

OPEN SOCIETY JUSTICE INITIATIVE

# Community-based Paralegals

A Practitioner's Guide



OPEN SOCIETY  
FOUNDATIONS

Paralegals



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A Practitioner's Guide

The Open Society Justice Initiative



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[www.soros.org](http://www.soros.org)

For more information contact  
Zaza Namoradze  
Director, Budapest Office  
Open Society Justice Initiative  
Oktober 6. u. 12  
H-1051 Budapest, Hungary  
[namoradz@osi.hu](mailto:namoradz@osi.hu)

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## FOREWORD

# Paralegals and the Legal Empowerment of the Poor

In recent years, the Open Society Justice Initiative, a program of the Open Society Foundations that uses law to protect and empower people around the world, has embarked on an effort to promote and support the legal empowerment of poor and vulnerable communities. In particular, this work focuses on developing, training, and institutionalizing the work of community-based paralegals in transitional, post-conflict, and developing countries. Living and working in the communities they serve, community-based paralegals use their knowledge of the formal justice system, alternative means of resolution such as mediation, and community-education practices to help the poor and marginalized resolve their justice problems.

In 2003, the Justice Initiative began a pilot project to provide basic justice services in rural Sierra Leone. The inspiration for the project came from South Africa where community-based paralegals play an integral role in the national system of access to justice. In Sierra Leone, there are only 10 judges and about 100 lawyers to address the justice needs of the country's three million-plus people. This shortage of trained lawyers, particularly in rural parts of the country, prompted the Justice Initiative to invest in building a network of community-based paralegals in communities outside the capital of Freetown. These paralegals were trained to help solve the most common justice problems that community members face and—at the same time—strengthen their communities. In 2004, a local nongovernmental organization, Timap for Justice (which means “stand up” in Sierra Leonean Krio), was established with support from the Justice Initiative to implement the initiative. Supervised by practicing attorneys, Timap's paralegals address various justice problems by applying their knowledge of formal law and their familiarity with local customs to navigate between Sierra Leone's two legal systems, a formal system

based on British law and a “customary” traditional system administered by village chiefs. Timap’s paralegals address intra-community breaches of rights, including domestic violence and land disputes, as well as conflicts between people and the authorities, such as corruption, abuse of power, and difficulties in accessing government services.

The paralegals use a combination of legal and non-legal tools, including mediation, advocacy, education, and community organizing. Timap strives to solve clients’ justice problems, demonstrating that justice is possible and helping empower the communities in which it works. Timap has been recognized by independent institutions—including the World Bank, Transparency International, the International Crisis Group, and the UN Commission on Legal Empowerment of the Poor—for developing a creative, flexible, and effective methodology to provide justice services in the challenging and complex context of Sierra Leone.

This guide is intended to aid those who develop and/or direct community-based paralegal programs. Its broader objective is to provide practical support to grassroots organizations, human rights and justice activists, donors, and policymakers in designing and implementing community-based paralegal and legal empowerment initiatives. In response to a growing interest in the subject, the Justice Initiative decided to produce a practical publication based on its own experiences in Sierra Leone and similar models in other places, including South Africa, the Philippines, Cambodia, and Mongolia.

The aim of this guide is not, however, to set forth a unique or exclusive path to success for community-based paralegal programs. The advice offered here should be adapted to varying circumstances rather than automatically, mechanically adopted regardless of the country, community, or issues involved.

The Justice Initiative hopes that everyone who uses this guide will find it practical and useful in their efforts to make access to justice a reality for impoverished people.

The Justice Initiative is very grateful to Felisa Tibbitts for her excellent work researching, writing, and editing this publication. The Justice Initiative is also grateful to Vivek Maru for writing one chapter of the guide, and to David McQuoid-Mason and Bruce Lasky for reviewing the contents and providing valuable input. Special thanks go to Mariana Berbec Rostas who coordinated efforts in producing this manual. This book was edited by Sarah Miller-Davenport, William Kramer, Robert O. Varenik, and David Berry.

The Justice Initiative bears sole responsibility for any errors or misrepresentations.



# The Purpose of this Guide

Around the world, billions of people suffer because they lack access to justice services. Unable to afford lawyers and ignored by authorities, their rights are routinely violated—cheated by employers, preyed upon by corrupt officials, and victimized by violence. Often poor and disenfranchised, these individuals—and even whole communities—struggle to find means of recourse or redress for the harm done to them.

By providing justice services, community-based paralegals can offer a solution. They are less expensive and more accessible than lawyers. Employing an array of tools and strategies, they can often resolve justice problems faster than the formal legal system. At the same time, these paralegals are backed by lawyers who can engage in litigation when necessary. Community-based paralegals have a deep knowledge of the people they serve and can provide solutions not just to individuals, but to whole groups. Perhaps most important, community-based paralegals are able to empower their clients, helping them to become aware of their rights and act to advance their interests. Community-based paralegal programs can provide lasting empowerment to those who are otherwise disadvantaged.

This book is intended as a guide to creating and maintaining paralegal programs that help people who are poor or otherwise lack access to legal services. The Open Society Justice Initiative created this guide based on its initial experience establishing a community-based paralegal program in Sierra Leone. The book distills lessons learned from Sierra Leone and other community-based paralegal programs. It is intended to provide practical advice and hands-on tools for use in the field, but also be of interest to anyone who cares about justice and the legal empowerment of the poor.

The earliest national experiences in community-based paralegal programs emerged in such countries as South Africa and the Philippines; these now highly developed programs and national networks continue to be a reservoir of inspiration and knowledge for younger initiatives. Program directors from these countries were

consulted for this guide, as were specialists working in Cambodia, Hungary, Malaysia, Malawi, Mongolia, and Sierra Leone.<sup>1</sup>

The information in this guide should not be seen as a set of rigid instructions that must be applied in any and all situations. Nor does it claim to be comprehensive—different country and community contexts present diverse problems and opportunities, not all of which can be addressed in a single volume. In addition, the dynamics of paralegal programs may vary according to the groups served and strengthened, be they farmers, women, the urban poor, indigenous peoples, detainees, or minority groups.

This guide is intended to help formulate a roadmap for the multiple decisions that must be made in initiating, maintaining, and evolving a paralegal program. The guide's appendices and bibliography provide numerous examples and additional resources. Such an initiative, like any new program, will be full of surprises. This guide should help you plan for the many challenges that await and help you reach your goal of promoting access to justice.

The chapters that follow are organized according to the major steps for developing a paralegal program:

➤ **Step 1: Understanding paralegal programs**

Chapter 1 describes the origins of paralegals and specific roles that community-based paralegals can play. This chapter also examines the benefits of using paralegals to solve justice problems, and presents an overview of different organizational models and institutional homes that have emerged for paralegal programming.

➤ **Step 2: Analyzing local context and needs**

Chapter 2 outlines how to analyze the environment in which your program will operate and the needs of the populations it will serve. The chapter also provides means for assessing the resources available to your program, including potential paralegals.

- i. This guide draws primarily from programs initiated and supported by the Justice Initiative and other programs of the Open Society Foundations. Although these programs do not represent the entire field of paralegal programming, they provide examples that are likely to be relevant for anyone planning to initiate a similar program.

➤ **Step 3: Designing your program**

The next few chapters address some of the main steps in beginning a new program. Chapter 3 focuses on your new program or organizational infrastructure, including tasks such as setting up program policies, hiring staff, recruiting paralegals, and establishing administrative procedures. The chapter concludes with the topic of renewable and sustainable resource support.

➤ **Steps 4 and 5: Preparing your paralegals**

Chapters 4 and 5 present samples of procedures and materials developed by other programs for training paralegals. Chapter 4 provides an overview of the types of materials that can be developed as part of a paralegal program and the steps for developing them locally. Potential materials include a resource handbook for paralegals, a training manual that can be used for training paralegals, and teaching materials for use in community education.

Chapter 5 provides an overview of training program models that can be implemented over the course of your program, beginning with an initial training and continuing over the lifetime of the program. This chapter describes the content and skills commonly addressed in these trainings, using interactive methodologies, and touches on the selection of trainers and the logistics of organizing a workshop.

➤ **Step 6: Implementing your program**

Chapter 6 focuses on delivering justice services—the many ways in which paralegals meet client needs and solve justice problems. These techniques include not only mediation and negotiation but also community development and education, as well as advocacy and legal advice.

➤ **Step 7: Supporting, supervising, and assessing**

As the program director, you will be involved in ongoing oversight and support for paralegals in the field. Chapter 7 highlights key focus areas, including assessment of your paralegals' needs and supervisory and assessment procedures.

➤ **Step 8: Evolving your program**

The final chapter considers the ongoing evolution of your paralegal program. Assuming that you experience initial success in your work, how can you continue to improve upon, support, and even expand your program? This chapter covers the topics of program evaluation, accreditation, national networking, and evolving the program to meet new challenges and seize emerging opportunities.

Appendices and a bibliography follow Chapter 8. These are intended to provide additional resources for your program, including sample training agendas and intake forms, as well as sources of additional information, such as the American Bar Association's *Guidelines for the Approval of Paralegal Education Programs*. As with this guide as a whole, the goal of the appendices and bibliography is not to be the last word on the topic, but rather to provide one resource among many for using paralegals to provide justice services.

## CHAPTER 1

# Introduction to Community-based Paralegal Programs

### Chapter Contents:

- 1.1 Origins of Community-based Paralegal Programs
- 1.2 The Roles of Paralegals
- 1.3 The Special Benefits of Using Paralegals
- 1.4 Institutional Homes for Paralegal Programs

Billions of people have difficulty accessing justice. In communities throughout the world, people struggle with legal issues related to housing, family, debt, crime, property, and other matters that affect their well-being. Those who are poor, geographically isolated, or otherwise vulnerable often cannot obtain assistance in solving their justice problems. They may suffer under discriminatory laws or lack the legal means to enforce norms that should protect them.

Community-based paralegal programs can help communities that lack access to the legal system resolve their justice issues. Particularly in post-conflict or developing countries, lawyers—who are typically concentrated in population centers and commercial hubs—often cannot meet the demand for justice services. Community-based paralegals<sup>2</sup> represent a paradigmatic shift in the delivery of legal services, similar to the

2. For the purposes of this publication, the term “community-based paralegal” is used to refer to a paralegal who has formal training, uses an array of tools—both legal and non-legal—to provide justice services, either lives in or has a deep knowledge of the community in which he works, and receives technical support and general supervision from a lawyer. The shorter term “paralegal,” as used in this publication, refers to a community-based paralegal.

proliferation of rural public health workers in response to the formal medical profession's inability to meet community health needs.

Although community-based paralegals perform some of the same tasks as lawyers, they offer many distinct advantages, including:

- Community-based paralegals can focus on the justice needs of an entire community, not just the client who hires them.
- They can often resolve the issue much faster than lawyers and judges can.
- Entry barriers are low: It is much easier and less expensive to train and deploy paralegals than lawyers.
- Paralegals are low cost in comparison to lawyers.
- Community-based paralegals often know the community they serve and its needs better than a lawyer would.
- Paralegals can be paid by an NGO to represent the broad needs of the community, while lawyers take cases based on the client's ability to pay.

This chapter presents an overview of the origins of paralegal programs and describes the specific roles that a community-based paralegal can play in helping the program reach clients and provide services. The chapter also describes the various organizational models that have emerged for community-based paralegal programs. There is an array of institutional arrangements that can support a new program. These include NGOs, law schools, and other institutions that may be privately or publicly funded

The work of community-based paralegals is rooted in a framework of access to justice and human rights. This is because community-based paralegal programs:

- Work to meet the unmet needs of vulnerable populations
- Recognize and attempt to address illegalities that reflect widespread injustices or human rights violations
- Strengthen the capacities of communities and community members to understand and act on their rights
- Promote advocacy from within communities, while taking leadership in policy and legal reform, as necessary

## 1.1 Origins of Community-based Paralegal Programs

Community-based paralegal programs emerged in response to the demands of marginalized communities that saw the law as an essential tool to improving their situation and stimulating lasting reform and development, but that were otherwise unable to access lawyers and the formal justice system, due to financial, geographic, and cultural barriers.

The use of paralegals first developed in countries such as England, the United States, and the Netherlands, where they are used as assistants to lawyers. Like community-based paralegals, they work as legal advisors but are not licensed to practice law. For example, in the Netherlands, reform of the Legal Aid System in 2003 established Legal Service Counters, funded by government supported Legal Aid Boards, where paralegals work alongside lawyers to provide legal assistance. At no cost, clients can receive general information, have a legal problem clarified, be informed of their legal options, and receive referrals to lawyers or other service agencies. A similar paralegal model exists in Poland through its network of Citizen Advice Bureaus. This counseling network operates primarily with voluntary staff but in cooperation with government agencies such as the Ministry of Social Policy and the Polish Ombudsman's Bureau. There are many other excellent examples of legal aid agencies in countries such as the United Kingdom and the United States.

In places such as South Africa and the Philippines, paralegal schemes incorporate a community-driven and human rights-based approach, taking a more holistic view of access to justice. This approach, often referred to as legal empowerment, is grounded in grassroots needs and activities but has the additional element of organizing around community-level legal needs to advocate for reform of government policies, legislation, and public institutions. It emphasizes the unique ability of civil society groups to understand local needs and dynamics and their effectiveness at stimulating local input to inform reform efforts.

Viewed through the human rights framework, access to justice means that: (a) individuals and their communities need to be educated and informed about their rights; (b) these individuals and their communities need to develop the capacity for demanding such rights; and (c) widespread violations of human rights within a community should be addressed through long-term strategic solutions rather than solutions only for individual cases.

Using community-based paralegals is one of a variety of approaches that embraces these principles and applies them within the broader human rights framework. Community-based paralegals usually live among the people they work with—often in rural or

### **The Unpaid Worker: A Paralegal Success Story in Malawi**

Eighteen-year-old Sydney Banda left his home in Mulanje, Malawi, to take his first job as a domestic worker in Mzuzu, a day's bus ride away. Promised a good wage plus room and board, he hoped to send home money to help support his family and save for school. He was never paid. After seven months he tried appealing to the District Labor Court, which wrote to his employer. But his boss ignored the notices. Finally, Banda found help at the Malawi Center for Advice, Research and Education on Rights (CARER). A neighbor had heard about CARER's reputation for resolving legal disputes in the community. A paralegal advisor met with Banda, and they discussed his rights under the new Employment Act of 2000. Banda again brought a letter of summons to his employer—this time, the employer responded and came to CARER for negotiation. The employer then agreed to pay the back-wages at a reduced rate.

*Source:* United States Agency for International Development, 2003.

marginalized areas—and offer a holistic set of strategies for addressing client problems without necessarily involving the formal legal system. The community-based paralegal approach is also related to the “legal resources approach,” which focuses on the development of legal knowledge and skills within communities, and “developmental legal advocacy,” which focuses on structural causes of injustice and the empowerment of communities to address them.

Paralegals who deliver justice services have a repertoire of tools including mediation, negotiation, education, legal advice, and advocacy. Based on his analysis of a given situation, the paralegal applies the remedy or set of remedies best suited to the situation. For example, paralegals may assist in documentation and administrative work related to legal proceedings. The paralegal is often involved in sharing information with individuals about relevant laws and administrative actions, their rights, and options they have for accessing services with other agencies or lawyers. Programs that have lawyers on staff can become directly involved in litigation.

Alternately, when parties are in dispute with one another, paralegals can assist by carrying out mediation, negotiation, or even arbitration. In practice, paralegals handle a substantial number of cases through some form of alternative dispute resolution.

Handling problems without going to court can not only produce successful results but also save considerable time and resources for all parties involved. This is particularly true of paralegal services in developing countries where there are few lawyers and no effective state-funded legal aid agencies.

Community-based paralegals are also positioned to undertake a community-wide approach in solving justice problems. Paralegals can become directly involved in community education, empowering people to develop self-reliance with respect to their legal problems. They can help communities learn about their basic human rights, alternative mechanisms for protecting and promoting these rights, and the skills necessary for realizing them. Outreach can be carried out through seminars, forums, the distribution of materials, and the mass media, such as radio.

In situations where systemic problems are best solved through community-wide action, community-based paralegals may encourage community advocacy. The paralegal role in this situation is to encourage leadership and action among community members so that they can collectively seek justice. Paralegal organizations can also become involved in advocating collective demands with institutions and commenting on legislation and policy. A paralegal program, through its own lawyers or those affiliated with other organizations, may also engage in strategic litigation. In these ways, paralegal programs can effectively promote accountability and transparency within government institutions.



Each of these roles is treated in greater detail in section 1.2, “The Roles of Paralegals” and Chapter 6, “Solving Justice Problems.” Across this range of roles, paralegals are committed to advancing justice, human rights, and good governance. Community-based paralegals are unique in their ability to work in pluralist legal systems, such as those found in isolated and indigenous communities throughout the developing world. In Sierra Leone, for example, paralegals are confronted with a formal legal system of courts and lawyers based on the English model, and a customary legal system based on traditional approaches to justice. In this context, paralegals must apply their knowledge of formal law and their familiarity with local customs to navigate between the two systems.

When necessary, several actions can be undertaken by paralegals and their organizations, especially in cases where there are systemic problems requiring changes in policies and practice. Paralegals focusing on access to justice will offer integrated services that include education and advocacy, as well as mediation and negotiation and legal advice. Community-based paralegals may, in addition to offering services to individual clients, empower communities to help change conditions so that there are fewer individual injustices in the future.

Community-based paralegal programs have been initiated by a range of actors, including community development groups, human rights organizations, and legal clinics at law schools. Examples of well-established programs include the Alternative Law Group in the Philippines, the Community Law and Rural Development Centre in South Africa, the Paralegal Advisory Service in Malawi, and the Legal Resources Foundation in Zimbabwe.

Paralegals focusing on access to justice usually work with underprivileged and marginalized communities. This leads paralegal programs in some countries to specialize in engaging specific client populations or addressing specific issues. For example, Kasama, a community-based paralegal organization for Filipino farmers, focuses on land use issues that are of high importance to farmers. The Paralegal Advisory Service of Malawi focuses on prisoners and the criminal justice system. In Bangladesh, the Madaripur Legal Aid Association specializes in alternative dispute resolution. Understanding the key needs of the communities that you work with and the best constellation of services for meeting these needs is one of the most important decisions you will make in the early stages of developing your paralegal program.

## 1.2 The Roles of Paralegals

A community-based paralegal is a person who:

- Has basic knowledge of the law, the legal system and its procedures, and has basic legal skills
- Is a member of the community or part of an organization that works in the community and has basic knowledge of the ways community members access justice services (including through traditional or informal justice mechanisms)
- Has skills and knowledge on alternative dispute resolution mechanisms, including mediation, conflict resolution, and negotiation
- Is able to communicate ideas and information to community members using interactive teaching methods
- Can have working relationships with local authorities and service delivery agencies
- Has community organizing skills that can be used to empower communities to address systematic problems on their own in the future

Paralegals may be compensated as full- or part-time employees, or may work as volunteers. This depends upon the ways in which the sponsoring organization uses personnel, the overall culture of volunteerism in a given country, the amount of time required of paralegals versus their discretionary time, and wage levels. If the paralegals work as volunteers, the program will ideally compensate them for transportation costs and other direct expenses. Trainings can be seen as a benefit to the paralegal because they contribute to the paralegal's personal and professional development. In more developed community-based programs, such as in South Africa, paralegals are lobbying to be formally accredited. (See Chapter 8 for details on standard-setting for paralegal diplomas.)

Paralegals can be based in different kinds of organizations. They may be placed in “advice offices”—service organizations run by paralegals exclusively for the purpose of offering basic counsel, community education, and referrals. Paralegals can also work in community-based or multi-service organizations where paralegal services are one of a series of services available to clients. They can also be based in law firms, law offices, and legal resource centers. In these settings, paralegals remove some of the workload from lawyers by dealing with smaller cases and by doing much of the initial groundwork for interviewing, taking statements, and evidence gathering. They also do follow-up work and report back to clients.

It is important to bear in mind that a paralegal is not a lawyer. A paralegal cannot assist people in court and other tribunals until he or she acquires the relevant qualification and accreditation. However, paralegals also offer skills that lawyers rarely possess, and can extend the knowledge and expertise of the lawyers with whom they work. Paralegals can add complementary skills that are finely tuned to local contexts, such as speaking local languages, knowledge of local forms of justice, and community acceptance.

Common activities of community-based paralegal programs include:

- ▶ *Legal and general advice.* Advise people on how to handle legal or administrative problems. Refer people to organizations that provide social and health services. The program will have a network of contacts with other paralegals, resources, and organizations that can help the community. Depending upon the local context, the paralegal might work with both formal and customary law institutions.
- ▶ *Counseling and mediation.* Help community members solve problems through techniques that encourage resolution without going to court. Informal legal mechanisms can include personal counseling, alternative dispute resolution (negotiation and mediation), and arbitration.
- ▶ *Community education.* Hold workshops to raise public awareness and build the capacity of individuals and groups, including civil society organizations, civil servants, government officials, and community councils. Distribute educational pamphlets, booklets, and other resources. Community-based paralegal programming initially involves the training of paralegals and these same paralegals in turn can become involved in community education programming.
- ▶ *Litigation activities.* Investigate cases, sometimes involving legal research and writing that are then passed on to lawyers, or work as a link between a community and lawyers. Paralegals can help with taking statements, interpreting, and following up on cases. In some jurisdictions, paralegals can appear in lower level courts in relation to certain civil cases. If the paralegal organization has lawyers on staff, paralegals can help represent individuals or groups in cases before courts or administrative agencies on issues affecting the public interest. Paralegal organizations will often take a strategic approach to litigation, taking cases that affect not only the individual involved but also larger legal and social issues within a community or country.

- *Community organizing and advocacy.* Help resolve widespread problems in a community and problems with authorities through negotiation and mediation. Assist in making contact with the press and publicizing events and problems. Some organizations take up cases that challenge existing laws while others draft and advocate for new legislation. Organizations may also provide analysis or opinions on legal instructions being considered.

Each paralegal program and its paralegals will need to choose the methods that are best suited to the individual cases they seek to address, as well as the overall environment in which the program operates. These topics are explored further in Chapter 3, “Setting Up a Paralegal Program,” and Chapter 6, “Solving Justice Problems.”

## 1.3 The Special Benefits of Using Paralegals

Community-based paralegals offer unique skills and professional characteristics that enhance efforts to improve justice for the poor. Similar to the gap that rural public health workers fill in relation to doctors, paralegals provide a dynamic, cost-effective, community-oriented alternative to lawyers. Paralegals do not replace lawyers but by working in conjunction with them can enhance the use of the law and the applicability of legal and policy solutions to individual and community problems. Community-based paralegals may bring together skill sets belonging to diverse professions, such as social workers, mediators, educators, traditional community leaders, interpreters, administrators, and lawyers, with the added value applying these skills according to the specific needs of the situation and the community.

### 1.3.1 Paralegals Are Effective in Solving Justice Problems

Often in countries with weak justice systems, going to court is expensive, time consuming, ineffective and may lead, to permanently damaged relations between the litigating parties.

A community-based paralegal, however, can assess a case and apply the methods that are best suited to the situation—one that may include knowledge of formal law and government, customary law, and also negotiation, mediation, and training. This broad set of knowledge and tools, combined with sensitivity to the culture and needs of the community, enables paralegals to be especially effective. Because community-based paralegals do not take fees and are not contracted to promote the interests one

particular client, they can take a broader view of a case, consider both sides of a dispute and pursue a result that is just overall. The ongoing presence of paralegals in the community also means that enforcement of any agreement can be ongoing and adaptive, in contrast to the formal justice sector which may have only crude and costly enforcement mechanisms.

If the paralegal is unable to solve a problem, the case can be referred to a lawyer for litigation. Litigation is addressed in Chapter 6, “Solving Justice Problems.”

In addition to offering a repertoire of tools for addressing problems, paralegals working within a human rights framework are well positioned to assist community members in learning how to address their own problems—through legal mechanisms or through advocacy. Community-based paralegals, in particular, promote community empowerment through education that shows how individual and collective actions can effectively resolve problems. In some cases where the system has failed—for example, when services are not delivered—paralegals can assist community organizers in bringing about changes in laws and policies. This guide includes several examples of community-based paralegals working for social justice. In the Philippines, a network of legal services NGOs known as the Alternative Law Group is dedicated to the “defense and empowerment of disadvantaged sectors,” guided by the belief that “the people in general serve as the primary force for social transformation.” The groups’ activities include training and supporting community-based paralegals to work with a spectrum of disadvantaged populations such as women, farmers, the urban poor, unionized workers, street vendors, and indigenous peoples.

