

Civil Litigation: Reparation Law Legal Domain

The paralegal should be able to competently commence cases in different courts from initial instruction to completion on behalf of both Pursuer and Defenders.

Specifically, the paralegal should be competent to:

- Where possible, attend first meeting with clients, take and record information, and issue letter of engagement and terms of business (for partners to consider whether to take on as a no win-no fee case. A solicitor needs to grant Advice & Assistance if that is the chosen feeing arrangement).
- Undertake Precognitions of witnesses (including clients)
- Collate papers for use of office and Counsel
- Draft instructions to Counsel or Solicitor-Advocate.
- Draft, finalise and submit Writs
- Diarise and adhere to court deadlines and advise supervising solicitor(s) accordingly
- Instruct experts for reports
- Draft, intimate and enrol motions (including e-motions)
- Draft preparation of List of Witnesses and Productions timeously
- Draft, intimate and lodge written defences (for revisal by solicitor)
- Draft and intimate adjustments to pleadings (for revisal by solicitor)
- Draft, intimate and lodge a Statement of Valuation of Claim (for revisal by solicitor)
- Draft, intimate and lodge a Minute of Tender (Gross and Net) (for revisal by solicitor)
- Attend Consultations with clients and experts (where appropriate), assist and noting
- Attend Pre-Trial Meeting, Pre-Proof Consultation and Proof Hearing (where appropriate), assist and noting
- Draft letter confirming terms of settlement
- Draft Joint Minute
- Handle cases in different courts and using different procedures from initial instruction to completion on behalf of the client
- Seek, note and comply with client, supervising solicitor, agents and Counsel (as appropriate) and report to them throughout the case
- Ensure all relevant procedures, court rules and time limits – including triennia – are observed
- Instruct the preparation of Judicial Accounts of Expenses as requested within court time limit

KNOWLEDGE

By the end of the one year period as a 'Trainee Registered Paralegal', a paralegal eligible to qualify for Registered Paralegal status in relation to Civil Litigation: Reparation Law should be able to:

- demonstrate knowledge, understanding familiarity and awareness of the relevant law and procedure/s relevant to the particular Legal Domain for the work he/she is undertaking on behalf of the Supervising Solicitor
- apply his/her knowledge and understanding of the law and procedure/s to a particular matter effectively, and carry out procedures appropriately and efficiently so as to meet the needs of the (i) Supervising Solicitor, and ultimately (ii) the client's needs, objectives and priorities, based on a clear understanding of the client's instructions.

Demonstrate knowledge and understanding of:

- the steps involved in a civil litigation action, and in any appeal process
- the duty to the court
- the rights and obligations of the pursuer and defender
- the information required from the client in order to prepare a case for court
- the procedure, steps and options available and appropriate to the particular type of litigation
- the court rules and procedures available and appropriate to the particular type of litigation
- the requirement to comply with the court and other deadlines and time scales, including those required by the client
- appeal procedures
- appropriate methods of enforcement of court orders and decrees, including diligence
- appropriate protective measures

- the use of caveats
- the implication of court judgements to the client and others
- the qualifying rules for legal aid, and the procedures for obtaining legal aid, as well as legal aid procedure for different types of process
- Complying with time limits as set down by any client protocols or management information.
- the crucial importance of using a diary and of meeting deadline for all relevant litigation procedures including
 - Court rules in relation to deadlines and time scales.
 - Importance of raising proceedings prior to the triennium date.
 - Timescales of appeals
 - Importance of intimating/lodging Account of Expenses/Points of Objection within the time limit
 - in Sheriff Court cases where acting on behalf of the Pursuer it is particularly important to diarise and comply with the Court Timetable
 - in the absence of the Court Timetable prepare for proof or appeal in accordance with firm's best practice

Demonstrate knowledge of and familiarity with:

- relevant Court rules
- relevant legislation for the particular type of litigation
- Money Laundering Regulations 2007 –General Competencies
- Sheriff Court Practice Rules and Court of Session Practice Rules
- Ordinary Cause Rules
- Sheriff Court (Civil Procedures) Scotland Act should this not be- Sheriff Courts (Civil Jurisdiction and Procedure) (Scotland) Act 1963?
- Research tools including citators and electronic tools such as Westlaw and LexisNexis –General Competencies
- Scottish Legal Aid Handbook
- Prescription and Limitation (Scotland) Act 1993
- Table of fees

Demonstrate understanding of:

- the structure of the civil court system

- the rules of evidence
- the requirements imposed by the Scottish Legal Aid Board
- the differences between privately-funded and legal aid-funded cases
- the importance of court and legal aid deadlines
- the use of firm's in-house database or library systems

Demonstrate an awareness of:

