



## Proposed Competencies for 'Registered Paralegals'

### INTRODUCTION

This draft paper contains various sets of proposed competencies on which feedback from interested parties is sought.

In order to be registered with the Law Society of Scotland, it is anticipated that all member-grade 'Registered Paralegals' must be able to demonstrate the general competencies in the Generic Domain, **and** must be able to show how these have been applied within a specific Legal Domain relating to the area in which they work (noting that many paralegals will work in more than one 'legal domain').

#### **A. The Generic Domain competencies are currently proposed to include:**

- Professionalism
- Client Care
- Communication
- Service provision skills

#### **B. Legal Domain competencies proposed for the date of 'launch' of the scheme include:**

- Conveyancing
- Wills & Executries
- Debt Recovery
- Civil Litigation
- Criminal Litigation
- Liquor Licensing

The template sets out whether the competencies could be met on a programme of study, or in-office, or both. In all cases the requirement is that the paralegal has attained the standard by the point of registration. Providers of course will not be under an obligation to cover these elements, but if they chose to do so they can count towards attainment of the competency map.

**Responses are welcomed from all interested parties, and should be submitted to the Society no later than 12:00 on Friday 18<sup>th</sup> July 2008.**

Any format of comments is welcome, including those who may wish to add 'track changes' and 'comments' using 'Word'. However, it is of great assistance if submissions are made electronically to [registeredparalegals@lawscot.org.uk](mailto:registeredparalegals@lawscot.org.uk). Further details of the project, all supporting papers, and a quick online questionnaire on the overall scheme are all available at [www.lawscot.org.uk/paralegals](http://www.lawscot.org.uk/paralegals)

## A. The Generic Domain competencies

<b>Professionalism</b>					
On registration, applicants will be able to demonstrate that they:	Positive indicators	Negative indicators	In-office training; education; or both	Possible assessment: in office	Possible assessment: educational setting
1. understand and apply the Code of Conduct for Registered Paralegals	Can outline the main principles set out in the Code of Conduct, and can discuss how these apply to practical settings. Examples of where a paralegal has had to think through whether an ethical issues arises in relation to a particular area of work	Cannot name key standards contained within the code, and/or cannot explain how any standards identify apply to work in the office. Examples of poor judgement in relation to the code, or lack of consideration of the code	Both – content of the code may be taught on programmes, but application would be in-office	Assessment by supervising solicitor	Test of knowledge (terms of code) + case study test
2. understand the solicitor's Code of Conduct, and a paralegal's role in supporting the solicitor in their wider responsibilities'	Can outline the main principles set out in the solicitor Codes of Conduct, and can appropriately discuss how each term may relate to work a paralegal may carry out on behalf of a solicitor	Cannot name key principles contained within the code, and/or cannot explain how any standards identified apply to work in the office. Examples of poor judgement in relation to the code, or lack of consideration of the code	Both – content of the code may be taught on programmes, but application would be in-office	Assessment by supervising solicitor	Test of knowledge (terms of code) + case study test
3. is clear as to the work and responsibilities delegated to them by the solicitor	The paralegal can refer to a written statement of their defined role, responsibilities, and limits of authority or can list these with ease. Examples are present of where a paralegal has checked with the solicitor as to the limits of their responsibilities	The paralegal cannot define their role or limits of practice by reference to a written statement or orally and with clarity. There are no examples of when the paralegal has checked the limits of their practice with a solicitor, or there are examples present where their judgement in this area has later been found to be questionable	In office training	Assessment by supervising solicitor	