### 1.3.2 Paralegals Are Accessible and Generally Cost Effective

For many people, legal professionals are inaccessible both financially and geographically. Paralegals are proactive in making themselves available to underserved populations. Community-based paralegals usually live within the communities they serve and, in remote areas, may organize periodic visits in mobile units.

Although there are initial expenses related to starting up a program and training personnel, paralegal programs are highly cost effective once they are operating.<sup>3</sup>

3. Studies of community based paralegal programs have shown that they are successful in the following ways: solving cases; increasing the effective operation of related government agencies; and involving community members in education, advocacy and other democracy and development-related activities. Quantitative studies on the economic effectiveness and wider social benefits of such programs remain to be organized. Related research sponsored by the Legal Services Research Centre in the UK can be found at: [www.lsrc.org.uk](http://www.lsrc.org.uk).

### The Indigent Father: Timap for Justice Paralegals at Work in Sierra Leone

When a mother of three children in Magburaka, Sierra Leone complained that the children’s father had abandoned his responsibilities, paralegal Michael Luseni wrote to invite the father, “Ahmed D.” to the Timap for Justice office. Ahmed D., a vice-principal of a school, came to the office about one week later. A Timap paralegal conducted a mediation in which Ahmed D. and the children’s mother agreed that he would give a specific monthly maintenance payment to Timap that would be picked up by the mother.

*Source:* Timap for Justice, 2007.

This is because paralegals often facilitate informal and early resolution of problems that make it unnecessary to go to court. This diversion saves time and expense for all parties, including the criminal justice system. In many countries, the court systems are slow, expensive, and ineffective.

Preventing existing problems from escalating is a particular benefit of using paralegals. The preventive approach taken by community-based paralegals through community education and advocacy not only prevents existing problems from getting worse, but also helps to forestall new problems as they emerge.

### **1.3.3 Paralegals Can Provide a Community Link that Improves the Quality of Legal Services**

Because of their familiarity with local communities, paralegals are often more capable than lawyers when it comes to straddling formal and customary legal systems. In many countries, the training process for lawyers will only introduce them to the formal legal system and lawyers will subsequently be more likely to live in urban areas close to the formal court structures. This may mean that they are unfamiliar with, and often somewhat skeptical about, the customary structures which are often more prevalent in rural areas. In poor and isolated communities formal law and government can likewise be unfamiliar and may even be abusive in a particular context or when improperly applied. Vivek Maru, former director of the Timap for Justice paralegal organization in Sierra Leone, describes how Timap's paralegals help to "bridge law and society" in numerous ways:

- Paralegals help communities make formal law and government work for them. For example, if government agricultural supports are available but the community does not know about them, the paralegal can help community members apply for the supports.
- Paralegals can use formal law and government to check abuses that happen within the community, including by monitoring and documenting official corruption.
- Paralegals can help the community hold government officials accountable, especially when the latter fail to do their jobs or live up to their promises. For example, in one case in Sierra Leone, a paralegal threatened to litigate against an abusive police officer, resulting in the officer's apology and a change in behavior.

According to a paralegal specialist at the Black Sash Education and Training Unit in South Africa, advice seekers regularly experience problems with lawyers and state officials. The following are some problems commonly associated with attorneys:

- They do not explain the law and procedures in plain language.
- They are often not interested in discussing the community's other legal, socio-economic, or political problems.
- They are less interested in dealing with rural or poor clients than with urban, wealthy ones.
- They have little personal contact with clients and little knowledge of their clients' communities.
- They make decisions on what steps to take without properly consulting the client.
- They do not give full updates on cases.

While these challenges could be addressed in other ways, a paralegal can provide a holistic link between a community or client and the lawyer or state officials, and can help surmount such problems. Some of the specific tasks they can carry out in overcoming these problems are:

- Telephoning lawyers or officials regularly for updates on the matter.
- Asking for explanations on points that anyone does not understand.
- Working as an interpreter if there are language problems.
- Helping collect information and documents, contact clients and witnesses, set up meetings, and provide updates as each task is completed.
- Keeping the lawyer or official informed of any changes or developments in the matter, or relevant developments in the community if it is a community matter.
- Ensuring that the lawyer or official consults properly with the client or representatives of the community before he or she takes any big steps in the case. The lawyer can act only with a mandate from the client.
- Asking the lawyer how much the case is going to cost. If the client or community cannot afford this, ask the lawyer if it is possible to get legal aid or any other kind of funding for the case.

- Encouraging the lawyer or officials to look at non-legal ways of solving the problem, including mediation and negotiation.
- Asking the lawyer to hold meetings and consultations at a place convenient to the community rather than at his or her office.
- Asking the lawyer or official not to use legal or technical jargon, and instead to present information in a way the client can understand.

## 1.4 Institutional Homes for Paralegal Programs

A paralegal program with a justice focus can be added to an existing community-based organization, an NGO, or a clinical legal aid program based within a university. Alternately, an entirely new organization might be established to house a paralegal program. Regardless of where it is housed, a network of relationships and cooperation is necessary to for a paralegal program to succeed.

### 1.4.1 Paralegals within an Existing or Newly Established Community-based Organization or NGO

A paralegal program can be added to a portfolio of programs already offered by a community-based organization, NGO, or NGO network. In some countries, paralegals have been attached to trade unions, political parties, and bar associations. Human rights groups and community-based organizations are often involved with populations that need legal services. A paralegal initiative that is added to an existing agency can deepen and extend the work already being done by that agency.

In Malawi, the Paralegal Advisory Service (PAS) is primarily concerned with the rights of prisoners and people who have been arrested or detained. PAS paralegals are housed in a number of NGOs where they advocate for prisoners' rights and provide assistance to the NGO's clients.

In Cambodia (see box), a community-based paralegal program was initially introduced within the Khmer Institute of Democracy, an NGO that had an established network of "citizen advisors" in villages.<sup>4</sup> The paralegal initiative aimed to strengthen the

4. The Cambodian paralegal program is currently housed within an alternative NGO, Bridges Across Borders Southeast Asia (BABSEA), as part of the Community Empowerment and Legal Awareness (CELA) Program.



legal knowledge of the citizen advisors. The advisors trained through this initiative were then expected to train other community activists in their villages. Under this structure, project resources could be devoted to materials development and training, rather than used to establish a new NGO.

In the Cambodian example, an international organization (in this case, the Open Society Justice Initiative) worked with a legal clinic in a university, which in turn worked with NGOs and government institutions. This approach used work with an existing paralegal-type structure in the community to enhance paralegals' capacity, rather than develop an entirely new structure from the ground up.

In Sierra Leone, a coalition of human rights groups called the National Forum for Human Rights collaborated with the Open Society Justice Initiative to initiate a community-based paralegal effort in 2004. Organizers soon determined that it made programmatic sense to help the paralegal effort evolve into an independent organization focused on the provision of justice services. As a result, a new NGO called Timap for Justice was established. It began operation in five chiefdoms and the nation's capital, Freetown, and expanded to five additional chiefdoms in the following year.

There are many benefits to establishing a new paralegal program within an existing community-based organization or NGO. These entities are already working in the communities and many are, by definition, grassroots organizations with well-developed local networks and knowledge of community needs. Established NGOs are likely to have multiple ties to the donor community that help make the organization sustainable. NGOs may also already have expertise in certain areas you need for your paralegal program, such as the law or training.

However, there can also be disadvantages to adding a paralegal program to an existing community-based organization or NGO. You may find that you are working with personalities and groups that are used to doing things a certain way. They may not be open to doing something differently, and may have established practices and habits that are hard to change. There can also be power struggles among staff over control of the project.

As already illustrated in the case of Timap in Sierra Leone, new NGOs have been established solely for the purpose of beginning a community-based paralegal program. The advantages of this model are that the leaders of the new NGO can shape all aspects of the program, from program design to the hiring of personnel. The disadvantage is that founding a new organization is likely to require more time, effort, and financial resources.

### **Strengthening the Work of an Existing NGO: The Khmer Institute of Democracy, Paññasatra University, and the Open Society Justice Initiative**

The Khmer Institute of Democracy (KID) set up a network of human rights activists called "citizen advisors." KID chose advisors from a pool of teachers and school directors and had a total of 87 advisors, more than half of whom were women, operating in six provinces in 2004. The project aimed to establish "an independent and neutral service to provide fair and legal solutions to communities through advisors who could give advice on laws and legal processes and act as mediators and conciliators of disputes." KID provided the advisors with training on democracy, human rights, civic education, and basic information about family, land, and criminal law.

To strengthen the advisors' legal knowledge and prepare them to work as master trainers for other grassroots NGOs, the initiative pursued a partnership with the legal clinic at Paññasatra University in Cambodia. The partnership resulted in the development of learner and educator manuals for a "trainer of trainers" program that trained 20 citizen advisors and over 40 activists.

*Source:*  
Khmer Institute of Democracy, 2004.

### 1.4.2 Paralegals within a Government Agency

Although many paralegal programs are based within an NGO, they may also be directly affiliated with government agencies or supported entirely by public funds. This can happen when the state recognizes that paralegals are helping them to provide promised legal aid services to citizens. It is important that any paralegal program set up under the auspices of the government have an independent oversight committee with a majority of members coming from civil society in order to ensure procedures of accountability and supervision of the paralegal work. See Chapter 3 “Establishing a Paralegal Program” for more about setting up advisory committees.

In Mongolia, a paralegal program was introduced within an existing governmental institution, the Ministry of Justice and Home Affairs, which employed 30 legal advisors in local governors’ offices in the country’s 21 provinces and the capital city of Ulaan Baatar. A report prepared by the Open Society Forum–Mongolia confirmed that rural populations had a high need for legal services and law-related education to address community problems. At the suggestion of the Open Society Forum–Mongolia, and with the support of the Open Society Justice Initiative, the Ministry of Justice agreed to pilot a new paralegal program through its own institutional structures in 10 pilot sites in 2006.

The ministry changed the responsibilities of the legal advisors so that they would continue to spend half of their time advising government officials but the other half serving community members directly. The legal advisors now act as paralegals and their work is managed by newly established legal aid centers.

Despite the Mongolian example, it is unusual to have paralegals directly employed by the government. It is more common for paralegals to receive support from governments through in-kind contributions; in South Africa, some paralegals are based in government offices located near the tribal chiefs’ courts. This arrangement not only reduces operational expenses but also gives paralegals greater access to clients who come into the building. In Hungary, the second phase of the Roma paralegal training program received support through a European Union structural fund. In some countries, it is possible that government funds earmarked for legal services could be used to support paralegal work.

Operating a paralegal program through a government agency has the benefit of linking the program to funding support that may be more sustainable than funding from an NGO. One drawback to working closely with the government, however, is that officials may seek to control or even obstruct the program’s work. Paralegals frequently have to address problems that result from government actions or inactions. Such issues may be more difficult to address if the paralegal program is closely affiliated with the govern-

ment. In addition, in some countries people may mistrust you if you are seen as working with or for the government. If your paralegal program becomes affiliated with a government agency, it will be essential to establish safeguards for your independence and to actively manage your reputation so that you are recognized as operating independently.

### 1.4.3 Legal Clinic Co-sponsorship of Paralegal Programs

Law schools often use faculty and, in some cases, supervised law students in implementing paralegal programs. Generally speaking, law schools are involved in paralegal programming through established clinical legal education programs already in operation.

Clinical legal education refers both to a method of teaching as well as to activities undertaken by law students in and outside of the classroom. This method of teaching is student-centered and interactive: law students learn through reading case studies, providing legal services to actual clients, undertaking externships with NGOs, and conducting law-related education in secondary schools or with other target groups. Clinical legal education emphasizes practical knowledge and skills, presented in a social justice context. The ethos of the legal services clinics is to meet the needs of poor and under-represented clients, thus making these clinics highly suitable partners for supporting a paralegal program.

In 1989 in South Africa, David McQuoid-Mason, the dean of the law faculty at the University of Natal-Durban,<sup>5</sup> and Carole Baekey, a visiting American law professor, established a new NGO to provide paralegal services in rural areas. This NGO—called the Community Law Centre (now called Community Law and Rural Development Centre)—began its programming with five pilot community law centers in rural areas, which were hosted in the offices of tribal authorities. Two paralegals were based at each center. They received their initial training and ongoing supervision via staff at the Community Law Centre office at the university. The office was supported by both the law clinic and street law programs, wherein law students, school teachers and community leaders are trained to carry out legal literacy programs in high schools, prisons, and community organizations.

In South Africa, the involvement of the law school helped give credibility to the program. The affiliation also helped to ensure the program adhered to rigorous standards, and eventually provided an avenue for paralegals to earn law school credit.

5. The University of Natal-Durban was renamed University of KwaZulu-Natal in 2004 when it merged with the University of Durban-Westville.

### Agency and Democracy: Community Law and Rural Development Centre, South Africa

The Community Law and Rural Development Centre (CLRDC) in Durban is a paralegal organization established in 1989 that serves a population of about 1 million rural South Africans living in KwaZulu Natal and the Eastern Cape. The CLRDC has developed a self-sustaining program of paralegal advice and legal education and training to assist with rural development. It hopes to assist rural communities with skills development to participate in South Africa's evolving democracy. The center works to increase the sense of self-reliance, confidence, and responsibility over legal matters among residents in rural communities, while also developing their awareness that although law is an important tool, it is not the only tool.

The CLRDC operates in over 30 rural communities that are governed by customary law and ruled by tribal authorities. The latter consists of tribal chiefs, tribal administrators, and unpaid tribal councilors. There is no formal training for tribal authorities who are expected to administer increasingly complex affairs in their communities and there is often conflict between “Western law” and customary

practices. CLRDC paralegals are trained in mediation skills so that they can assist in resolving these disputes.

The CLRDC provides training to paralegal advisers from communities that have established paralegal committees. In the past, the CLRDC offered an intense three-month training program during which selected paralegals were trained to operate advisory offices. At the end of the training period, the paralegals were issued a paralegal diploma from the Faculty of Law, University of Natal-Durban (now the University of KwaZulu-Natal).

Since its inception, the CLRDC has handled tens of thousands of cases and recovered millions of rands a year for rural residents. It also presents numerous community legal education workshops annually, monitors government administrative functions to measure accountability, and provides voter education throughout the region.

*Source:* McQuoid-Mason, 2006.

McQuoid-Mason says that this relationship can be facilitated by taking steps such as putting law school representatives on the board of the NGO, informing visitors to the university legal clinic about the paralegal program, and having NGO representatives present to law school faculty. “Basically, you want to position the NGO as a part of the law school community,” says McQuoid-Mason. “This results in a ‘win-win’ situation.”

McQuoid-Mason also notes that law schools in South Africa play an important role in providing legal education and support services for paralegal advice offices. South African university law clinics have provided legal education and support to clusters of paralegal offices in their areas. For example, one law clinic may be responsible for supporting up to 10 paralegal advice offices in its region.<sup>6</sup>

In Hungary, a paralegal training program was spun off from a larger legal clinic program that provided legal services as well as community education. In order to receive grants from abroad, a separate NGO, the Foundation for Clinical Legal and Street Law Programs, was established at the Eötvös Loránd University (ELTE). ELTE provided office space and the NGO director, Agnes Kover, was a full-time member of the faculty. However, all other human and material resources were generated through separate grants. As the university’s larger legal services program drew increasing numbers of law students of Roma background—a population highly discriminated against in Hungary and other parts of Europe—Kover created a new paralegal program within the foundation at the law school. The new program aimed to support the training of Roma minority representatives and activists and was carried out via the foundation. The program draws on the training expertise developed through the street-law clinic run by Kover, and cooperates with the largest Roma civil rights organization in the country, the Roma Civil Rights Foundation.

Legal clinics can bring a range of resources to a paralegal program, including the enthusiasm and legal expertise of law faculty, as well as space for trainings or even an office. Faculty associated with legal clinics can make use of interactive training methods, which are not always used in law schools. These participatory methods are required for training paralegals and preparing them to carry out community education. Law students can also contribute to a paralegal program by assisting professors in writing, translation, or even conducting trainings.

6. The donor funding provided for the South African cluster programs is administered by the Association of University Legal Aid Institutions Trust (AULAI Trust).

A disadvantage of creating a paralegal program through a legal clinic is that the law school may be some distance from the communities that the paralegals will be serving. Another potential drawback is that law faculty may not have the time required to set up and support a paralegal program. Partly for this reason, legal clinics involved in paralegal programming often work in cooperation with an outside NGO. NGOs can involve law faculty on a consultancy basis even without a formal affiliation with the university sponsoring the clinic.

Another negative associated with working through a legal clinic has to do with the university as an institutional partner. A paralegal program that is formally linked with a university will need to fulfill the university's bureaucratic requirements. There is also the risk that the paralegals will become embroiled in university politics if the program takes up issues from which the university wants to distance itself. The challenges and benefits of creating a paralegal program within an existing legal clinic are explored further in Chapter 3.

### **Growing a Paralegal Program from a Teaching Clinic: Foundation for Clinical Legal and Street Law Programs in Hungary**

The Foundation for Clinical Legal and Street Law Programs is an NGO housed at the Faculty of Law within Eötvös Loránd University (or ELTE) in Budapest, Hungary. ELTE is the oldest university in Central and Eastern Europe. Ágnes Kövér is the founder of the foundation and coordinates the clinical legal education program, which currently houses six clinics.

Five of the clinics provide legal consultation in the areas of criminal law, family law and children's rights, labor law, non-profit laws and aftercare, women's rights and prisoner's rights. The street law clinic uses law students to lead law-related, interactive activities in high schools, juvenile institutions, and other community settings. Kövér's groundbreaking initiative at ELTE began with the street law teaching program, and she considers it her foundational clinic. Through this teaching clinic, she developed participatory learning techniques for helping law students in all her clinics to learn legal theory and develop "lawyering skills" such as communication, persuasion, mediation, critical thinking, case analysis, interviewing, writing, and exploring ethical issues.

The paralegal training program within the Roma community emerged from the clinic experience of having law students teach in integrated classrooms (including Roma and non-Roma students) as well as a program of the related NGO (“the Foundation”) which trained Roma teachers in law-related education using the “street law” method.

*Source:* Tibbitts 2005a.

## CHAPTER 2

# Situation Analysis

### Chapter Contents:

- 2.1 The Data Collection Process
- 2.2 Vulnerable Populations and Their Needs
- 2.3 The Legal and Judicial Environment
- 2.4 Human and Physical Resources for Building a Program
- 2.5 Potential Paralegals

A situation analysis is a process for understanding the needs of specific audiences in a specific setting. Conducting a situation analysis is a critical step in determining whether to establish a paralegal program, and if so, what services the program should offer. Gathering and analyzing data about the communities to be served and their needs will help you to make choices about your program. This chapter outlines how to conduct a situation analysis specific to paralegal work. It provides an overview of both data collection options and key areas to explore in your analysis. Depending upon the resources available to you, this analysis can be more or less formal, but all assessments will involve interaction with potential beneficiaries and stakeholders.

By reaching into communities through interviews, surveys, observations, and casual conversations, you will come to understand the most pressing needs of those you will serve and be able to design your program accordingly. Your situation analysis should seek to accomplish the following:

- ▶ Reveal justice problems that arise between individuals, such as domestic violence, or between the individual and the state, such as government misappro-

## Community Problems, Program Priorities

In South Africa, program leaders went to tribal authorities, explained who they were and the role of paralegals, and asked about community problems and whether paralegals might be of help. Information was gathered through these conversations as well as through community workshops. They discovered that people were having massive problems with their pension payments, which were not arriving or were insufficient, in part due to corruption. The subject of pensions became the initial focus of the paralegal work of the Community Law and Rural Development Centre.

In Mongolia, the paralegal program developers held meetings with government officials at three levels—provincial, district courts, and local subdistricts—as well as with bar associations and NGOs involved in human rights work. They also asked local governors to organize community meetings and “home visits” so they could speak directly with members of the community. The program developers discovered a great deal of consistency in the kinds of problems mentioned by government officials and community members.

priation of private land, and help you to prioritize which populations and issues to focus on.

- Reveal where people usually go in order to solve these problems.
- Map the landscape for your paralegal work, including the overall legal environment of your country, organizations with interests and activities similar to yours, and the pool of potential paralegals.
- Help you justify the establishment of a paralegal program, outline its contours, and plan the initial training.
- Enable community members to clarify their own situation and participate with you in the planning process.
- Introduce you to existing services and organizations with shared concerns or related skills, making the assessment process an important first step in developing institutional alliances to support the program.

Many organizations use a situation analysis as the basis for program development. One tool for conducting a situational analysis is called SWOT (Strengths, Weaknesses, Opportunities, and Threats). The SWOT analysis classifies the internal aspects of an organization’s strengths or weaknesses and external factors such as opportunities or threats. (For more information about strategic planning tools, visit the Free Management Library at [www.managementhelp.org/plan\\_dec/str\\_plan/str\\_plan.htm](http://www.managementhelp.org/plan_dec/str_plan/str_plan.htm).)

## 2.1 The Data Collection Process

For anyone considering starting a paralegal program, the goal of the situation analysis is to identify justice problems in the community that are unmet and that could potentially be addressed by a paralegal. This is called a “gap analysis.” Based on this gap analysis, you can prioritize the populations you will work with, anticipate the key legal problems you will address and confirm the range of strategies that your paralegals will be trained to use in meeting them.

Assessing a community’s legal needs can be carried out by the program developer or the management team through consultation with community members and leaders. Several data collection techniques are used in a needs assessment, including:



- Direct observation
- Questionnaires
- Consultation with persons in key positions or persons with specific knowledge
- Review of relevant literature
- Interviews
- Focus groups

In selecting your methodology, you will need to consider which techniques are most practical and likely to provide reliable and valid information. One of the most basic methods of data collection is direct communication and dialogue with community members. This technique can help lay the foundation for an effective collaboration between your program and the community. If you do not have sufficient personnel to carry out the data collection by yourself, you might enlist local NGOs or law school students (e.g., through internships) to assist you.

One of the simplest ways of obtaining information is to interview people. You can do this through individual interviews, focus groups, or the administration of in-person questionnaires. Information can also be gathered in community meetings or workshops. Interviews carried out with a range of populations will help to establish the reliability of the information you collect. Through this process of investigation, you can develop a sense of the problems that people have and the potential solutions a paralegal program might offer them. In addition to being a source of information for you, these case studies can be used in future trainings. Also, later in your program, you might carry out a similar investigation in order to see if your paralegals have been able to address previously identified problems.

You can use volunteer law students in legal clinics to conduct needs assessments and prepare reports on their findings. For example, law students at the legal clinic Ateneo de Manila Human Rights Center in the Philippines carry out a community needs assessment during their period of “immersion” in a poor rural community.

You might also look for government records or documentation that could inform program development. In most countries, available statistics are insufficient to reveal the actual scope of problems involving access to justice. However, you may be able to find indirect evidence of the legal needs of community members by documenting population totals, the number of lawyers available, the average length of time before a case is heard before the court, and similar factors.

### **Moldova: Needs Assessment Survey of Rural Communities**

In order to carry out an assessment of the primary legal needs of rural communities in Moldova, representatives from 11 villages were interviewed. These interviews used two different sets of questions: one for regular citizens and the other for community leaders most likely to know the legal needs of the population, including mayors, school teachers, police inspectors, NGO leaders, priests, social workers, and doctors. These interview questions were developed by a group of lawyers, then reviewed by a sociologist, adapted for use in interviews, and field tested. The needs assessment ultimately involved interviews with 136 citizens and 47 community leaders.

The interview questions were designed to elicit information on:

- Legal situations and legal problems that citizens confront
- Means by which citizens try to solve their legal problems
- Satisfaction with the results obtained
- Reasons for a problem not being solved, if such a situation existed
- Perceptions about the best way to approach legal situations
- Background information on the interviewee (e.g., personal data, location)

*Source:*

Open Society Institute–Moldova (2005).

## Finding Ways to Provide Access

In Hungary, a paralegal program was initiated by Eötvös Loránd University (ELTE) to address the legal needs of the Roma, an ethnic group historically discriminated against in the country. The factors contributing to their situation included:

- Geographical distance from legal aid offices and little means of transportation
- A high requirement for paperwork, which deterred applications for administrative procedures
- Reluctance among the Roma to address private matters with non-Roma
- An overall low level of legal awareness

These factors were taken into account when the paralegal program was designed.

