

CIVIL LITIGATION - REPARATION ACCREDITED PARALEGAL

SCOPE OF ACCREDITED PARALEGAL'S COMPETENCE

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 Accredited Paralegal, a paralegal eligible to qualify for the Accredited Paralegal Marque in relation to Civil Litigation - Reparation 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 Accredited Paralegal, a paralegal eligible to qualify for the Accredited Paralegal Marque in relation to Civil Litigation – Reparation should be able to demonstrate:

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• Ability to competently use and maximise the use of office equipment and systems• an understanding of the importance of correct detail and the consequences/risks of carelessness.• attention to detail in his/her work.• that he/she is able to produce accurate work in terms of spelling, presentation and layout, as well as content.• that he/she is able to deal with figures and carry out computations accurately and proficiently, as required.
	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• that he/she is able to use available technology effectively and efficiently• that he/she is able to use computers and word processors appropriately for carrying out and producing his/her work• that he/she is able to use case management systems and maintain electronic files, where appropriate
	Office Equipment	<ul style="list-style-type: none">• Ability to use commonly available office equipment, electronic research programmes or libraries –General Competencies

		<ul style="list-style-type: none"> • that he/she is able to use office equipment such as voicemail, photocopier, fax competently and effectively. • that he/she is able to use the telephone effectively to communicate with clients and others, and to carry out legal business on the telephone efficiently.
	Office Systems and Procedures	<ul style="list-style-type: none"> • that he/she is able to use office business systems and resources appropriately and effectively, whether paper-based or computerised, including employing organisation's forms and precedents. • compliance with office procedures, including time recording. • compliance with all quality standards, and other policies and processes of employer organisation.
Organisational Skills	Personal Management	<ul style="list-style-type: none"> • Ability to keep court diary and diarise appearances • Able to submit Accounts promptly • an understanding of the importance of time-limits and of the risks of breaching time-limits. • that he/she is able to exercise effective judgement in respect of realistic timescales for completion of tasks and delivery of objectives, and manage his/her own time effectively. • that he/she is able to manage his/her personal workload, including managing a number of concurrent matters effectively so as to meet all objectives, priorities and deadlines in each matter • that he/she is able to use paper-based and/or electronic diaries and electronic task management systems to plan time and work effectively. • that he/she only accepts work which he/she feels competent to undertake.

		<ul style="list-style-type: none"> • that he/she is clear as to the work and responsibilities delegated to him/her by the Supervising Solicitor, and understands the limits in relation to that role • that he/she recognises the requirement to keep his/her Supervising Solicitor fully informed on a regular basis, the Supervising Solicitor having a responsibility to supervise matters, and that he/she does so. • that he/she recognises that it is paramount to raise concerns/issues relating to completion of tasks and meeting of deadlines with his/her Supervising Solicitor at the earliest opportunity, and that he/she does so. • that he/she recognises when it is necessary to seek support and/or advice from his/her Supervising Solicitor, when it is necessary or required to refer an issue in its entirety to the Supervising Solicitor, and that he/she does so. • that he/she recognises where a transaction is non-standard or includes non standard elements, and refers this to his/her supervising solicitor • that he/she passes on messages promptly and undertakes communications/ action arising from telephone calls, meetings or client interviews.
	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 • good file management practices in terms of: <ul style="list-style-type: none"> - opening new files - filing documents and correspondence as appropriate - keeping filing up to date - taking and filing accurate notes of telephone calls and meetings - closing file when completed or instructed to close file • that he/she is able to lodge documents or applications in the correct form, at the correct place and at the correct time
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. • that he/she is able to communicate effectively with those with whom he/she

		<p>needs to work, particularly the Supervising Solicitor, and with clients, the other side, relevant bodies and authorities, as appropriate, including:</p> <ul style="list-style-type: none"> - identifying different communication options and selecting the communication form which is appropriate to the particular situation and/or client. - producing communications which meet client or Supervising Solicitor instructions, and which are fit for purpose. <ul style="list-style-type: none"> • confidence and assurance in his/her dealings with people, whether in person or over the telephone.
	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 • that he/she is able to communicate effectively in face-to-face situations, can listen and check understanding. • that he/she is able to communicate effectively by telephone, including: <ul style="list-style-type: none"> - using appropriate telephone answering and handling techniques - using a good telephone manner which is efficient and polite - being able to establish the content and nature of telephone calls from the caller, whether or not a client
	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. • that he/she is able to communicate effectively in writing: <ul style="list-style-type: none"> - using clear language, correct spelling and appropriate grammar, syntax and

		<ul style="list-style-type: none"> punctuation - demonstrating attention to detail - adopting a style appropriate to the recipient
	Electronic Communication	<ul style="list-style-type: none"> • that he/she is able to use electronic communications effectively and appropriately, including: <ul style="list-style-type: none"> - understanding and using proper business and professional etiquette within an electronic environment - understanding the difference between letters and e-mails and when the latter are appropriate - properly managing e-communications to avoid risk, including archiving e-mails safely and accurately.
Inter-personal Skills		<ul style="list-style-type: none"> • that he/she understands the importance of not becoming emotionally involved with cases. • that he/she is able to develop and maintain effective working relationships with clients, colleagues (in particular the Supervising Solicitor) and others to achieve goals and to identify and resolve problems. • that he/she is able to work effectively as part of a team including: <ul style="list-style-type: none"> - working co-operatively and willingly with others in own and other's teams - communicating effectively with those with whom the paralegal needs to work - knowing when to ask for support from, or to offer support to, other team members - knowing when to refer issues or ask for guidance from Supervising Solicitor
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)