- knowledge of alternative methods of dispute resolution (e.g. mediation, arbitration, adjudication)
- taxation implications for the particular type of litigation
- pre-designed styles and prescribed forms
- knowledge, location and familiarity with all relevant firm styles including anti-money laundering and cash procedures. – General Competencies
- How to prepare accounts for submission to SLAB and/or Auditor of Court
- Knowledge of Taxations
- Legislation available upon which a clients' case or defence may be based e.g. Health and Safety "6 Pack", Damages (Scotland) Act 2011, Occupiers Liability (Scotland) Act 1960

SKILLS

By the end of the one year period as a 'Trainee Registered Paralegal', a paralegal eligible to qualify for Registered Paralegal status in relation to Reparation Law should be able to:

Technical skills	Accuracy, literacy and numeracy	<ul style="list-style-type: none"> • that he/she is able to draft or revise accounts of expenses accurately • Ability to produce reliable, accurate work which forms part of the case for the client
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		<ul style="list-style-type: none"> Ability to competently use and maximise the use of office equipment and systems – General Competencies
	Information Technology	<ul style="list-style-type: none"> where necessary, that he/she is able to use the Scottish Legal Aid Board on-line system
	Office equipment	<ul style="list-style-type: none"> Ability to use commonly available office equipment, electronic research programmes or libraries –General Competencies
	Office systems and procedures	<ul style="list-style-type: none">
Organisational Skills:	Personal management	<ul style="list-style-type: none"> Ability to keep court diary and diarise appearances –General Competencies Able to submit Accounts promptly
	File management	<ul style="list-style-type: none"> that he/she is able to properly file manage i.e. to comply with firm procedures and with The Law Society of Scotland's Practice Rules and Guidance in relation to this matter. –General Competencies
Communication Skills	Generally	<ul style="list-style-type: none"> that he/she is able to properly and effectively communicate with clients, colleagues and Counsel alike in oral, written or electronic form.
	Face to face communication	<ul style="list-style-type: none"> that he/she is able to remind solicitors of urgent matters to attend to that he/she is able to instruct local agents for court appearances
	Written communication	<ul style="list-style-type: none"> that he/she is able to draft complex letters of instruction that he/she is able to identify appropriate expert witnesses and instruct same.
	Electronic communication	
Inter-personal Skills		<ul style="list-style-type: none"> that he/she understands the importance of not becoming emotionally involved with cases.

Practice Skills	Research	<ul style="list-style-type: none"> • that he/she knows where to look for and find information required to carry out his/her work. • that he/she is able to use key primary (e.g. Acts, Regulations etc) and secondary (e.g. key text and reference books) sources – General Competencies • that he/she is able to: <ul style="list-style-type: none"> - research a locality (e.g. local schools, nurseries, and other such amenities)
	Interviewing	<ul style="list-style-type: none"> • that he/she is able to interview and note Precognitions of witness (including clients) both face-to-face and by telephone.
	Writing and drafting	<ul style="list-style-type: none"> • that he/she is able to use precedents, prescribed forms and styles appropriate for the particular type of action • that he/she is able to draft relevant procedural documentation such as: <ul style="list-style-type: none"> - defences - records - motions (including e-motions) - minutes (including Joint Minute) - specification of documents - notifications of witnesses - caveats - Summary Cause Writs - Small Claims Writs - Initial Writ <p>and in relation to diligence, obtaining warrants, and protective measures</p>

		<ul style="list-style-type: none"> • that he/she is able to record narrative of evidence in court • that he/she is able to prepare and paginate productions • that he/she is able to transcribe notes • that he/she is able to note
(if required for the specific Legal Domain)	Negotiation	<ul style="list-style-type: none"> • that he/she is able to negotiate settlement terms in order to settle cases General Competencies • that he/she is able to conduct discussions and negotiations at procedural hearings
(if required for the specific Legal Domain)	Advocacy	<ul style="list-style-type: none"> • where appropriate, that he/she is able to appear in court and argue a case effectively as a paralegal on behalf of a client in those courts in which a paralegal is entitled to appear. This could include attending a taxation, appearing in Smalls Claim Court (as an Authorised Lay Representative) or at the Summary Cause (Heritable) Courts. • General Competencies

VALUES AND ATTITUDES

By the end of the one year period as a 'Trainee Registered Paralegal', a paralegal eligible to qualify for Registered Paralegal status in relation to Reparation Law should be able to:

Legal and ethical values		Understand the ethical and legal rules and practices relating to litigation cases – General Competencies
Attitude/s		Display a professional, impartial attitude and to be well prepared in advance of any meeting, precognition or appearance
Focus	Professional	
	Client	<ul style="list-style-type: none"> • an awareness of: <ul style="list-style-type: none"> - the costs of litigation - the possibilities for funding different types of litigation, including the likely cost of defending or pursuing litigation balanced against the likely benefits of exercising the remedy • an understanding that it is for the client to judge whether litigation is worthwhile, based on the impartial advice tendered