



# THE 'REGISTERED PARALEGAL'

## - Paper 2

*A professional status for paralegals in Scotland,  
regulated by the Law Society of Scotland....*

In partnership with:



## **EXECUTIVE SUMMARY**

On Monday, 30 November 2009 'The Registered Paralegal', Paper 1 launched and can be downloaded by clicking here – [www.lawscot.org.uk/paralegals](http://www.lawscot.org.uk/paralegals). Paper 2 launched on Monday, 14<sup>th</sup> December 2009.

Whilst Paper 1 proposed the shape of Phase I of the scheme, set to launch in spring/summer 2010, in more detail, Paper 2 asks for feedback on the competencies for Registered Paralegals, and specifically:

- (i) the general knowledge, skills, attitudes and values which each Registered Paralegal will require to display upon entry to the scheme (the 'General Competencies'); *and*
- (ii) the methodology the Society has devised, in order to recognise the specific knowledge, skills, values and attitudes which apply to particular 'Legal Domain' in which the Registered Paralegal is registered (the 'Additional Competencies').

Prior to seeking specific feedback on the General and Additional Competencies, this second paper provides some additional information on the development of the competencies, which, as a result of the 2008 consultation responses, has taken a different direction to the competencies consulted on during that preliminary consultation held between May and July 2008.

## **BACKGROUND**

This section of the paper aims to contextualise the General and Additional Competencies:

- ***The 'Legal Domain'***

A key principle of the scheme will be that the Registered Paralegal works solely within the practice area they are registered in. This practice area will be known as the Registered Paralegal's 'Legal Domain'. For example, a paralegal would be designed as Registered Paralegal (Domestic Conveyancing), or Registered Paralegal (Debt Recovery). It will be possible to be registered in more than one Legal Domain.

- ***The 'Supervising Solicitor'***

A second, crucial, principle of the scheme is that the Registered Paralegal must always work under the supervision of a Scottish solicitor - the 'Supervising Solicitor'.

It is impossible for the Society to prescribe how the Registered Paralegal and Supervising Solicitor should interact to ensure proper delegation and supervision of work. However, the Supervising Solicitor retains responsibility for the work undertaken.

- ***The 'General Competencies'<sup>1</sup>***

The general knowledge, skills, values and attitudes outlined in **Appendix A** to this document require to be demonstrated by all paralegals at the point of entry to the scheme.

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<sup>1</sup> The Society is grateful for the assistance of Melissa Hardee, of Hardee Consulting, in producing these competencies.

(cont...)

- **Registered Paralegal Code of Conduct**

The 'values' section of the General Competencies refers to the Registered Paralegal Code of Conduct, and Standards of Conduct and Service for Scottish solicitors. It is considered appropriate to deal with the detail of these issues in the Registered Paralegal Code of Conduct, which is currently under development. Please note that Paper 1 of this consultation specifically asks whether respondents would be willing to review the draft Code of Conduct, when it is available.

- **The 'Additional Competencies'<sup>2</sup>**

In addition to the General Competencies, it is recognised that there will be specific knowledge, skills, values and attitudes relevant to the particular practice area, or 'Legal Domain', within which the Registered Paralegal is working.

In order to capture this, a prompt sheet has been developed for completion by applicants to the scheme. A duly completed prompt sheet, accepted by the Standing Committee overseeing the scheme (see Paper 1 for more details on this), would translate into the Additional Competencies for that Legal Domain:

- Completed prompt sheets in a cross-section of 'guide areas' – Debt Recovery, Civil Litigation, Conveyancing, Liquor Licensing, Criminal Litigation, and Wills and Executrices, are included in **Appendix B**, a cross-section of practising paralegals in these areas having completed them prior to the publication of this Paper 2.
- In relation to Wills and Executrices, the Additional Competencies which would apply to that Legal Domain are included in **Appendix C**, in addition to the prompt sheet completed by a practising paralegal in this area. The Additional Competencies will always flow from a duly completed prompt sheet which has been accepted by the Standing Committee, and the example of Wills is included as a demonstration of what Additional Competencies are likely to look like.

- **The test of entry**

Both the General, and Additional, competencies are tested at the point of application to the scheme, as this is when the *application* of knowledge, skills, attitudes and values can be tested. The same test will apply whether the paralegal is entering the scheme through Stage 1 or Stage 2 transition, or at the end of the 'full route', being the one-year training period as a Trainee Registered Paralegal. The paralegal applying to the scheme will require the sign-off of their Supervising Solicitor, in both cases. Further information on this is included in Paper 1.

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<sup>2 2</sup> The Society is grateful for the assistance of Melissa Hardee, of Hardee Consulting, in producing these competencies.

## **FEEDBACK ON THE GENERAL AND ADDITIONAL COMPETENCIES**

Respondents are invited to answer the questions below and, if required, send revised drafts of the General and Additional Competencies to the contact address at the end of this Paper 2.

<b>DRAFT</b>	<b>QUESTION</b>	
<b>GENERAL COMPETENCIES</b>	<b>1.</b>	Do you believe the statements contained in this document articulate clearly what a Registered Paralegal, at the point of qualifying, should be able to demonstrate? If not, please make amendments to the drafts in track changes.
	<b>2.</b>	Do you believe the statements in this document, insofar as they relate to the relationship between the Registered Paralegal and Supervising Solicitor, will assist the Registered Paralegal and Supervising Solicitor with their respective responsibilities under the scheme?
<b>ADDITIONAL COMPETENCIES</b>	<b>3.</b>	The Society wishes to ensure that all paralegals, regardless of practice area (known in the scheme as 'Legal Domain'), have equal opportunity to enter the scheme. Do you agree with the approach taken to separate the General Competencies from Additional Competencies, on the basis that it will be easier for potential applicants to the scheme, including in niche areas, to apply for entry?
	<b>4.</b>	The Legal Domain of 'Will and Executrices' is contained in Appendix C as a guide to how a completed 'prompt sheet' translates into the Additional Competencies.  Do you agree that the 'prompt sheet' asks the appropriate questions of an applicant to the scheme, translating into full Additional Competencies for a Legal Domain?  Do you agree with this approach, and would you have completed the 'prompt sheet' for Wills and Executrices differently? If so, please feel free to make amendments in track changes.
	<b>5.</b>	Would you have completed the 'prompt sheets' contained in Appendix B differently? If so, please feel free to make amendments in track changes.
	<b>6.</b>	Please take the time to complete a 'prompt sheet' in relation to any practice area (or 'Legal Domain' as it will be known through the scheme). Whilst the Society anticipates that there will, at launch of Phase I of the scheme, still be practice areas, particularly niche areas, requiring completion upon application for entry, we wish to be able to capture this information during the consultation period. Your assistance will contribute to the development of Additional Competencies in a variety of areas, which allow equal entry to the scheme when it launches in Spring/Summer 2010.

## **CONTACT DETAILS**

Paper 1 outlines full contact details, and all respondents are encouraged to have read Paper 1, and responded to it, before reading Paper 2 and responding to it – Paper 2 has been developed specifically as a result of the framework for the scheme which is being considered.

Respondents are asked to respond, in writing, and attaching track changed versions of the documents contained in the appendices if they wish, to [registeredparalegals@lawscot.org.uk](mailto:registeredparalegals@lawscot.org.uk). If you would like to discuss your responses before submitting them, please contact Deputy Director (Education and Training Policy) Collette Paterson - 0131 226 8891.