4. only accept work they feel they are competent to undertake	Awareness of limits of standardised transactions; knowledge of implications/risks; recognises when transaction outwith standard model. Questions when unsure, refuses work where they are clear they are not competent	Works in an automatic, unthinking or mechanical style; neglects training and development. Does not questions when allocated work, undertakes work when lacking confidence that they are competent	In office training	Assessment by supervising solicitor	
5. work in the best interests of the client	Can define and discuss the key interests of clients in particular areas of work, and identify ways in which to ensure the interests of the clients are met. Is observed to work in the best interest of the clients	Incorrectly or poorly defines what the interests of clients may be in relation to particular areas of work. Cannot identify ways in which to ensure the best interests of the client are achieved. Poor judgement is observed in relation to the interests of the client	In office training	Assessment by supervising solicitor	
6. maintain personal integrity & civility to colleagues, clients and the courts	Displays honesty, civility, respect & trustworthiness	Exhibits behavioural traits inconsistent with these qualities	In office training	Assessment by supervising solicitor  and / or  formal client feedback	
7. maintain confidentiality	Understands and respects need for confidentiality; does not disclose confidential information outwith office/ improperly	Confidential information wrongly disclosed e.g. to 3 <sup>rd</sup> parties; other clients; competitors, etc. Careless approach taken to confidentiality (eg inappropriate disposal of documentation)	In office training	Assessment by supervising solicitor	
8. are aware of potential conflicts of interest & risks	Understands where other parties to a transaction may have potentially conflicting roles/interests and refers matter to solicitor	Careless and mechanical approach; fails to spot any unusual or risky aspects of transaction	Both – principles may be taught on programmes, but application would be in-office	Informal assessment by supervising solicitor; case-file review (real or simulated)	Test of knowledge + case study test
9. engage with continuing professional and personal development	Awareness of the importance to self-assess, reflect, & to develop personally and professionally, and is able to assess where development is required.	Little enthusiasm for learning or improvement; undertakes little or no training.	Both – willingness to engage may be seen on programmes of study and in-office	Assessment by partner/supervisor	
10. are aware of equality and diversity issues and practice	Awareness of the importance of equality, diversity and related legislative/firm or department's policy requirements in providing a service to the public.	Uninterested in equality & diversity issues; unaware of legislation & policy requirements; failure to implement these.	Both – principles may be taught on programmes, but application would be in-office	Assessment by supervising solicitor	

<p>11. comply with all relevant legislation, organisational policies, codes of practice, guidelines &amp; ethical requirements.</p>	<p>In daily work and attitudes, demonstrates knowledge of and respect for human rights; diversity; data protection and other requirements, e.g. security &amp; confidentiality</p>	<p>No awareness or application of external/internal context, policies and requirements; breaches procedures or protocols.</p>	<p>In office</p>	<p>Assessment by supervising solicitor</p>	
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CLIENT CARE					
On registration, applicants will be able to demonstrate that they:	Positive indicators	Negative indicators	In-office training; education; or both	Possible assessment: in office	Possible assessment: educational setting
1. Can identify the client	Demonstrate an awareness that there are differences in acting for different kinds of client (e.g. acting for a plc is different from acting for a small private company, which is different from acting for an individual). Awareness in an executry, for example, that the client is the executor, not a legatee or beneficiary, or that confidentiality could be breached by disclosing to a spouse what is in the other's Will, even though they have consulted the solicitor as a couple in relation to their Wills	Lack of awareness that the director of a company will have a greater grasp of the issues about which he is seeking advice than an individual who has had little dealings with a solicitor before Lack of awareness that there may be a confidentiality issue in providing explanations to a beneficiary without involving the executor Lack of awareness of the different needs and expectations of different clients	Both – principles may be taught on programmes, but application would be in-office	Assessment by supervising solicitor	Test within individual subjects (such as wills) on knowledge of principles
2. understand the diverse nature of clients	Can identify the groups covered by equality legislation and other groups and individuals who may need particular or additional assistance. Has an understanding of the needs and issues which may face members of these groups.	Lack of awareness of who is covered by equality legislation and/or other groups which may require particular or additional assistance. Little understanding of what issues may be relevant in relation to these groups	Both – principles may be taught on programmes, but application would be in-office	Assessment by supervising solicitor	Test within individual subjects (such as wills) on knowledge of principles
3. manage client expectations	Is able to identify and investigate the relevant facts, research and identify the relevant legal issues and identify alternative means of achieving the client's goals Advise the client on the legal consequences of his/her instructions	Lack of awareness of the client's expectation that the end result will not necessarily be what the client wants Lack of awareness that achievement of the client's goals is not solely within the control of the paralegals or supervising solicitor. Lack of awareness in, for example, a conveyancing transaction that the date the clients want their purchase to settle will not necessarily be what the seller wants or that their version of events in a court case is not necessarily the only version	Both – principles may be taught on programmes, but application would be in-office	Assessment by supervising solicitor and / or formal client feedback	Test within individual subjects (such as wills) on knowledge of principles