Carefully designed research studies can help establish the need for legal assistance. For instance, standardized questionnaires can be administered to a representative sample of prisoners, asking about the presence of legal representation at the different stages of criminal proceedings as well as incidents of mistreatment; the study can include an analysis of interethnic differences with respect to legal representation at different stages in criminal proceedings. If you anticipate carrying out an impact evaluation of your program, you should collect baseline information for your community. If resources allow, you might collect baseline and follow-up data in a similar, “comparison” community in which your paralegal organization is not operating in order to compare the results.

In Moldova, a needs assessment was carried out through a survey administered to citizens as well as local authorities in 11 rural villages (*see sidebar*). The research was sponsored by the Soros Foundation–Moldova, which subsequently helped to launch a paralegal program.

## 2.2 Vulnerable Populations and Their Needs

In some countries, large segments of the population could be considered “vulnerable” in the sense that they would benefit from an array of social and legal services. Faced with such overwhelming need, you may choose to prioritize those whose needs are most acute.

In many countries, the most disadvantaged are the urban and rural poor and members of a minority group that is subject to exclusion or discrimination. These groups almost always have difficulty obtaining lawyers for civil legal problems yet often face the greatest problems with housing, employment, family members, property, welfare, social security benefits, and immigration. They may also be unaware of the legal remedies available to them. Members of these groups often experience police brutality and other human rights abuses. To help such groups, you must also decide whether your paralegal program will need to maintain strict independence from the government. See Chapter 3, “Setting Up a Paralegal Program.”

Poverty is a nearly universal characteristic of the populations that justice-oriented paralegal programs serve. In rural areas especially, there are many conditions that make it difficult to access lawyers, including the cost of a lawyer, the shortage of lawyers in general, and in particular, the shortage of lawyers willing to work with poor communities. Communication problems can include language, distance, and lack of technology.

A needs assessment will reveal not only the legal needs of vulnerable communities but also the most pressing problems that those communities are facing. In some cases, what may be seen exclusively as a social problem (e.g., lack of access to health care) can become part of a new discourse (e.g., the right to health care). In other cases, what has been treated as a legal problem (e.g., domestic abuse) might be addressed through administrative agencies, the police, local government, education, community pressure, the media, or other non-judicial approaches.

A needs assessment should also help you in identifying the problem-solving approaches—administrative, legal, counseling, educational, etc.—that your paralegals should be ready to undertake. If your assessment reveals the need for systematic reforms, your paralegal program may also need to include public interest cases or strategic litigation in its work. These considerations—target population, key problems, and approaches—will be the defining characteristics of your paralegal program.

Some paralegal programs focus exclusively on a specific issue, such as domestic violence and family problems. However, most community-based programs are flexible in both the problems that are accepted by the paralegals and the kinds of strategies that are used to solve those problems. The wider the range of topics and problem-solving approaches that your paralegals engage with, the more highly-trained those paralegals will need to be.

## 2.3 The Legal and Judicial Environment

One element of a comprehensive needs assessment is an environmental assessment, which should be conducted to identify the different features of the legal environment in which the program will operate and which will influence the roles that you assign paralegals. The environmental assessment should examine:

- The existing framework for legal assistance
- Availability of lawyers and legal aid
- Functionality of the formal justice system
- Willingness of the legal community to accept paralegals
- Existence of formal and customary legal systems
- Non-legal alternatives such as counseling or mediation
- Legal framework for paralegal work

### Cambodia: Findings from a Needs Assessment

In Cambodia, the needs assessment involved conversations with NGOs working in communities. Interviewers asked what problems NGO staff were finding in the communities, how paralegals might address these, and what kind of training and resources would be necessary to develop such a program. Based on this needs assessment, the program's leadership identified 6 to 10 issues for the program's paralegals to work on and then put together an advisory committee to give advice on the program and review materials. The Khmer Institute for Democracy described the need this way:

“The main and most serious problems that people face in the course of their daily lives are land and housing disputes, sexual assault, divorce, domestic violence, breach of contract, and defamation, sometimes involving local military and civil authorities. More than 60 percent of Cambodian people are poor and illiterate and do not know how to face the above mentioned problems. Most of them seek assistance from the village chief or commune chief, but the reality is that it still often requires bribes to get complaints considered. Some cases should be dealt with by the courts but the victims do not have enough

money to pursue them beyond the commune authority level. They prefer their cases to be solved or reconciled by the village or commune chief. The most vulnerable are women who are the subjects of beatings, sexual harassment, and even killings.”

Source:  
Khmer Institute for Democracy, 2004.

### 2.3.1 The Legal Framework for Legal Assistance

You should explore the nature of legal assistance within your country, including which offenses require mandatory legal representation (e.g., criminal cases involving serious offenses) and who is eligible for free mandatory legal representation (e.g., minors, those with mental disabilities, indigents).

Several models exist for legal aid: Lawyers can act as *ex officio* assigned counsel. Lawyers can be contracted to provide legal services or employed as public defenders. Lawyers can work in legal aid centers. Legal services provided by paralegals can supplement these other services. In criminal cases, paralegals can refer cases to lawyers within the program’s legal network. Paralegals can become directly involved in civil cases involving, for example, labor issues and social protection laws. In many countries, paralegals are able to appear in administrative tribunals with the consent of the presiding officers.

### 2.3.2 Availability of Lawyers and Legal Aid

Even if you already know that there is a lack of access to legal assistance within your country, it is important to try to document this lack of access. Determining the supply and distribution of lawyers will put you in contact with various institutions and agencies. This networking could help to lay the groundwork for a future network of supportive lawyers, and help you to gauge the reaction of the legal profession to the idea of a paralegal program.

In South Africa, for example, lawyers are listed by province and town in publicly accessible databases. Thus it was possible not only to determine the number of lawyers who were available for the population but also to invite them to become part of the network of lawyers supporting the paralegal work.

In some countries, legal aid services have been legislated by the government. However, these services may be offered at very minimal levels, poorly implemented, or underutilized, because citizens don’t know they exist or can’t access them due to their location or associated costs. In a country that has legal aid legislation, your situation analysis might probe for gaps between need and delivery, and opportunities for paralegals to help fill these gaps.

You will want to develop a strategy for associating lawyers with your program, because paralegals cannot litigate. Moreover, you will want to establish a collaborative relationship with your bar association in order to offset potential opposition to your paralegals.

The term *pro bono* refers to legal or other professional work undertaken voluntarily, and without payment, as a public service. In Kenya, for example, practicing lawyers are actually required to provide *pro bono* services in order to renew their licenses. Both *pro bono* practices, and a supportive bar association, will help ensure that your paralegal program has access to the lawyers it needs.

In Mongolia, the environmental assessment showed that there were members of the bar association in every major town and *aimag* (province). The paralegal program included a bar association member on each of its advisory committees. This not only helped to make available legal assistance but also prevented the emergence of an adversarial relationship between the paralegals and the lawyers.

In South Africa, the creation of a “ladder system” gave paralegals entrance into the legal system, with paralegal work providing credits toward a law degree. Lawyers expressing resistance to this idea were concerned that the ladder system would lead to a legal profession consisting of paralegals who remained at the bottom of the ladder. These fears were largely dispelled, and the South African Qualifications Authority enabled people with a paralegal diploma to obtain credits toward the LLB degree.

### 2.3.3 Functionality of the Formal and Informal Justice Systems

When trying to solve problems, there are two different approaches that the paralegal can use: formal legal methods and less formal methods grounded in community norms. Legal methods use the law and courts to solve problems. Sometimes they can bring timely results for people if a case goes before a court quickly. On the other hand, you may learn that the courts are overburdened, slow-moving, and rife with corruption. This situation creates a greater incentive for paralegals to solve community problems through non-legal or informal methods.

Your situation analysis should include an assessment of the use of the formal legal system as well as traditional approaches to justice, including customary laws that are carried out by local chieftains or other leaders. In Sierra Leone, for example, “customary” courts based on traditional approaches to justice coexist at the local level with common law courts modeled after the British system. In Malawi, paralegals help to divert cases involving minor crimes away from the formal justice system to the traditional courts that operate in rural communities.

The status of customary law in each country, and its relevance to the work of the paralegals, will require some investigation. Although processes for engaging with customary law may be easier for rural populations due to greater accessibility, customary laws may conflict with human rights principles or be applied unfairly. For example, in

### Assessment of Pluralist Legal System: Sierra Leone

In Sierra Leone, a formal legal system modeled on British law coexists with a “customary” system based on traditional approaches to justice. The formal system is heavily concentrated in the capital. Out of a total of only 100 practicing lawyers in the country, 90 live in Freetown. Of a total of 12 high court judges, 10 sit in Freetown while 2 cover the provinces. The vast majority of Sierra Leoneans rely on the customary system for the majority of their legal and justice problems. And yet law and development interventions by the government, donors, and NGOs have focused almost exclusively on the formal institutions.

After assessing community needs and the socio-legal context, the directors of the Timap for Justice paralegal program determined that the program would straddle the divide between the customary and formal systems. Paralegals would engage both sets of institutions depending on the needs of a given case, and seek to reform and improve both systems. Although this determination certainly informed the initial paralegal training, much of the details of how paralegals could effectively work within and across the two systems only emerged through practical experimentation by paralegals and directors in the field.

*Source:* Author correspondence with Vivek Maru, September 2007.

South Africa the customary law provisions that do not recognize the right of women to inherit have been held by the courts to be in violation of the “equality provisions” of the constitution.

Your assessment of the justice systems currently operating in your community, and of alternative solutions that paralegals will most likely use in their work, will be critical in defining the trainings, resources, and support that your paralegals will need.

#### **2.3.4 Non-judicial Alternatives to Problem-solving**

Non-judicial methods include counseling, negotiation, mediation, community mobilization, use of media, direct appeals to government contacts, and administrative procedures on a case-by-case basis. Longer term solutions involving the whole community might involve public education or advocacy campaigns to improve access to public services or to decriminalize petty crimes. Educational activities can be directed toward community members, but also toward civil servants, chieftains, the police, and lawyers. This is the model that has been used in South Africa and Mongolia.

Your needs assessment should explore how community members are already solving problems (or not, as the case may be) in ways other than going to court. Information related to a lack of problem-solving mechanisms or existing alternative techniques will be important for designing a paralegal program.

#### **2.3.5 The Legal Framework for Paralegal Work**

Typically there is a broad range of actions at the disposal of paralegals working on civil cases. A paralegal may provide legal information and referral services, community legal education, counseling and advice for individuals, and mediation services. Such services may also include representation in court, public interest litigation, and legislative and appellate court advocacy.

In some Central and Eastern European countries, paralegals are able to go to court on civil matters, because this is an option presented to ordinary citizens. However, under these circumstances, paralegals have to be clear that they are not lawyers and that they are not receiving any pay for this service. (See Chapter 3 for an example of a paralegal code of ethics that every program should establish.)

In the Philippines, paralegals can represent their fellow farmers or union members in quasi-judicial tribunals administered by the Department of Agrarian Reform and the Department of Labor and Employment. This approach constitutes a cost-effective method for securing representation for farmers and workers. If particularly thorny prob-



lems arise, the paralegals can refer questions or even representation to the Alternative Law Group attorneys who trained them and with whom they remain in contact.

Sometimes lawyers are concerned that paralegals will take away their clients. This fear is often misplaced because paralegals can actually bring cases to lawyers that they would otherwise not know about. In some countries, however, where paralegals can appear in court under certain circumstances, such as dealing with bail applications, some lawyers may find this problematic, especially in small towns where there is limited work for them. Clients may also seek out paralegals over lawyers because they believe paralegals who hail from their own communities will represent them with more zeal, and more honesty. At the end of the day, lawyers' concerns about lost clients may be legitimate in some contexts and not in others. However, often the issue of competition between paralegals and lawyers is moot, as many of those receiving paralegal help would not have been able to afford lawyers in the first place.

## 2.4 Human and Physical Resources for Building a Program

In establishing a community-based paralegal program, you should look closely at the organizations already working with your target population, and consider the legal, mediation, counseling, education and/or advocacy services offered by those organizations. You may find that an existing organization offers some of these services, but that they lack a legal component. You could consider beginning a paralegal program that extends the work of an existing NGO, a strategy that was adopted in Cambodia (*see sidebar*).

Many countries have community-based paralegal programs without realizing it. Citizen advice officers or bureaus located in community settings actually serve a paralegal function when they give legal advice and education to community members. For example, NGOs that work on women's issues and domestic violence in particular, often have paralegal capacities in-house. If your situation analysis uncovers organizations that are already doing paralegal work, you will have to consider how any program you develop will combine with or complement this other work. Moreover, other organizations in your country with paralegal-type experience should be a very helpful resource in designing your program or could become part of your referral network.

Your assessment may also reveal that there are organizations already offering legal services, but that these NGOs or legal clinics are located in urban areas, and that

### Working through an NGO Partner: Khmer Institute of Democracy, Cambodia

In Cambodia, Bruce Lasky, founder of Paññasastra University's clinical legal education program, initially tried to get a coalition of NGOs to work together on a paralegal program to serve poor Cambodians, but in-fighting prevented this. Thus, he looked for one NGO whose work was most similar to that of a paralegal program, and identified the Khmer Institute for Democracy. The institute, founded in 1993, was a well-established NGO with a positive reputation. Its citizen advisors were already doing something akin to offering paralegal advice in certain communities. The institute was also not seen as a "political" organization, an image that might have prevented Lasky's university from working with them.

He approached the institute to hear what its leadership thought about strengthening the paralegal skills of their staff in the field. He also provided some initial incentives for them to give feedback on the paralegal program idea, for example, promising them training and resource materials regardless of whether they ended up the lead NGO on this new initiative. The Khmer Institute for Democracy was eager to cooperate.

*Source:* Author correspondence with Bruce Lasky, October 2007.

## Linking Paralegal Training to Roma Civil Rights: The ELTE Case

Aladar Horuath is the director of the Roma Civil Rights Foundation and a leader in the Roma civil rights movement. One goal of the Roma civil rights movement is to develop within the local Roma community the legal know-how that will assist them in carrying out their advocacy and activism. The proposed paralegal training program dovetailed with this national strategy.

Horuath saw as a key target group the 4,800 Roma self-government representatives who had been elected at the local and provincial levels but who were—to his mind—largely ineffective in actually promoting the rights of Roma people. Rather, such representatives were seen as being “co-opted” by their new status, implementing policies that did not seek to change the underlying conditions that forced the Roma to remain poor and segregated. It was important to turn this situation around and make the representatives understand that they represent the “public interest.”

As the Roma Civil Rights Foundation already had a national network of organizations under its umbrella, there was a ready-made opportunity for paralegal training that could feed into a broader national movement.

there is a great unmet need for such assistance in rural areas. Moreover, these legal service centers might only use a formal legal approach that relies on lawyers, overlooking other possible strategies for serving community needs, such as mediation or education. In such a case, a paralegal program could make an important contribution to resolving people’s justice problems.

You may discover, as was the case in Mongolia, that a government agency has staff whose responsibilities include duties related to community paralegalism, and that there is political will to strengthen this capacity. Your key implementing partner might then be a government institution.

Your situation analysis will also look at the broader context for carrying out paralegal work. In countries with failed institutional infrastructures, such as postwar Sierra Leone, or where institutional corruption and indifference are pervasive, it is not necessarily realistic to look to administrative and legal solutions for community problems. Incompetence, corruption, and a lack of motivation within government agencies that are supposed to deliver services or administer justice may prove formidable barriers to working through formal channels. In such a scenario, the paralegal’s tools of community education and mediation may be especially valuable.

## 2.5 Potential Paralegals

In South Africa, the needs assessment looked at the availability of people who could be paralegals, identifying a potential pool of educated candidates, including schoolteachers, who were currently unemployed. In countries where unemployment is high and many educated people are without jobs, a ready pool of potential paralegals exists. Many programs use part-time staff, so you may also be able to tap into personnel who are working at other jobs in their communities and thus have valuable connections and experience. However, you will have to judge whether part-time staff or volunteers will allow you to fulfill the mission you envision for your paralegal program.

If you will be working with staff from an existing NGO, law school, or government agency, you will need to determine their current capabilities and the skill and knowledge areas that will need to be developed. You should also ensure that the staff members have other qualities necessary to be a successful paralegal. These qualifications are discussed in Chapter 3, “Establishing a Paralegal Program.”

One qualification that cannot be underestimated in paralegals is the desire to make a positive difference in their community. Effective paralegals working within a



human rights framework will be dedicated to the empowerment of the populations they work with. Their dedication may eventually lead them out of the paralegal office into public education and advocacy. The Hungarian example (*see sidebar*) illustrates how a paralegal program can be explicitly designed to support a human rights movement for a marginalized group in a country.

Within individual communities, paralegal training could support minority representatives so that they would not only improve their ability to refer their Roma constituents to services or authorities to address their needs, but could actually demand improved services when they are not available, insufficient, or unsound. Ultimately, Horuath hoped that these minority representatives would become genuine activists in a growing network demanding new policies to eliminate discrimination and poverty for the Roma.

*Source:* Tibbitts, 2005.



## CHAPTER 3

# Establishing a Paralegal Program

### Chapter Contents:

- 3.1 Conceptualizing Your Paralegal Program
- 3.2 Establishing Internal Leadership and Oversight
- 3.3 Building Relationships with Local Authorities and the Community
- 3.4 Developing Relationships with Legal Professionals
- 3.5 Recruiting and Hiring Paralegals
- 3.6 Developing a Resource Library
- 3.7 Establishing Administrative Procedures
- 3.8 Budgeting
- 3.9 Seeking Renewable Resources

If your needs assessment indicates that a paralegal program would benefit the community, you can next turn to the task of establishing a paralegal program. The needs assessment will have provided you with key information concerning potential target populations, their needs, potential homes for your program, and partners with whom you can work. You will then need to set up a plan for implementing the program, often called a workplan.

Your workplan will elaborate the community's needs and your proposed response, and should demonstrate to potential funders and supporters your ability to

**Statement of Purpose:  
Community Law and Rural  
Development Centre,  
South Africa**

**Introduction**

The Community Law and Rural Development Centre was established in 1989 as an independent NGO associated with the Faculty of Law at the University of Natal-Durban. It also provides services in the Eastern Cape region.

**Aims & Objectives**

The centre's aims are to contribute to the development of a vibrant human rights culture and democracy and to ensure justice for all; to make government accountable and legislation responsive to and enforceable by rural South Africans; to promote a rights-based culture that empowers South Africans to be effective educators, innovators, and enforcers of public policy; and to spearhead social, legal, and economic self-reliance in rural communities.

**Target Groups**

- Government Officials
- Tribal Authorities
- Rural Communities
- Paralegals

initiate a program. Your plan should also be the beginning of an operational effort for your program's management team and should be developed collaboratively with them.

## 3.1 Conceptualizing Your Paralegal Program

### 3.1.1 Statement of Purpose

Your needs assessment will provide you with guidance about the community members you intend to serve and the needs to be addressed through your program. A statement of purpose should outline your aims and objectives, your intended beneficiaries, and the range of services you will provide. Your statement of purpose should be a robust and enduring description of the core goals of your program.

Paralegal programs intended to deliver justice services are, by design, flexible in dealing with community problems. Paralegals typically engage in counseling and alternative dispute resolution and cooperate with both formal and informal authorities in the justice system. Community-based paralegals also use educational tools in order to empower community members to advocate for their rights. With this in mind, community education should not just disseminate information, but should also present a clear agenda for social action. These activities and their purposes should be reflected in the mission statement.

It may be wise to revisit your statement of purpose in the first years of a new program, as early experiences and evolving community needs will deepen your understanding of your work.

### 3.1.2 Geographical Scope

When you establish a paralegal program, you must decide about the area of geographical focus. No program can begin by trying to cover an entire country. In many cases, the program will focus on severely underserved areas, such as rural communities. You will need to specify which communities you intend to serve and plan to hire staff or recruit volunteers accordingly. If you are working through an existing NGO, then they will already have a presence in certain communities.

A good program will ensure that paralegals receive proper training and support. This will be especially challenging when a program is beginning and practices are just being put in place. Experienced program directors advise that new programs should start

with a small number of paralegals in a limited geographical area, and then expand as the program staff gains experience.

### 3.1.3 Institutional Base

When deciding upon an institutional home for your paralegal program, you will face the fundamental choice of whether the program will be run through an established institution or through an entirely new organization.

If you are going to start a new organization, you will need to consider a number of pertinent issues, such as the types of organizations authorized by law, the laws of your country regarding the legal status of NGOs in particular, and the appropriate structure for governing the organization. An organizational charter and bylaws will require you to establish a mission and organizational purpose, legal name, ownership, authority, structure, and governance rules.

The offices that you set up need to be accessible to the population you plan to serve—either within easy walking distance or near public transportation. In South Africa, one project set up its paralegal offices near tribal courts. In Sierra Leone, groups have used mobile paralegal units to reach far-flung areas.

## 3.2 Establishing Internal Leadership and Oversight

### 3.2.1 Management Team

The small team you have formed to start a paralegal program can be considered the “program drivers.” These are the people who have conceived and developed the program and have carried out the situation analysis.

As your project develops, the team that drove the creation of the program will need to evolve into a management team that ensures the responsible and efficient conduct of the organization’s day-to-day activities. In many cases, this management team is actually constituted by a single program director, at least in the initial stages of the program.

The program director is in charge of the following tasks:

- Defining program objectives
- Establishing the program within an existing institution or creating a new one

### *Activities*

#### *Research*

The centre conducts research related to all human rights and democracy issues, especially rural community needs, development, and gender-sensitivity.

#### *Education and Training*

Through its committee on capacity building, training, and support programmes, the centre aims to enable rural communities to manage their own paralegal offices and outreach programmes, and to access government policy initiatives and processes. Rural communities acquire a sustainable community-managed resource to respond to their legal and human rights violations as well as a skilled team of representatives to contribute toward policy formulation processes, assert their development needs, and monitor the effective delivery of services by government and other service organizations. Training takes place in the form of workshops. The centre implements multi-faceted community human rights awareness programs, geared toward meeting the need expressed by the rural communities for information and training on the South African Constitution and Bill of Rights. It provides community-based trainers with training and publications that will enable them to conduct

workshops at the community level and distribute the publications.

### **Advocacy and Information**

The centre prepares training manuals for the trainers and offers legal advice and support to the communities and publications on human rights and democracy.

*Source:* Community Law and Rural Development Centre  
website: [http://www.nadcao.org.za/index.php?option=com\\_content&task=view&id=6&Itemid=39](http://www.nadcao.org.za/index.php?option=com_content&task=view&id=6&Itemid=39).

- Representing the program to others, including donors and potential donors
- Determining the financial needs of the program and managing the budget
- Attracting and selecting trainers
- Overseeing paralegal training
- Monitoring paralegals to ensure work is effective, efficient and fair
- Maintaining liaisons with partners and other members of the community
- Identifying and responding to needs as they arise
- Evaluating the overall program

### **3.2.2 Advisory Committee**

Beginning a program requires considerable time and energy. Some of your original program drivers will be motivated to initiate the program and also to gain employment. Other drivers, who may want to step back and advise the process, should be considered as possible candidates for your program's new advisory committee.

Advisory committees provide important technical assistance and oversight functions for paralegal programs. You might have a single advisory committee for your program or set up committees for each office or cluster of offices. Whichever arrangement you choose, your advisory committee members should include a diverse set of persons who can assist you in carrying out a range of tasks. In Sierra Leone, programs have tried to involve both traditional leaders as well as representatives from groups with less political clout, including women, the elderly, and youth.

Oversight is a key function for any advisory committee. By providing oversight, the committee ensures that paralegals are working properly and are effectively meeting the needs of the local population. Program directors can promote a positive public image of a program by using the advisory committee to show that the program is overseen by individuals who are independent from the government and who enforce established procedures that make the program effective. Your paralegal program should set up mechanisms to allow your advisory committee to receive and review formal complaints and community-based feedback on your work.

Establishing an effective and credible advisory committee is especially important if your paralegal program receives government support of any kind. For paralegal programs administered by government officials, as is the case in Mongolia, community advisory committees are crucial for maintaining citizen oversight of paralegal services.

Such committees help to ensure that your program operates independently and without favoritism to any clients.

