancellor of the High Court is a senior judge responsible for specific civil law matters, particularly within the Chancery Division of the High Court of Justice. In academic settings, the term “chancellor” often refers to the head of a university.

In the legal context, the term “chancellor” (şansölye) has no direct equivalent in the Turkish legal system, as it is a title specific to the Anglo-American legal tradition and historically rooted in English equity law. Consequently, no judicial title in Turkey directly corresponds to “chancellor.” In academia, however, the closest equivalent would be the position of rector.

## Arbitrator

In everyday language, an arbitrator is appointed to resolve a dispute between two or more parties who have agreed to be bound by his/her decision, and which then becomes enforceable as a registrable judgment of the court. In legal terms, however, the role of an arbitrator is more specific. Arbitrators oversee the arbitration process, regulated by statute or organisational rules, a form of alternative

dispute resolution (ADR). During arbitration, the arbitrator applies the law agreed upon by the parties and issues a binding decision that both parties must follow. In the Turkish legal system, the term “arbitrator” corresponds to “hakem,” whose role aligns with that in common law jurisdictions.

## Mediator

A mediator is a neutral third party who facilitates the mediation<sup>9</sup> process by analysing the dispute, maintaining confidentiality, fostering mutual trust, and encouraging constructive communication. Mediators offer an effective and flexible alternative to litigation, all while safeguarding the interests of all parties involved.

Although mediators exist in both common and civil law systems, the structure of the mediation process and their roles vary. In general terms, the mediator’s role within common law systems is more facilitative, whereas mediators in civil law systems may take a more directive approach. The training and certification of mediators also reflect these differences. Common law jurisdictions generally offer more flexibility, with a variety of institutions providing mediator training. In some civil law jurisdictions, including Turkey, however, the training and certification process is typically more regulated and often governed by state legislation.

## Police Officer

A police officer is a law enforcement agent responsible for enforcing the law, patrolling urban areas, investigating crimes, and arresting suspects. The role and powers of police officers differ between civil law and common law systems. In common law countries like the United States and the United Kingdom, police forces are typically affiliated with local governments and operate with broader discretion, regulated by legal principles and specific statutory powers.

In the United States, for example, unlike sheriffs who are elected or appointed, police officers apply to local departments. They usually serve in city or town jurisdictions, monitor crime, respond to traffic incidents, and transport detainees to county jails.

In civil law systems, police officers are typically graduates of specialised academies, having passed exams and met specific qualifications before officially joining the police force. The Turkish police force, part of a civil law system, is centralised and affiliated with the Ministry of the Interior. Police powers are strictly regulated, with detention generally requiring a prosecutor’s order and being tied to specific criminal offences. In contrast, in common law countries, police officers have broader discretionary powers, particularly regarding detention.

## Sheriff

In the United States, a sheriff is an elected law enforcement officer with jurisdiction over a county and is typically responsible for managing local jails. While sheriffs can perform duties similar to those of police officers, such as apprehending suspects, patrolling areas and responding to emergencies, their primary responsibilities focus on enforcing court orders and managing legal processes involving detainees.

In the Turkish legal system, there is no direct equivalent to the role of a sheriff. Instead, law enforcement responsibilities are divided between the gendarmerie, which oversees law enforcement in rural areas, and the police force, which manages policing in urban areas. Unlike sheriffs in the United States, who are elected, all law enforcement agents in Turkey are appointed. Additionally, tasks such as managing detention centres and enforcing court orders fall under the authority of the Ministry of Justice.

## Deputy Sheriff

A deputy sheriff assists the sheriff in carrying out their duties and serves as a member of the sheriff’s department. Their responsibilities include assisting criminal investigations, patrolling to prevent crime, arresting offenders, enforcing laws and overseeing local jails. In essence, a deputy sheriff supports the sheriff’s duties, serving as second-in-command and

contributing to the safety and security of the assigned area.

In the Turkish law enforcement system, there is no direct equivalent to the position of deputy sheriff. Police officers in urban areas and gendarmes in rural regions carry out similar functions.

## Constable

A constable is a British police officer of the lowest rank with responsibilities that include patrolling designated areas, responding to emergency calls, investigating crimes, making arrests, and interacting with the community. They gather evidence, write reports, and ensure public safety through proactive measures. Additionally, they assist victims, enforce laws, and maintain a visible presence to prevent criminal activities. Constables are crucial in building positive relationships between the police force and the community, contributing to a safer and more secure environment.

In the Turkish legal system, a police officer corresponds to a constable under the General Directorate of Security. Additionally, there are lower-ranking security personnel known as “market and neighbourhood guards” (çarşı ve mahalle bekçileri). While their duties are similar to those of a police officer, such as patrolling and maintaining public order, their authority is more limited.

## Coroner

In common law jurisdictions, a coroner is a public official responsible for conducting inquests to determine the cause of suspicious, unnatural, sudden, or unexplained deaths. Coroners are generally not required to have specific medical qualifications, although they often work with medical experts.

In the Turkish legal system, there is no direct equivalent to the role of a coroner. Instead, the public prosecutor assigned to the case is responsible for investigating the cause of death, often in coordination with forensic experts.

<sup>9</sup> Mediation is an alternative dispute resolution (ADR) method employed in both common law and civil law systems to settle disputes without initiating formal court proceedings. In common law systems, mediated agreements generally become legally binding upon the parties’ signatures. In contrast, civil law systems may require additional formalities, (such as notarisation or court approval), for the agreement to acquire binding legal effect.

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