4. understand the basic principles of good customer service relating to phone and face-to-face contact	Displays an awareness or understanding of the various rules and how they affect the way in which the solicitor/client relationship is affected; has a knowledge of the information it is necessary to obtain from the client, what information must be retained and why, and what information must be disclosed if required and in what circumstances that disclosure can be required	Failure to take account of a specific statutory requirement when answering a question in which it would be relevant to take this into account	Both – principles may be taught on programmes, but application would be in-office	Assessment by supervising solicitor  and / or  formal client feedback	Test within individual subjects (such as wills) on knowledge of principles
12. keeps the client informed of progress throughout the transaction	understands the importance of regular client communication and demonstrates this in relation to all their clients	fails to understand the importance of regular contact, in particular at key 'milestones', fails to demonstrate this in their work	In-office training	Assessment by supervising solicitor  and / or  formal client feedback	
13. provide efficient & competent legal services on behalf of firm/department to client	Regularly updates knowledge of procedures (office; client management; regulatory and external, e.g. court procedures); aware of client expectations.	Only undertakes minimum; little attention to client satisfaction, efficient workflow, detail, or quality of work.	In-office training	Maintain training record/PDP; regular audit/assessment by partner; real client evaluation.	
14. know how to manage the situation if a client is dissatisfied with a service offered	Is aware of the principles of dealing with dissatisfied customer/clients, the internal complaints procedure of the firm, and how that links to the Society's and the 'Registered Paralegals' complaints schemes	unaware of key principles for dealing with dissatisfied customers. Unable to explain the internal complaints process. Unable to outline the basic approach of the Society's and 'Registered Paralegals' complaints processes and how they link with the internal process	Both – principles may be taught on programmes, but application would be in-office	Assessment by supervising solicitor	Case studies on principles

<b>Communication</b>					
On registration, applicants will be able to demonstrate that they can:	Positive indicators	Negative indicators	In-office training; education; or both	Possible assessment: in office	Possible assessment: educational setting
1. convey information to appropriate person when appropriate	Updates partner; supervisor; client; court or others as appropriate	Does not anticipate others' need for timeous information; Doesn't respond to requests for information	In-office training	Assessment by supervising solicitor Quarterly Performance Review against set standard	
2. identify different communication options open to them and select the appropriate form	Can identify what forms of communication are appropriate for different situations. For example, a letter to confirm details of what service will be provided, a call to deal with a complaint.	Cannot differentiate between different circumstances and the most appropriate form of communication to use.	Both – principles may be taught on programmes, but application would be in-office	Assessment by supervising solicitor Quarterly Performance Review against set standard	Test on theory
3. effectively communicate in writing	Uses clear language and grammar (likely to meet Plain English requirements or similar) and appropriate to the audience	Use of incorrect or poor spelling and grammar. Unclear or overly complicated explanations. Text not appropriate to audience.	Both – principles may be taught on programmes, but application would be in-office	Assessment by supervising solicitor Quarterly Performance Review against set standard	Test on theory – language / grammar made part of general assessment criteria in relevant subjects
4. appropriately use styles, & know when non-standard variations may be needed.	Uses styles appropriately; drafts correspondence; deeds or other formal documents and submits/refers them to partner/supervisor/others when appropriate.	Places too much dependency on styles when not appropriate, or too keen to vary style when it is not necessary, unable to draft from first principles	In office	Assessment by supervising solicitor Quarterly Performance Review against set standard	
1. use appropriate phone answering and handling techniques	Good telephone manner; understands and responds to client and/or other person's needs; efficient & polite.	Impolite; does not do work requested.	In-office	Assessment by supervising solicitor Quarterly Performance Review against set standard	
2. Shows ability to establish content & nature of telephone calls from the client or other caller	Completes call & resulting work promptly. Undertakes other communications/ action arising as a result of the call.	Unreliable; fails to pass on messages or complete work required promptly; fails to record details of call appropriately.	In-office	Assessment by supervising solicitor Quarterly Performance Review against set standard	