Another key role of your advisory committee(s) will be to enhance the credibility of your program through endorsements and to provide technical and political support. A carefully selected advisory committee can provide your program with experts and well connected people who can review materials and reach out to potential partners in the NGO, legal, and government sectors.

The Hungarian paralegal program at Eötvös Loránd University set up an advisory committee of respected members of the Hungarian Roma minority, including teachers and students from Romaveritas (Open University for Roma students), Roma members of Parliament, human rights activists, representatives of Eötvös Loránd University's Street Law Program, the Open Society Justice Initiative, the Open Society Institute's Roma Participation Program, and the European Roma Rights Center. The main tasks of the advisory committee were:

- Elaborate criteria for selecting respected Roma persons for the paralegal training
- Select the members of the paralegal trainees (30 persons total)
- Participate in developing legal background materials for paralegals to use as resources in assisting citizens
- Assist in the development of legal education materials that could be used directly by citizens

A coordinator for each committee should be appointed and the committee should hold regular meetings with clear agendas. Continuity in the committee's membership lets members become familiar with the workings of the program; although a certain amount of turnover within advisory committees can be healthy for a project.

As the number of people involved in the leadership of the program grows, you may have to clarify how decisions are made. Work during the conception phase of the program may have been rather informal. But as the program develops, you may need to clarify decision-making processes for program staff and your advisory committee.

## 3.3 Building Relationships with Local Authorities and the Community

### 3.3.1 Government Institutions and Local Authorities

Within the formal legal system, paralegals have to work with magistrates, the courts, and the police. These authorities are responsible for safety, security, policing, and other government services. Paralegals have experienced many problems in the past because people, such as lawyers and state officials, don't understand what a paralegal is or what a paralegal does. For example, pension officers or police are sometimes very negative toward paralegals because they don't think that the paralegal has a right to be asking questions. It can take a long time for paralegals to be recognized in the legal system and in the meantime this resistance can make their work more difficult.

To minimize resistance and misunderstanding, you may want to establish contact with the government and local authorities when developing your paralegal program. At a minimum, paralegals need to become familiar with the network of government services that clients are entitled to receive and the contact persons for each of these offices. In some cases, these offices might endorse your paralegal program through a formalized relationship or agreement.

In Malawi, the Paralegal Advisory Service is supported by outside donors but is authorized by the government to work within prisons, to fill out bail and sentence appeal applications, and to meet with prosecutors to negotiate cases. The advisory service also works with the courts and prosecutors and convenes monthly "court user meetings" to ensure a smooth flow of cases from the prisons and the police through to the courts and the criminal justice system. Your decision about trying to establish a relationship with the government will depend upon your country context, your assessment of potential benefits, and the likelihood that you will be able to carry out your work without interference.

In most places, paralegals work initially without any form of recognition from the state, although this can change as the program demonstrates its success. South Africa's paralegal movement has a long history. Paralegals have been incorporated into the operations of the nation's legal aid board, and legislation has been proposed that would recognize paralegals as legitimate service providers. In Nigeria and Mongolia, Open Society Justice Initiative advocacy has helped efforts to get statutory recognition for paralegals.



Gaining support from local authorities, especially in rural areas, will require a concerted effort. Paralegals will need to gain acceptance by local authorities—such as chiefs—within the community’s hierarchy. In South Africa, the Community Law and Rural Development Centre had several strategies for establishing working relationships with local authorities. The center organized workshops that educated chiefs about constitutional developments relevant for customary law. It also set up advisory committees made up of representatives from chiefs’ councils who were elected by the community. These relationships helped the paralegal program get permission from tribal authorities to establish an office and carry out their work.

To be more effective and less threatening to local authorities, paralegals should try to work within existing community structures. They should be familiar with these structures and be ready to use them when appropriate. Paralegal services, however, should also work to provide the community with an acceptable alternative to going to the village chief or using formal justice mechanisms. Chapter 7 will present additional details for how paralegals might work with local authorities.

### **3.3.2 NGOs and Community Members**

As you consider starting to work in a community, you should establish working relationships with NGOs and community-based groups who offer services that you may refer clients to.

To build legitimacy and trust with a community while you are formulating your paralegal program, you can notify influential community members about the program and ask them to disseminate information about the services it will offer. You can emphasize that your approach will be on solving problems, with paralegals helping to empower people to become self-sufficient and overcome their problems. As you acquire local staff or volunteers, you can introduce them to the community by holding a public information session. Once you begin providing services, the program’s presence should spread through the community by word of mouth.

## **3.4 Developing Relationships with Legal Professionals**

It is crucial to develop relationships with lawyers who have the capacity to litigate. These lawyers could be based within the sponsoring NGO, affiliated NGOs, a law school, or a public service network. Having access to lawyers and the litigation option is essential for

your paralegals in order to have a credible legal sanction. For example, in South Africa, Legal Aid Board justice centers and law clinics provide backup legal services to paralegal offices in their areas.

Your program should align itself with experienced lawyers who have sufficient procedural and substantive knowledge of the law. These might include former judges, prosecutors, or private attorneys with a significant body of practice. Many lawyers committed to using their skills to accomplish meaningful social change will be attracted to positions within public interest organizations and programs.

You will need to estimate how much potential litigation your program will generate in order to determine how many lawyers will need to be recruited. Conversely, the number of lawyers that you recruit, and their availability to work on cases, will affect how much work your paralegal program can handle. If you can only recruit a small number of lawyers, you will have to make careful decisions about the cases you take.

Lawyers will take on cases for litigation or high level advocacy for a number of reasons: when the paralegal is not able to solve the case on his or her own, if the harm or injustice is particularly severe, or if there is the potential for widespread legal impact. The topic of strategic litigation is addressed in greater detail in Chapter 7.

Without proper training, paralegals can sometimes do more harm than good. It is imperative that your program's paralegals receive proper training in legal procedures. Paralegals will need ongoing support and supervision. These are both important functions that trained lawyers can provide in supporting your program. You will want to find lawyers who are like the paralegals you hire. They should be committed to the goals of the program and be willing to put in the extra effort sometimes required in order to provide services in rural areas. According to Vivek Maru, founder of the Timap for Justice paralegal program in Sierra Leone, the lawyers should be "humble and willing to meet people where they're at; they should be the type of person who is not averse to walking through the jungle to reach a client's home."

The bar association can serve as another source of support. However, it can also serve as a barrier, along with other legal services, to the creation of the program. (Some bar associations have been resistant to programs for fear of losing clients and concerns that paralegals would provide substandard legal services.)

You will need to take the time to meet with key representatives of these organizations to explain the paralegal program and seek their moral, if not professional, support. You should be careful to explain that paralegals will not represent clients in court or serve as legal advisers but, rather, will function more as "information officers" providing legal information to their clients. If you cannot get direct support from the bar association,

you should at least aim to ensure that your program will not be blocked. It is important for such associations to see paralegals as complementary partners and not as competitors. It is crucial to emphasize that paralegals provide an important link between communities and the legal profession.

In addition to developing criteria for case selection, you will have to develop systems for communication between paralegals and lawyers, managing case files, and paying lawyers who are not employed fulltime at your organization. When your program makes legal referrals, paralegals need to be certain to follow up with these cases. Case management systems are addressed in section 3.7.1 of this chapter.

## 3.5 Recruiting and Hiring Paralegals

### 3.5.1 Qualities of a Successful Paralegal

The qualities of a successful paralegal can be separated into those that the candidate should already possess before being hired and those that can be developed through training and experience. At a basic level, paralegals should have the following qualities:

- Motivation to serve their communities (money should not be the primary motivating factor) and respectability within their communities
- Willingness to serve people regardless of political affiliation
- Literacy (a secondary school education or higher, confirmed with reading and writing test)
- Comfort and skill in interacting with community members, including through education and organizing efforts
- Good judgment in trying to solve problems
- Willingness to learn
- Ability to travel to remote locations

Your program should be able to provide paralegals with training to acquire additional knowledge and skills. The management team is responsible for supporting paralegals in acquiring any necessary skills and knowledge once they have been hired. (See Chapter 5 “Training of Paralegals.”) Skills that can be gained through training and field experience include:

## Selecting Paralegals in an Inclusive Way: The ELTE Case, Hungary

The pilot phase of the paralegal training program was launched in fall 2004. It had 30 participants, based in two counties: Pest, which includes Budapest and is highly urbanized; and Borsod-Abaúj-Zemplén, one of the poorest counties in the country and one that is marked by high unemployment, poverty, and the largest Roma population in Hungary.

The training program participants were evenly divided between women and men, and were chosen by a working group including representatives from the Romaversitas foundation, Roma parliamentarians, human rights NGOs including the European Roma Rights Centre, the Open Society Justice Initiative, and the Open Society Institute Roma Initiatives program. A subset of the working group was responsible for the elaboration of selection criteria used to select Roma participants. These criteria included living and working in local Roma communities, completion of at least an 8th grade education, and involvement in some form of activism at the community level.

The working group is one example of the inclusive decision making process that the project uses, guaranteeing ongoing input and ownership by Roma stakeholders.

*Source:* Tibbitts (2005a).

- Knowledge about formal law and the working of the government
- Understanding about how to apply law, especially in the informal sector
- In-depth knowledge on specific legal areas
- Knowledge of the communities they are working in.
- Knowledge of advocacy strategies

### 3.5.2 Recruitment of Applicants

Open recruitment and word-of-mouth are typical methods for advertising paralegal positions. Your advisory committee or community members also might make recommendations, but open recruitment will help to avoid any accusations of political bias.

In Sierra Leone, Vivek Maru met with chiefs during the needs assessment phase in order to obtain their support. When the time came to recruit paralegal staff from within the communities, the chiefs as well as local NGOs helped to disseminate this information. They required that applicants have a secondary school education (through the 5<sup>th</sup> grade), experience in community work, and be respected members of their community. The application process involved a written exam to help ensure that applicants could write well and think analytically. One problem they encountered in Sierra Leone was in recruiting qualified females. Only 4 of the eventual 13 paralegals were women, which Maru attributes partly to working through community structures in recruitment.

### 3.5.3 Selection of Staff

Hiring competent, loyal, and professional staff is one of the most important things a director or management team can do to help a paralegal program to achieve its goals. You will need to establish fair and effective hiring procedures or—in cases where existing staff in an organization will be prepared to participate as paralegals—you should have clear procedures for the selection and training of staff. For example, your program may want to involve community activists who are literate or who come from a particular region of the country. Whatever criteria you apply, these should be made clear and transparent, and applied consistently. The same criteria should also apply to part time staff or volunteers.

Choosing appropriate paralegals will be essential to your program's success in a community. Successful paralegals have to be accepted by the community and not seen as serving those in power. Otherwise, in certain circumstances, the paralegal could be

seen as a “friend of the oppressors.” In Cambodia, paralegal teams were developed for each community, taking care to ensure that one paralegal worked closely with authorities (even if only as a figurehead) while the other did the actual grassroots work with community members. In Sierra Leone, paralegal teams sometimes included one person who had been raised in the community and was therefore intimately familiar with the local environment. However, in other cases, paralegals coming from outside the community were seen as more likely to bring an impartial view to local problems. In South Africa, the Community Law and Rural Development Centre paralegals were selected by advisory committees of local residents and were accountable to them.

Sometimes, NGO or government field workers can make for excellent paralegals, especially those whose work focuses on non-legal programs such as community organizing, public health, family planning, microfinance and agricultural productivity.

These individuals often have attributes that can be very useful. For instance:

- Field workers may already be known and trusted by the leaders and the communities where they would work as paralegals.
- Their current work may have familiarized them with how to teach their partner populations about complex topics in an easy-to-understand manner, and how to otherwise communicate effectively.
- If the paralegal functions are implemented by the same organizations that provide other kinds of community services, the field workers’ paralegal activities can build upon their other areas of activity.

There can, however, be situations where combining field workers’ regular functions with paralegal services can complicate matters. For example, a community leader may welcome their engaging in microfinance assistance, but not as a paralegal on other more sensitive matters such as domestic relations. You must also be careful about possibly luring away field workers from the other valuable services they provide. The emphasis should be on building upon those services, not weakening them.

#### **3.5.4 Neutrality of Paralegals**

In some countries, circumstances can make it difficult for the paralegal to appear independent or politically neutral. However, the paralegal should not be seen as serving any particular political authority or local group. Such affiliations—even if perceived—undermine the credibility and impartiality of your services.

## Model Code of Ethics and Professional Responsibility for Paralegals

1. Paralegals must always be properly trained to carry out their work competently.
2. Paralegals must always maintain a high level of personal and professional honesty.
3. Paralegals must always maintain a standard of professional conduct.
4. Paralegals should cooperate with legal aid service providers and the legal profession to improve legal services for the poor.
5. Paralegals must always keep confidential information obtained from their clients or other people unless their clients or such other people agree to the information being disclosed.
6. Paralegals should always make clear that they are paralegals and not lawyers.
7. Paralegals should never engage in unauthorized legal practice by doing work reserved by law for the legal profession.
8. Paralegals should always avoid conflict of interest situations and mention them to their clients or employers.
9. Paralegals should provide equal service to all clients, regardless

In South Africa, during apartheid, traditional tribal authorities collaborated in some ways with apartheid authorities. When the paralegal movement began, it was associated with the new revolutionary party—the African National Congress. This political association was not ideal, as it led to intimidation and, in some instances, harm to paralegals during the run-up to the country’s first democratic elections. In Hungary, a different challenge arose in the preparation of Roma paralegals. Having endured years of discrimination at the hands of the non-Roma, these paralegals initially found it difficult to be impartial in addressing Roma problems and resisted providing services to non-Roma clients.

The political neutrality and fairness of your paralegals can be reinforced by developing a code of ethics. This code of ethics incorporates codes of conduct related to the provision of services, acceptance of gifts, and other ethical dilemmas that paralegals may encounter.

In Sierra Leone, paralegals have a detailed set of instructions that suggest ways for them to present themselves and how to deal with gifts from clients, client payment, and confidentiality. Excerpts from this memo can be found in Appendix 1.

### 3.5.5 Employee Policies

New staff should receive a clear orientation regarding the mission of the program and job expectations. Ideally, you will set forth policies and procedures in an employee handbook, including definitions of unacceptable conduct that will result in disciplinary action or immediate termination. If there is already an employee handbook in existence within the organization(s) sponsoring the paralegal program, it might be adjusted to incorporate the new paralegal activities.

In addition to providing feedback on individual assignments, supervisors should make every effort to have regularly scheduled performance evaluation meetings with the staff they supervise. (See Chapter 7 for details about performance evaluations.)

## 3.6 Developing a Resource Library

You should make an effort to develop a library of resources to assist in program development. The following materials can form the foundation of a resource library:

- Manuals for starting a paralegal and/or clinical education program
- Organizational and program documents

- Training materials and learning resources
- Legal and administrative codes relevant to areas of paralegal work
- Social science and anthropological literature on the country/region

The library should include curricular resources that can be used as a starting point for developing training for paralegals as well as materials for use by the paralegals in community education and advocacy activities. Resources such as these were consulted in the development of this guide and are listed in the bibliography. Many of these are available over the Internet free of charge. Also, if you write to paralegal organizations, many are happy to share documents that they have developed.

Ideally, the program staff—or those who will be training paralegals on legal content—will have access to an external library, such as a law school library, which contains a legal encyclopedia, law dictionary, codes of the state, and journals or periodicals with updated information on laws and codes. Some of these collections may be available through electronic access to research materials. The paralegal program may need to make an arrangement with the library in order to have access to these materials.

## 3.7 Establishing Administrative Procedures

### 3.7.1 Case Management System

Your paralegal program will require procedures for proper intake, record keeping, referrals, and reporting. Client files need to be complete and accessible as many clients must travel long distances to your offices. When file keeping is standardized, cases can be handled in a consistent and rigorous way.

A successful filing system will also facilitate supervision of the ways that cases are being handled. Program directors and advisory committee(s) require proper record keeping in order to monitor the work of the organization, including dates and follow-up to cases. Ideally, the filing system will also enable the tracking of numbers and kinds of cases handled, so that the work of the program can be summarized quantitatively.

As your group's work begins, paralegals should complete a new case form for every client they take in. As part of the intake process, the form will include details such as the client's name, the case number assigned, the intake date, the paralegal name and office, details on the client, how the case reached the paralegal, and the primary and secondary case types. A comprehensive list of case types should be developed for each

of clients' race, ethnicity, political beliefs, or other factors.

*Source:* Adapted from the American National Federation of Paralegal Associations Inc. (NFPA) Model Code of Ethics and Professional Responsibility by Professor David McQuoid-Mason, University of KwaZulu-Natal, South Africa, June 2005.

program with a file maintained for each case. When the case is resolved, the paralegal completes a resolved cases form. This form contains some of the identifying information from the new cases form but asks for details related to the tools used to resolve the case, the involvement of institutions, outcomes, and the number of hours spent on the case. Chapter 7 has more information on the use of tracking forms, and Appendix II has a sample intake form from the Timap program in Sierra Leone.

To assist in monitoring paralegal performance, you may also want to develop procedures and documents such as client satisfaction forms, daily logs, and monthly reports on activities.

### **3.7.2 Filing System**

The filing systems of organizations generally evolve over many years of practice. Various factors should be kept in mind when setting up a filing system. First, keep files of the organization's internal operations separate from other files. For example, keep the files related to the organization's budget, tax status, office lease, insurance, articles of incorporation, and so on in a different place from files related to program activities. Typical internal files include ones for annual reports, bank statements or records, board meeting agendas and minutes, bookkeeping, budgets, financial reports, mailing lists, payroll, personnel, and press clippings and publications.

You may also be able to draw on the experiences of senior management staff or advisory board members in establishing such administrative procedures. Boards are often composed of professionals from a variety of fields including management and accounting. If your organization will undergo program audits on a regular basis, you should become familiar with these requirements and use these to inform your internal system of organization. Additional resources for nonprofit management can be found in online sources, such as the Free Management Library ([www.managementhelp.org](http://www.managementhelp.org)).

### **3.7.3 Financial Procedures**

Each country has a complex set of generally accepted accounting principles that financial records will need to comply with. The financial administration of a program will also need to comply with that of its sponsoring NGO or university. Well-established organizations maintain financial records on a timely (at least quarterly) basis, accurately reflecting the financial activity of the organization, including the comparison of actual to budgeted revenues and expenses.



For paralegal programming, the typical kinds of expenditures that need to be accounted for include: salaries and wages, consultancies and stipends, contracts, office operations (e.g., rent, office supplies, telephone, utilities), and travel costs (e.g., gasoline, vehicle maintenance). Note that if fees are ever charged in association with services, they should be paid to the program, not to the individual paralegal.

It is good practice for an NGO to account for its resources and expenses and to make this information accessible and comprehensible to the public. Such public access may also be required by law. If a donor has given funds to be used for a particular project, organizations generally segregate those resources and report separately on their expenditure. This separate accounting for limited resources is called fund accounting.

In order to avoid financial problems, the current accounts should be regularly compared with the chosen basis of comparison. Organizations should especially watch for any trend that indicates possible future shortfalls. If the accounts do indicate a shortage of funds or serious financial problems, some of the ways to respond include seeking increased contributions, raising fees for services, reducing expenses, or borrowing. Refer to section 3.9 at the end of this chapter for more information on renewable resources.

## 3.8 Budgeting

Budgeting is the process of planning for the receipt and use of future resources and is essential to the successful management of any program or organization. You will need to develop an initial budget when you begin your paralegal program in order to identify and begin acquiring your resource supports. You will then need to develop financial procedures for tracking and monitoring expenditures. These procedures relate to the accounting methods referred to in the previous section.

Categories of expenses that might be included in the start-up budget for a paralegal program include:

- *Salaries and wages* (program director, assistant director, bookkeeper, paralegals, and legal advisor)
- *Consultancies* (stipends for writers, trainers, advisory committee, and translation)
- *Operational* (office rental, telephone, fax machine, Internet connectivity, office supplies, electricity, and heat)
- *Furniture & equipment* (computers, software, telephone, fax machine, cell phone, photocopy machine, desks, chairs, meeting table, and filing cabinets)

- *Publications* (use of designers and printers to create reports, brochures, and other printed documents for the program)
- *Travel allowance* (including rental or maintenance of vehicle)
- *Training costs* (including venue rental, food, lodging and travel costs, and interpreters)

Some donors will help pay for consultations by experts to help establish a program, and provide advice on trainings and resource development, facilitate trainings (including materials development workshops), and review written work. It should be noted that using international experts typically involves translation and interpretation costs and these fees should be included within your budget in addition to the consultant's fees.

If you anticipate that your paralegal program will carry out strategic litigation, then you will need to build this into your budget. Such litigation is fairly expensive as it requires a great deal of investigation and legal work.

All staff involved in the paralegal program must understand the budget in order for it to function effectively. You might want to consider “participatory budgeting,” a management style in which directives are developed in close collaboration with the staff responsible for implementation. Working collaboratively will ensure realistic estimates, improve morale, and encourage compliance with budget targets.

Although all staff members are likely to be involved in tracking expenditures, someone will need to be in charge of overseeing the overall budget. If your program expands, or your program is part of a larger organization that has a finance or budgeting department, it may be necessary to have one staff member dedicated to this purpose.

## 3.9 Seeking Renewable Resources

### 3.9.1 Strategic Plan and Fundraising Techniques

The most essential component of successful fundraising is having a well-founded and well-documented strategic plan for the organization. If you can carefully evaluate your program's present abilities, measure its capacity against unmet public needs, and define how it can address these needs successfully, you will provide donors with a strong reason to join the effort. Truthfulness, donor confidentiality, and responsible stewardship are the foundations of organizational fundraising. Fundraising requires the paralegal organization or program to be actively involved in a team effort.

There are many techniques for fundraising and many organizations engage in one or more of these activities. Given that seeking funding and resources takes time and energy, you will need to prioritize the different forms of fundraising you pursue. Possible avenues for acquiring funding and resources include:

- Submitting funding proposals or grant applications to donor institutions
- Seeking in-kind contributions (materials, office space) from donors or other groups
- Requesting and applying for government support
- Using volunteers
- Developing affiliations with other groups or developing a membership base that can support your project
- Organizing benefit events
- Soliciting contributions from individuals
- Charging fees for paralegal services

Among the techniques listed above, three are particularly common and often used by groups to bring resources to their projects: external donors, in-kind contributions, and government support.

### **3.9.2 External Donors**

Most paralegal programs begin with external donors. Although external foundation support for paralegal programming is available, it is uneven. Organizations like the U.K. Department for International Development, the Ford Foundation, the Open Society Institute, the International Commission of Jurists (Swedish section), the Mott Foundation, and the World Bank have a history of supporting paralegal programs. In general, however, support has been ad hoc, country-specific, and often under “governance” or “social development” programs. One way of reaching some donors can be to show them how the delivery of justice services through paralegals is effective and has unique added value.

### **3.9.3 In-kind Contributions**

If a paralegal program is initiated with the support of a law clinic, they may be able to offer in-kind offices (which can be quantified in monetary terms). External financial sup-

port can then piggyback onto a program that has initial support from a law school. A proposal at this stage can point out the expertise of the involved law school faculty and opportunities to train the paralegals. This type of seed money or contributions—even in-kind—can help boost the credibility of your program and pave the way for other donations. Bar associations are another local source of contributions.

### 3.9.4 Government Support

In most countries with paralegal services, the state has not yet taken responsibility for paying for these services and incorporating them into the formal legal system. But while many governments have yet to fully institutionalize paralegal programs, they are often willing to provide funding and support. This kind of government involvement and support is often crucial to sustaining paralegal programs. Attracting government funding becomes easier once your paralegal program has started and has established its credibility. You will also improve your chances of attracting state funding if you understand the rights and services that the government in your country has promised to citizens in writing (such as free legal aid) and if you can document how your program helps the government provide these rights and services. In some countries, such as Hungary, civil society members may receive government support through a tax designation system.

The Mongolian paralegal program began with support from the Ministry of Justice and Home Affairs because the government acknowledged that the legal advisors would be performing tasks that fell under the ministry's responsibility. In Hungary, the ELTE paralegal program has had ongoing discussions with the Ministry of Equal Opportunities about hiring Roma paralegal training graduates to work in local employment centers. While government support or affiliations may not always be desirable, paralegal program managers should always keep the option of government support in mind when considering the program's long-term sustainability.