**END**

## **APPENDIX A**

### **GENERAL KNOWLEDGE, SKILLS, VALUES AND ATTITUDES**

The Law Society of Scotland Registered Paralegal will set new, high standards for the 'Registered Paralegal'. The Registered Paralegal is expected to work to a high level of competence, within these parameters:

1. The Registered Paralegal works solely within the practice area in which they are registered – the 'Legal Domain'. It will be possible to be registered in more than one Legal Domain<sup>3</sup>
2. The Registered Paralegal works under the supervision of a Scottish solicitor - that is the designated 'Supervising Solicitor', who retains full responsibility for the legal work undertaken.<sup>4</sup>

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<sup>3</sup> See Paper 2 (main document) for more details

<sup>4</sup> See Paper 2 (main document) for more details

**SUMMARY OF KNOWLEDGE, SKILLS, VALUES AND ATTITUDES**

<b>KNOWLEDGE</b>		<ul style="list-style-type: none"> <li>• According to the Legal Domain<sup>5</sup></li> </ul>
<b>SKILLS</b>	<b>Technical Skills</b>	<ul style="list-style-type: none"> <li>• Accuracy, literacy and numeracy</li> <li>• Information Technology</li> <li>• Office equipment</li> <li>• Office systems and procedures</li> </ul>
	<b>Organisational Skills</b>	<ul style="list-style-type: none"> <li>• Personal management</li> <li>• File management</li> </ul>
	<b>Communication Skills</b>	<ul style="list-style-type: none"> <li>• Generally</li> <li>• Oral communication</li> <li>• Written communication</li> <li>• Electronic communication</li> </ul>
	<b>Inter-personal Skills</b>	
	<b>Practice Skills<sup>6</sup></b>	<ul style="list-style-type: none"> <li>• Research</li> <li>• Interviewing</li> <li>• Writing and drafting</li> <li>• Negotiation</li> <li>• Advocacy</li> </ul>
<b>VALUES AND ATTITUDES</b>	<b>Legal and ethical values</b>	
	<b>Attitude/s</b>	<ul style="list-style-type: none"> <li>• Supervising Solicitor</li> </ul>
	<b>Focus:</b>	<ul style="list-style-type: none"> <li>• Professional</li> <li>• Client</li> </ul>

<sup>5</sup> The Legal Domain is the practice area in which the Registered Paralegal is entitled to work, according to the register held by the Society.

<sup>6</sup> Only if required in specific Legal Domains.

## KNOWLEDGE

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

- demonstrate knowledge and understanding of the relevant law and procedure/s for the work they are undertaking on behalf of the Supervising Solicitor, **according to the particular Legal Domain.**
- 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.

## SKILLS

*By the end of the one year period as a Trainee Registered Paralegal, a paralegal eligible to qualify for Registered Paralegal status should demonstrate:*

<p><b>Technical skills</b></p>	<p><b>Accuracy, literacy and numeracy</b></p>	<ul style="list-style-type: none"> <li>• an understanding of the importance of correct detail and the consequences/risks of carelessness.</li> <li>• attention to detail in his/her work.</li> <li>• the ability to produce accurate work in terms of spelling, presentation and layout, as well as content.</li> <li>• the ability to deal with figures and carry out computations accurately and proficiently, as required.</li> <li>• <b><u>additional or specific accuracy, literacy and numeracy skills relevant to the particular Legal Domain.</u></b></li> </ul>
	<p><b>Information Technology</b></p>	<ul style="list-style-type: none"> <li>• the ability to use available technology effectively and efficiently</li> <li>• the ability to use computers and word processors appropriately for carrying out and producing his/her work</li> <li>• the ability to use case management systems and maintain electronic files where appropriate</li> <li>• <b><u>additional or specific information technology skills relevant to the particular Legal Domain</u></b></li> </ul>

	<b>Office equipment</b>	<ul style="list-style-type: none"> <li>• the ability to use office equipment such as voicemail, photocopier, fax competently and effectively.</li> <li>• the ability to use the telephone effectively to communicate with clients and others, and to carry out legal business on the telephone efficiently.</li> <li>• <b><u>additional or specific use of office equipment relevant to the particular Legal Domain.</u></b></li> </ul>
	<b>Office systems and procedures</b>	<ul style="list-style-type: none"> <li>• the ability to use office business systems and resources appropriately and effectively, whether paper-based or computerised, including employing organisation's forms and precedents.</li> <li>• compliance with office procedures, including time recording.</li> <li>• compliance with all quality standards, and other policies and processes of employer organisation.</li> <li>• <b><u>additional or specific use of office systems and procedures relevant to the particular Legal Domain.</u></b></li> </ul>
<b>Organisational Skills:</b>	<b>Personal management</b>	<ul style="list-style-type: none"> <li>• an understanding of the importance of time-limits and of the risks of breaching time-limits.</li> <li>• the ability to exercise effective judgement in respect of realistic timescales for completion of tasks and delivery of objectives, and manage his/her own time effectively.</li> <li>• the ability 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.</li> <li>• the ability to use paper-based and/or electronic diaries and electronic task management systems to plan time and work effectively.</li> <li>• only accepts work which they feel competent to undertake.</li> <li>• is clear as to the work and responsibilities delegated to them by the Supervising Solicitor, and understands the limits in relation to that role.</li> <li>• recognises the requirement to keep his/her Supervising Solicitor fully</li> </ul>

		<p>informed on a regular basis, the Supervising Solicitor having a responsibility to supervise matters, and does so.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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</li> <li>• recognises where a transaction is non-standard or includes non standard elements and refers to supervising solicitor.</li> <li>• passes on messages promptly and undertakes communications/ action arising from telephone calls, meetings or client interviews.</li> <li>• <b><u>additional or specific personal management skills relevant to the particular Legal Domain</u></b></li> </ul>
	<p><b>File management</b></p>	<ul style="list-style-type: none"> <li>• good file management practices in terms of: <ul style="list-style-type: none"> <li>- opening new files</li> <li>- filing documents and correspondence as appropriate</li> <li>- keeping filing up to date</li> <li>- taking and filing accurate notes of telephone calls and meetings</li> <li>- closing file when completed or instructed to close file</li> </ul> </li> <li>• additional or specific file management skills relevant to the particular Legal Domain.</li> </ul>

<p><b>Communication Skills</b></p>	<p><b>Generally</b></p>	<ul style="list-style-type: none"> <li>• the ability to communicate effectively with those with whom he/she needs to work, particularly the Supervising Solicitor, and with clients, including: <ul style="list-style-type: none"> <li>- identifying different communication options and selecting the communication form which is appropriate to the particular situation and/or client.</li> <li>- producing communications which meet client or Supervising Solicitor instructions, and which are fit for purpose.</li> </ul> </li> <li>• confidence and assurance in his/her dealings with people, whether in person or over the telephone.</li> <li>• <b><u>additional or specific general communication skills relevant to the particular Legal Domain.</u></b></li> </ul>
	<p><b>Oral communication</b></p>	<ul style="list-style-type: none"> <li>• the ability to communicate effectively orally and to listen and check understanding.</li> <li>• the ability to communicate effectively by telephone, including: <ul style="list-style-type: none"> <li>- using appropriate telephone answering and handling techniques</li> <li>- using a good telephone manner which is efficient and polite</li> <li>- being able to establish the content and nature of telephone calls from the caller, whether or not a client</li> </ul> </li> <li>• <b><u>additional or specific verbal communication skills relevant to the particular Legal Domain.</u></b></li> </ul>
	<p><b>Written communication</b></p>	<ul style="list-style-type: none"> <li>• the ability to communicate effectively in writing: <ul style="list-style-type: none"> <li>- using clear language, correct spelling and appropriate grammar, syntax and punctuation</li> <li>- demonstrating attention to detail</li> <li>- adopting a style appropriate to the recipient</li> </ul> </li> <li>• <b><u>additional or specific written communication skills relevant to the particular Legal Domain.</u></b></li> </ul>
	<p><b>Electronic communication</b></p>	<ul style="list-style-type: none"> <li>• the ability to use electronic communications effectively and appropriately,</li> </ul>