<b>Service provision skills</b>					
On registration, applicants will be able to demonstrate that they:	Positive indicators	Negative indicators	In-office training; education; or both	Possible assessment: in office	Possible assessment: educational setting
1. act as team member	Puts interests of team first and co-operates with others	Work and communication do not align with others' needs or timeframes.	In-office training	Assessment by supervising solicitor Quarterly Performance Review against set standard	
2. ensure attention to detail	Shows understanding that correct detail is crucial and knows consequences/risks of carelessness. Demonstrates attention to detail in their work.	Careless approach; treats all client matters as the same; deals with them at inappropriate level of generality	Both – examination in courses and in-office should take particular account of need for accuracy and attention to detail in writing, numeracy, and case management in the legal setting. Marking schemes should reflect what the consequences of any inaccuracy would be in a practical setting.	Assessment by supervising solicitor  Quarterly Performance Review against set standard  File audit	
3. effectively use paper diary and/or electronic calendar systems	Shows understanding of importance of time-limits and risks of breach; effective use of diary dates and fail-safe mechanisms; displays effective use of paper-based and/or electronic systems (as appropriate).	Casual approach; does not record crucial dates; nor warns colleagues of dates; fails to mention if a time-limit missed.	Both – students may be exposed to a variety of systems on a course, but would then learn on system in more detail in-office	Assessment by supervising solicitor  Quarterly Performance Review against set standard  File audit	
5. competently operate a paper-based and/or computerised in-office systems; time-recording;	Efficient and comfortable in use of paper-based systems and/or office technology and equipment (as appropriate); willingness to learn new procedures and improve working methods.	Errors in using either office technology or paper-based systems.	Both – students may be exposed to a variety of systems on a course, but would then learn on	Assessment by supervising solicitor  Quarterly Performance Review against set standard	

case-management systems (if applicable), etc.			system in more detail in-office	File audit	
15. manage money laundering issues	Able to explain basic principles of money laundering and how they apply to the transactions that the paralegals is likely to be involved in. Example of appropriate practice in the office environment	Unable to explain principles, and/or unable to explain how they might apply to transactions. Example of careless or poor practice in the office environment	Both – principles may be taught on programmes, but application would be in-office	Assessment by supervising solicitor  Quarterly Performance Review against set standard  File audit	Test of knowledge (principles of money laundering) + case study test
16. Data protection and Freedom of Information	Displays an awareness or understanding of the various rules and how they affect the way in which the client relationship is affected; has a knowledge of the information it is necessary to obtain from the client, what information must be retained and why, and what information must be disclosed if required and in what circumstances that disclosure can be required	Failure to take account of a specific statutory requirement when answering a question in which it would be relevant to take this into account	Both – principles may be taught on programmes, but application would be in-office	Assessment by supervising solicitor	

## B. Legal Domain competencies:

<b>Wills &amp; Executries</b>					
Demonstrates that	Positive indicators	Negative indicators	In-office training; education; or both	Possible assessment: in office	Possible assessment: educational setting
1. Able to draft a basic Will plus codicils; knowledge of basic legal requirements for execution of Will; awareness of conflicts of interest; knows principles of law of succession	Can perform drafting and following instructions to satisfactory level; Will meets clients requirements; undertakes training and expands knowledge of areas.	Unable to draft legal documents; knowledge incomplete or out of date.	Both	Assessment by partner/ supervisor	Can carry out satisfactorily a standardized, simulated whole process/transaction, assessed in controlled conditions.
2. Displays knowledge of basic principles of relevant taxation regimes, including income tax, SDLT, capital gains tax, and inheritance tax, and applies these to client business.	Undertakes regular training; can deal with basic queries; applies knowledge of the law to specific situations; and refers issues where appropriate to solicitor/supervisor.	Displays patchy, incorrect or absent knowledge of relevant taxation regimes, and their application to clients.	Both	Assessment by partner/ supervisor	Training module and assessment (test specific knowledge with specific questions.
3. Aware of basic interaction of law of succession with family law and conveyancing, e.g. transfer of	Understands legal constraints on clients; executry procedures and timescales; meets deadlines; knows when to refer to solicitor.	Not aware of legal principles or their application; client business not driven forward properly.	Both	Assessment by partner/ supervisor.	Training module and assessment (test specific knowledge with specific questions.

