



REPARATION LAW ACCREDITED PARALEGAL

The objective of the Status is to recognise the work carried out by accredited paralegals and trainee accredited paralegals and provide a formal accreditation. It will provide an assurance of high quality and standards to employers, other members of the legal profession and clients.

As an accredited paralegal or trainee accredited paralegal you must be aware of the general competencies applicable to all members, which can be found under Schedule D of the Scheme of Operations. These competencies cover the knowledge, skills, values and attitudes you are expected to exhibit as a member of the Accredited Paralegal Status.

Together with these general competencies, each practice area has its own scope of competence, skills, knowledge and understanding as shown below.

SCOPE OF ACCREDITED PARALEGALS COMPETENCE

A 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. 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, Solicitor-Advocate or Local Agents
- Draft, finalise and submit Writs and/or Summons
- Diarise and adhere to court deadlines and advise supervising solicitor(s) accordingly
- Instruct skilled persons for any relevant reports
- Draft, intimate, enrol and oppose motions and/or incidental Applications (including e-motions)
- Draft List of Witnesses and Inventories of Productions
- 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) and/or Minute of Offer (for revisal by solicitor)
- Attend Consultations with clients and skilled persons (where appropriate), assisting and noting
- Attend Pre-Trial Meeting, Pre-Proof Consultation and Proof Hearing (where appropriate), assisting 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 instructions from clients, 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

SCOPE OF ACCREDITED PARALEGALS SKILLS, KNOWLEDGE AND UNDERSTANDING

A paralegal eligible to qualify for the Accredited Paralegal Status in this practice area should be able to:

Demonstrate knowledge, understanding and awareness of:

- the steps involved in a civil litigation action, and in any appeal process
- the duties of solicitors to the court
- the rights and obligations of the pursuer and defender
- procedures involving third parties to an action
- 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 implication of court judgements to the client and others
- seeking sanction for Counsel where appropriate
- seeking certification of skilled persons where appropriate
- 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/service level agreements 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
 - Court Timetables
 - in the absence of a Court Timetable prepare for proof or appeal in accordance with firm's best practice
- 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
- 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
- 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
- How to prepare accounts for submission to SLAB and/or Auditor of Court
- Knowledge of Taxations

Demonstrate knowledge, understanding and familiarity with any Rules or Legislation relevant to this area, including but not restricted to: .

- relevant Court rules (Court of Session/Summary Cause/Ordinary Cause Rules)
- relevant legislation for the particular type of litigation
- Court Rules
- Relevant Court Practice Notes and Directions
- Scottish Legal Aid Board Civil Legal Assistance Handbook
- Statutory Limitation periods (Prescription and Limitation (Scotland) Act 1973)
- Table of fees
- 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

The above competencies are based on an accredited paralegal with a minimum of 1 years' experience. If you are applying as a trainee accredited paralegal, then you would be expected to be meeting these competencies after 1 year of training as we are aware you may not yet have had exposure to a full transaction.