		<p>including:</p> <ul style="list-style-type: none"> <li>- understanding and using proper business and professional etiquette within an electronic environment</li> <li>- understanding the difference between letters and e-mails and when the latter are appropriate</li> <li>- properly managing e-communications to avoid risk, including archiving e-mails safely and accurately.</li> </ul> <ul style="list-style-type: none"> <li>• <b><u>additional or specific electronic communication skills relevant to the particular Legal Domain.</u></b></li> </ul>
<b>Inter-personal Skills</b>		<ul style="list-style-type: none"> <li>• the ability 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.</li> <li>• the ability to work effectively as part of a team including: <ul style="list-style-type: none"> <li>- working co-operatively and willingly with others in own and other's teams</li> <li>- communicating effectively with those with whom the paralegal needs to work</li> <li>- knowing when to ask for support from, or to offer support to, other team members</li> <li>- knowing when to refer issues or ask for guidance from Supervising Solicitor</li> </ul> </li> <li>• <b><u>additional or specific inter-personal skills relevant to the particular Legal Domain.</u></b></li> </ul>
<b>Practice Skills (where required in the specific Legal Domain)</b>	<b>Research</b>	<ul style="list-style-type: none"> <li>• knows where to look for and find information required to carry out his/her work.</li> <li>• <b><u>additional or specific research skills relevant to the particular Legal Domain.</u></b></li> </ul>
	<b>Interviewing</b>	<ul style="list-style-type: none"> <li>• the ability to conduct a client-centred interview effectively, including: <ul style="list-style-type: none"> <li>- preparing for the interview appropriately</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>- listening and eliciting required legal and factual information, and full instructions from client</li> <li>- recording all relevant factual, legal, procedural and evidential matters arising in relation to the client's matter in a file note for future reference</li> <li>• <b><u>additional or specific interviewing skills relevant to the particular Legal Domain.</u></b></li> </ul>
	<p><b>Writing and drafting</b></p>	<ul style="list-style-type: none"> <li>• the ability to write letters or reports appropriate for the recipient or audience and which achieve their purpose, including: <ul style="list-style-type: none"> <li>- communicating clearly, concisely and unambiguously and appropriately with clients, solicitors, non-solicitors and others</li> <li>- tailoring style of communication to suit the purpose of the communication and the needs of different clients and other recipients</li> <li>- producing communications which meet client or Supervising Solicitor instructions following internal protocols, conventions and using required styles and/or precedents.</li> </ul> </li> <li>• the ability to produce well-organised and factually accurate and valid documents, including: <ul style="list-style-type: none"> <li>- using correct legal terminology</li> <li>- ensuring relevant legal and factual issues are addressed</li> <li>- ensuring documents are validly executed and registered in relevant registers, where necessary</li> </ul> </li> <li>• the ability to use precedent bank documents by: <ul style="list-style-type: none"> <li>- using the appropriate form or style of document as is required</li> <li>- adapting style to a particular context</li> <li>- knows when non-standard variations may be needed, referring to Supervising Solicitor when that is the case.</li> </ul> </li> <li>• <b><u>additional or specific writing and/or drafting skills relevant to the particular Legal Domain.</u></b></li> </ul>

	<p><b>Negotiation</b></p>	<ul style="list-style-type: none"> <li>• the ability to take part in a negotiation effectively, including: <ul style="list-style-type: none"> <li>- preparing appropriately for the negotiation</li> <li>- negotiating</li> <li>- within the agreed instruction and remit</li> <li>- negotiating according to the practice and conventions of the particular Legal Domain</li> </ul> </li> <li>• <b><u>additional or specific negotiation skills relevant to the particular Legal Domain</u></b></li> </ul>
	<p><b>Advocacy</b></p>	<ul style="list-style-type: none"> <li>• the ability 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 Supervising Solicitor where Supervising Solicitor will appear, including: <ul style="list-style-type: none"> <li>- preparing appropriately for the submission</li> <li>- using legal authorities, relevant facts and documentation in preparation for, and during, a submission</li> <li>- using effective speaking skills</li> <li>- demonstrating an understanding of the relevant rules, ethics and conventions governing advocacy</li> </ul> </li> <li>• <b><u>additional or specific advocacy skills relevant to the particular Legal Domain.</u></b></li> </ul>

## VALUES AND ATTITUDES

*By the end of the period as a Trainee Registered Paralegal, a paralegal eligible to qualify for Registered Paralegal status should demonstrate that he/she :*

<p><b>Legal and ethical values</b></p>	<p><b>Generally</b></p>	<ul style="list-style-type: none"> <li>• is trustworthy and acts with honesty and integrity at all times, and shows courtesy and respect to clients, colleagues (specifically Supervising Solicitor) and others.</li> <li>• understands and complies with the Code of Conduct for Registered Paralegals, itself referring to the Standards of Conduct and Service for Scottish Solicitors, and a paralegal's role in supporting the solicitor in the solicitors' wider responsibilities.<sup>7</sup></li> <li>• adheres to rules issued by the Law Society of Scotland in respect of Registered Paralegal CPD.</li> </ul>
<p><b>Attitude/s</b></p>		<ul style="list-style-type: none"> <li>• understands that responsibility for legal work undertaken rests with the Supervising Solicitor</li> <li>• only accepts work which they feel competent to undertake.</li> <li>• is clear as to the work and responsibilities delegated to them by the Supervising Solicitor, and understands the limits in relation to that role.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>

<sup>7</sup> Please refer to the Registered Paralegal Code of Conduct.  
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		<ul style="list-style-type: none"> <li>• recognises where a transaction is non-standard or includes non standard elements and refers to supervising solicitor.</li> <li>• updates Supervising Solicitor, client, court or others as appropriate, by conveying the appropriate information to the appropriate person.</li> <li>• engages with continuing professional and personal development, including: <ul style="list-style-type: none"> <li>- being aware of the importance to self-assess, reflect and develop personally and professionally</li> <li>- assessing/identifying where development is required</li> <li>- evaluating strengths and weaknesses of own skills and knowledge, and working with Supervising Solicitor to set learning targets</li> <li>- <b><u>specific attitudes relevant to the particular Legal Domain</u></b></li> </ul> </li> </ul>
<b>Focus</b>	<b>Professional</b>	<ul style="list-style-type: none"> <li>• understands and adheres to good practice in carrying out the work he/she is instructed to do.</li> <li>• <b><u>demonstrates a professional focus relevant to the particular Legal Domain</u></b></li> </ul>

	<b>Client</b>	<ul style="list-style-type: none"><li>• works in a client-centred way and manages client service well, including:<ul style="list-style-type: none"><li>- being aware of the differences in acting for different types of client</li><li>- 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</li><li>- informs Supervising Solicitor of any client complaint immediately that it arises</li><li>- regularly updating Supervising Solicitor on work being done for clients</li></ul></li><li>• manages client expectations</li><li>• is able to advise the client on the legal consequences of the client's instructions</li><li>• <b><u>demonstrates the client focus relevant to the particular Legal Domain</u></b></li></ul>
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## APPENDIX B

The template prompt sheet is below. In addition, as referred to earlier in Paper 2, prompt sheets have been completed for a variety of Legal Domains.