deceased's property; appointment of executors; special destinations, etc.					
4. Understands and uses firm/department, court & HMRC forms & procedures for executry work.	Displays satisfactory grasp of, and ability to use, forms and procedures appropriately; knows when to refer to solicitor/supervisor.	Does not know, or displays only partial knowledge, of forms and procedures, or uses wrong form or incorrect use.	In office.	Assessment by partner/ supervisor	
5. Provides executry accounts	Draws up accurate accounts with minimal supervision, applying recognised standards and policies; knows principles.	Displays insufficient knowledge of principles and standards.; unable to draw up accounts; errors.	Both	Assessment by partner/ supervisor;	Feedback sought from trainers/SPA/SOLAS or other professional body and interested persons.
6. Knowledge of law, including testacy; intestacy; trustees; trusts; liferents; executors; and timescales for executries and trusts; tax implications.	Displays understanding of principles of law underpinning the area of work performed in office.	Ignorant of legal principles; makes basic mistakes in processing transactions, or advising or drafting.	Both	Assessment by partner/ supervisor	Training module and assessment (test specific knowledge with specific questions.

<b>Conveyancing</b>					
Demonstrates that	Positive indicators	Negative indicators	In-office training; education; or both	Possible assessment: in office	Possible assessment: educational setting
1. Aware of normal conveyancing transaction & timescales and requirements on purchaser, seller, secured lender, and any other parties.	Displays understanding of practical conveyancing transaction and understands how to ensure client obtains good title. Able to progress normal transactions properly and efficiently.	Makes basic errors; does not understand process of standard conveyancing transaction; cannot ensure client obtains good title.	Both	Assessment by partner/supervisor	Can carry out satisfactorily a standardized, simulated whole process/transaction, assessed in controlled conditions.
2. Awareness of non-standard conveyancing transaction or parties; need to refer to solicitor	Understands variety of transactions; recognises consequences (e.g. bad title) of failure to refer to solicitor or seek guidance; asks solicitor regularly.	Never raises queries; nor seeks guidance; nor refers transaction to solicitor.	In-office	Assessment by partner/supervisor	
3. Aware of money-laundering procedures & requirements	Has attended and satisfactorily completed money-laundering training and applies training in accordance with practice's procedures & work. Displays knowledge and awareness in daily work.	Does not recognise money-laundering issues or raise them with the appropriate solicitor or other person within firm/department.	Both	Assessment by partner/supervisor	Training module and assessment (test specific knowledge with specific questions). test contextual knowledge in context via simulation.
4. Awareness of SDLT and operational procedures	Is able to understand basic outline of requirements; use of HMRC's SDLT e-interface; and firm/department's procedures.	Makes errors; unintended tax consequences for clients; lack of knowledge or flagging up of issues in transactions; Master Policy infringements.	Both	Assessment by partner/supervisor	Training module and assessment (test specific knowledge with specific questions).
5. Awareness and use of ARTL	Understands, and uses proficiently, ARTL processes to ensure good title obtained by client where appropriate, in daily transactions.	Partial or defective or no title obtained by client. Delays in transactions; Master Policy infringements.	Formal	Assessment by partner/supervisor	Recognises and raises non-standard issues satisfactorily in a simulated process/transaction, assessed in controlled conditions.

