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Guidance for Paralegaling

This factsheet is intended to act as a guide to members of the Trainee Solicitors' Group (TSG), who are considering working as a paralegal. Paralegaling is sometimes a way of earning money to pay for the LPC, whilst at other times it is done with the aim to gain legal experience.

Paralegals take the form of fee earners who are not admitted to the roll of solicitors and who are therefore not members of the Law Society unless they are LPC students or have recently completed their LPC and are thus, student members. The range of work undertaken by paralegals differs vastly, from career paralegals conducting their own caseload, to simple case support.

Sometimes, people view paralegaling as an alternate way into the legal profession. This includes working as a paralegal in the hopes the employer will be happy with the performance and will offer a training contract. This also includes the practice of working as a paralegal during a probationary period mandated by the firm, prior to actually being offered a training contract in itself. At this time, no regulations or guidelines exist to regulate such a branch of the profession. Even if you are working as a paralegal with the aim of obtaining a training contract, you will not have the coverage of the Training Contract Regulations. As such, there is no minimum salaries ensured, nor are there are guidelines as to the level of work or supervision to be provided. Nor the probationary period mean that there will be a Training Contract waiting for you!

The TSG's Freephone Helpline – **08000 856131** – receives regular calls from people who have been offered a position as a paralegal within a firm with a view to commencing a training contract, similar to a test period. Whilst this happens regularly and many firms view it as a way to assess the skills and experience of the would-be trainee, it does often mean that such people are subsequently laid off, once the requisite time period has expired.

Should you find yourself facing an ethical dilemma or bad practice within a firm, please do contact the Professional Ethics Helpline on **0870 606 2577** to raise the issue and to avoid recurrence. The Law Society is keen to stamp out malpractice and all queries will be dealt with confidentially.

There is no way of ascertaining just how many paralegals there are at any given time or the range of salaries, type of work or otherwise. There is also the danger of "typecasting," in that once the individual has worked as a paralegal for a certain time, it can become difficult to obtain alternative legal work and particularly to carry out the transition from being a paralegal to working within the regulated framework of a training contract.

Some Useful Tips to Bear in Mind

- **Are you looking for a training contract?** If so, is the position being offered with a view to a training contract in the future? Have you been given any assurances to this effect? Always check! If your ultimate aim is to secure a training contract at the earliest possible time and the firm has made it clear that this is unlikely, consider whether you would be willing to accept the role to gain more experience whilst you assess the market and potential options further. Check with the Law Society that the firm in question is authorised to take trainees. If you accept the position, do not stop your hunt for a training contract.
- **Will the firm you seek to join as a paralegal allow you to use your experience to count towards a future training contract?** If you work as a paralegal carrying out legal work, you can later apply to your firm (once you are in a training contract) to have this experience counted towards your training contract. This will need to be confirmed by the firm where you undertook this work and will need to be accepted by any firm you join as a trainee. You can recover up to half of the time you have worked, up to a maximum period of 6 months; (e.g. a six-month period would count for three months of your training contract, etc.) *Time can only be counted if the experience was gained within a period three years prior to your application.*
- **Can you attempt to negotiate your salary with the firm?** When you are offered a job as a paralegal, do aim to discuss an appropriate salary level with the firm you are joining. It may be that they are willing to pay you the minimum salary for trainees, as applicable in that area. If you don't try, you won't know!
- **If I am working as a paralegal, what protection do I have?** Aim for clear ground rules with the firm and ensure that you are given an appropriate supervisor who you are able to contact whenever required. Do not feel that the work you are undertaking is less important than a trainee – often paralegals handle the same, if not higher quality work than trainee solicitors and are given wide-ranging responsibilities. In order to protect your position; make sure you seek guidance from a senior figure when needed. Also let them know if you can't cope.
- **What should I do if my firm promises me a training contract but does not honour this?** Always seek to get any promises in writing up front when you accept a position, for example if a firm agrees to offer you work as a trainee, pending completion of a three or six month probationary period as a paralegal. Without a written contract, dated and signed by both parties, it is difficult to force a firm to meet any assurance that may have been made orally. Do not simply accept oral confirmation. Try talking to the firm and explaining the position. If they value your work, they may be willing to make an exception. If not, try to get this period to count as time towards your training contract.
- **If I decide to continue working as a paralegal, what is the shelf life of my LLB/CPE and LPC?** Both the LLB and CPE courses have a shelf life of seven years, after which you will need to either redo the course or move to have it revalidated by the Law Society if you have been in legal employment during that period. However, if you have completed your LPC after having completed either the LLB or CPE, both courses will be valid for life. The Law Society's Legal Education and Training Unit will be able to assist further on this point.

Please note that this factsheet is intended to provide guidance only. The TSG would always recommend that individuals seek to obtain independent legal advice from a solicitor, should any legal problems arise. For general guidance, please contact the Helpline on 08000 856131 to gain practical advice from your peers. For details on how to get time to count towards a training contract, contact Information Services at the Law Society on 01527 5044433 or e-mail info.services@lawsociety.org.uk