### SAMPLE PROMPT SHEET

<b>Additional Competencies: [Insert Legal Domain]</b>
<b>1. What is the area of practice?</b>
<b>2. What are the transactions/cases/procedures a paralegal would be involved in or expected to be able to carry out in this area of practice?</b>
<b>For each type of transaction/case/procedure a paralegal would be involved in or expected to be able to carry out please specify the knowledge, skills, values and attitudes a paralegal would be required to demonstrate in addition to those set out in the general document, and particular to the transaction/case/procedure.</b>
<b>KNOWLEDGE</b>
<b>3. what is the knowledge and/understanding and/or familiarity the paralegal would be required to demonstrate, specifically:</b>
<b>3.1 of the law which underpins these transactions/cases/procedures?</b>
<b>3.2 of the sources (primary and/or secondary) of the relevant law?</b>
<b>3.3 of internal/external policies in relation to those transactions/cases/procedures?</b>
<b>3.4 of internal/external protocols relevant to the transactions/cases/procedures?</b>
<b>3.5 of official/internal forms and precedents relevant to the transactions/cases/?</b>
<b>3.6 of time scales/deadlines relevant to the transactions/cases/procedures?</b>
<b>3.7 of the different implications in terms of procedures, policies and law depending on which party is being acted for in the particular transaction/case/procedure?</b>
<b>3.8 of risk management/professional conduct procedures relevant to the particular transaction/case/procedure?</b>
<b>3.9 of interaction with other related areas of law and practice?</b>
<b>3.10 of procedures to be followed?</b>
<b>3.11 of procedures/protocols for dealing with non-standard transactions/cases/procedures?</b>
<b>ADDITIONAL SKILLS</b>

**4. what are the skills the paralegal would be required to demonstrate in addition to those in the general document, or specific to the particular type of transaction/case/procedure:**

**4.1 additional/specific technical skills?**

**4.2 additional/specific organisational skills?**

**4.3 additional/specific communication skills?**

**4.4 additional/specific inter-personal skills?**

**4.5. Are there any other skills in addition to those in the general document, or specific to the particular transaction/case/procedure not otherwise covered in the general document?**

**PRACTICE SKILLS**

**5. 1 Which of the practice skills of:**

- Research
- Interviewing
- Writing and drafting
- Negotiation
- Advocacy

**would the paralegal be required to demonstrate?**

**5.2 Of the practice skills, are there any specific or additional outcomes that the paralegal would be required to demonstrate to those already set out in the general document for the particular practice skill?**

**ADDITIONAL VALUES AND ATTITUDES**

**5. What are the values and attitudes the paralegal would be required to demonstrate in addition to those in the general document, or specific to the particular type of transaction/case/procedure :**

**5.1 additional/specific legal and ethical values?**

**5.2 additional/specific attitudes?**

**5.3 additional/specific focus?**

**5.4 other?**

## **CIVIL LITIGATION**

<b>Additional Competencies: Civil Litigation</b>
<b>1. What is the area of practice?</b>  Civil Litigation
<b>2. What are the transactions/cases/procedures a paralegal would be involved in or expected to be able to carry out in this area of practice?</b> <ul style="list-style-type: none"><li>• Able competently to commence a case from initial instructions to completion.</li><li>• Responsible for seeking, noting and complying with client/Supervising Solicitor (as appropriate) instructions and reporting to them throughout transaction.</li></ul>
<b>For each type of transaction/case/procedure a paralegal would be involved in or expected to be able to carry out please specify the knowledge, skills, values and attitudes a paralegal would be required to demonstrate in addition to those set out in the general document, and particular to the transaction/case/procedure.</b>
<b>KNOWLEDGE</b>
<b>3. what is the knowledge and/understanding and/or familiarity the paralegal would be required to demonstrate, specifically:</b>
<b>3.1 of the law which underpins these transactions/cases/procedures?</b> <ul style="list-style-type: none"><li>• Knowledge and understanding awareness of evidence, human rights and appeal procedures</li><li>• Knowledge and understanding of personal injury claims and the relevant time scales</li><li>• Understanding and ability to advise on appropriate choice of procedure in different circumstances</li><li>• Knowledge of court rules in relation to deadlines and time scales</li><li>• Knowledge of legal aid</li><li>• Knowledge of use of caveats</li></ul>
<b>3.2 of the sources (primary and/or secondary) of the relevant law?</b>
<b>3.3 of internal/external policies in relation to those transactions/cases/procedures?</b>

<p><b>3.4 of internal/external protocols relevant to the transactions/cases/procedures?</b></p> <p>Knowledge and understanding of duty to courts</p>
<p><b>3.5 of official/internal forms and precedents relevant to the transactions/cases/?</b></p> <ul style="list-style-type: none"> <li>• Knowledge and understanding of pre-designed styles and prescribed forms</li> <li>• Understanding of use of litigation styles</li> </ul>
<p><b>3.6 of time scales/deadlines relevant to the transactions/cases/procedures?</b></p> <ul style="list-style-type: none"> <li>• Knowledge and understanding of the crucial importance of using a diary and of meeting deadlines for litigation procedures</li> </ul>
<p><b>3.7 of the different implications in terms of procedures, policies and law depending on which party is being acted for in the particular transaction/case/procedure?</b></p>
<p><b>3.8 of risk management/professional conduct procedures relevant to the particular transaction/case/procedure?</b></p>
<p><b>3.9 of interaction with other related areas of law and practice?</b></p> <ul style="list-style-type: none"> <li>• Knowledge of alternative dispute resolution procedures, including mediation, and their application</li> <li>• Knowledge of taxation</li> </ul>
<p><b>3.10 of procedures to be followed?</b></p> <p>Knowledge and understanding of:</p> <ul style="list-style-type: none"> <li>• court/litigation procedures</li> <li>• personal injury rules</li> <li>• procedures for Legal Aid</li> </ul>
<p><b>3.11 of procedures/protocols for dealing with non-standard transactions/cases/procedures?</b></p>
<p><b>ADDITIONAL SKILLS</b></p> <p><b>4. what are the skills the paralegal would be required to demonstrate <u>in addition</u> to those in the general document, or <u>specific to</u> the particular type of transaction/case/procedure:</b></p> <p><b>4.1 <u>additional/specific</u> technical skills?</b></p> <p>Able to produce reliable, accurate work which forms part of the case for the client</p>
<p><b>4.2 <u>additional/specific</u> organisational skills?</b></p> <p>Able to keep court diary and diarise appearances</p>

**4.3 additional/specific communication skills?**

**4.4 additional/specific inter-personal skills?**

**4.5. Are there any other skills in addition to those in the general document, or specific to the particular transaction/case/procedure not otherwise covered in the general document?**

**PRACTICE SKILLS**

**5. 1 Which of the practice skills of:**

- Research
- Interviewing
- Writing and drafting
- Negotiation
- Advocacy

**would the paralegal be required to demonstrate?**

- Drafting
- Interviewing
- Negotiation
- Advocacy

**5.2 Of the practice skills, are there any specific or additional outcomes that the paralegal would be required to demonstrate to those already set out in the general document for the particular practice skill?**

- Drafting defences, records, motions, minutes, specification of documents, citing witnesses and any other relevant procedural documentation ;be able to use litigation styles

**ADDITIONAL VALUES AND ATTITUDES**

**5. What are the values and attitudes the paralegal would be required to demonstrate in addition to those in the general document, or specific to the particular type of transaction/case/procedure :**

**5.1 additional/specific legal and ethical values?**

**5.2 additional/specific attitudes?**

**5.3 additional/specific focus?**

- Commercial awareness of possibilities for funding of different types of court action;
- Able to explain likely cost of defending/pursuing litigation balanced against the likely benefits of exercising remedy.
- Understanding that it is for the client to judge whether action is worthwhile.