6. Missives	Displays understanding of contractual terms, their negotiation and risks to standard transactions; knows when non-standard and to refer to solicitor.	Firm's risk management procedures breached; client does not obtain entry and/or title; delays; Master Policy infringements.	In office	Assessment by partner/supervisor	
7. Understanding of the application of matrimonial homes, civil partnership, and family, legislation on residential conveyancing transactions.	Can draft and produce documentation as appropriate, up-to-date and on-file, and avoids subsequent challenges.	Makes basic errors of fact or law; results in complaints; litigation; Master Policy claims; transactions stall or unravel; client does not obtain good or clear title, or loses rights.	In office	Practical assessment with external component.	
8. Understanding of what searches are required for transactions in various registers (Personal & Property); uses Registers Direct; knowledge of outlays chargeable.	Displays understands steps needed in transaction on a daily basis; proficient use of IT portals (Registers Direct/department/firm) or paper-based equivalents if appropriate.	Makes basic errors; complaints; litigation; Master Policy claims; transactions stall or unravel; client does not obtain good or clear title, or loses rights.	Both	Practical assessment by supervisor/partner	Can carry out satisfactorily a standardized, simulated whole process/transaction, assessed in controlled conditions
9. Understands and apply basic law on the execution of deeds in Scotland, including applicable to lenders.	Displays knowledge of what deeds should be signed by correct party, when and why; applies basic signing and witnesses and other requirements (e.g. testing clauses); understands importance of client and secured lender's positions.	Makes basic errors; results in complaints; litigation; Master Policy claims; transactions stall or unravel; client does not obtain good or clear title, or loses rights; lender inadequately secured.	Both	Practical assessment by partner/supervisor	Can carry out satisfactorily a standardized, simulated whole process/transaction, assessed in controlled conditions
10. Fee earning and/or client contact.	Deals direct with clients; progresses transaction with little or no supervision.	Complaints; litigation; Master Policy claims; transactions stall or unravel; client does not obtain good or clear title, or loses rights; lender inadequately secured.	In office	Practical Assessment by partner/supervisor	

<p>11. Knowledge of law; awareness of basic principles of personal and real rights; Sasines and registered titles; matrimonial homes; family law; civil partnership legislation; special destinations.</p>	<p>Displays understanding of principles of law underpinning the area of work performed in office.</p>	<p>Ignorant of legal principles; mistakes in processing transactions or advising clients; good title not obtained.</p>	<p>Both</p>	<p>Assessment by partner/supervisor.</p>	<p>Can carry out satisfactorily a standardized, simulated whole process/transaction, assessed in controlled conditions.</p>
<p>12. Ability to draft deeds (e.g. disposition) as required</p>	<p>Is able to draft satisfactory deeds but knows when to refer to solicitor.</p>	<p>Errors made; draft deed would fail to pass good title to client.</p>	<p>Both</p>	<p>Assessment by partner/supervisor</p>	<p>Can carry out satisfactorily a standardized, simulated whole process/transaction, assessed in controlled conditions.</p>

<b>Debt recovery</b>					
Demonstrates that	Positive indicators	Negative indicators	In-office training; education; or both	Possible assessment: in office	Possible assessment: educational setting
1. Commercial awareness; possibilities for funding of court action.	Displays awareness of likely cost of debt recovery procedures and can balance against likely recovery of funds for client to judge whether action worthwhile	Inappropriate or uneconomic use of remedies and legal procedures; client dissatisfaction, complaints.	Both	Assessment by partner/ supervisor	Can carry out satisfactorily a standardized, simulated whole process/transaction, assessed in controlled conditions.
2. Basic knowledge of debt recovery court remedies; diligence;, relevant procedures and firm/department 's debt recovery policies	Can explain and perform competently a basic debt recovery case all the way through.	Displays delays and/or errors in processing debt recovery cases.	Both	Assessment by partner/ supervisor	Can carry out satisfactorily a standardized, simulated whole process/transaction, assessed in controlled conditions.
3. Knows crucial importance of use of diary and meeting deadlines for debt recovery and related litigation procedures	Demonstrates reliable use of diary/failsafe technology, and team working, to achieve this.	Errors; missing deadlines; clients lose right to sue for payment; client dissatisfaction & complaints; Master Policy claims	In office	Assessment by partner/ supervisor.	

4. Knowledge of court rules in relation to deadlines and timescales	Able to start and progress and action timeously and efficiently.	Errors; missing deadlines or other procedural or substantive errors.	Both	Assessment by partner/ supervisor.	Can carry out satisfactorily a standardized, simulated whole process/transaction, assessed in controlled conditions.
5. Drafting and keeping correct documentation.	Keeping court diary; diaring appearances; use of caveats; taxations; drafting motions and similar	Errors; missing deadlines or client losing case or rights due to error.	In office	Assessment by partner/ supervisor.	
6. Is able to use firm's styles satisfactorily.	Demonstrates understanding of use of styles and looks out for non-standard aspects to refer to solicitor/supervisor.	Errors; missing deadlines; clients lose right to sue for payment; client dissatisfaction & complaints; Master Policy claims	In office	Assessment by partner/ supervisor.	

