

Paralegal News

Members warned on peril of practising without qualifications

By Lyndsey Jones

NALP members must be qualified as paralegals before they can start to practise, warns Amanda Hamilton, the chief executive of the association.

The move follows a recent incident where the NALP helped police with their inquiries into whether a member was qualified to give legal advice.

"NALP wants to make it clear that members cannot use the term 'practising' unless they are qualified. An unqualified paralegal cannot offer advice and assistance directly to members of the public giving the impression to the public that they are qualified and competent to practise law," Ms Hamilton said.

"It is important to stress that members must have a licence to practise. The licence guarantees a level of competency. The fact that someone may have had some experience in going to court is not sufficient for them to then go on and practise as a paralegal.

"By gaining qualifications and experience, paralegals can work, through the association, towards gaining the coveted goal of being licensed."

The NALP believes the profession is better served if paralegals take steps to ensure self-regulation. As a result,

measures, including a code of practice, were introduced to ensure the profession was properly regulated.

Licences were

introduced in 2005 to bring paralegals in line with the rest of the legal profession.

Strict criteria must be met in order to gain a licence. To be issued with one, paralegals must demonstrate knowledge of law, competence, dedication, good standing and continuing professional development. To demonstrate competence, a paralegal must have the necessary period of qualifying experience. For dedication, paralegals must observe, perform and be bound by the association's rules of conduct and



'Licences provide a bench-mark for the qualified, experienced and dedicated paralegal,' says Amanda Hamilton

their grievance and disciplinary procedures. They must also be of good standing, shown by a "certificate of fitness". All acceptable qualifications will be considered to show knowledge of substantive law and procedure.

Once paralegals have gained a licence, they are then bound by the rules and codes of the NALP and can call themselves a "Licensed Paralegal".

"It is essential that paralegals strive for professional excellence. They should possess integrity, professional skills and dedication to the improvement of the paralegal role," Ms Hamilton said.

"The association issues licences to provide a bench-mark in England and Wales for the qualified, experienced and dedicated paralegal," she said.

Still room for more paralegals, says NALP

Law students have been urged to consider a career as a paralegal in the wake of a campaign to warn them to think twice when considering qualifying as a solicitor.

The paralegal profession is still growing despite the recession, providing job opportunities for graduates, Amanda Hamilton, NALP chief executive, said.

"Students can qualify as a paralegal. There is still room for them in the jobs market. They do not need a training contract and it costs them less money," she said.

Her advice follows the launch of the Law Society's campaign to warn of the risks in terms of time and cost that the decision to become a solicitor carries with it.

Last year, more than 1,000 people who completed the Legal Practice Course did not get a training contract, according to the society.

"Working closely with the junior lawyers division, the society is looking to inform and educate those considering a career as a solicitor to think long and hard about the commitment it requires to succeed," a Law Society spokesman said. "This is about responsible management of entry to the profession. . . The society and the profession have long been working hard to create a level playing field for those who are genuinely talented and meritorious in order to overcome the barrier of financial disadvantage."



First Cayman Islands student to gain Higher

By Gavin O'Toole

Hard work and dedication promise to boost the career of the first student from the Cayman Islands to gain NALP's Higher Certificate.

Tia Whittaker, a litigation clerk with Maples & Calder in the Caribbean territory, completed the course after studying for 16 months while working.

"It takes commitment and determination to get through, but it's worth it in the end," she says.

Tia, who is 27 and married with one child, chose to study NALP's flagship qualification as a distance learner after weighing up its advantages over a local alternative. Previous experience at the Cayman Islands Judicial Department helped her studies.

"I studied as a distance learner because of my location and the fact that the Cayman Islands do not have many facilities that offer certain courses or qualifications. Also, I'm in full-time employment and prefer to balance my job with studying," she says.



'I would recommend the course to others, mainly because you don't have to be seated in a classroom,' says Tia Whittaker

"We are now coming to the end of the year when we usually get an appraisal. I'm sure my qualification will be acknowledged and, if there's an available paralegal post, I might be offered it."

Tia would not hesitate to recommend the Higher Certificate to others and is convinced it will help her achieve her ambition of becoming a lawyer.

"I would recommend the course to others, mainly because you don't have to be seated in a classroom to obtain this qualification: most people here do not really have the time to attend classes, and most companies prefer to support a student in the area they work in."

How to protect your client's rights at police interviews

By John Stacey-Hibbert

I vividly remember my first police interview when I was representing a client – it was not at a police station, but at my law practice. My client was suspected of a crime but no one seemed to believe his story and the police wanted to question him in detail, which he refused to do unless it took place in my office. The police agreed.