		<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 (eg Acts, Regulations etc) and secondary (eg key text and reference books) sources
	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. • that he/she is able to conduct a client-centered interview effectively, including: <ul style="list-style-type: none"> - preparing for the interview appropriately - listening and eliciting required legal, personal and factual information, and full instructions from client - recording all relevant factual, legal, procedural and evidential matters arising in relation to the client's matter in a file note for future reference
	Writing and drafting	<ul style="list-style-type: none"> • that he/she is able to write letters or reports appropriate for the recipient or audience and which achieve their purpose, including: <ul style="list-style-type: none"> - communicating clearly, concisely and unambiguously and appropriately with clients, solicitors, non-solicitors and others - tailoring style of communication to suit the purpose of the communication and the needs of different clients and other recipients - producing communications which meet client or Supervising Solicitor instructions following internal protocols, conventions and using required styles and/or precedents. • that he/she is able to draft documents which are: <ul style="list-style-type: none"> - well-organised - valid in terms of content and form - use correct legal terminology - address relevant legal and factual issues accurately

		<ul style="list-style-type: none">- ensuring documents are validly executed and registered in relevant registers, where necessary• that he/she is able to use precedent documents and styles by:<ul style="list-style-type: none">- identifying the appropriate precedent document or style required- adapting the precedent document or style to the particular context- understanding when non-standard variations may be needed and referring to Supervising Solicitor.• that he/she is able to complete prescribed forms accurately• that he/she is able to produce or prepare other required documentation which is:<ul style="list-style-type: none">- accurate- well-organised- appropriate.• that he/she is able to use precedents, prescribed forms and styles appropriate for the particular type of action• in relation to diligence, obtaining warrants, and protective measures• that he/she is able to record narrative of evidence in court 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• that he/she is able to prepare and paginate productions• that he/she is able to transcribe notes
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(if required for specific domain)	Negotiation	<ul style="list-style-type: none"> • that he/she is able to take part in a negotiation effectively, including: <ul style="list-style-type: none"> - preparing appropriately for the negotiation - negotiating - within the agreed instruction and remit - negotiating according to the practice and conventions of the particular Legal Domain • that he/she is able to negotiate settlement terms in order to settle cases • that he/she is able to conduct discussions and negotiations at procedural hearings
(if required for specific 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. • that he/she is able to advocate a case on behalf of a client effectively in accordance with relevant rules and procedure, in cases where a Registered Paralegal has jurisdiction and authority to appear, or where preparing on behalf of the Supervising Solicitor where the Supervising Solicitor will appear, including: <ul style="list-style-type: none"> - preparing appropriately for the submission - using legal authorities, relevant facts and documentation in preparation for, and during, a submission - using effective speaking skills - demonstrating an understanding of the relevant rules, ethics and conventions governing advocacy
VALUES AND ATTITUDES		

By the end of the period as a Trainee Accredited Paralegal, a paralegal eligible to qualify for the Accredited Paralegal Marque should demonstrate they:

<p>Legal and Ethical Issues</p>		<ul style="list-style-type: none"> • understands and complies with the Standards, and refers to the Standards of Conduct and Service for Scottish Solicitors • adheres to rules issued by the Society in respect of completion of ten hours of Accredited Paralegal CPD per annum by way of qualifying activities recognised for solicitors' CPD.
<p>Attitudes</p>		<ul style="list-style-type: none"> • understands that responsibility for legal work undertaken rests with the Supervising Solicitor, including in relation to execution and signing of documentation • only accepts work which they feel competent to undertake. • is clear as to the work and responsibilities delegated to them by the Supervising Solicitor, and understands the limits in relation to that role. • recognises the requirement to keep his/her Supervising Solicitor fully informed on a regular basis, the Supervising Solicitor having a responsibility to supervise matters, and does so. • recognises it is paramount to raise concerns/issues relating to completion of tasks and meeting of deadlines with his/her Supervising Solicitor at the earliest opportunity, and does so. • recognises when it is necessary to seek support and/or advice from Supervising Solicitor when required or refers an issue in its entirety to the Supervising Solicitor, and does so. • recognises where a transaction is non-standard or includes non standard elements and refers to Supervising Solicitor. • updates Supervising Solicitor, client, court or others as appropriate, by conveying the appropriate information to the appropriate person. • engages with continuing professional and personal development, including: <ul style="list-style-type: none"> - being aware of the importance to self-assess, reflect and develop personally and professionally - assessing/identifying where development is required - evaluating strengths and weaknesses of own skills and knowledge, and working

Focus	Professional	<ul style="list-style-type: none"> • understands and adheres to good practice in carrying out the work he/she is instructed to do.
	Client	<ul style="list-style-type: none"> • works in a client-centred way and manages client service well, including: <ul style="list-style-type: none"> - being aware of the differences in acting for different types of client - communicating effectively with clients, following the terms of engagement that have been agreed with the client keeps client informed of progress on a regular basis - informs Supervising Solicitor of any client complaint immediately that it arises - regularly updating Supervising Solicitor on work being done for clients • manages client expectations • is able to advise the client on the legal consequences of the client's instructions