<b>Civil Litigation</b>					
Demonstrates that	Positive indicators	Negative indicators	In-office training; education; or both	Possible assessment: in office	Possible assessment: educational setting
1. Commercial awareness; possibilities for funding of different types of court action; basic knowledge of legal aid.	Can explain likely cost of defending/pursuing litigation and can balance against likely benefits of exercising remedy for client to judge whether action worthwhile.	Inappropriate or uneconomic use of litigation remedies and legal procedures; client dissatisfaction, complaints.	Both.	Assessment by partner/ supervisor	
2. Basic knowledge of court/litigation procedures.	Can explain and perform competently a basic case from start to finish.	Displays delays and/or errors in processing cases.	Both	Assessment by partner/ supervisor	Training module and assessment (test specific knowledge with specific questions)
3. Knows crucial importance of use of diary and meeting deadlines for litigation procedures	Demonstrates reliable use of diary/failsafe technology, and team working.	Errors; missing deadlines; clients lose right to pursue/defend; client dissatisfaction & complaints; Master Policy claims	In office	Assessment by partner/ supervisor.	
4. Knowledge of court rules in relation to deadlines and timescales	Able to start and progress and action timeously and efficiently.	Errors; missing deadlines or other procedural or substantive errors.	Both	Assessment by partner/ supervisor.	Can carry out satisfactorily a standardized, simulated whole process/transaction, assessed in controlled conditions.
5. Drafting and keeping correct documentation.	Keeping court diary; diarying appearances; use of caveats; taxations; drafting motions and similar	Errors; missing deadlines or client losing case or rights due to error.	Both	Assessment by partner/ supervisor.	Can carry out satisfactorily a standardized, simulated whole process/transaction, assessed in controlled conditions.

6. Is able to use firm's styles.	Demonstrates understanding of use of litigation styles and looks out for non-standard aspects to refer to solicitor/supervisor	Errors; missing deadlines; clients lose right to pursue/defend; client dis-satisfaction & complaints; Master Policy claims	In office	Assessment by partner/ supervisor	
7. Basic awareness of evidence, human rights and appeal procedures; basic knowledge of relevancy and specification.	Demonstrates understanding embedded in processing cases properly.	Client loses right to pursue/defend; client dis-satisfaction & complaints; Master Policy claims.	Both	Assessment by partner/ supervisor	Training module and assessment (test specific knowledge with specific questions)
8. Contributes to the effectiveness of team by taking and recording information/evidence/interviews	Displays reliable, accurate work which forms part of case for client.	Unreliable, incomplete or inaccurate precognitions obtained.	In office	Assessment by partner/ supervisor	
9. Knowledge of law	Displays understanding of principles of law underpinning the area of work performed in office.	Ignorant of legal principles; mistakes in processing transactions.	Both	Assessment by partner/ supervisor	Training module and assessment (test specific knowledge with specific questions).
10. Knowledge of alternative dispute resolution procedures, including mediation, and their application	Displays understanding and can advise on appropriate choice of procedure in different circumstances.	Unaware or provides erroneous information/advice on, court actions compared with alternative dispute resolution methods.	Both	Assessment by partner/ supervisor	Training and assessment by practitioner/expert in ADR/mediation.