My client, who worked at a north-west London petrol station, usually took the day's takings to a bank at the close of business each day. On one day he had about £2,000 in a brief case to bank. On the way, he stopped to have a drink at a local pub, but when he went to leave, the case had disappeared. As soon as he got home, he rang his boss and also, at his boss's instructions, the police. A few days later he was sacked from his job and, because of this, he came to see me.

There were no guidelines back then; no Police Station Accreditation Schemes or the like – it was a "seat of the pants" situation. I had given the interview a lot of thought and in order to be 'in charge' of the situation I had arranged my office so that my client sat alongside me behind my desk, and the two police officers would sit in front.

A senior police officer came with a Detective Sergeant and my secretary showed them in. I had arranged with her that after about five minutes she would come back in with a tray of coffee and biscuits (which, of course, it would be impolite for the officers to refuse).

I told the officers that I would record the interview, that I had been instructed to represent my client and that I would do, and if I thought the interview was getting out of hand I would instruct my



Photo: Corbis

You are not there to make them feel at home, you are there to protect their interests

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client not to answer any more questions.

The interview went very well; the officers were extremely polite both to my client and to me; they thanked me for my time they shook hands with me and my client and told him they would be in touch with him again soon. They were – they arrested him shortly afterwards. His case came up at the St Alban's Assizes and he got two years, but that's another story.

Subsequent interviews I had with the police in their comfort zone – the station – were completely different experiences. There, they rule the roost and, of course, it is part of their tactics to be as intimidating as they can, within reason. This can manifest itself in non co-operation, dismissiveness, and rudeness, even aggression. It is crucially important, therefore, for those just starting off on their own solo interviews to realise this and to overcome it.

The simple answer is, don't be intimidated, but that's easier said than done. Certain things, if fully realised, make the job easier.

Firstly, remember that your only role at the interview is to protect and advance your client's legal rights. It follows that you must know what those rights are, so make sure you are confident in the relevant law and procedure. Secondly,

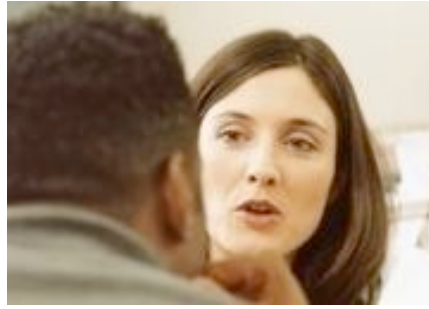


Photo: Corbis

realise that the interview that you are taking part in is, in essence, the first stage of possibly a criminal trial and what happens there may affect the final verdict of "guilty" or "not guilty". Let me therefore repeat that you are taking part in the interview, not being merely a passive bystander.

Don't be like the solicitor who sat in on a police station interview in a case that went to the Court of Appeal, whose judgment stated (inter alia) that he did that (ie 'sit in on the interview') and very little else!

Thirdly, be professional in all things. This means that you must both act professionally and be perceived to be professional. Just as the trend in some firms to dress down on a Friday was shown to be counter-productive, so dressing casually to make your client feel at home will also be counter-productive. You are not there to make them feel at home, you are there to

Make sure you are taking part in the police interview, and are not being a passive bystander

protect their interests. Both your client and the police will have more confidence with you if you look professional.

Things have changed considerably since 1995 when the Police Station Accreditation Scheme came into effect. From that date, representation is virtually excluded except for those who have been accredited through the scheme, or who (for summary and hybrid offences only) are probationary representatives, ie those who are working towards being accredited. This is because non-accredited or non-probationary representatives cannot be publicly funded for representations.

For details on the scheme, go to http://www.legalservices.gov.uk/docs/cds_main/Accrepsi.pdf

John Stacey-Hibbert was the General Secretary of the National Association of Licensed Paralegals from 1994 to 2008. He is Programme Director of the Association.

Thrive on charges that don't stick

Our law firm built up a thriving criminal practice due largely to having as a client an 18-year-old lad who was some 6ft 3in tall and built like a tank. "Melvin", as I will call him, was always in trouble, writes John Stacey-Hibbert. He was so big and strong he was always considered to be the ringleader. But our reputation as a law firm grew because on every crime that he was charged with, he was acquitted. The first time we acted for him, Melvin had been charged with robbery and found himself at the Old Bailey. He

had allegedly stolen a girl's handbag from beside her chair in a London nightclub by using force, causing lacerations to her face and bruising. Melvin's version, which contradicted the girl's statement to the police went something like this: he grabbed the bag and ran off, the girl screamed, chased after him and yanked his jacket. Melvin turned round and punched her. She let go of him and he fled with her bag. The girl fell to the ground. On cross-examination, it came out that the girl reluctantly agreed with this.