**5.4 other?**

## **DOMESTIC CONVEYANCING**

<b>Additional Competencies: Domestic Conveyancing</b>
<b>1. What is the area of practice?</b>  Domestic Conveyancing
<b>2. What are the transactions/cases/procedures a paralegal would be involved in or expected to be able to carry out in this area of practice?</b>  Able to progress standard domestic conveyancing transactions, acting for purchaser, seller, landlord, tenant, secured lender or other parties, and dealing direct with client.
<b>For each type of transaction/case/procedure a paralegal would be involved in or expected to be able to carry out please specify the knowledge, skills, values and attitudes a paralegal would be required to demonstrate in addition to those set out in the general document and/particular to the transaction/case/procedure.</b>
<b>KNOWLEDGE</b> <b>3. what is the knowledge and/understanding and/or familiarity the paralegal would be required to demonstrate, specifically:</b> <b>3.1 of the law which underpins these transactions/cases/procedures?</b>  knowledge and understanding of: <ul style="list-style-type: none"><li>• how the client obtains a good, valid and marketable title</li><li>• missives: contractual terms, negotiation and risks to standard transactions</li><li>• the basic law on the execution of deeds in Scotland, including knowledge that deeds should be signed by the correct party, when and why; applying basic signing and witnessing and other requirements (e.g. testing clauses)</li><li>• the searches which are required for different transactions (Personal and Property, Charges Register and Companies File); knowledge of outlays chargeable</li></ul>
<b>3.2 of the sources (primary and/or secondary) of the relevant law?</b>
<b>3.3 of internal/external policies in relation to those transactions/cases/procedures?</b>
<b>3.4 of internal/external protocols relevant to the transactions/cases/procedures?</b>
<b>3.5 of official/internal forms and precedents relevant to the transactions/cases/?</b>
<b>3.6 of time scales/deadlines relevant to the transactions/cases/procedures?</b>

<p>Knowledge and understanding of timescales involved in conveyancing transactions</p> <p>Awareness of the consequences of failing to (non-exhaustive list): -</p> <ul style="list-style-type: none"> <li>- submit a deed for recording/registration to the appropriate register in a timeous manner;</li> <li>- submit a Limited Company Standard Security/Ranking Agreement to Companies House within the required timescales;</li> <li>- issue a notice as per the terms of a lease/contract.</li> </ul>
<p><b>3.7 of the different implications in terms of procedures, policies and law depending on which party is being acted for in the particular transaction/case/procedure?</b></p> <p>Understanding of the position of the client as purchaser/seller/landlord/tenant/secured lender/other.</p>
<p><b>3.8 of risk management/professional conduct procedures relevant to the particular transaction/case/procedure?</b></p>
<p><b>3.9 of interaction with other related areas of law and practice?</b></p> <p>Awareness of:</p> <ul style="list-style-type: none"> <li>• the law and basic principles of personal and real rights; Sasines and registered titles; matrimonial homes and civil partnership legislation; special destinations; Family Law.</li> <li>• SDLT and operational procedures, and able to understand the basic outline of requirements</li> </ul> <p>Understanding of application of matrimonial homes, civil partnership, and family legislation in residential conveyancing transactions.</p>
<p><b>3.10 of procedures to be followed?</b></p> <p>Knowledge and understanding of:</p> <ul style="list-style-type: none"> <li>• the basic steps involved in a domestic conveyancing transaction.</li> <li>• the searches which are required for different transactions (Personal and Property, Charges Register and Companies File); knowledge of outlays chargeable</li> </ul>
<p><b>3.11 of procedures/protocols for dealing with non-standard transactions/cases/procedures?</b></p>
<p><b>ADDITIONAL SKILLS</b></p> <p><b>4. what are the skills the paralegal would be required to demonstrate <u>in addition</u> to those in the general document, or <u>specific</u> to the particular type of transaction/case/procedure:</b></p> <p><b>4.1 <u>additional/specific</u> technical skills?</b></p> <p>Information technology: ability to use information technology competently for completing applications</p>
<p><b>4.2 <u>additional/specific</u> organisational skills?</b></p>
<p><b>4.3 <u>additional/specific</u> communication skills?</b></p>
<p><b>4.4 <u>additional/specific</u> inter-personal skills?</b></p>
<p><b>4.5. Are there any other skills in addition to those in the general document, or specific to the particular transaction/case/procedure not otherwise covered in the general</b></p>

document?
<p><b>PRACTICE SKILLS</b></p> <p><b>5. 1 Which of the practice skills of:</b></p> <ul style="list-style-type: none"> <li>• Research</li> <li>• Interviewing</li> <li>• Writing and drafting</li> <li>• Negotiation</li> <li>• Advocacy</li> </ul> <p>would the paralegal be required to demonstrate?</p> <ul style="list-style-type: none"> <li>• Research</li> <li>• Interviewing</li> <li>• Writing and Drafting</li> </ul>
<p><b>5.2 Of the practice skills, are there any specific or additional outcomes that the paralegal would be required to demonstrate to those already set out in the general document for the particular practice skill?</b></p> <p>Writing and drafting: the ability to complete SAF and registration forms correctly in order that the applications are accepted by the Keeper.</p>
<p><b>ADDITIONAL VALUES AND ATTITUDES</b></p> <p><b>5. What are the values and attitudes the paralegal would be required to demonstrate in addition to those in the general document, or specific to the particular type of transaction/case/procedure :</b></p>
<p><b>5.1 <u>additional/specific</u> legal and ethical values?</b></p>
<p><b>5.2 <u>additional/specific</u> attitudes?</b></p>
<p><b>5.3 <u>additional/specific</u> focus (professional/firm/client/team)?</b></p>
<p><b>5.4 other?</b></p>

## **CRIMINAL LITIGATION/DEFENCE**

### **Additional Competencies: Criminal Litigation/Defence**

#### **1. What is the area of practice?**

Criminal Defence

#### **2. What are the transactions/cases/procedures a paralegal would be involved in or expected to be able to carry out in this area of practice?**

Able to: undertake precognitions, to take and record information and basic evidence, process cases competently, instruct Counsel, assist in preparation of indictment cases, demonstrate understanding of special defences, deal with section 275 notices, deal with agreement of evidence, assist with preparation of productions, attend VIPER parades, instruct experts, understand legal aid implications.

**For each type of transaction/case/procedure a paralegal would be involved in or expected to be able to carry out please specify the knowledge, skills, values and attitudes a paralegal would be required to demonstrate in addition to those set out in the general document, and/particular to the transaction/case/procedure.**

#### **KNOWLEDGE**

#### **3. what is the knowledge and/understanding and/or familiarity the paralegal would be required to demonstrate, specifically:**

##### **3.1 of the law which underpins these transactions/cases/procedures?**

- Basic awareness of evidence, human rights and appeal procedures; criminal procedure; evidence; sentencing
- Knowledge and understanding of the basic principles and procedures of investigating and preparing a defence
- Understands the implications of early/late plea; sentencing; summary/solemn procedures
- Basic knowledge and understanding of legal aid and ABWOR.