<b>Criminal Litigation</b>					
Demonstrates that	Positive indicators	Negative indicators	In-office training; education; or both	Possible assessment: in office	Possible assessment: educational setting
1. Contextual awareness; payment of defence fees.	Knows implications of early/late plea; sentencing; implications of summary/solemn procedures.	Inappropriate use of aspects of criminal procedure; client dissatisfaction, complaints.	In office	Assessment by partner/ supervisor	
2. Basic knowledge of court procedures and firm/department's policies and procedures.	Understands basics of investigating and preparing defence.	Displays delays and/or errors in preparing cases.	Both	Assessment by partner/ supervisor	Can carry out satisfactorily a standardized, simulated whole process/transaction, assessed in controlled conditions.
3. Knows crucial importance of use of diary and meeting deadlines for criminal litigation procedures	Demonstrates reliable use of diary/failsafe technology, and team working.	Errors; missing deadlines; clients convicted/adversely affected; client dis-satisfaction & complaints.	In office	Assessment by partner/ supervisor	
4. Knowledge of court rules in relation to deadlines and timescales	Able to start and progress and action timeously and efficiently.	Errors; missing deadlines or other procedural or substantive errors.	Both	Assessment by partner/ supervisor	Training module and assessment (test specific knowledge with specific questions) , or standardized client.
5. Drafting and keeping correct documentation.	Keeping court diary; diarying appearances; use of caveats; taxations; drafting motions, writs/summons and similar	Errors; missing deadlines or client losing case and/or rights due to error.	Both	Assessment by partner/ supervisor	Training module and assessment (test specific knowledge with specific questions)
6. Is able to use firms styles and procedures.	Demonstrates understanding and efficient use of use of firm's criminal litigation styles; awareness of non-standard aspects to refer to solicitor/supervisor	Errors; missing deadlines; clients adversely affected; client dis-satisfaction & complaints	In office	Assessment by partner/ supervisor	

7. Basic awareness of evidence, human rights and appeal procedures; criminal procedure; evidence; sentencing.	Demonstrates understanding embedded in processing cases properly.	Client loses right to pursue/defend; client dis-satisfaction & complaints; Master Policy claims.	Both	Assessment by partner/ supervisor	Training module and assessment (test specific knowledge with specific questions)
8. Contributes to the effectiveness of team by undertaking precognitions/ taking and recording information and basic evidence	Displays reliable, accurate work which forms part of case for client.	Unreliable, incomplete or inaccurate precognitions obtained.	In office	Assessment by partner/ supervisor	
9. Knowledge of law	Displays understanding of principles of law underpinning the area of work performed in office.	Ignorant of legal principles; mistakes in processing transactions.	Both	Assessment by partner/ supervisor	Training module and assessment (test specific knowledge with specific questions).

<b>Liquor Licensing</b>					
Demonstrates that	Positive indicators	Negative indicators	In-office training; education; or both	Possible assessment: in office	Possible assessment: educational setting
1. Adequate knowledge of liquor licensing legislation and practice.	Displays in daily work an understanding of practical licensing procedures and understands how to ensure proper progression.	Does not understand process of standard licensing procedures.	In office	Assessment by partner/supervisor.	
2. Awareness of how to deal with non-standard transactions; need to refer to solicitor	Displays understanding of variety of possible transactions; recognises consequences of problems; awareness of need to refer to solicitor or to seek guidance	Never raises queries; nor seeks guidance; nor refers transaction to solicitor.	In-office	Assessment by partner/supervisor.	Recognises and raises non-standard issues satisfactorily in a simulated process/transaction, assessed in controlled conditions.
3. Understands procedures for Licensing Committee and range of outcomes; and grounds/procedures for appeals.	Has attended and satisfactorily completed training and applies training in accordance with standard procedures & work.	Does not recognise these issues or raise them with the appropriate solicitor or other person within firm/department.	Both	Assessment by partner/supervisor.	Training module and assessment (test specific knowledge with specific questions)
4. Preparing and dealing with licence applications, importance of consistency of outcome.	Performs daily work and displays understanding of basic outline of requirements; use of technology to speed up process; information and evidence that requires to be submitted.	Unintended consequences for clients; lack of knowledge or flagging up of issues in transactions; Master Policy infringements.	In office	Assessment by partner/supervisor.	Can carry out satisfactorily a standardized, simulated whole process/transaction, assessed in controlled conditions.

5. Knowledge of law	Displays understanding of principles of law underpinning the area of work performed in office in daily work and undertaking transactions.	Ignorant of legal principles; mistakes in processing transactions.	Both	Assessment by partner/supervisor.	Training module and assessment (test specific knowledge with specific questions)
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**Andrew Fulton Phillips**  
Deputy Director, Education & Training  
The Law Society of Scotland