Following this, the judge on our defence submission had to direct the jury to acquit. Why? As the force or threat of force must be used in order to steal, then there is no robbery if the force is used when trying to escape from the theft. Had Melvin been charged with theft and/or assault instead of robbery, the end result would have been different, but as it was, this case turned out to be a decisive notch on the belt of Melvin's legal team! It also proved to be the start of a steady procession over the years of many clients referred by Melvin and his parents.

Talks held on how paralegals can help Citizens Advice

The NALP is holding talks with Citizens Advice on proposals to train members to become advisors at bureaux all over the country.

If the plans go ahead, NALP members who have gained either the Higher Certificate in Paralegal Studies or the Post-graduate Diploma in Paralegal Practice will benefit from a reduction in the time it takes to train to be a CAB advisor.

“The talks are at an early stage. However, the CAB have told us that it would benefit them to have qualified paralegals giving advice to the public,” said Amanda Hamilton, chief executive of the NALP. “Qualified paralegal advisors are in short supply.”

CAB also needs trustees to help run its advice network in England and Wales. Trustees bring their own

sure that an advice bureau meets the needs of local people and is run efficiently. They oversee the services, help set the policies, look after the funding and the long-term management of the individual CAB.

Each bureau is an independent charity which relies on volunteers, and each has its own board of trustees who meet six or eight times a year to decide on policy and strategy.

Trustees may take on specific roles such as chair, vice-chair or treasurer, or may be responsible for recruitment or fundraising.

CAB trustees make sure that:

- The advice services offered at the bureau are of a high quality.
- Bureau clients’ problems and experiences are used to campaign for change in policies or services locally and nationally.
- Resources are secured to meet demands and that all funds are used responsibly.
- The bureau meets charitable regulatory and legal requirements.
- Recruitment and selection for bureau staff and volunteers is fair.
- Training and support is given to staff and volunteers.
- Local partner groups and funders are aware of the bureau and its services.

On top of regular board meetings, the time trustees devote to CAB can be tailored to suit their availability and the demands of the bureau.

If you are interested, you will need a dedication to the aims of the Citizens Advice service; which is to provide clients with life changing advice that is impartial, independent and free.

You also need to attend board meetings and contribute to the discussion.

If you wish to know more about getting involved with Citizens Advice, phone 020 3176 0900 or email membership@nationalparalegals.co.uk

Discount card lets you enjoy those little Extras

Many members of the National Association of Licensed Paralegals can now enjoy exclusive discounts, offers and competitions thanks to a tie-up with the National Union of Students.

The NUS Extra is a discount card that can be used to make your money go further on books, clothes, CDs, travel, computer gear and eating out. If you are a student member or a member who is doing further study or courses with the NALP, you are eligible to buy this card and benefit from great discounts from companies ranging from Amazon to McDonald’s. For example, you can get 5 per cent off all kinds of products from Amazon.co.uk, including books, music and DVDs. Or at McDonald’s, you can get a free medium fries with the purchase of a Big Mac or McChicken Sandwich. There are also many more discounts from stores including Superdrug, Ticketmaster, Warehouse, Miss Selfridge and MP3 downloads. You will also be eligible to enter NUS competitions. At the moment, you could enter a contest to win the use of a Kia Motor for one full term. All of the discounts are exclusive to NUS Extra cardholders, so you will not be able to access any of these great deals without your card. The card costs £10. You can also upgrade it and save £8 and get all the benefits of the International Student Identity Card and save money on your travels. For further information on the NUS Extra card, go to www.nus.org.uk/en/NUS-Extra/Professional-Organisation/

4,500

The number of people who volunteer to be trustees on the boards of Citizen Advice bureaux

experiences and skills to the role and are given assistance to develop further. Many trustees have legal or business skills from the state or the private sector, and these are very valuable.

“Trustees help Citizens Advice bureau with their knowledge of local needs and resources. They also gain a great deal from their involvement with us,” a spokesperson for CA said. “We are keen to hear from people of all ages and from all communities. Our clients come from every sort of background.”

There are over 400 trustee boards with 4,500 trustees. They are all volunteers who give their time and skills to improve the way Citizens Advice works and bring about change.

Trustees are responsible for making