##### **3.2 of the sources (primary and/or secondary) of the relevant law?**

- Criminal Procedure (Scotland) Act 1995
- Code of Conduct for Criminal Work
- Memorandum by Lord Justice General for High Court Diets
- Knowledge of case citation
- Basic understanding of solemn accounts

##### **3.3 of internal/external policies in relation to those transactions/cases/procedures?**

Firm internal policies for SLAB compliance

**3.4 of internal/external protocols relevant to the transactions/cases/procedures?**

- Knowledge of court procedure in indictment cases
- Knowledge of VIPER parades

**3.5 of official/internal forms and precedents relevant to the transactions/cases/?**

- Special Defence Notices
- Joint Minute/ Statements of uncontroversial evidence
- Drafting List of Witnesses
- List of Productions (and numbering)
- Keeping records of sending documents
- Citation of witnesses
- Vulnerable witness notices
- Appeal forms
- Devolution Minutes
- Witness Expenses

**3.6 of time scales/deadlines relevant to the transactions/cases/procedures?**

Knowledge of:

- court rules in relation to deadlines and time scales
- timescales for appeals
- diary
- bail appeals
- preparation for Preliminary Hearings/ First Diets
- devolution Minutes

**3.7 of the different implications in terms of procedures, policies and law depending on which party is being acted for in the particular transaction/case/procedure?**

**3.8 of risk management/professional conduct procedures relevant to the particular transaction/case/procedure?**

Code of Conduct for Criminal solicitors

**3.9 of interaction with other related areas of law and practice?**

Knowledge of

- preparation of accounts for submission to SLAB
- how to seek Sanction increases
- how to seek Abwor increases
- how to seek increases for Breach of Community Service/Probation
- how to make sanction applications

**3.10 of procedures to be followed?**

Basic knowledge of court procedures and firm/department's policies and procedures

**3.11 of procedures/protocols for dealing with non-standard**

<b>transactions/cases/procedures?</b>
<p><b>ADDITIONAL SKILLS</b></p> <p><b>4. what are the skills the paralegal would be required to demonstrate <u>in addition</u> to those in the general document, or <u>specific to</u> the particular type of transaction/case/procedure:</b></p> <p><b>4.1 <u>additional/specific</u> technical skills?</b></p> <p>Able to produce reliable, accurate work which forms part of the case for the client.</p>
<p><b>4.2 <u>additional/specific</u> organisational skills?</b></p> <ul style="list-style-type: none"> <li>• Able to use diary and meeting deadlines for preliminary hearings/first diets, custody cases and appeal procedures</li> <li>• Good organisational skills in case preparation and presentation</li> <li>• Able to send appropriate letters and intimations in good time</li> <li>• Able to submit accounts promptly</li> </ul>
<p><b>4.3 <u>additional/specific</u> communication skills?</b></p> <ul style="list-style-type: none"> <li>• Able to remind solicitor of urgent matters to attend to</li> <li>• Talk to client in a criminal defence case</li> <li>• Keep Counsel up to date</li> <li>• Liaise with Crown when it has received the papers</li> <li>• Instructing Edinburgh agents</li> <li>• Instructing other solicitors</li> </ul>
<p><b>4.4 <u>additional/specific</u> inter-personal skills?</b></p> <ul style="list-style-type: none"> <li>• Able to trace expert witnesses</li> <li>• Recover medical documentation</li> <li>• Prepare cases for court.</li> </ul>
<p><b>4.5. Are there any other skills in addition to those in the general document, or specific to the particular transaction/case/procedure not otherwise covered in the general document?</b></p>
<p><b>PRACTICE SKILLS</b></p> <p><b>5. 1 Which of the practice skills of:</b></p> <ul style="list-style-type: none"> <li>• <b>Research</b></li> <li>• <b>Interviewing</b></li> <li>• <b>Writing and drafting</b></li> <li>• <b>Negotiation</b></li> <li>• <b>Advocacy</b></li> </ul> <p><b>would the paralegal be required to demonstrate?</b></p> <ul style="list-style-type: none"> <li>• Research</li> <li>• Drafting</li> <li>• Interviewing</li> </ul>
<p><b>5.2 Of the practice skills, are there any specific or additional outcomes that the paralegal would be required to demonstrate to those already set out in the</b></p>

**general document, for the particular practice skill?**

Research: able to research cases

Writing and Drafting:

- Drafting accounts for Viper cases
- Drafting correct documentation for SLAB applications (including online applications)
- Able to draft documentation set out in 3.5 above

Interviewing: able to record information appropriately.

**ADDITIONAL VALUES AND ATTITUDES**

**5. What are the values and attitudes the paralegal would be required to demonstrate in addition to those in the general document, or specific to the particular type of transaction/case/procedure :**

**5.1 additional/specific legal and ethical values?**

Criminal Code of Conduct

**5.2 additional/specific attitudes?**

- Understand different roles in preparation of indictment case
- Demonstrate client advice re: sentence discount and a section 76 notice lodged timeously

**5.3 additional/specific focus (professional/firm/client/team)?**

Understand advice to be given for private cases

**5.4 other?**

In summary cases client needs to produce pay and bank documentation.

## **DEBT RECOVERY**

### **1. What is the area of practice?**

Debt recovery

### **2. What are the transactions/cases/procedures a paralegal would be involved in or expected to be able to carry out in this area of practice?**

- Able to perform competently a debt recovery case from the raising of the appropriate action to conclusion.
- Responsible for ensuring all relevant procedures and court rules are observed.

**For each type of transaction/case/procedure a paralegal would be involved in or expected to be able to carry out please specify the knowledge, skills, values and attitudes a paralegal would be required to demonstrate in addition to those set out in the general document, and/particular to the transaction/case/procedure.**

#### **KNOWLEDGE**

### **3. what is the knowledge and/understanding and/or familiarity the paralegal would be required to demonstrate, specifically:**

#### **3.1 of the law which underpins these transactions/cases/procedures?**

Knowledge and understanding of:

- a debtor's protective measures and remedies.
- wrongful diligence.
- use of caveats

#### **3.2 of the sources (primary and/or secondary) of the relevant law?**

Knowledge and understanding of:

- The Bankruptcy and Diligence Etc (Scotland) Act 2008 as amended
- The Debtors Scotland Act 1987 as amended
- The Debt Arrangement and Attachment (Scotland ) Act 2002 as amended
- Insolvency Act 1986 as amended
- Consumer Credit Act 1974 as amended
- The Late Payment of Commercial Debts (Interest) Act 1998 as amended

#### **3.3 of internal/external policies in relation to those transactions/cases/procedures?**

#### **3.4 of internal/external protocols relevant to the transactions/cases/procedures?**

#### **3.5 of official/internal forms and precedents relevant to the transactions/cases/?**

#### **3.6 of time scales/deadlines relevant to the transactions/cases/procedures?**

Knowledge and understanding of:

- the crucial importance of using a diary and of meeting deadlines for relevant court action and diligence procedures pre- and post-decree, prescription and related litigation procedures
- court rules in relation to prescription, deadlines and timescales

**3.7 of the different implications in terms of procedures, policies and law depending on which party is being acted for in the particular transaction/case/procedure?**

**3.8 of risk management/professional conduct procedures relevant to the particular transaction/case/procedure?**

**3.9 of interaction with other related areas of law and practice?**

**3.10 of procedures to be followed?**

Knowledge and understanding of:

- the appropriate court action or procedure, diligence on the dependence and in execution and the legislation which governs them.
- preparation of account of expenses and be able to attend a tax taxation hearing
- court procedure in relation to time to pay applications

**3.11 of procedures/protocols for dealing with non-standard transactions/cases/procedures?**

#### **ADDITIONAL SKILLS**

**4. what are the skills the paralegal would be required to demonstrate in addition to those in the general document, or specific to the particular type of transaction/case/procedure:**

**4.1 additional/specific technical skills?**

Information Technology: the ability to use debt recovery applications, as appropriate

Office systems and procedures: the ability to use court diaries correctly.

