



REGISTERED PARALEGALS

Creating a new professional status for Paralegals in Scotland,
in association with:



SCOTTISH PARALEGAL ASSOCIATION

Consultation Results

Neil Alan Stevenson
August 2008

EXECUTIVE SUMMARY

Background

The Society wished to gain feedback from solicitors and members of the public on proposals for a 'Registered Paralegal' scheme in Scotland.

A short online questionnaire was created during March and April 2008.

The questionnaire was divided into three sections:

1. Demographic information
2. Levels of agreement with proposals
3. The chance to comment in free text form

The questionnaire was supported by a detailed paper setting out the Society's proposals, alongside a shorter six-page summary of the work. These continue to be available through the paralegal section of our website:

<http://www.lawscot.co.uk/paralegals>

The questionnaire was launched in mid April, and promoted to paralegals and solicitors across Scotland via the Journal of the Society and the E-Bulletin. The project received coverage in the national press, and many of our stakeholders promoted the questionnaire to their contact groups.

The questionnaire closed on Friday 18th July 2008. Results were analysed and this summary report was created. A full set of free-text responses is currently being reviewed.

Summary & Results

401 individuals responded to the questionnaire, of these 77.7% were paralegals, and 17.5% were solicitors.

In summary, the results show a high level of support for the proposals, with the average level of agreement ('strongly agree' and 'agree' combined) for all respondents across all statements being 89.3%.

On the key statement of "*I believe some form of registered status would be a positive development*" 96.2% of respondents agreed, showing a very high level of support for the basic concept.

The data was also analysed to compare the responses of different groups, to identify whether, for example, solicitors had dramatically different views to paralegals, or whether members of the Scottish Paralegal Association (SPA) had different views to members of the Society of Specialist Paralegals (SSP). The results show very little divergence of views, with typically only a few percent variation between the levels of agreement in different groups.

The results will be used alongside responses to the full consultation paper which have been received, a review of the arrangements in other jurisdictions, and the outcome of thirteen in-depth interviews with firms and employing organisations across Scotland undertaken as part of a separate project.

Further development work will now start, to draft final proposals and regulations for the new scheme. Details of progress will be provided on the Society's website, and through the SPA and SSP. It is hoped that the scheme may be ready for launch during 2009.

The Society and the SPA would like to thank all those who contributed.

SECTION ONE – DEMOGRAPHIC INFORMATION

| THOSE WORKING IN THE LEGAL PROFESSION | |
|--|----------|
| <i>'Best' description of area of work:</i> | % |
| Solicitor - Scotland | 17.5% |
| Solicitor - England and Wales | 0% |
| Solicitor – EU or elsewhere | 0% |
| Advocate - Scotland | 0% |
| Barrister - England and Wales | 0% |
| Advocate / Barrister - EU or elsewhere | 0% |
| Judge | 0% |
| Paralegal (SPA member) | 27.3% |
| Paralegal (SSP member) | 18.8% |
| Paralegal (SPA and SSP member) | 6.9% |
| Paralegal | 24.7% |
| Legal Academic | 0.5% |
| Other | 4.0% |

| Years PQE: | % |
|-------------------|----------|
| 1 – 5 years | 39.5% |
| 6 – 10 years | 23.6% |
| 11 – 15 years | 14.3% |
| 16 – 20 years | 9.5% |
| 21 – 25 years | 4.5% |
| 26 – 30 years | 4.8% |
| 31 – 35 years | 2.7% |
| 35 – 40 years | 0.5% |
| 40 years + | 0.3% |

42.4% of SOLICITOR respondents were female, with 57.6% being male

| NON-LEGAL RESPONDENTS | |
|--|----------|
| <i>Current work status:</i> | % |
| Employed – full-time | 58.3% |
| Employed – part-time | 20.8% |
| Self-employed | 8.3% |
| House husband/wife | 0.0% |
| Retired | 4.2% |
| Unemployed | 8.3% |
| <i>Best description of current role:</i> | |
| Unskilled labour | 4.2% |
| Skilled labour | 0.0% |
| Trade | 0.0% |
| Office / Admin | 20.8% |
| Managerial | 20.8% |
| Professional | 33.3% |

| <i>Use of a Scottish solicitor in the last five years:</i> | % |
|--|----------|
| To advise you as an individual | 33.3% |
| To advise your family | 25.0% |
| To advise you as a self-employed worker | 4.2% |
| To advise an organisation you own | 4.2% |
| To advise an organisation you work for | 25.0% |
| I've not used a Scottish solicitor in the last 5 years | 16.7% |

92.5% of PARALEGAL respondents were female, with 7.5% being male

SECTION TWO – LEVEL OF AGREEMENT WITH PROPOSALS

This table shows the aggregate percentage for respondents indicating that they *either* ‘strongly agree’ or ‘agree’ with the statements.

The first column shows all respondents. The next two look at the difference between solicitors, and the various different types of paralegals – the second figure in each of these boxes is the difference (in percentage terms) between that group’s responses, and the ‘all respondents’ figure. The third, fourth, fifth and sixth columns break down the four main groups of paralegals within the current market (again, with variance from ‘all respondents’ shown underneath). Finally, the last two columns show the variation between two core groups within the data set.