One of the greatest risks that comes with receiving government support is the potential sacrifice—or perceived sacrifice—of your program's independence. Paralegal work often involves holding the government accountable and you cannot lose this critical stance. In certain countries, your clients and the communities you work with may see your affiliation with the government as a conflict of interest and you may want to avoid presenting your group as allied with or working for the government. If your group does receive government support, you must ensure that there are mechanisms both for independence and accountability. Your advisory committee(s) will play an important function in this regard.

### 3.9.5 Service Fees

Your program can help cover costs by charging fees for its services, although you should think about this issue very carefully. Many paralegal programs are established with the idea that all services will be provided free of charge. Yet paralegal program directors believe that it may be possible to charge reasonable fees under certain circumstances once the program has been established. For example, your program might provide initial consultations with all clients free of charge but request contributions from clients on a sliding scale basis if more in-depth assistance is involved. In public interest cases or strategic litigation, programs can consider asking for contributions from the communities or groups that will benefit from the legal actions.

If you consider charging fees, you should investigate what resources might be necessary given the amount of additional work required and the donor and in-kind support you will receive. It is also crucial for you to consider what amounts are reasonable for clients and how clients and communities may perceive having to pay fees. You must also ensure that you do not contravene any laws regarding who may charge fees for legal services.



## CHAPTER 4

# Materials Development

### Chapter Contents:

- 4.1 Identifying Your Audiences
- 4.2 Establishing a Materials Advisory Group
- 4.3 Collecting Resources
- 4.4 Determining the Learning Products
- 4.5 Recruiting Writers
- 4.6 Developing Concepts and Outlines
- 4.7 Organizing Materials Development Workshops
- 4.8 Monitoring, Supporting, and Reviewing the Writing of Materials
- 4.9 Using Materials to Train Paralegals
- 4.10 Field-Testing Materials
- 4.11 Finalizing Materials

This chapter provides an overview of the types of materials that can be developed as part of a paralegal program and the steps for their development. The materials your program may need include a resource handbook for paralegals, a training manual, and learner materials for use in community education.

There are numerous decisions that you need to make when developing materials, all of which depend on the roles that you anticipate for the paralegals, their background knowledge, and skills. These decisions are presented in chronological steps in this chapter, but you may need to adapt the order and details for your own program.

Typically, a new paralegal program begins with an initial set of training and resource materials, and these continue to be improved upon as you implement the program and your staff gains experience. You should do your best at the program's outset to develop materials that are as complete and relevant as possible for your paralegals, but also expect to revise these materials as your program matures.

## 4.1 Identifying Your Audiences

There are three primary audiences to keep in mind as you consider training and support material for your program.

The first audience is your paralegals. You should already have in mind the range of roles that you would like your paralegals to play, as well as the legal areas that they will need to be familiar with. These roles—and their related needs—will range from knowledge about how the government and social services systems work, to specific areas of law, to community education and development, to skills for case intake, office administration, and advocacy. There is a lot to cover, and you will not be able to anticipate every need. For this reason, resource development—as well as your paralegal training—should be seen as an ongoing process.

You will need to match the profile of the ideal, high-performing paralegal against the novice paralegals that you will be hiring for your program. Based on the gaps that you anticipate, you will need to develop resources that help them learn necessary legal and civics content and develop their skills in areas such as interviewing, documentation, mediation, and community education and advocacy.

Your second audience is the communities where your paralegals will carry out public awareness activities, including workshops. Your initial needs assessment should have identified the populations you intend to work with, and their most pressing needs. Materials will need to be designed so that they both prepare the paralegals for their work but also serve as resources that can be used in carrying out community education, development, and advocacy. You may find that the original set of materials you develop for your paralegals and for communities will need to be further refined according to different levels of need.

Finally, an important third audience is the trainers who work with your paralegals. Whether you are using trainers from the target community or master trainers from within the paralegal ranks, the training materials should support your vision of an ideal program staffed by outstanding paralegals. Interactive, or participatory, methods of train-



ing are generally used as they are motivational and more effective in helping to detect and develop skills among trainees. Any trainer's manual that you develop should include details on teaching methodologies and organizing interactive workshops.

Your sensitivity and skill in understanding your trainees' backgrounds will be essential for developing effective and well-used materials. The following list of questions can help identify ways in which your materials can be customized to meet the needs of your various audiences.

➤ **Reading ability**

- What are the literacy and educational levels of the trainees?
- How complex can the language in the training materials be?
- How long can the reading text be?
- Would any other educational aids be of assistance, either in order to clarify points, or to introduce additional information (for example, drawings, photographs, personal recollections, and newspaper clippings)?

➤ **Writing ability**

- What are the writing abilities of the trainees?
- What is the maximum length for a writing exercise, if these are used?
- Background knowledge
- What background knowledge does the trainee bring?
- Which basic concepts and definitions need to be introduced or explained?
- Are there warm-up exercises that you can do in order to find out what the trainees already know and think?
- Should a glossary of terms be included?

➤ **Background attitudes**

- What fixed conceptions, attitudes, or even prejudices are the trainees likely to bring to the learning situation?
- What misunderstandings may arise, and how can you prevent these from happening?

## **Interactive Teaching Methods: Sample Section from Legal Guide (Methodology), Mongolia**

Different types of teaching activities and exercises that can be used to train paralegals include:

Brainstorming, Ranking exercises, Small group discussions, Case studies, Role Plays, Question and answer, Simulations, Debates, Games, Hypothetical problems, Moots, Mock trials, Open-ended stimulus, Opinion polls, Participant presentations, Taking a stand, Thinking on your feet, Values clarification, Aquarium-Fishbowl, Jigsaw, Each one, teach one, Visual aids, Use of experts, Field trips, Puppets, Folk stories, Songs, Exhibitions, Theatre, Newspapers and magazines, Call-in Radio and television shows.

*Source:* Open Society Forum–Mongolia (2006a), draft manual.

- Are there issues that need to be handled with care or particular sensitivity, especially for certain members of the group?
  - How can trainers be prepared to deal with any highly emotional issues that may arise in the learning situation?
  - Can activities be developed in such a way that various points of view are presented?
- **Motivating trainees**
- What are the issues of greatest concern and interest to the trainees?
  - Can these be addressed first, and then used to bring in other law- and human rights-related topics?
  - Can you find ways of directly relating the content of the lesson to the trainees' own experiences or personal interests?
- **Learning environments**
- How do the trainees feel about being in an educational setting in the first place?
  - Are the trainees generally motivated, or is it the reverse—does the workshop setting have negative connotations for the trainees?
  - How can you create a learning environment that is most welcoming for your group?
- **Active methods**
- Will trainers and trainees feel comfortable using interactive methods?
  - Does the rationale for these methods need to be explained openly?
  - Do the lessons contain explicit instructions about how to implement the methodologies—while at the same time leaving some discretion to the educator?
  - Is it realistic to expect that trainers will be willing to share authority in the classroom with trainees? Is there shared trust?

## 4.2 Establishing a Materials Advisory Group

A strong factor in the effectiveness of your program will be the amount of advice you get from others who are knowledgeable about and committed to your program. A materials advisory group consisting of experienced local trainers, NGO representatives working in community education or legal services, lawyers and clinicians, or those inside or outside of the country with experience in establishing paralegal programs can be crucial for your materials development process. Your advisory group might also include education officials, if your program has an emphasis on community education and you believe that a government representative will enhance your work. Your materials advisory group may be identical to the one you set up for your overall paralegal program or it may be a subgroup that brings in others not involved with your program advisory group.

Your materials advisory group should include people who can comment on the initial conception and outline of topics, and also shape the materials as they are developed. Instructional materials related to the law and legal concepts should be reviewed by lawyers or other legal specialists. Topics and techniques for training paralegals—as well as techniques for carrying out community education—can be reviewed by local NGO trainers and educators. Paralegal trainers and materials developers outside of your country may be able to provide sample training materials and offer general advice on manual concepts, outlines, and how to go about developing materials. This review process can be quite time consuming, so it is important to include only those members who are willing to set aside the necessary time.

In Cambodia, as part of the needs assessment process, NGO members of the program-wide advisory group identified legal issues that were coming up in their communities. The management team used this list in order to prioritize eight topics. The NGO also detailed ways in which the paralegals could assist community members in addressing their problems, through education and training on the following:

- Laws that entitle villagers to assert their rights
- Laws pertaining to the behavior of public officials
- How the court system works and can be accessed
- How to act during a court date

In Hungary, the advisory group for the Roma paralegal program prepared a syllabus for the paralegal training program with the following topics:

- Legal protections and services available to victims of discrimination, including racial discrimination. Different sections focused on: employment; housing; healthcare; education; access to social services, including social support; access to places of public accommodation, such as restaurants and parks.
- Domestic and international laws and norms on the right to adequate housing (including in instances of forced evictions) and services available for victims.
- The rights of parents in child-custody disputes with state authorities over the placement of children in children’s homes or other modes of state care.
- The rights of persons detained by police and/or suspected or accused of crimes.
- The rights of patients in the healthcare system, including possible areas of discrimination.
- The rights of employees and legal protections for mentally and physically handicapped employees.
- Students’ rights and ways of implementing the constitutional right to education.
- Social rights and social services for the poor.
- Citizens’ rights to access public services and public places.

### 4.3 Collecting Resources

In order to help conceptualize your material format, content, and pedagogical approach, you will want to review exemplary resources from other programs and sources. Some paralegal materials have been developed that you may be able to access through the web. The appendices at the back of this guide provide excerpts from materials used by a number of organizations that can be downloaded. The appendices also have contact information for these organizations so you can inquire with them about obtaining hard copies. The Internet is also a valuable resource for numerous methodological guides that can be offered as resources to your writers.

Generally speaking, the most useful resources will be those that are closely matched pedagogically and culturally to your audiences. For this reason, resources from within your region may be most immediately useful. In addition to collecting paralegal training materials, you should look for training materials that have been developed locally on topics related to your paralegal program. For example, human rights or women’s

groups in your country may have developed learning materials on advocacy, law-related education, or counseling techniques that you can use as models and, with the group's permission, draw upon for content. Integrating relevant existing resources as much as possible will ease the work of your writers, but be sure to retain the original sources, get any and all necessary permissions for use, and caution your writers not to plagiarize. This search for materials may also help you in identifying members for your materials advisory group, trainers, and lecturers.

In some cases, funders support the development of manuals intended for widespread distribution. You may want to contact funders who are involved in law, development and human rights-related activities about resources that they may have. (This is also a good way to introduce yourself and your program to them.) The Asia Foundation's Cambodia office, for example, developed a 50-page manual called "Alternative Dispute Resolution," which was drawn upon by the Cambodia paralegal program.

Long-standing paralegal and law-related education programs such as those in South Africa and the Philippines, and Street Law, Inc. in the United States, have highly professionalized materials. These text resources—as well as the experiences of others who have set up similar programs—can be very useful resources for beginning your program. If you plan on using international experts or materials from other countries, you will need to address the issue of adaptation and translation. If you will be adapting or imitating learning materials from non-local sources, you should apply the audience questions listed in 4.1 to these materials. If you involve trainers from abroad, you should be sure that they understand the local context and culture where your paralegals work.

Translation of materials is an important consideration, particularly when developing your timeline and budget for materials development. Since any materials you choose that were originally created in a foreign language will require translation for your audience, you should be sure that you can find translators who are familiar with legal and other special terminology associated with training paralegals. As you develop and write training materials, you may also need ongoing translation services if your program materials are not written in the language(s) used by your outside reviewers and advisors.

## 4.4 Determining the Learning Products

You will need to decide what kind of publications you will develop. Many programs develop both a learner's manual for paralegals in training, and a trainer's manual for

### Table of Contents: Handbook for Paralegal Education Focusing on Women's Rights, Kenya

- Status of women in Kenya
- Paralegals and paralegalism
- Legal system of Kenya
- Marriage laws and laws related to succession and inheritance
- Human rights and the Kenyan constitution
- Human rights violations and practical approaches
- Filing cases in court
- Community organization—planning and running a local meeting
- Handling potential risks

*Source: Konditi (1999).*

those teaching new paralegals.<sup>7</sup> The learner’s manual combines activities that are carried out in trainings with other resources that a paralegal will need, such as sample intake forms and techniques for carrying out a mediation. A trainer’s manual contains the core activities for a training with explanatory notes about methodology and lesson planning for trainings.

In some programs, a separate paralegal resource manual is developed specific to the legal and administrative information that a paralegal will need to know in order to give advice. This reference material can be organized as a single resource, as a set of photocopied handouts, or as topic specific booklets.

In Hungary, reference booklets on substantive law were written for a variety of legal areas with the understanding that they would be updated every few years. On the topic of unemployment, for example, a booklet was developed with the following template:

- Introduction of topic, with an orientation to key concepts and social issues
- Related national law
- Legal procedures when dealing with the problem (e.g., forms to fill out)
- Institutional systems at the national and municipal levels for addressing the problem, and significant actors in the system (with related cases, role plays and interactive learning activities)

In Sierra Leone, the Timap for Justice paralegal program used draft handouts in its trainings for the first year, which were then put into binders. Program founder Vivek Maru felt that the specific responsibilities of the paralegal were somewhat open at the beginning of the program, and he wanted to see how the resources could be developed in accordance with paralegal needs. He anticipated, for example, that training material for paralegals might eventually require tips on working with chiefs or handling money. The training manual was formalized following two years of methodological experimentation in the field.

If you anticipate significant additions or changes to a resource manual in the first years of your program—due to the shifting focus of the paralegals or changing laws in your country—then you may want to begin with photocopies in a binder that can be added to as you go along. In fact, there is no need to ever formally bind and publish any

7. The term “trainer’s manual” is used in this guide but can also be used interchangeably with the term “educator’s manual” or “facilitator’s manual.”

of the resource materials for your program until you feel that they are ready to be published. It is most important that they are well organized, complete, and readily accessible to your paralegals.

## 4.5 Recruiting Writers

Most paralegal programs use a team of writers in developing materials. Typically one team develops all of the resources, although tasks will be divided among writers according to strengths and personal interests. Although there are no set rules regarding the maximum number of team members, you might want to have no more than three main writers. This will make it easier to keep the writing style consistent. Some writing can be subcontracted out to specialists (e.g., legal specialists on certain topics). This team will need to be coordinated by the management team or a lead writer/editor.

- ▶ *Resource manual*

Your paralegal resource manual will be heavily focused on legal and administrative content. Accuracy and completeness will be a high priority for this resource and someone with a practical legal background should be involved in the writing or review of this resource.

At the same time that your resources should be legally accurate, the legal concepts need to be understandable for the layperson. Thus there should also be someone on the writing team who can ensure that the legal content presented is neither too theoretical nor complex.

- ▶ *Trainer's manual*

Trainer's manuals must contain not only the skills and content that you would like your paralegals to learn, but also methods for teaching these in a training situation. This means that your writers must become familiar with the content of what is required of a paralegal (e.g., legal knowledge and mediation skills), and have creative ideas about how to impart this to trainees. It is very important that your main writers have an understanding of and commitment to the use of participatory teaching methodologies. For the trainer's manual, additional skill will be required for the sections related to interactive methodologies and how to organize a workshop.

## Sample Outline of Paralegal Skills, Cambodia

### *Part One: General Paralegal and Administrative Skills*

- *Paralegals*

What is a paralegal? Why do we need paralegals? What are the different types of paralegals? The role of paralegals. Paralegals and access to justice.

- *Legal and Communication Skills*

Interviewing your client; language skills; taking a statement; affidavits; listening skills; monitoring skills; counseling skills; advice-giving and problem-solving skills; referrals; telephone calls; letter-writing skills; report writing

- *Administrative Skills*

Filing; bookkeeping; how to look up a telephone number or address in the telephone book; meetings; time management; media; managing budgets; fundraising; employing people in an organization.

### *Part Two: Advocacy*

### *Part Three: Alternative Dispute Resolution*

- *Introduction*

- *Negotiation Skills*

It might be most efficient for you to recruit writers through contacts that you established during the situational assessment and planning stage of your project. Likely sources for writers include NGOs that are actively involved in training in related areas, and law schools. Under ideal circumstances, some, or all, of your writers will also be involved in the initial training of the paralegals.

Experienced curriculum writers are not automatically qualified for writing paralegal manuals as they may be used to preparing lessons for a school audience. Before you retain a writer, be sure to review writing samples or have them prepare a sample lesson. You might show them examples of the kinds of lessons you have in mind in order to see how open they are to any necessary changes in their writing approach. In order to minimize any possible misunderstandings, your contract with writers should state explicitly what tasks you expect them to do.

## 4.6 Developing Concepts and Outlines

After determining the writing products and audiences for your program, you will need to develop an initial outline for each of your resources. For your trainer and trainee manuals, you will also need to consider the additional support materials and activities needed to conduct trainings.

Trainer's manuals, for example, typically include separate chapters on planning and structuring a workshop, interactive methods, and guidelines for facilitation. You can find many good examples of sections like these in existing paralegal manuals and in other training materials designed to involve participants in active learning. Through your situational assessment you will already have an idea about how much community education your paralegals will conduct. If you anticipate a considerable amount of this education, as was the case in Cambodia, you might develop an extensive set of lessons designed explicitly for use in the community.

Trainer's and learner's manuals also generally contain large sections that are focused on content and skills that a paralegal needs to master. Your situational assessment will have provided you with guiding information about the specific roles of your paralegal and the problems commonly encountered by communities they will work with.

The section of the trainer's and learner's manuals addressing paralegal skills should introduce the range of skills that a paralegal will need to know. These can be clustered in different ways, but generally include legal knowledge and assistance; alternative dispute resolution (e.g., mediation); program administration (e.g., filing systems);



and community education and development (including advocacy methods). The draft learner’s manual developed in Cambodia treated paralegal skills as two distinct sections focusing on different sets of skills (*see sidebar*).

Legal content of your resources can be included in the trainer’s and learner’s manuals as well as in a paralegal resource manual. Regardless of its location, this content might address the sources and classifications of law; the constitution; institutions for implementing the law (including courts); and topic-specific legal content. Topic-specific legal content commonly found in paralegal programs includes the following:

- Family law
- Criminal law and criminal procedure
- Civil law and procedures
- Social welfare law
- Consumer law
- Housing law
- Land legislation
- Labor law
- Business law

Of course, the materials must be adapted to suit the populations they aim to benefit. A manual developed for disadvantaged rural women, for example, might focus on legal and related issues concerning domestic violence, women’s inheritance and land rights. A manual for women in a country where dowry, underage marriages, and multiple marriages are common would include those issues.

The legal component of your paralegal materials might also include guidelines for referring a case that needs to be litigated, for example, to one of the lawyers associated with the program.

The bibliography found at the end of this guide references paralegal manuals that have already been developed and which have detailed treatments of topics such as general paralegal and administrative skills, alternative dispute resolution, and program operation. You will see that some learner manuals may not include detailed information on techniques for education but instead refer back to the trainer’s manual.

You will have to consider the specific needs of your communities and your paralegals’ roles when developing the section on community development. Potential topics

- *Mediation and Conciliation*
- *Arbitration*
- *Drafting an Alternative Dispute*
- *Resolution Clause*

Sources: Black Sash Education and Training Unit (2004) and Lasky (2005).

and techniques include community-based assessments, community development and empowerment, and advocacy. Depending upon the political context of your country, you might also include the topics of democracy and governance, elections, and human rights. Some of these topics are addressed in the paralegal manuals cited in this guide's bibliography.

In addition to developing an overall outline for each of your manuals, you will need to consider the format for each chapter and lesson. When your materials include interactive lessons that will be developed by a number of different writers and will be used by a number of different trainers, it is wise to develop a standardized format for each lesson.

For example, a lesson or activity in the learner's manual can have some version of the following sections:

- Brief introduction to content
- Activity

The trainer's version of this same activity may include the following sections:

- Goals for trainees
- Content background for the activity and warm-up questions
- Procedures/instructions and methods required for activity
- Amount of time estimated for each step of the activity
- Facilitation tips
- Suggested answers
- Debrief and summary

Trainer's manuals will include additional guidance on how to carry out each lesson step-by-step, including anticipated answers to discussion questions. You will also need to coordinate lessons that are in the trainer and learner manuals. The Cambodian example on consumer law in Appendix 2 of this guide shows how the same lesson is presented in both manuals, with the trainer's version including helpful additional information for facilitating the activity.

Street Law, Inc. has developed an influential law education methodology that has been adapted by groups like Street Law South Africa and the Community Law and Rural Development Centre. The lesson design methodology includes the following elements:

- Focus and review—intended to spark students’ interest in the lesson and open a brief discussion
- Statement of student outcomes and procedures—what is expected of trainees
- Instructor input—the procedures the instructor will use in the lesson to reach learner goals
- Interactive strategy—the heart of the lesson, the main activity
- Debrief—summary of major concepts or skills covered in the lesson

The essential components of a law-related education lesson, according to Street Law, is to incorporate a discussion of laws relevant for the topic, to analyze policy questions surrounding the topic, identify and examine any conflicting values, apply the law to the learner’s life, and help learners to apply this content in an interactive way during the training.

## 4.7 Organizing Materials Development Workshops

Materials development workshops (also called a curriculum development workshop or writers’ workshop) are settings where you can train your writers in writing and participatory methods of learning; get feedback on your initial concepts and outlines for your resources; and plan the actual writing process. These workshops will be your primary opportunity for clarifying the format and structure of the materials, step-by-step directions for developing lessons, assigning writing tasks, and creating an overall timeline for developing drafts and reviewing and revising them. In addition to your main writers, you might also invite other specialists, reviewers, your advisory board, and others interested in your program to portions of your workshop.

### First Workshop

The first materials development workshop is usually led by the program leaders and can involve experts from paralegal programs in other countries who have overseen the writing process in their country. If you bring in an experienced facilitator from another country, try to select someone who has worked in a country similar to your own (e.g., where the population may have had little or no experience in active learning methods). If your program budget allows for this, two materials development workshops can be

organized—one at the initial stage of writing and the second after the pilot testing. This guide assumes that you will have two writers’ workshops.

The agenda for your first materials development workshop should include an orientation to the goals of the program and the roles of a paralegal; participatory exercises similar to the ones you expect to feature in the trainer’s and learner’s manuals; and an opportunity to write, present, and respectfully critique draft lessons. The workshop can be as short as three days or as long as two weeks. The sample agenda for a nine-day materials development workshop carried out in Mongolia is included in Appendix 3 of this guide. This agenda can be condensed or broken into consecutive workshops, depending on your needs.

Workshop materials should include training packets for participants that contain important background information and resources for the writer, in addition to handouts for activities carried out during the training. One valuable handout would include specific guidelines for the writing process that explain your program’s vision in terms of resource content and the style with which materials and key ideas are presented. Sample guidelines for writing training materials are included in Appendix 3 of this guide.

In order to help ensure that your writers have grasped the core concepts and methodology for your paralegal materials, you may want to create time in your workshop for the creation and demonstration of mock lessons. This exercise will help you to understand the skills of your individual writers and any additional supports and guidance that they may need to complete their work individually. You may need to take extra time with your writers in order to ensure that they have internalized participatory teaching methods. Draft lessons developed during a materials development workshop can also be the basis for those eventually included in your resources.

## Second Workshop

If you have time and resources, you should strongly consider organizing a second materials development workshop after you have tested the materials in training your first group of paralegals. The purpose of a second workshop is to review the results of the pilot testing and agree on final revisions. Much of the information about how the materials worked can be obtained by having a feedback meeting with your paralegals after they have field tested the materials (*see section 4.10*). Holding a workshop at this stage usually allows for minor revisions, but it can also be valuable for incorporating items or issues that you may have overlooked in the earlier stages of materials development.

Similar to the first workshop, your second workshop should have clear tasks and a timeline. If you need to develop new information or materials urgently, you might

prioritize this writing first and share drafts immediately with the paralegals. You may need to involve specialists in reviewing any new sections that you develop such as new legal content.

## 4.8 Monitoring, Supporting, and Reviewing the Writing of Materials

The materials development process generally takes four to six months. This includes the development of the initial draft and ongoing support and monitoring of progress, and initial revisions. As an alternative to developing a complete draft of your material(s), you might focus on just a few sections or topics, pilot these in a paralegal training session, and then complete the drafts before field testing in communities. You will need to develop a plan that fits your schedule, resources, and availability of writers.