**4.2 additional/specific organisational skills?**

Personal management: the ability to diarise appearances.

File management: the ability to keep court documentation appropriately.

**4.3 additional/specific communication skills?**

**4.4 additional/specific inter-personal skills?**

**4.5. Are there any other skills in addition to those in the general document, or specific to the particular transaction/case/procedure not otherwise covered in the general document?**

**PRACTICE SKILLS**

**5. 1 Which of the practice skills of:**

- **Research**
- **Interviewing**
- **Writing and drafting**
- **Negotiation**
- **Advocacy**

**would the Paralegal be required to demonstrate?**

- Writing and drafting
- Research
- Interviewing
- Negotiation
- advocacy

**5.2 Of the practice skills, are there any specific or additional outcomes that the paralegal would be required to demonstrate to those already set out in the general document for the particular practice skill?**

Writing and drafting:

- the ability to use pre-designed styles and prescribed forms appropriately
- the ability to draft incidental applications, motions and appropriate procedural documentation
- the ability to draft small claim summons, summary cause summons and writ for payment documentation
- the ability to draft petition for sequestration and petition for winding up and all associated documentation.

**ADDITIONAL VALUES AND ATTITUDES**

**5. What are the values and attitudes the paralegal would be required to demonstrate in addition to those in the general document, or specific to the particular type of transaction/case/procedure :**

**5.1 additional/specific legal and ethical values?**

Duty to the Courts, Accountant in Bankruptcy and any other governing body as appropriate.

**5.2 additional/specific attitudes?**

**5.3 additional/specific focus (professional/firm/client/team/commercial)?**

- is aware of the possibilities for funding of court action, including the likely cost of debt recovery procedures balanced against the likely recovery of funds.
- understands that it is for the client to judge whether an action is worthwhile.

**5.4 other?**

## LIQUOR LICENSING

**1. What is the area of practice?**

Liquor licensing

**2. What are the transactions/cases/procedures a paralegal would be involved in or expected to be able to carry out in this area of practice?**

- Preparing and dealing with licence applications
- Liaising with local authority departments and other agencies, Licensing Police
- Attending at Licensing Board meetings
- Checking licensing documentation
- Advising clients on routine licensing matters

**For each type of transaction/case/procedure a paralegal would be involved in or expected to be able to carry out please specify the knowledge, skills, values and attitudes a paralegal would be required to demonstrate in addition to those set out in the general document, and/particular to the transaction/case/procedure.**

**KNOWLEDGE**

**3. what is the knowledge and/understanding and/or familiarity the paralegal would be required to demonstrate, specifically:**

**3.1 of the law which underpins these transactions/cases/procedures?**

Knowledge and understanding of :

- the liquor licensing system as a whole
- the progress of the application once received by the Board;
- the licensing system and regulatory requirements and the sanctions for not having a licence in place;

**3.2 of the sources (primary and/or secondary) of the relevant law?**

Knowledge and understanding of Liquor Licensing legislation and association regulations.

**3.3 of internal/external policies in relation to those transactions/cases/procedures?**

Awareness of relevant Licensing Board policies and guidelines.

**3.4 of internal/external protocols relevant to the transactions/cases/procedures?**

**3.5 of official/internal forms and precedents relevant to the transactions/cases/?**

Knowledge and understanding of how application forms need to be completed correctly in order that they are not rejected by the Board.

**3.6 of time scales/deadlines relevant to the transactions/cases/procedures?**

Knowledge and understanding of:

- the time frames for submission to the Board, the dates of the meetings of the Licensing Board.
- consequences of failing to submit an application on time to the Board and/or failing to display Notices.

Awareness of the timescales for putting in appeals.

**3.7 of the different implications in terms of procedures, policies and law depending on which party is being acted for in the particular transaction/case/procedure?**

**3.8 of risk management/professional conduct procedures relevant to the particular transaction/case/procedure?**

**3.9 of interaction with other related areas of law and practice?**

Knowledge and understanding of:

- interaction with commercial property and the transfer of licences upon the sale/purchase/lease of Licensed Premises
- interaction with construction and the submission of applications where a new premises has been erected and no Licence exists (i.e. granting of a new licence).

**3.10 of procedures to be followed?**

Knowledge and understanding of:

- procedures for Licensing Board and range of outcomes
- information and evidence that requires to be submitted in relation to licence applications
- liquor licensing practice including understanding of practical licensing procedures and how to ensure proper progression
- procedures for completing an application for a Premises Licence and for submitting this to the appropriate Board.

**3.11 of procedures/protocols for dealing with non-standard transactions/cases/procedures?**

**ADDITIONAL SKILLS**

**4. what are the skills the paralegal would be required to demonstrate in addition to those in the general document, or specific to the particular type of transaction/case/procedure:**

**4.1 additional/specific technical skills?**

**4.2 additional/specific organisational skills?**

**4.3 additional/specific communication skills?**

**4.4 additional/specific inter-personal skills?**

**4.5. Are there any other skills in addition to those in the general document, or specific to the particular transaction/case/procedure not otherwise covered in the general document?**

**PRACTICE SKILLS**

**5. 1 Which of the practice skills of:**

- Research
- Interviewing
- Writing and drafting
- Negotiation
- Advocacy

**would the paralegal be required to demonstrate?**

- Writing and drafting

**5.2 Of the practice skills, are there any specific or additional outcomes that the paralegal would be required to demonstrate to those already set out in the general document for the particular practice skill?**

Writing and drafting: completing application for a liquor licence.

**ADDITIONAL VALUES AND ATTITUDES**

**5. What are the values and attitudes the paralegal would be required to demonstrate in addition to those in the general document, or specific to the particular type of transaction/case/procedure :**

**5.1 additional/specific legal and ethical values?**

**5.2 additional/specific attitudes?**

**5.3 additional/specific focus (professional/firm/client/team)?**

**5.4 other?**

## APPENDIX C

An example of the Additional Competences which flow from a completed prompt sheet is given below – using the Legal Domain of Wills and Executrices as the example.

<b>Additional Competencies: Wills and Executrices</b>
<b>1. What is the area of practice?</b>  <b>Wills and Executrices</b>
<b>2. What are the transactions/cases/procedures a paralegal would be involved in or expected to be able to carry out in this area of practice?</b> <ul style="list-style-type: none"><li>• Draft the main style wills plus codicils</li><li>• Administer a full estate, including simple Inheritance Tax calculations and preparation of Executry Account</li></ul>
<b>For each type of transaction/case/procedure a paralegal would be involved in or expected to be able to carry out please specify the knowledge, skills, values and attitudes a paralegal would be required to demonstrate in addition to those set out in the general document, and/particular to the transaction/case/procedure.</b>
<b>KNOWLEDGE</b> <b>3. what is the knowledge and/understanding and/or familiarity the paralegal would be required to demonstrate, specifically:</b> <b>3.1 of the law which underpins these transactions/cases/procedures?</b>  Knowledge of: <ul style="list-style-type: none"><li>• the information which is required from a client when taking instructions for preparation for a will.</li><li>• the range of will styles and in what circumstances each style would be appropriate.</li><li>• all aspects of administering an estate (both testate and intestate)</li></ul> Awareness of:

- the importance of accuracy in correctly designing individuals in a will and the importance of having same signed and witnessed correctly.
- the necessity for wills to be drafted up promptly.
- the importance of providing accurate information to the court and HMRC

Basic understanding of Inheritance Tax planning.