In summary, the table shows a high level of agreement with the proposals, with the average level of agreement for all respondents across all statements being 89.3%. The highest level of agreement came from individuals who were members of both the SPA and the SPA who agreed unanimously (100%) on the need for registration. The lowest level of agreement (80.4%) came from solicitors in relation to whether a joint committee should provide effective oversight of the scheme. There was little variation between different groups, with no difference greater than 8.8% (the gap in agreement between solicitors and paralegals [all groups] as to whether the overall proposals are an appropriate way forward).

| | ALL respondents | SOLICITORS | PARA-LEGAL (ALL) | SPA Members only | SSP Members only | Members of BOTH SPA and SSP | Paralegals (NOT in SPA or SSP) | Variation - Solicitors & paralegals | Variation - SPA & SSP members |
|--|-----------------|---------------|------------------|------------------|------------------|-----------------------------|--------------------------------|-------------------------------------|-------------------------------|
| 1. I believe that some form of ‘registered’ status would be a positive development | 96.2% | 97.0% -0.8 | 95.9% 0.3 | 98.1% -1.9 | 97.1% -0.9 | 100% -3.8 | 91.4% 4.8 | 1.1 | 1 |
| 2. I believe entrance requirements and standards of conduct should be set | 91.5% | 90.9% 0.6 | 92.8% -1.3 | 94.1% -2.7 | 95.8% -4.3 | 92.3% -0.8 | 89.2% 2.3 | -1.9 | -1.6 |
| 3. I believe both a formal qualification and in-office experience should be required | 88.0% | 84.8% 3.2 | 88.7% -0.7 | 87.4% 0.6 | 95.8% -7.8 | 92.3% -4.3 | 83.9% 4.1 | -3.9 | -8.4 |
| 4. I believe a range of qualifications should be recognised as relevant | 88.5% | 89.4% -0.9 | 87.4% 1.1 | 86.5% 2 | 85.9% 2.6 | 92.4% -3.9 | 88.2% 0.3 | 2 | 0.6 |
| 5. I believe in-office experience will need assessed or signed off in some way | 86.1% | 89.4% -3.3 | 85.3% 0.8 | 87.4% -1.3 | 87.3% -1.2 | 84.6% 1.5 | 81.7% 4.4 | 4.1 | 0.1 |
| 6. I believe the joint committee should provide effective oversight of the scheme | 83.5% | 80.4% 3.1 | 83.6% -0.1 | 86.4% -2.9 | 83.1% 0.4 | 84.6% -1.1 | 80.7% 2.8 | -3.2 | 3.3 |
| 7. I believe that the overall proposals made are an appropriate way forward | 91.3% | 83.3% 8 | 92.1% -0.8 | 93.2% -1.9 | 95.8% -4.5 | 92.3% -1 | 88.2% 3.1 | -8.8 | -2.6 |
| Average level of agreement | 89.3% | 87.9% | 89.4% | 90.5% | 91.5% | 91.2% | 86.2% | | |

SECTION THREE – FREE-TEXT COMMENTS

Background

Three free-text questions were also asked, the percentage in brackets after each question indicates the total number of people choosing to provide this extra information for each question:

- “We are not collecting other 'tick box' data on equal opportunities, but would be grateful if you let us know any personal factors which may influence your response (eg. your experience as a paralegal with a disability)” [5.0%]
- “The Society is committed to ensuring equality and diversity issues are considered in all our work. Do you think that any groups may be affected more than others by these proposals?” [40.9%]
- “Do you have any other comments you would like to add at this time?” [49.9%]

These results will be reviewed in full and reported on in due course.

Some key themes

Generally feedback was very positive:

“...the proposals made can only benefit and safeguard the paralegals themselves their clients and the legal profession. What's not to like?”

There were some concerns that certain groups would be at a disadvantage:

“I believe that the proposals in their current format penalise paralegals employed in smaller offices and in particular by sole practitioners.”

There was particular discussion around qualifications:

“We are aware that in some firms the "paralegal" may have extensive (sometimes 20-30 years) of experience in the job, but no formal qualification: we do not consider that they should necessarily be barred from registration under the new scheme. Most firms training paralegals in the last 5-10 years will usually have included some form of external training, which will have been seen as unnecessary to an older, patently competent paralegal/support staff.”

But many realised that to become a 'profession' qualification were vital:

“Unless there are formal academic qualifications there would be no true value in the scheme.”

Many recognised the current challenge that lack of a framework bought:

“I think this is a positive way of regulating Paralegals as, at the moment, there seems to be a worrying increase in unqualified and inexperienced Paralegals giving us a very bad name”

The difference between different types of firm was often noted:

“Paralegals who have qualified but work in smaller firms in a non-fee earning capacity may encounter difficulties/resistance from old school solicitors who do not approve and/or understand the role a paralegal can play in their firm. Until I started with [name of firm removed] 18 months ago, although I was a qualified paralegal, I was treated as a secretary who could do a bit more. Under no circumstances was I allowed to go to Court (I do now), earn fees for the firm (I do now) and was given no encouragement or acknowledgement of what I had achieved. Small firm paralegals may encounter difficulties with someone overseeing their development in an office environment.”

Most saw the development as overdue, and were keen the Society progressed with the work:

“This is long overdue and will provide everyone concerned with comfort that standards are being met by Paralegals providing legal services.”