The Mongolia paralegal program used an extensive timeline to develop its materials (*see sidebar*)

As your writers begin their work, they may need additional samples, legal resources, or clarity on their role. It's essential that the management team or lead writer/editor stay in close contact with the writers so that problems can be detected and addressed early in the process. An effective writing team serves as an important foundation for your entire project. As one paralegal director advised, "Keep them happy, even when you are critical." In some cases, however, writers may need to be replaced if they are not able to deliver their products according to deadlines.

After the initial draft materials have been produced and initially approved by the lead writer/editor or management team, these can be submitted for review to members of your materials advisory group. This team, as mentioned earlier, should contain legal specialists and methodologists, and they should be familiar with the populations that you will be training and educating. When asking outside readers to review your materials, be sure to include clear criteria for review and a specific deadline for receiving their comments.

Based on this feedback, you can then make final revisions to the materials before using them in an actual paralegal training session. Depending upon the culture you are working in, you may need to help writers in accepting critiques of their work so that they are willing to make revisions.

### Timeline for Paralegal Text Development, Mongolia

**Step 1.**

Materials Development Workshop 1.  
Timeframe: 5 days

**Step 2.**

Learner's Manual: outlined outcomes & sections, exercises, brief idea and practical steps. Educator's Manual: template developed for all exercises.  
Timeframe: 2 weeks

**Step 3.**

First third of draft materials submitted to lead editor.  
Timeframe: 1 month

**Step 4.**

Second third of draft materials submitted. Initial comments from lead editors on submissions.  
Timeframe: 1 month

**Step 5.**

Final third of draft materials submitted.  
Timeframe: 1 month

**Step 6.**

Lead editors review submissions in detail.  
Timeframe: 1–2 months

**Step 7.**

Materials Development Workshop 2.  
Timeframe: 5 days

**Step 8.**

Revision of manuals.  
Timeframe: 2–3 months

**Step 9.**

Paralegal training 1, with feedback on manuals.

Timeframe: 5 days

**Step 10.**

Use of materials in field by paralegals, with feedback on manuals.

Timeframe: 3 months

**Step 11.**

Paralegal training 2, with feedback on manuals.

**Step 12.**

Finalization of manuals and printing.

*Source:* B. Jigmeddash, personal correspondence with the author.  
October 17, 2007.

## 4.9 Using Materials to Train Paralegals

Once you complete the development phase, you are ready to put your materials to use. Chapter 5 addresses in detail the initial training of paralegals. Your first training might be a “training of trainers”—that is, designed for paralegals who will take the lead in preparing other community-based paralegals for their work. Your initial training might also be carried out by the program director, perhaps with the assistance of the authors, for paralegals whose only training function is within their communities.

It is important to collect formal and informal feedback on your training materials and activities as you implement your program. In the initial paralegal trainings organized in Cambodia, time was set aside each day in order to collect feedback from trainees. A sample list of feedback questions used in Cambodia is included in Appendix 4 of this guide.

The following are some summary questions you might consider to get initial feedback on a trainer’s manual:

- Is the topic relevant to people’s lives?
- Is this activity relevant for the topic?
- Is this activity engaging?
- Are we addressing all the necessary issues?
- Is there a good balance across topics and across modes of learning?

Sometimes, trainees can be reluctant or inexperienced in providing critical feedback in a training situation. You may need to find ways to make it easier for such opinions to be shared, for example, by allowing for anonymous written feedback or by modeling reflective feedback verbally.

Once you have feedback, be sure to use it to revise your materials. It is much easier to revise in an early stage of development than later in the process when you have invested extensive human, financial, and psychological resources in your drafts. Meet with your writers and review the input. Discuss the implications for the topics you have selected, the methods you are using and the format and style of the lessons. For example, is additional narrative needed in the lessons so that trainers know how to lead the lesson step-by-step? Should the trainer’s manual include more details on how to facilitate discussions, or even a general introductory section on teaching methods? Are the cases too detailed and need simplification?

You can work with your writers in developing a timeline for the revision of your materials. Once these revisions have been prepared, you are then ready for the most critical step in the review process—seeing how well the manuals work during the field operation of your program. At this stage, you should not formally print or publish any of your materials. Instead, your program and your paralegals should be working with simple photocopies. You should only consider printing and publishing your materials after your program has thoroughly tested and revised them.

## 4.10 Field-Testing Materials

Field testing, or pilot testing, is a term used to describe the experimental use of materials in “the field” as your program begins operating and your paralegals start working in communities. During the field testing phase of materials development, you will ask your paralegals for the same kind of feedback that you did during the initial training session. However, you will also be asking your paralegals for information about the range of activities that they are carrying out in their communities.

When you are field testing materials, you should ask your paralegals the following types of questions about the materials and information you have provided them:

- *Completeness*: Are all the necessary topics and skills for carrying out the paralegal work included in the manual(s)? Is sufficient detail included? What needs to be added?
- *Accuracy*: Is the information provided correct?
- *Usefulness*: Is the information presented in a way that it can be readily used?

Your list of feedback questions can include broad questions as well as ones that are quite specific to your program. You will need to have a system for eliciting feedback from your paralegals, either through direct meetings, site visits, or other means of communication. A meeting following an initial few months of operation is an ideal situation for offering additional training and support, as well as reviewing the results of the field testing. Feedback from your paralegals can also provide focus for a second materials development workshop (*see 4.7*).

## 4.11 Finalizing Materials

Based on your revisions, you should prepare a final version of your materials. These resources should be reviewed and approved a final time by your advisory committee.

If you are using illustrations or cartoons, you need to ensure that they are culturally sensitive and relevant for your target audiences. Paralegal programs in South Africa and Cambodia had members of the targeted communities review cartoons before they used them in final publications.

You should think carefully before spending substantial time and money on printing and publishing your materials. As your paralegals continue their work in the community, new needs and community input will influence the content of your materials and probably require you to make periodic changes and revisions. After careful consideration, you may determine that the best option may be to operate your program for several years using printouts and photocopies that can easily and inexpensively be updated to reflect changes over time.

If your program receives external funding, you may have a requirement to produce a printed version of your manuals. In this case, as with any print version, you will need to make decisions about color, paper quality, cover art, and related issues. If you do not have people within your organization who are familiar with producing publications, you should probably use outside designers and printers. You should try to get samples and cost estimates from at least two different designers and printers before making your decision.



## CHAPTER 5

# Training Paralegals

### Chapter Contents:

- 5.1 Different Models for Training Paralegals
- 5.2 Training Content
- 5.3 Training Methodology
- 5.4 Challenges to Training and Learning
- 5.5 Trainers
- 5.6 Logistics of Trainings

This chapter describes different processes and programs for training paralegals. These training programs can be implemented over the life of your program—from the paralegals' initial orientation to selecting the right experts and activists to prepare paralegals to work in their communities. The chapter focuses on the interactive methodologies used in trainings, the content and skills they aim to convey, and approaches you can use for choosing trainers and organizing a workshop.

## 5.1 Different Models for Training Paralegals

Training your paralegals will be an ongoing task. There will be an initial training before the paralegals assume their responsibilities, then they will experience ongoing formal and informal support and learning through their fieldwork, supervisory visits and interactions with program directors, as well as workshops periodically organized by your

## Different Levels of Formal Paralegal Training

- **Basic training.**  
A standard basic paralegals training course covering general skills needed by all paralegals.
- **Specialized training.**  
For example, paralegals working in association with women’s human rights groups will need more extensive training on topics related to women and the law.
- **In-service training.**  
This is a kind of training where paralegals learn by working alongside experienced paralegals in their advisory office or in their community.
- **Refresher training.**  
Occasional refresher training courses help paralegals learn new skills and get updates on changes in the law.
- **More advanced training skills for trainers.**  
Experienced paralegals can receive additional training to become paralegal trainers and help develop new paralegals in the community where they work.

program. The best paralegal training is really a process of ongoing development that includes on-the-job training.

Various programs have developed a range of training models for paralegals, each customized to the program’s needs and resources. You may want to begin with an intensive, one and a half- or two-week initial training, followed by monthly site visits and semiannual group workshops for your paralegals. If your paralegals are being trained (and accredited) by a clinical law program, you will want to develop a one- or two-year training program involving regular classroom-based workshops with a specific number of instruction hours. Please see the sidebar for examples of the different types and levels of paralegal training.

The timing and intensity of your training program will be related to how complete and comprehensive your materials are when you begin. If your writers have developed a fairly complete set of resources for your paralegals, then you may want to have an extensive initial training, followed by support through fieldwork and one or two follow-up workshops over the course of your first year. If you are developing materials as you go, or anticipate a large number of revisions, then you may want to arrange for a shorter initial training, followed by a series of follow-up trainings over the course of your first year.

You have some flexibility in how you design your training regimen, which will likely evolve along with your overall program. The important thing is to continuously assess the needs of your paralegals and provide them with the necessary support and supervision for them to effectively do their work.

### 5.1.1 Initial Training

The initial training of paralegals will be a culminating experience of all your earlier work. It will mark a new stage in your program and will set the foundation for future trainings.

The initial training of paralegals typically takes place in an intensive one- or two-week period. In Sierra Leone, the initial training takes place over two weeks (*see Appendix 5 for the training’s agenda*). Based on the legal areas identified in the program’s needs assessment and information from study visits, the training initial focuses on three areas:

- *Substantive law* (e.g., constitutional law, torts, criminal law, and family law)
- *The way government works and the structure of the Sierra Leone courts* (this section included representatives from the police and the Ministry of Welfare)
- *Paralegal skills* (e.g., mediation, interviewing, statement taking, advocacy, community education, dealing with victims of domestic violence, and administrative procedures)

Your trainings might involve officials from organizations such as the local police, relevant government ministries and agencies, and the local or national legislature. Guest speakers and field visits can inform your paralegals about areas of substantive law and policy, and help them to understand how to navigate government services.

Initiating a paralegal program means not only preparing paralegals to carry out their responsibilities, but also preparing other groups that will be involved in supporting the project. Support groups that might benefit from a training include advisory committees for the project and local officials (both formal and informal) in the communities that will be served. Of course, community-based paralegals will be involved in community education during their work, but initial trainings for other groups can help spread the word about the paralegal program and create ownership among residents.

### 5.1.2 Field Training and Continuing Education

Paralegal program directors agree that regardless of the amount of initial training offered, long-term supervision from lawyers and other trainers is essential to effective fieldwork. Thus, the initial training should be seen as an important first step—but not the last one—in developing effective paralegals. Following the initial training of your paralegals in an intensive workshop, they should receive ongoing training that integrates a classroom component (e.g., workshops) with field components (e.g., learning on the job and receiving support through supervisory visits from program directors). The format of paralegal trainings will likely depend on your resources and the circumstances of your program. But regardless of your circumstances, it is important for your paralegals to understand that they will receive ongoing training—often delivered in the field—and that continual learning is part of their job. Chapter 7 presents details on field visits and ongoing supervision.

There are a few countries where the paralegal educational program is accredited by a degree granting institution or approved by a legal entity, such as a bar association. In South Africa, the Community Law and Rural Development Centre used to run a two-year diploma program—including six months of academic training and 18 months of field training—through the University of Natal-Durban. The program was taken over by the university's successor, the University of KwaZulu-Natal, which now offers a two-year Diploma in Paralegal Studies consisting of eight academic quarters, each lasting eight weeks, combined with online support offered during field-based in-service training.

In Zimbabwe, the Legal Resources Foundation has a five-stage training program that takes place over three to four years, involving exams and certificates approved by the Council for Legal Education and the Law Society.

## 5.2 Training Content

The content of your trainings will likely reflect the materials and resources you develop as described in Chapter 4, “Materials Development.” Generally speaking, this content can be divided into three categories:

- Legal knowledge/content
- Paralegal skills
- General information about how the government and government services operate

The learning objectives for paralegal training programs are remarkably similar across organizations, although the emphasis on certain substantive content and skills will depend upon the functions of your paralegals. Paralegal programs concentrating on specific populations may place greater emphasis on topics of concern to these communities (for example, women’s inheritance law or discrimination against Roma women). These topics will likely have been revealed by your program’s situation analysis that you conducted as described in Chapter 2. If you anticipate that your paralegals will do a lot of community education, you may place greater emphasis on developing their teaching skills in your trainings. You will need to find the proper balance between counseling, community development, educational, and legal skills trainings that reflect the priorities of your program.

Paralegal training will also need to be adjusted to match the backgrounds and education levels of the paralegals who are hired. In Mongolia, for example, the paralegals already had law degrees and legal knowledge. In Cambodia, the paralegals—who were affiliated with existing NGOs—already had community development and personal counseling skills. Your planning process will have provided you with background information and program goals that will help you in defining the initial goals for your training program.

The following is a list of general skills that a community-based paralegal is likely to need. You will need to adjust these according to the anticipated roles of your paralegal. You will also need to think through how much can be covered in your materials, your initial training, and in subsequent workshops. Content and skills that paralegals absolutely need in order to carry out their responsibilities should be covered in written materials and addressed in the initial training. Trainings are especially important for introducing, reinforcing, and practicing skills that are essential to paralegal work. Other

skills and content may be introduced or treated with greater depth once your paralegals are on the job.

Not all paralegals can possess all of the skills identified below. In some cases they may have a more specific focus that serves their partner populations; in other instances, they may be limited by their literacy or educational levels. Still, this list provides some guidance on the skills and knowledge a paralegal should have.

➤ **Practical legal skills**

These include how to take a statement, how to collect evidence for cases through fact-finding and investigation, and how to write basic legal letters and file complaints (*see Appendix 6 for a sample letter*). The paralegal should also be able to provide advice on legal procedures and practices.

➤ **Filing and documentation skills**

Including how to keep files for each case and follow the case systematically.

➤ **Basic principles of law and legal procedures**

Including what the law says about arrest, detention, and bail; what a civil claim is; how to press criminal charges; and applying for interdicts and injunctions. The paralegal should be able to convey information about basic legal rights and procedural aspects of those rights in an understandable manner. See Chapter 4 for a list of legal subjects that paralegals typically deal with.

➤ **Working with lawyers**

This includes preparing a client to take an issue to a lawyer, following up with lawyers about a client's case, acting as a link between lawyers and a community, doing preparatory and follow-up work on behalf of lawyers, and taking up legal cases in a community.

➤ **Counseling and communication skills**

Paralegals should be able to conduct interviews, listen, solve conflicts, and give advice. A key interviewing skill is using the conversation to identify the relevant legal issues and seek the best remedy.

➤ **Alternative dispute resolution techniques**

Using negotiation, mediation, and arbitration to sort out problems in the community rather than going to court or using violent means.

➤ **Community education skills**

Learning how to teach others about the law and legal procedures, including: awareness-raising strategies, how to use participatory methods, how to run workshops, how to translate and summarize issues, how to facilitate discussions on legal matters using nontechnical language, and how to identify legal issues of most importance to the community.

➤ **Working with a community and community empowerment**

Learning how to be accountable to a community, developing ways of discussing problems and legal strategies, organizing communities for self-help and self-initiated social action.

➤ **Ethical dimensions**

Recognizing conflicts of interest, ensuring impartiality, and engaging in nonpolitical and appropriate behavior.

➤ **Networking skills**

Developing good networking skills, and building partnerships with advisory offices and other service and community organizations.

➤ **Media skills**

Producing easy-to-read pamphlets and booklets and working with journalists and newspapers.

➤ **Monitoring skills**

Knowing how to monitor what goes on in the community (e.g., if the police have been raiding houses and arresting people, how to record this, and how to pursue it). This includes writing reports, drawing up questionnaires, and conducting research.

➤ **Advocacy skills**

Communicating in the language of government and other formal legal institutions; knowing how to translate community needs and interests into legal language; and lobbying to convince powerful institutions—such as legislatures, the courts, or local government authorities—to accommodate the interests of communities or groups.

Your trainings should include materials that can provide examples of the skills paralegals will be expected to use and develop. These resources would include manuals you have developed as well as any additional handouts. The Timap for Justice paralegal program’s initial training included handouts of administrative documents such as client intake and petty cash forms, instructions on how to write monthly reports, and other resources for paralegal work. These were supplemented by notes that paralegals took during the training. The resources you develop for your paralegals should include any forms needed for common administrative procedures.

### 5.3 Training Methodology

Training has to provide paralegals with a range of skills as well as familiarity with substantive law. Paralegals will also need to make judgments about which methods to apply in any given situation. For example, in Sierra Leone, for individual problems such as domestic violence or wrongful juvenile detention, paralegals provide information on rights and procedures, mediate conflicts, and assist clients in dealing with government and chiefdom authorities. For community level problems, such as official corruption, paralegals engage in community education and dialogue, advocate for change with both traditional and formal authorities, and organize community members to undertake collective action. These tasks relate to the real-life operation of paralegals and are covered in greater detail in Chapter 6, “Solving Justice Problems.”

Although lectures can help to convey information on substantive law, paralegal program directors agree that the use of interactive, participatory methods is crucial for helping to develop skills in paralegal trainees. Participatory methods involve trainees in activities intended to engage them intellectually and emotionally. These methods also mirror and emphasize skills that relate directly to activities that paralegals will be carrying out in their job. Chapter 4 of this guide refers to a range of materials that can be developed to train paralegals. This guide also features an example of an interactive lesson and a description of some of the most commonly used interactive methodologies

### **Paralegal Success Story: Land Co-Ownership Dispute, Cambodia**

A young man came to live with his aunt. She took him in and even helped him to find a wife. After the couple was married they had to relocate for his job but after a few years they returned to the village and came once again to live with his aunt. Now, however, they wanted to build their own house on her land.

The aunt refused to allow them to do this, but the nephew persisted and began constructing a house. They came to a Citizen Advisor (CA), but the problem could not initially be solved. The nephew then approached the head of the village who advised him to proceed but to “do it quietly.” The aunt responded by going to the police and then to the district authority. She formally claimed that the land originally belonged to her grandfather and that it had been passed along to her. The district ordered the nephew to stop building, but he persisted. This order was repeated with the same result.

The nephew approached the CA who then brought together all the parties. They all retold their stories. The aunt claimed that she had the title. The nephew said that since it had belonged to her grandfather, he

in Appendix 7. The use of case studies, simulations, and role playing are particularly popular in paralegal trainings. Case studies and simulations can also help convey real-life examples of situations that paralegals may encounter in their work. In Cambodia, paralegal training sessions use role playing to introduce new paralegals to the kinds of issues they are likely to encounter, such as land disputes (*see sidebar*).

Elsewhere, workshops use role playing to develop paralegals’ skills in interviewing and taking statements. Trainees are asked to play the role of either the paralegal or the client. The “client” is given a profile and sent to present his or her problem to the trainee paralegal. In one training in Sierra Leone, the situation featured a “client” who was distraught because the village chief had threatened to kill him. The story of this particular “client” helped illustrate how role playing exercises can prepare trainees for actual practice:

*In fact, the client had earlier stolen two of the chief’s goats, but that information was only offered if the trainee paralegal asked the right questions in the interview. There were some real thespians among the client group who made nothing easy for their respective paralegals. The staff saw that the steps of interviewing and taking statements—which they had learned in class and which they could recite from memory—were not so easy to apply when a live and disturbed client was sitting before them.*

Trainings that use role playing and situations based on cases not only present scenarios that paralegals are likely to encounter in their work but also help tease out issues that are relevant to wider community concerns. The Hungary program uses Roma cases as much as possible. In addition to debriefing cases by asking trainees if the case problems are legal ones or if they should be addressed through non-legal mechanisms, the facilitators ask if the case is relevant to the larger Roma community. The lead trainer elaborated on the thinking behind the design of each training:

*We have to teach them with the cases what is relevant. When can we say this is discrimination? When there is strictly a legal problem? When can we say this is a social care system problem? And when can we say this is a personal problem?*

In Sierra Leone, discussions during the refresher trainings helped to elucidate key aspects for applying the rules on detention of juveniles. As paralegals gain experi-



ence in the field, they can work closely with the program director in identifying practical aspects of the law.

*Some of the most interesting discussions were on the way legal concepts and institutions could be applied and adapted in the participants' own communities. We weren't sure, for example, how relevant the rules on detention of juveniles would be for those living in the provinces because police presence is sparse. But staff members told us that police detention of juveniles was in fact quite common and that the rules they learned—a guardian should be informed, self-bail should be granted for non-felonious offenses, juveniles should not be jailed with adults—would be very useful. To our surprise, the staff also took a great interest in the law of torts. We are still unsure of the practical relevance of tort law at the chiefdom level, because very few torts are resolved in the formal legal system. But the staff felt that principles like negligence and rules like those on criminal liability would provide useful guidelines when they conducted mediations between parties.*

Street law-type methodology, which originated in the United States but has since spread and been adapted by trainers in other countries, calls for the development of law-related lessons that include the following elements:

- Discussion of the law itself
- Analysis of any relevant policy issues, such as why the law was introduced and how it is implemented in practice
- Introduction of conflicting values, to illustrate that there is usually more than one point of view concerning most issues
- Use of interactive teaching strategies
- Dissemination of practical advice on how to handle specific situations

In addition to role playing and other interactive learning methods, short (20-minute) lectures that convey basic information are also entirely appropriate in trainings, as long as they are not the dominant teaching style and there are opportunities presented for trainees to check and apply this knowledge. In Sierra Leone, written exams have been used during trainings in order to provide an extra incentive for trainees to memorize key information, and for trainers to see how well concepts are being conveyed and absorbed.

was entitled to some of it. As the CA could not resolve the problem, they had to approach the district authorities once again. The CA continued to try and facilitate the discussion. One of the arguments she used was that this prolonged conflict within the family made them all look bad.

Now some solutions were proposed. The nephew asked for \$1,000 as compensation for the house that he had built. A negotiation on the amount ensued until the aunt finally agreed to pay him \$300. He then left the property and used the money to purchase one hectare of land.

*Source: Tibbitts (2005b).*

Sample quizzes are included in this guide in Appendix 8. Vivek Maru, founder of the Timap for Justice paralegal program, said that trainees took exams and quizzes very seriously and that they encouraged knowledge retention.

## 5.4 Challenges to Training and Learning

The initial training, as well as subsequent contacts with paralegals through refresher trainings and field supervision, will engender ongoing learning in the program. Much of this learning will come through recognizing and addressing emerging challenges.

### 5.4.1 Paralegals Using Interactive Methodologies in the Community

One set of challenges can be in the transfer of interactive methodologies to the paralegals as they carry out trainings in the community. Paralegals who have not been exposed to participatory learning may not feel comfortable using these techniques with community members. Moreover, they may feel that “serious” learning means lecturing. It is possible that the paralegals you hire will find it difficult to accept that education does not mean lecturing and speaking down to community members.

When carrying out your initial training, it may be important to emphasize the value of interactive methodologies so that this can be a shared value for the program. The program directors should explain that participatory methods of instruction will help them in understanding the law and learning how to communicate this more easily in their communities. Concurrent with the use of such interactive methodologies is recognition of the value of dialogue and co-learning between trainer and trainee. The paralegals need to accept interactive methodologies and understand that their work in the community is a shared learning experience.

### 5.4.2 Understanding Community Issues and Sensitivities

In carrying out their work, paralegals will regularly confront situations or cultural practices that are disempowering to community members. In Hungary, the paralegals are members of a group (the Roma) that is highly discriminated against. In most cultures, women are disadvantaged and discriminated against in the laws and in the customs of their communities. Genuine solutions to these situations are not short-term but long-term.

Part of the solution is for your paralegals to ensure that they understand, and are sensitive to, the ways in which the human dignity and rights of their clients have been

violated. Some examples of how to address this could be offered to the group during trainings. For practices and belief systems that are deeply embedded in the local culture, such as gender inequality, paralegals may work with individual community members or in training situations to “deconstruct” these practices and open dialogue on the ways in which they are demeaning to certain members of the community. Guidelines for organizing gender-sensitive trainings for paralegals were developed in the Philippines and can be found in Appendix 9 of this guide.