**3.2 of the sources (primary and/or secondary) of the relevant law?**

- Knowledge of the Requirements of Writing Act 1995
- Knowledge of Succession Scotland Act 1964 and specifically rights under intestacy.
- Knowledge of Family Law (Scotland) Act 2006 as far as it relates to the succession rights of cohabitants.

**3.3 of internal/external policies in relation to those transactions/cases/procedures?**

**3.4 of internal/external protocols relevant to the transactions/cases/procedures?**

**3.5 of official/internal forms and precedents relevant to the transactions/cases/?**

- Petition for appointment of Executor Dative (if appropriate),
- Forms C1, C5 and a simple IHT400, as appropriate.

**3.6 of time scales/deadlines relevant to the transactions/cases/procedures?**

**3.7 of the different implications in terms of procedures, policies and law depending on which party is being acted for in the particular transaction/case/procedure?**

**3.8 of risk management/professional conduct procedures relevant to the particular transaction/case/procedure?**

**3.9 of interaction with other related areas of law and practice?**

- Knowledge of basic principles of relevant taxation regimes, including income tax, SDLT and Inheritance Tax.

<ul style="list-style-type: none"> <li>• A basic understanding of the rules surrounding Capital Gains Tax.</li> </ul>
<b>3.10 of procedures to be followed?</b> Knowledge of procedures for administering an estate.
<b>3.11 of procedures/protocols for dealing with non-standard transactions/cases/procedures?</b>
<b>ADDITIONAL SKILLS</b> <b>4. what are the skills the paralegal would be required to demonstrate <u>in addition</u> to those in the general document, or <u>specific</u> to the particular type of transaction/case/procedure:</b> <b>4.1 <u>additional/specific</u> technical skills?</b> <ul style="list-style-type: none"> <li>• To be numerate and able to complete an Executry Account and to prepare distribution calculations.</li> <li>• The ability to prepare calculations of inheritance rights under intestacy i.e. Prior and Legal Rights.</li> </ul>
<b>4.2 <u>additional/specific</u> organisational skills?</b>
<b>4.3 <u>additional/specific</u> communication skills?</b>
<b>4.4 <u>additional/specific</u> inter-personal skills?</b>
<b>4.5. Are there any other skills in addition to those in the general document, or specific to the particular transaction/case/procedure not otherwise covered in the general document?</b>
<b>PRACTICE SKILLS</b> <b>5. 1 Which of the practice skills of:</b> <ul style="list-style-type: none"> <li>• Research</li> <li>• Interviewing</li> <li>• Writing and drafting</li> <li>• Negotiation</li> <li>• Advocacy</li> </ul>

<p><b>would the Paralegal be required to demonstrate?</b></p> <ul style="list-style-type: none"> <li>• Interviewing</li> <li>• Writing and drafting</li> </ul>
<p><b>5.2 Of the practice skills, are there any specific or additional outcomes that the paralegal would be required to demonstrate to those already set out in the general document for the particular practice skill?</b></p> <ul style="list-style-type: none"> <li>• Interviewing: taking full instructions to enable preparation of appropriate draft Wills and codicils, taking full and accurate details of an Executry estate.</li> <li>• Writing and drafting: drafting Wills and codicils; drafting letters to banks and other organisations to ingather information for preparation of Inventory of Estate; preparation of Petition for appointment of Executor Dative (if appropriate); fully completing forms C1. C5 and a simple IHT400, as appropriate.</li> </ul>
<p><b>ADDITIONAL VALUES AND ATTITUDES</b></p> <p><b>5. What are the values and attitudes the paralegal would be required to demonstrate in addition to those in the general document or specific to the particular type of transaction/case/procedure :</b></p> <p><b>5.1 <u>additional/specific</u> legal and ethical values?</b></p>
<p><b>5.2 <u>additional/specific</u> attitudes?</b></p>
<p><b>5.3 <u>additional/specific</u> focus (professional/firm/client/team)?</b></p>
<p><b>5.4 other?</b></p>

**ADDITIONAL COMPETENCIES FOR REGISTERED PARALEGALS  
LEGAL : WILLS AND EXECUTRICES**

<b>SCOPE OF REGISTERED PARALEGAL'S COMPETENCE</b>
<ul style="list-style-type: none"><li>• to draft the main style wills plus codicils</li><li>• to administer a full estate, including simple Inheritance Tax calculations and preparation of Executory Account</li></ul>
<b>KNOWLEDGE</b>
<p><i>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 Wills and Executrices should, in addition to the general document and specifically in relation to Wills and Executrices, be able to:</i></p>
<p>Demonstrate knowledge and understanding of:</p> <ul style="list-style-type: none"><li>• the information which is required from a client when taking instructions for preparation for a will</li><li>• the range of will styles and in what circumstances each style would be appropriate,</li><li>• all aspects of administering an estate (both testate and intestate)</li><li>• the Requirements of Writing Act 1995</li><li>• Succession Scotland Act 1964 and specifically rights under intestacy</li><li>• Family Law (Scotland) Act 2006 as far as it relates to the succession rights of cohabitants.</li><li>• basic principles of relevant taxation regimes, including income tax, SDLT, capital gains tax, and inheritance tax.</li></ul>
<p>Demonstrate awareness of:</p> <ul style="list-style-type: none"><li>• the importance of accuracy in correctly designing individuals in a will</li><li>• the importance of having a will signed and witnessed correctly.</li><li>• the necessity for wills to be drafted up promptly.</li><li>• the importance of providing accurate information to the court and HMRC.</li></ul>
<p>Demonstrate a basic understanding of:</p> <ul style="list-style-type: none"><li>• Inheritance Tax planning</li><li>• the rules surrounding Capital Gains Tax.</li></ul>

<b>SKILLS</b>		
<p><i>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 Wills and Executrices should, in addition to the general document and specifically in relation to Wills and Executrices, demonstrate:</i></p>		
<b>Technical skills</b>	<b>Accuracy, literacy and numeracy</b>	<ul style="list-style-type: none"> <li>• numeracy skills in being able to complete an Executory Account and to prepare distribution calculations.</li> <li>• the ability to prepare calculations of inheritance rights under intestacy i.e. Prior and Legal Rights.</li> </ul>
<b>Practice Skills required for Wills and Executrices</b>	<b>Interviewing</b>	<p>Additionally and specifically in relation to Wills and Executrices:</p> <ul style="list-style-type: none"> <li>- the ability to take full instructions to enable preparation of appropriate draft wills and codicils</li> <li>- the ability to take full and accurate details of an Executory estate.</li> </ul>
	<b>Writing and drafting</b>	<p>Additionally and specifically in relation to Wills and Executrices, the ability to:</p> <ul style="list-style-type: none"> <li>- prepare appropriate draft wills and codicils</li> <li>- draft letters to banks and other organisations to ingather information for preparation of Inventory of Estate</li> <li>- prepare Petition for appointment of Executor Dative (if appropriate)</li> <li>- fully complete forms C1. C5 and a simple IHT400 as appropriate</li> </ul>