

Thème 2 : La nature de la responsabilité liée aux activités juridiques en droit anglais

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fiduciary duty

La profession d'avocat en Angleterre

solicitor

solicitors barristers

solicitors
Solicitors' Regulation Authority

Law Society
solicitors

solicitor

Law Society

solicitors

Limited Liability Partnership
partners
solidum

partnership

Partnership

in

solicitor

barrister

solicitors barristers
Supreme Court Court of Appeal High

bailiffs

notaries

solicitor

solicitor

legal executive

legal executives

Trends in the solicitor's profession. Annual Statistics Report 2012. Summary Figures

*Court
Bar Standards Board*

barrister

Bar Council

*barrister
solicitor*

solicitor

barrister

barristers

barristers

La nature de la responsabilité du *solicitor*

solicitor

solicitor

*1. La nature de la responsabilité du *solicitor* vis-à-vis de son client*

Responsabilité contractuelle

solicitor

retainer

retainer

*Responsabilité fondée sur le rapport de confiance entre l'avocat et son client
(fiduciary duty)*

Hedley Byrne Co. Ltd v Heller Partners Ltd

Hedley Bryne

Hedley Byrne

assumed responsibility

Hedley Byrne

*Henderson v Merrett Syndicates Ltd
Names*

Lloyds

lawlords

Hedley Byrne

Henderson v Merrett

assumption of responsibility

Henderson v Merritt

Caparo Industries v Dickman

*Crossan v Ward Bracewell Co
Re Foster*

solicitor.

White v Jones *lawlords*
Hedley Byrne *Henderson v Merritt*

solicitor

solicitor

lawlords

solicitor

assumption of responsibility

White v Jones

reliance

White v Jones

30

White

La nature de la responsabilité du *barrister*

La responsabilité envers le client

Absence de responsabilité contractuelle

barrister

solicitor
solicitor

barrister

Responsabilité délictuelle (liability in tort)

barrister

solicitor

barrister

barrister

solicitor

barrister

barrister

client/ solicitor

Ross v Caunters

White v Jones

Carr-Glynn v Frearsons (A Firm)

Humblestone v Martin Tolhurst Partnership (A Firm)

Dean v Allin & Watts

ibid.

Code of Conduct

Saif Ali v Sydney Mitchell & Co

Hedley Byrne Le barrister
fiduciary duty

duty of confidence

Responsabilité envers les tiers

barrister

solicitor

barrister

Mathew v Maughold Life Insurance Co Ltd³³ *barrister*

Conclusion

tort

tort negligence