Paralegals themselves may have experienced highly discriminatory practices. The trainers who taught new paralegals in Hungary were sometimes surprised that their trainees—all of whom were Roma—had such a sparse understanding of their rights. One of the trainers recounts:

*In one of the last trainings, we had lessons on employee rights and discrimination. This is one case we asked them to consider.*

*‘In a small grocery store, a Roma woman was employed as a salesperson for three months. During this time the shop owner was highly satisfied with the woman’s work. One day, the Roma woman came to work wearing a flowery headscarf [a clear sign that she was Roma], and she continued to wear this to work. The shopkeeper asked her to remove the headscarf because he supposed that the buyers would be surprised and possibly offended to learn that she was Roma. She insisted on continuing to wear the kerchief, and was subsequently fired.’*

*The questions we asked the participants were: Is the shopkeeper’s behavior legal and, if not, what might the employee do to enforce her rights in such a situation?*

*The participants’ opinion and reaction was shocking to us. Although the trainees were themselves Roma, their collective opinion was that the shopkeeper had the right to ask the woman to remove her headscarf, because customers have prejudices and might refuse to buy in a shop where a Roma woman was a shop assistant. The participants’ opinion was based on their personal experience and, we felt, a deeper desire to be assimilated, not to be different. They were not aware that they have the right to self determination, including the right to wear outer signs of their cultural status. It took us half a day to get them to grasp why this is important and how the law is intended to protect this right.*

This example illustrates that the Roma paralegal training program was not only teaching about the law but even more fundamentally helping Roma leaders to realize that they have the right to protection by the law and are entitled to a full set of human rights. The empowerment of paralegals and those they work with will remain both an underlying goal and challenge for your program.

## 5.5 Trainers

A variety of trainers can be used in the initial training as well as subsequent workshops. The crucial factor is that your trainers and presenters are knowledgeable about the topic they are presenting, have experience in its practical application, and can interact with paralegals through dialogue and participatory methods of instruction.

Below are some examples of the kinds of trainers and facilitators who have conducted paralegal trainings:

- Paralegal program director
- Legal specialists who will work with paralegals
- Mediation specialists
- Activists and NGO staff with related experience in content or skill areas
- Government representatives
- Writers and others who helped develop the instructional materials (if they are not included in any of the groups listed above)

Paralegal programs that are affiliated with law school teaching clinics can make use of faculty experienced with interactive methods. In particular, legal clinics such as those involving law students in community education (e.g., street law-type clinics) should already have a repertoire of methodologies and strategies for introducing these approaches to their own staff. These materials, in turn, could serve as the basis for paralegal training. Similarly, NGOs that have been involved in community education are also likely to have experience in using such methods, although you will need to investigate if their style is truly participatory or primarily an instructor-centered form of information dissemination.

For the Timap for Justice paralegal program in Sierra Leone, Vivek Maru and his co-director were the lead trainers, and they involved legal specialists, representatives

from the local government, a journalist who presented on the use of media, and a representative from an NGO who presented on gender-based violence. A training agenda for the nine-day program can be found in Appendix 5. If feasible, you can take paralegals to locations where they are likely to be working with clients, (such as police stations) in order to expose them to real-life situations.

In many cases, paralegal programs involve their curriculum writers as the initial trainers in a project. Writers' workshops, such as those proposed in Chapter 4, will help to develop trainers for your program. If you find yourself in a situation where you have some materials developed but are having difficulty locating the appropriate trainers, you might consider organizing a separate training-of-trainers workshop. Such a workshop would require resources, of course, and ideally you would want to be involving trainers who would continue to benefit your program, either as writers or as functioning paralegals.

In Hungary, an initial training-of-trainers (TOT) series of workshops—totaling 54 hours over nine weeks—was organized for a dozen university students of Roma origin. During this period, paralegal materials were developed that would later be used in the training of the Roma paralegals. Nine of these TOT graduates joined a larger team of experienced trainers from the Street Law Program at the university in Budapest (ELTE) and lawyers (Roma and non-Roma), thus expanding the human resources available for the full-year paralegal training.

## 5.6 Logistics of Trainings

There are many logistical considerations that must be taken into account in setting up trainings. The experiences you and your trainers have in organizing previous trainings will be an excellent source of information for organizing the logistics of a paralegal training. Below are some standard questions to answer when planning a training. These kinds of questions, along with suggestions for facilitating a workshop, should be included as part of any manual for trainers that your program may develop: What are the aims and objectives of the event?

- Who are the participants and how many will there be?
- What are the characteristics of the participants?
- What are the expectations and concerns of the participants?

- What kind of venue will be appropriate for the activity?
- How many days do you need for the event?
- Have all the participants been contacted and have they confirmed?
- Have trainers been contacted and contracted?
- What learning aids and equipment will be required?
- What handouts and take-home materials should be prepared?
- Have other logistical arrangements been made, such as transportation, accommodations, and refreshments?

As with any other training, you will need to plan the details carefully. If your paralegals are affiliated with the government, you will need to notify the appropriate officials and possibly even get permission for paralegals to attend the training. If your paralegals will be hired as part of your staff, then attending the training(s) will be part of their job responsibilities. If your paralegals are volunteers, you may want to consider paying them for attending trainings.

However, you should consider the pros and cons before paying paralegals to participate in workshops. The positives are that payments will help to ensure that people will attend the trainings and that financial need will not impede this. The negatives are that paying paralegals to attend trainings may create an expectation of payments in the future and promote financial dependency on the project. You should make this decision after consulting with others who have faced similar questions in your country.

## CHAPTER 6

# Solving Justice Problems

### Chapter Contents:

- 6.1 Basic Steps for Solving Justice Problems
- 6.2 Methods of Addressing Injustice
- 6.3 Methodological Challenges

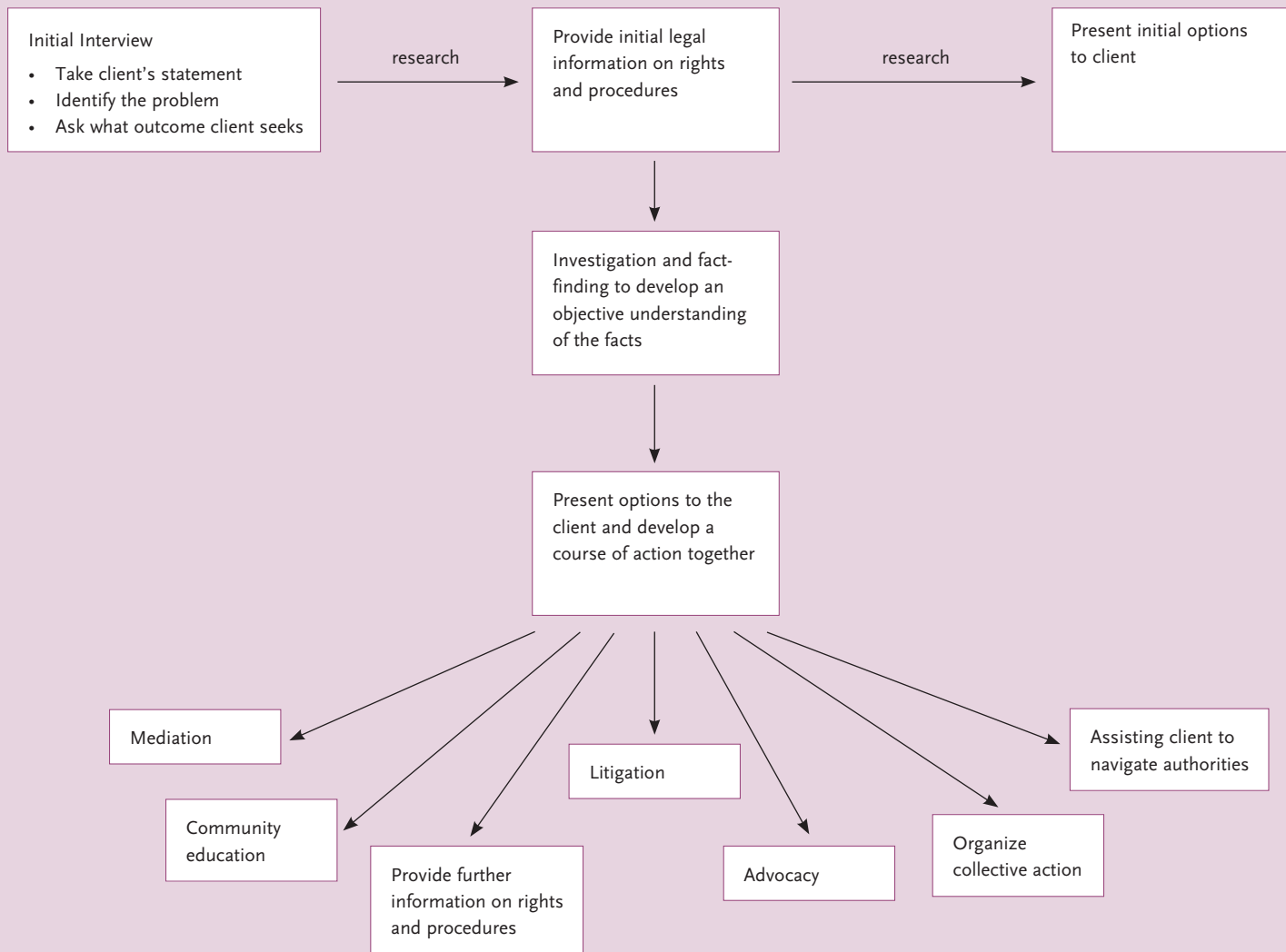
The success or failure of any paralegal program depends on its ability to achieve concrete and practical solutions to the justice problems of the people it serves. Chapter 6 focuses on the methods by which this problem-solving takes place.

## 6.1 Basic Steps for Solving Justice Problems

The flow chart from Timap for Justice on the next page depicts the basic steps a paralegal takes to address a problem, beginning with the identification of the problem and moving toward the development and implementation of a strategy for addressing it. As the flowchart indicates, paralegals employ a diverse set of methods—from community education to mediation to advocacy to assisting attorneys with litigation. Most paralegal work requires a combination of such activities.

The problems that paralegals address are also diverse. They range from individual-level complaints (e.g., a woman is beaten by her husband and seeks protection) to collective or wider problems (e.g., domestic violence is prevalent in a particular village or region). Paralegals address injustices that take place among members of a community and even among members of families. They also address injustices between members of the community they serve and institutions such as private companies or government.

## Steps for Solving Justice Problems





## 6.2 Methods of Addressing Injustice

Paralegals can use six general methods when working to resolve conflicts and pursue justice: navigating authorities, mediation, advocacy, community education, collective action, and litigation.

### 6.2.1 Navigating Authorities

Navigating authorities means helping a client deal with some institution of authority, such as the police, a government ministry, or a chief. Although in some instances it may be enough to simply refer a client to a relevant institution, a more active approach is often necessary. Assistance in navigating authorities is especially valuable if the institution in question is complex or is prone to abuse, corruption, or inaction.

The paralegal must know the rules and workings of the institution, and must be a strong advocate and negotiator. An effective paralegal should be able to ensure that institutional representatives like police officers, teachers, health providers, or government workers perform their jobs to the satisfaction of the paralegal and his or her client.

### 6.2.2 Mediation

Mediation consists of helping parties in a conflict or disagreement to reach a resolution. It may be thought of as “assisted negotiation.” Central to mediation is the concept of “informed consent.” Before beginning mediation, Paralegals must help participants understand the nature of the mediation process and obtain their consent to participate in the process.

Compared to a formal legal solution like litigation, mediation can be less costly, less time consuming, and less acrimonious. Mediation may be more conducive to reconciliation between parties in the same community or the same family than, say, court action.

As advocates with knowledge of the law and of other possible options for recourse, paralegals can help participants use mediation as an effective tool to address injustice—rather than a process which merely reproduces existing power dynamics.

8. In jurisdictions where there is a high incidence of HIV, special precautions should be taken to ensure that rape survivors are brought promptly to a healthcare center where they can (with consent) be tested for HIV and provided with antiretroviral treatment if HIV positive. In most jurisdictions, rape survivors should be quickly sent to a healthcare center to ensure that prophylactic treatment can be given against pregnancy and sexually transmitted infections and that forensic evidence can be collected—even if they are initially unsure whether they wish to file a charge with the police.

### Paralegal Success Story: Pursuing Police Prosecution of Rape, Sierra Leone

When a Timap paralegal receives a complaint of rape, she first addresses any immediate problems of safety or health. The client may need medical care, or may need protection from her assailant.<sup>8</sup> The paralegal then explains the client’s rights and options, including the right to pursue criminal prosecution.

Historically, police officers in Sierra Leone have often refused to treat rape complaints seriously, or have determined their course of action based on the bribes they are paid. Instead of merely referring a client to the police, Timap paralegals accompany rape victims to make a complaint and advocate for the client throughout the prosecution process. In part because of Timap’s record of successfully pursuing police misconduct cases through the police disciplinary board, officers are less likely to demand a bribe or act in bad faith when Timap is involved. Over time, Timap aims to improve police accountability to the point that the police behave appropriately even without a paralegal present.

*Source:* Maru, V. (2007b).

## Paralegal Success Story: Getting Authorities to Repair a Bridge

Three villages in the Bo District in southern Sierra Leone reported to Timap paralegals that a broken bridge was forcing cars and trucks to drive through a stream that provided drinking water for all three villages. Villagers had initiated a community effort to repair the bridge but they were subject to consistent verbal abuse from truck drivers when the rebuilding activities obstructed the road. Interestingly, the villagers did not ask Timap for help in convincing the government to repair the bridge—action by authorities that was perhaps unimaginable to people in often overlooked rural areas. Rather, the villagers simply asked Timap to lobby the Sierra Leone Drivers Union to ask its drivers to stop the verbal abuse, which the villagers found humiliating and demoralizing.

Timap paralegals spoke to the Drivers Union and also succeeded in lobbying the Sierra Leone Roads Authority to repair the bridge. Timap directors started with the chief engineer in Freetown and then, once he agreed in principle and gave instructions, Timap paralegals followed up with the roads authority staff in Bo District. The villagers were astonished that the abuse stopped so quickly, and were able to rebuild the

But mediation is not the answer in every case. It is important for a paralegal to understand and explain the legal framework in which mediation takes place. A settlement halfway between the positions of two parties does not necessarily satisfy the demands of the law or of justice. If mediation fails to produce a genuine remedy to a serious harm, a paralegal may assist a client to seek redress through other means.

### Timap for Justice follows a six-step mediation process:

<b>Introduction and ground rules</b>	Parties should approach one another with respect, and listen while others are speaking. Mediation is voluntary.
<b>Each side tells its story</b>	The stories often will be long and contentious, but they should be uninterrupted. The paralegal should try to keep interruptions and denials to a minimum.
<b>Mediator's summary and provision of legal facts</b>	The paralegal provides compendiums of what has been said, identifying the key claims on either side. The paralegal introduces relevant legal facts and legal limitations. (In many jurisdictions, paralegals will clarify facts but not law.)
<b>Possible solutions</b>	Each party articulates the settlement it would like to see. The paralegal offers hybrid and alternative solutions that may bridge the interests of the two parties.
<b>Discussing solutions</b>	The paralegal facilitates discussion with an aim toward finding a mutually agreeable settlement.
<b>Reaching agreement</b>	If parties reach an agreement, the paralegal restates the exact terms. Agreements are written up according to a standard template and are signed by both parties as well as the witnesses. They should include a provision about what will happen if the agreement is breached. A copy is kept on file at the office.

When drafting a mediation agreement, it is important to think about how it will be enforced. Signing witnesses can act as social enforcers; in family cases, these can be elders from either family. Paralegals should set a plan to follow up with the parties at determined intervals to monitor the agreement. Directors or lawyers working with the program may want to consider how mediation agreements should be drafted so that the agreements will be enforceable in court. An agreement template should stipulate that the parties may consider legal action if the agreement is broken.

### 6.2.3 Advocacy

Advocacy, or active support, takes many forms and is in fact incorporated into all the other paralegal methods. A paralegal advocates with the police when she assists a client to pursue police prosecution; a paralegal advocates when she encourages a party in a

dispute to accept a just mediation agreement; a paralegal advocates with the community when she engages in community education. Paralegals advocate in writing as well as in person. Effective advocacy depends on a combination of knowledge, persuasiveness, and access to other channels of action. If a case requires action from high levels of government or other institutions, paralegals may seek the assistance of program directors or lead paralegals.

#### 6.2.4 Community Education

Community education sessions and community dialogues are used to raise awareness of justice issues, to foster deliberation within the community, and to give people a forum in which to address their leaders. A strong community workshop requires intense preparation: qualified speakers, thorough research, and a well-planned curriculum. The curriculum should include dynamic and interactive teaching methods (see the discussion in Chapter 5, “Training of Paralegals”). Community education sessions are most effective when they are part of a broader strategy and connected to a larger action plan.

In South Africa, for example, the Community Law and Rural Development Centre (CLRDC) conducted a public awareness campaign on the problem of unpaid and underpaid pensions: many community members lacked literacy and numeracy skills and were being cheated—they were being paid less than they were due. The CLRDC developed posters that showed what bank notes looked like, so that community members could tell if they were receiving the proper amount for their pensions. When people realized they had not been paid their due, many approached the CLRDC; paralegals followed up with individual level casework to recover the unpaid pensions.

In both South Africa and Hungary, paralegals have engaged in educating voters about the democratic system. In South Africa, these efforts included teaching about the constitutional process. In Hungary, paralegals encouraged members of the Roma minority to run for local office.

#### 6.2.5 Organizing Collective Action

Collective action involves community members coming together to address a justice problem. In organizing collective action, it is often wise to work with existing community institutions.

In Sierra Leone, villagers have used collective action to improve roads and public health. In a village that was cut off from a vital main road by a deteriorating feeder road, the villagers and Timap paralegals analyzed the situation and concluded that the govern-

bridge just before the rainy season in 2006. Timap believes that victories like these—though small in relation to the massive scope of injustice in rural Sierra Leone—work to expand the horizons of what people feel they can expect and demand from their government.

*Source:* Maru, V. (2007b).

### **Paralegal Success Story: Using Community Education to Ensure Policy Enforcement**

In Sierra Leone, government policies on primary education prohibit public schools from charging school fees, prohibit teachers and administrators from extracting forced labor from students, and establish a minimum teacher-to-student ratio. But these policies are largely unknown and unheeded. To ensure the policies are enforced, Timap paralegals engaged in community education. They organized a series of meetings at which Ministry of Education officials explained the policies to teachers, school administrators, and parent representatives.

The meetings did more than clarify the policies and ensure that all parties understood them. They also established Timap's role as a monitor and advocate. Ministry of Education school inspectors told meeting audiences that they would use their enforcement power if Timap brought major policy breaches to their attention. Since the meetings took place, paralegals have been able to stop several breaches of education policy—such as teachers forcing students to do farm work for them—by simply visiting schools and invoking the commitments made at the public meetings.

*Source: Maru, V. (2007b).*

ment did not have the interest or resources to do the repairs. Paralegals then helped the villagers organize a day of voluntary road maintenance and community residents fixed the road themselves. When a cholera epidemic broke out in another village, paralegals worked with the community to get expert advice and organize a meeting with government health officials. The meeting resulted in an action plan that helped villagers fix their water and sanitation systems. Paralegals and technical advisors agreed to provide follow-up monitoring and advice to ensure the plan's implementation.

### **6.2.6 Litigation**

The power to litigate is a crucial component of many paralegal programs and gives strength to the paralegals' ongoing work as advocates and negotiators. Even in countries with imperfect legal systems, litigation can be useful in addressing clients' problems when other methods fail. Both private citizens and government officials will take paralegals seriously in part because they know that the paralegals are backed by lawyers who can, if necessary, pursue litigation in court.

Paralegal programs are selective in utilizing their limited litigation resources. They tend to focus on cases in which the injustice is most severe and on cases which present an opportunity for wider legal impact. Often, the cost and time which litigation requires leads parties to settle matters before conclusion of the legal process.

There are numerous examples of litigation that resulted from cases brought to paralegal offices. In South Africa, cases that have won citizens the right to recover land confiscated during apartheid originated in rural paralegal offices. Also in South Africa, a landmark judgment on the right to treatment that prevents mother-to-child transmission of HIV originated from women living with HIV who approached paralegal offices.

In the Sewa River region in southern Sierra Leone, a mining company severely damaged the land of six villages without the villagers' consent. The company left behind eight football field-sized pits which posed a significant health hazard; they dammed the river Kpejeh, which caused flooding and crop damage; they broke a local bridge and failed to repair it; and, as the company was ending operations in the area, it paid the villagers paltry compensation for all the destruction it had caused. When community members went to the company's offices to complain, they were thrown off the premises. When Timap paralegals took up the case, the company began to negotiate; it removed the dam and agreed to fix the bridge. But when negotiations broke down over the filling of the pits and the issue of compensation, Timap commenced litigation. If

Timap wins the case (which was pending at the time this guide was written), it will be an important precedent, as similar exploitation by the mining industry is common in Sierra Leone.

### 6.2.7 Referral

Although paralegals have many different tools for solving justice problems, it is not uncommon for clients to present problems that either the paralegal program cannot solve, or that could be better solved by another NGO or institution. In these cases, it is the paralegal's responsibility to make a referral: to send the client to the institution best positioned to resolve the client's problem. Because of the many different people and institutions with whom they work, paralegals are often an excellent source of referrals.

The following are suggested strategies for handling referrals, developed in Cambodia:

- Discuss the need for the referral with the client.
- Explain, when applicable, the benefits to the client in referring the case to another person or office.
- Refer clients, when possible, to specific persons (or offices) that are immediately available.
- Provide the client with complete information on how to get to the referred person or office (maps and contact numbers—including email, where applicable—would be helpful).
- Make a complete copy of the client's file and keep a copy of the file in your office. Explain to the client that you will be providing the referred person or office the file, or you can provide the client a copy of the file to bring to the referred person or office.
- Explain that all confidentiality issues will remain even after the referral.
- Be polite, considerate, and, when possible, empathetic to the client.

Appendix 10 features a sample client referral letter, developed by the Community Law and Rural Development Centre in South Africa.

In the sidebar is another example of guidelines on making referrals to other institutions, developed by Timap for Justice in Sierra Leone.

### Engaging Other Institutions

It is sometimes necessary to engage other institutions and people such as social welfare agencies, universities, hospitals, courts, chiefs, police, and lawyers. Some of these institutions or individuals have crucial expertise in specific fields. It is a mistake to hold onto to cases that you cannot handle by yourself. When approaching these institutions, it is often best to do so in writing.

#### What to do

- Don't delay cases that require involvement from other institutions—engage those institutions as soon as you know you can't handle the case on your own or as soon as you know that other institutions should be involved.
- Rape cases provide one such example of the kind of case that should be handled in consultation with other institutions. You should inform the client of her right to pursue prosecution. If she is interested, you should help her to approach the police immediately. Delaying such cases is dangerous and will result in the loss of evidence.
- You should urgently assist victims of rape to obtain health care and a medical examination—don't delay.
- Seek counsel from lawyers (coordinators) on complex cases that you think need litigation.

*Source: Sesay 2006.*

## 6.3 Methodological Challenges

When paralegals work with communities to address injustices, there are four crucial methodological issues they should consider when developing their strategies: empowerment; pursuit of root causes; balancing client interests against those of the community; and the conceptions of justice that underlie community paralegal work.

### 6.3.1 Legal Empowerment

Some paralegal programs distinguish themselves from traditional legal aid by an emphasis on legal empowerment. While the conventional approach to legal services envisions experts providing technical assistance to needy clients, empowerment-oriented paralegals aim to increase the capacity and agency of the people with whom they work. Community-based paralegals—who are often closer to the community and have a wider mandate and a wider set of tools at their disposal—may be better positioned to increase the capacity of their clients than a lawyer would be. Legal empowerment techniques include incorporating education into every aspect of service delivery; working with, and strengthening, community organizations; organizing collective action to address justice problems; and engaging in community education and dialogue on justice issues.

Prioritizing legal empowerment has concrete programmatic implications. A paralegal's attitude towards his or her client should be “we'll solve this *with* you” rather than “we'll solve this *for* you.” Paralegals should ask themselves in each case: Was the client or the community left stronger in some way? And paralegals' performance should be evaluated on that basis. Paralegals should take the time to explain the relevant law, and decisions on strategy should be made in collaboration with clients.

The Alternative Law Group in the Philippines incorporates a legal empowerment approach. When they take up litigation, paralegals educate community members on the legal issues—including the potential advantages and disadvantages of going to court—before lawyers become involved.

Emphasizing empowerment, however, must be balanced with other priorities, like the client's security, time, and resources. Though including the client in an advocacy meeting is normally preferable, a paralegal might depart from this practice if it would place the client in danger, or result in prohibitive cost or delay. (Table 1)

### 6.3.2 Underlying Causes

Paralegals' broad mandate and diverse set of tools allow them to consider the underlying causes of the justice problems they encounter. Some of the work needed to address underlying causes can be undertaken at the community level—through community education, community level advocacy, or organizing collective action. Other problems require changes in state policy or law.

Table 2 is an example of an action strategy which includes case-specific mediation, community education, and legislative advocacy.

### 6.3.3 Client and Community Interests

In some ways, paralegal programs operate like traditional legal services organizations. Their mission is the same: to solve people's justice problems or, put another way, to remedy violations of rights. Like lawyers, paralegals maintain case files and uphold client confidentiality. Many paralegal programs also borrow the term "client" from the lawyer's lexicon to refer to the people they serve.

But in fact the word "client" only partially describes the people served by community-based paralegals. For paralegal programs emphasizing legal empowerment, "client" is an imperfect term because community-based paralegals engage the individuals and communities with whom they work not only as people in need of a service but also as social agents.

Another way in which the term "client" misses the mark is that in one key respect paralegal programs tend not to defend the client's interest as highly as a lawyer would. The adversarial nature of the common law system—based on the theory that a neutral decision-maker is more likely to arrive at a balanced view if each side has a zealous advocate than if all sides attempt a degree of neutrality—rests on the presumption of "equality of arms." It makes sense where both sides have comparable representation.

But in intra-community disputes—that is, disputes between members of the communities that paralegals serve—it is not uncommon for none of the parties to have any form of representation. The paralegal program may be the only source of justice services available. It would be arbitrary, then, for the paralegal program to favor the party who happens to approach its office first. Rather than the particular persons who file complaints, then, paralegal programs often conceive of their ultimate duty as being toward the entire community and toward basic principles of justice and democratic equality.



**Table 1: Service Provision vs. Empowerment-Oriented Approaches**

	Strict Service Provision Approach	Empowerment-Oriented Approach
<p><b>An Individual Level Problem:</b> A woman complains that her employer fired her without paying her last three months' worth of wages.</p>	<p>Paralegal takes the details of the case, assures the client that the program will help her, and then sends her home. Paralegal approaches employer, citing law and the possibility of litigation. Employer sends the back wages to the paralegal office. Client is called to pick up the wages.</p>	<p>Paralegal takes the details of the case, and then explains to the client the law on back wages and the remedies available. Paralegal discusses strategy with the client: the first step is either a letter or a visit to the employer. If they decide on a visit, then client and paralegal might go together; if they decide on a letter, then paralegal explains the contents of the letter to the client. By the time client obtains relief, client should know more about employment law and about the process of seeking redress.</p>
<p><b>A Community Level Problem:</b> Members of a farmers' group complain that seed loans promised from the Ministry of Agriculture have not arrived.</p>	<p>Paralegal assures the farmers that the program will help them and sends them home. Paralegal tracks down the relevant officer in the ministry, who has no explanation for the delay. It is apparent that he was waiting for a bribe. Paralegal complains to a senior officer in the ministry, who agrees to look into it. After several meetings of this kind, the seed loan is delivered.</p>	<p>Paralegal discusses strategy with the farmers, and approaches the ministry with the leader of the farmers' group and representatives of those farmers whose loans were withheld. The group leader and the farmers are involved and informed throughout the process of advocacy. After the loans are delivered, the paralegal works with the farmers' group to improve their system of internal communication, so that members have a way of raising complaints, and so that the group can take action on its own behalf.</p>

**Table 2: Addressing Underlying Causes Using Layered Intervention: Child Neglect**

Problem	Intervention
<p>Timap paralegal offices receive numerous complaints from single mothers who claim that the fathers of their children refuse to take responsibility for the costs of parenting.</p>	<p>Paralegals primarily use mediation to establish child support agreements. They invoke the obligation under customary law to take care of one's child. They also incorporate elders from both families, who add legitimacy to the agreements and later assist in monitoring and enforcement.</p>
<p>It became clear that one root cause of these child neglect cases is young men and women having children before they are capable of raising a family.</p>	<p>Paralegals address this social issue through community education and dialogue. They convene meetings with young people to discuss safe sex, sexual health, and family planning. The meetings include a nurse who was born and raised in the area (and who therefore was familiar with the social pressures which young people face there) and a peer educator from an organization dedicated to sexual health education. The dialogues give youth the chance to ask candid and specific questions about condom use and sexual health. Dialogues also provide young people with a chance to discuss the difficult choices they face with each other and with mentors.</p>
<p>Another problem which may be causally related to the prevalence of child neglect is inadequate legal protection of mothers. An outdated ordinance caps child support payments at 100 Leones per week (U.S. \$0.04). Though magistrates sometimes depart from that limit, the ordinance severely weakens the possibility of a formal legal remedy in the event that mediation fails.</p>	<p>One way of dealing with legal inadequacy is to find an alternative. When mediation fails, paralegals suggest the use of customary courts rather than formal litigation. Customary law requires that a man take responsibility for his children, and customary law is not bound by the formal-law ordinance. At the same time, Timap as a program is advocating for replacing the ordinance with a sensible and modern system for determining child-support payments.</p>



#### 6.3.4 Client versus Partner

Conversely, to call the person(s) whom a paralegal assists a client also may miss the mark in that many paralegal programs strive for a partnership between the paralegals and the populations they serve, rather than a provider-client relationship. This is particularly the case where empowerment is a goal.

Yet another variation on this theme is that some lawyers may treat their impoverished clients in a disrespectful manner, due to the lawyers' superior education, knowledge, status, and financial resources. Under such circumstances, the recipient of the services is a client in name only. Out of ignorance, she accepts the attorney's advice and pays the attorney's fees without knowing whether she is being well-served. While paralegals do not automatically epitomize virtue, when they pursue their work with a spirit of partnership they are likely to treat the people they serve with respect.

#### 6.3.5 Community versus Group

Finally, it is important to keep in mind that sometimes paralegals work with and for a distinct group within a community, rather than for the community as a whole or for individuals within it. Some paralegal programs specifically aim to serve and strengthen women, for instance. To the extent possible, they may try to cooperate with the men in the area, but their main focus is on protecting the rights of women.

Similarly, other programs may concentrate on tenant farmers as a partner population. They accordingly may be indifferent to some other groups within the community—shop-owners, for instance. And they may even be hostile to other groups—such as landowners who might aim to undermine farmers' rights.



## CHAPTER 7

# Monitoring, Supporting, and Assessing Paralegals

### Chapter Contents:

- 7.1 Guidelines for Practice
- 7.2 Administrative Procedures
- 7.3 Monitoring and Supporting Paralegals
- 7.4 Assessing Paralegal Performance
- 7.5 Recognizing Achievement

Paralegal program directors and other supervisors must be heavily involved in supervising paralegals working in the field. This chapter provides an overview for supervisors about the purposes and processes of monitoring, supporting, and assessing paralegals. Looking ahead, Chapter 8, “Evolving the Paralegal Program,” includes a section on evaluating the program and its impact.

## 7.1 Guidelines for Practice

Any monitoring that you conduct should be related to clear guidelines for practice that have been established for your paralegals and taught during their training. As you carry out the program, such guidelines are likely to be refined and improved. They will form the basis of common understanding between you (the paralegal program director or

supervisor) and the paralegals, concerning both how they carry out their work and how you assess their work.

Chapter 6, “Solving Justice Problems,” provides an overview of several key areas of practice for paralegals, including legal counseling and administrative assistance, mediation and negotiation, community development and education, and advocacy.

It is essential to have clear and concrete guidelines for how paralegals should deliver the services your program offers. These guidelines for practice help paralegals know what to do in a given situation, and thus help them deliver quality services and also help ensure consistency within your program. They will also help the program’s management to better train, monitor, support, and assess the paralegals’ work.

## 7.2 Administrative Procedures

Part of the administrative requirement of paralegals is to record key aspects of exchanges with clients, and the ways in which cases are handled and resolved. These reports are necessary for you and others to be able to monitor and supervise their work. Your paralegal program will require procedures for proper intake, record keeping, referrals, and reporting. Client files need to be complete and easy to locate. When file keeping is standardized, cases can be handled in a consistent and rigorous way.

### 7.2.1 Case Files

Program directors and advisory committees require proper record keeping in order to monitor the work of the organization—including dates and follow-up to cases. Ideally, the filing system will also enable the tracking of numbers and kinds of cases handled, so that the work of the program can be measured quantitatively.

Thorough and well-organized record keeping is crucial for monitoring a paralegal office. For each case, there should be a file that records how the case is developing, the strategies being used, who is involved (including meetings that may take place between the paralegal and local officials), any litigation undertaken, and the resolution. A database might be set up where paralegals can register their cases (according to the problem), characteristics of the case, the intervention strategy, and solutions. This data can later be used to describe the community’s problems, which can be used to lobby for reforms and an expansion of paralegal services.

At the Timap for Justice paralegal program in Sierra Leone, a database system tracks, for every case handled, the type of issues raised, whether and how fast the case

was resolved, the tools used (e.g., mediation, advocacy, or litigation), the geographic origin of the case, the outcomes (including any monetary compensation), the amount of paralegal time spent, and the institutions involved.

Appendix 11 includes Timap’s client intake form, which is completed by paralegals as part of the intake process. The form includes details such as the client name or community level problem, the case number, the intake date, the paralegal name and office, details on the client, how the case reached the paralegal, and the primary and secondary case types. When the case is resolved, the paralegal completes a “resolved cases form.” This form contains some of the identifying information from the “new cases form” but asks for details related to the tools used to resolve the case, the involvement of institutions, outcomes, and the number of hours spent on the case.

Timap founder Vivek Maru has noted that the data compiled by their system gives a rich quantitative picture of the paralegal work and is a powerful assessment tool. The director can ask, for example, how effective mediation is—compared to Timap’s other methods—as a way of solving domestic violence problems; what the average time-invested to benefits-won ratio is for breach of contract cases; and whether the caseload in a given chiefdom is well-distributed geographically as opposed to arising primarily from the central town.

### 7.2.2 Other Forms

Your program may also use other procedures and forms for tracking the work of individual paralegals, such as daily activities ledgers and monthly activities reports. Examples of these forms as well as forms for complaint procedures, client satisfaction surveys, and referrals are included in Appendices 11, 12, and 13.

## 7.3 Monitoring and Supervising Paralegals

The level of supervision that you or others (e.g., lawyers) will carry out in your program will depend upon the qualifications and experiences of the paralegals you hire and the work they are expected to do. As with any employee, the greater the gap between their preparation and the job requirements, the more important it will be to have frequent and in-depth contact. It is essential that you are proactive in carrying out this responsibility, and that your paralegals understand that this will be part of their work conditions.

### 7.3.1 Mechanisms for Communication and Monitoring

Paralegal supervisors use a range of mechanisms for communicating with and monitoring paralegals:

- Ongoing phone or email communication (if available)
- Formal written reports
- Supervisory visits
- Refresher trainings and group meetings

Supervisory visits are a way to see how well the initial training went and to review and supplement this training through reference to actual cases. This oversight is closely linked with the quality and effectiveness of your paralegal services. Supervisors generally try to visit the field offices every four to six weeks. A supervisor can do a “spot check” on how the office is running administratively, find out what the paralegal needs are (especially in the area of legal advice), and check in with stakeholders. The supervisor can also interact with the paralegal advisory committee occasionally to get their perspective, or interview community members to get feedback on the work of the paralegals.

In Sierra Leone, the Timap for Justice paralegals receive continual supervision and training from the program directors, who are lawyers. The program coordinators spend more than half of every month between the various offices reviewing paralegals’ handling of cases, working directly with selected clients, and providing training on pertinent areas of the law or the workings of the government. Each office is visited monthly by at least one supervisor, who usually stays two or three days.

A primary purpose of site visits is to develop the knowledge and professional skills of paralegal staff. The supervisor can do this informally, by selecting a case and then walking through it with the paralegal and asking questions about how each stage was handled. Paralegals can also attend lectures by knowledgeable practitioners and be kept up-to-date work through materials shared on paper.

Appendix 12 includes supervisory guidelines developed for the Timap program in Sierra Leone. During their visits to field offices, the Timap supervisors review ledgers and case files, observe paralegals carrying out their work, and discuss challenging cases faced by paralegals and how they handled them. When cases are ongoing, additional strategies can be developed with the supervisor present.

Typically, Timap supervisors review the following areas during their field trips:

- Completeness of ledger
- Completeness and organization of case files
- Correct use of other administrative tracking forms
- Appropriateness of strategies undertaken for cases
- Quality of interactions with clients
- Frequency and effectiveness of interactions with authorities and institutions
- Respect for client confidentiality
- Responsible handling of money
- Engagement with community-level problems

Periodically, all paralegals working in the same geographic area can be brought together for a few days. In South Africa, supervisors at the Community Law and Rural Development Centre organize an annual three- to eight-day “refresher course.” These trainings provide paralegals with a collaborative learning environment where they can share cases with each other, examine legal questions, and assess the strategies they pursued. With input from the directors of the paralegal program, including updates on new legal developments, supervisors can also use trainings to share advice about how to navigate formal and traditional institutions.

Even with regularly scheduled visits, paralegals may have pressing questions that they need answered immediately. It can be challenging to provide paralegals with quick answers to legal questions because of the poor communications infrastructure in many countries where paralegals work. In many areas there may be no mobile phone coverage, or paralegals may not be able to afford or easily access a phone. In these conditions, you may need to develop an alternative communication system or identify a local human resource to answer your paralegals’ pressing legal questions.

In Cambodia, the Khmer Institute for Democracy strengthens the capacity of its 87 citizen advisors through written channels of communication that include a quarterly newsletter and the distribution of booklets with updated legal information and suggestions for addressing certain community problems. During field visits, the institute’s supervisors hold local forums in which they educate community members and ask for feedback on the work of the paralegals. The forums, attended by commune councilors, village chiefs, and residents, raise awareness about the program and enhance the cooperation of local authorities.

## Areas of Paralegal Supervision, Sierra Leone

- Completeness of ledger
- Completeness and organization of case files
- Correct use of other administrative tracking forms
- Appropriateness of strategies undertaken for cases
- Quality of interactions with clients
- Frequency and effectiveness of interactions with authorities and institutions
- Respect for client confidentiality
- Responsible handling of money
- Engagement with community-level problems

*Source: Maru, V. (2007).  
“Notes on Supervision.”*

Timap for Justice internal memo.

### 7.3.2 Review Criteria

Monitoring the work of your paralegals should be a formal process. The supervisor can use a checklist to evaluate if the filing system is up-to-date. Formal assessments can also be used to evaluate what kinds of cases paralegals are handling well and what kinds of cases may require additional legal training. If you decide to integrate formal evaluations into your supervisory structure, you will need to develop instruments and procedures. You might also include feedback from clients into your evaluation practice. A sample feedback form for clients can be found in Appendix 13.

The following is an initial list of criteria that you might use in formally assessing the work of paralegals during supervisory visits:

- Paralegal follows correct procedures in handling cases
- Paralegal follows correct administrative procedures in recording casework
- Paralegal applies good judgment in carrying out her/his responsibilities
- Paralegal handles a minimum number of cases each month
- Paralegal effectively resolves cases (whether directly or through referral)
- Paralegal envisions and carries out community development activities

Of course, your assessment may show that your paralegals are working below standard in one or more areas. When problems arise for a paralegal in carrying out his or her responsibilities, you will need to analyze the reasons for this in order to determine the most appropriate course of action. Diagnostic questions you can ask include:

- Does the paralegal need additional training in a legal area or skill related to carrying out his or her responsibilities (which you can provide)?
- Does the paralegal require a greater degree of specialized legal assistance or consultation (which you or a lawyer might provide)?
- Does your paralegal lack basic skills related to the job (that you cannot compensate for)?
- Are the guidelines for a procedure unclear, ambiguous, or poorly defined (and can you improve these)?
- Are there features of the environment that make it difficult for the paralegal to carry out his or her job as envisioned (e.g., lack of infrastructure support, difficulty in reaching clients)?



- Is the paralegal exploiting his position for profit or other advantages within the community?

After you answer these questions, you can decide which actions are most important for ensuring effective program delivery. If additional training or clearer procedural guidelines are needed, they may be necessary for all of your staff, not just the one or two paralegals where you saw a problem. It may also be the case that you need to replace your paralegal. In this case, you will need to follow the procedures established in your employee handbook regarding firing and hiring of staff.

### 7.3.3 Using Site Visits to Diagnose Program Needs

The process of supervision and support is a two-way street. According to Timap for Justice founder Vivek Maru, “Paralegals and coordinating lawyers discern the program’s synthetic path together; [the coordinators’] interactions with the paralegals must be dialogic rather than didactic in either direction.” In Maru’s analysis, the paralegals in Sierra Leone have greater expertise than the program coordinators with regard to customary law and local institutions. They also understand the clients’ needs and limitations.

Issues related to how your paralegals function will become apparent as the program unfolds. You may discover that paralegals lack money for transportation or, if they are working part-time, that they have less time to operate as paralegals during certain times of the year when their other job responsibilities are more pressing (e.g., a schoolteacher during exam periods or a farmer during harvest season). You and your paralegals will need to solve problems creatively and cooperatively on the range of issues that emerge as you run your program.

## 7.4 Assessing Paralegal Performance

The ongoing assessment of any employee involves a current job description, clear expectations and standards, and regular conversations between the employee and supervisor. In addition, a formal performance evaluation might be organized following the first three months of employment to coincide with the end of a “probationary” or trial period of employment, and then on an annual basis. Such a performance evaluation involves the assessment of a paralegal’s execution of each major job responsibility. It usually conveys if an employee has “met,” “exceeded,” or “failed to meet” the stated performance standards and objectives and includes clear, written feedback and goals for future improvement, developed in consultation with the staff member.

### Notes on Needs of Paralegals in Cambodia

- The paralegals confirmed that that the areas of law they wanted to know more about were: criminal law (as they frequently deal with assaults); land law (especially dealing with land titles); marital law (and how to deal with separations and divorces); and contract law (dealing with property, such as cattle).
- Paralegals wanted to have some kind of card that identified them as a “citizen advisor.” Female paralegals in particular felt this would help to reduce any harassment they get at night when they travel.
- Because the paralegals deal with many situations involving family conflicts, they wanted to be trained on how to defuse confrontations and foster calm discussions.

*Source:* Tibbitts 2005b.

A performance evaluation form might involve the same review criteria you use on supervisory visits (see 8.3.2). Alternatively, you might require ratings of the following five job attributes devised by Oregon State University, as well as a rating on overall performance.

- **Job knowledge/technical competence** (organized according to each of the key roles performed by paralegals): Possesses and demonstrates technical, general, or other specific knowledge and skills required to perform job duties and accomplish stated objectives.
- **Quality:** Demonstrates a commitment to providing quality services. Work performed is of high standards. Is not satisfied with producing work that is “just good enough.”
- **Working relationships:** Establishes and maintains cooperative working relationships with co-workers and supervisor. Responds actively and effectively to needs of clients. Behavior and attitude is ethical, fair, and consistent.
- **Interest and initiative:** Displays enthusiasm, dedication, and interest in duties and responsibilities. Is a self-starter and proactive in approach to job. Demonstrates willingness to work beyond the usual or ordinary requirements of job when needed. Shows initiative and flexibility in meeting challenges.
- **Judgment:** Demonstrates ability to analyze available data or circumstances, consider alternatives, and make well-reasoned, timely decisions that favorably affect performance and organizational goals. Acts reliably and responsibly, keeping supervisor informed and aware of potential issues or areas that need attention.

You may choose not to use the above criteria or you might want to add other criteria that you consider important to your program operation, such as punctuality, time management, or communication skills. Your paralegal program should have clear guidelines for each of these, so that the paralegals understand how they will be assessed. Below are six steps that are commonly used in formal performance evaluations:

- Employee completes written self-evaluation form (independently)
- Supervisor completes employee evaluation form (independently)
- Forms are exchanged and reviewed independently
- Meeting between supervisor and employee to compare and discuss results
- Agreement on finalization of ratings and establishment of goals for next year

- Final performance evaluation written up and signed by both parties; stored in employee file

Note that the paralegal and supervisor should complete the rating forms independently of one another, then share these results before meeting to discuss them. An effective way to conduct the evaluation is to provide written comments in advance and to discuss the ratings after the staff member has had the chance to review it privately. It is important to clearly communicate any performance deficiencies well in advance of the point at which a crisis may develop, in order to reduce conflict that may be counterproductive. At the performance evaluation meeting, any necessary goals for the following year would be agreed upon and written down. This is also the time to review the job description in order to see if it needs updating.

A performance assessment works best when it is a two-way process between the supervisor and the employee. In addition to the supervisor appraising the performance of the employee, the paralegal can give feedback on the adequacy of the quality of support and guidance provided by their supervisor and their overall conditions for working. A two-way evaluation promotes mutual respect between you—the supervisor—and your paralegals and encourages an overall learning environment within your program. Instituting two-way evaluations within performance assessments is consistent with your own goal to use supervisory and monitoring visits to diagnose the needs of your paralegals.

## 7.5 Recognizing Achievement

A well-established program will make clear when paralegals have—through training, experience, and supervision—become fully qualified for their work. In South Africa, where the paralegal program is affiliated with a university-based certification program, paralegals receive a diploma upon completion of their multi-year training and fieldwork. In Hungary, where the paralegal program is associated with a law school teaching clinic, paralegals receive a credit for completing each phase of their training.

Academic recognition is not the sole means of acknowledging paralegals. In some countries, paralegals who have successfully completed their probation stage are entitled to wear a badge (Sierra Leone) or a vest (Malawi) as a visible indication of their status. Program directors report that these visible symbols are highly motivating for paralegals and a source of reassurance to community members who receive their services.



## CHAPTER 8

# Evolving the Program

### Chapter Contents:

- 8.1 Program Evaluation
- 8.2 Accreditation and Certification
- 8.3 National Networks
- 8.4 Government Support
- 8.5 Adaptive Programming

This final chapter looks beyond the initial set-up and implementation of your paralegal program and focuses on its ongoing evolution. The thematic threads running through this chapter are program quality, credibility, and sustainability. How can you demonstrate to an external audience that your programming is effective? How can you continue to improve, support, and even expand your program? How can your program, in cooperation with others, work toward a common vision of increased access to justice?

In addressing these questions, this chapter covers a range of topics including program evaluation, the establishment of internal program standards such as accreditation and certification, building national networks, and ways in which you might regularly adapt your program to changing organizational and environmental conditions.

## Results and Impact of Independent Evaluation of Malawi Paralegal Advisory Service

### Selective Outputs:

- Between May 2000 and March 2003, the Paralegal Advisory Service:
- Conducted more than 900 paralegal clinics, educating almost 16,000 prisoners
- Facilitated the release of over 1,350 prisoners
- Substantially reduced the numbers of persons held unlawfully in prison

### Selective Outcomes:

- The project increased confidence among prisoners in the justice system and decreased tension inside prison.
- Judges and prosecutors agree that prisoners participating in the project became more sophisticated in their understanding of the law and of court procedure.
- The project's screening of cases significantly reduced the use of unlawful detention.

Source: Paralegal Advisory Service, 2004.

## 8.1 Program Evaluation

A savvy program director will seek recognition from a range of stakeholders—clients, the legal community, politicians, members of the NGO community, funders—in order to enhance the program's reputation and establish it as worthy of support. Information about your program will also spread naturally through the ongoing provision of services, public presentations, positive media coverage, personal meetings, and collaborative working relationships. Evaluations can enhance your program's integrity by demonstrating a willingness to measure your impact. Ideally, the evaluation will also provide evidence of your effectiveness.

### 8.1.1 Formative Evaluation versus Summative Evaluation

Program evaluations may be either *formative* or *summative* in nature. A formative program evaluation will collect data in an ongoing manner, in order to provide information that will enable the organizers to make changes mid-course to make the program more effective. A summative evaluation happens only once, and will attempt to document the degree to which the program successfully achieved the goals it set for a specific time period. Both forms of program evaluation benefit from the active participation in documentation of those most deeply involved in conducting the project. Chapter 7 outlined mechanisms for monitoring and assessing the work of your paralegals, including the maintenance of records and resolution of cases. Internal data management will be a central part of any program evaluation.

### 8.1.2 Outputs versus Outcomes

Generally speaking, *outputs* refer to tangible goods, services or activities carried out during the course of a project. For example, in the early phase of a paralegal program, outputs would include the number of paralegals hired and trained in the project and the completion of training materials. These outputs are short-term and can be immediately observed.

In Cambodia, for example, the outputs for a paralegal project included the development of books and materials to teach about law and human rights and the establishment of networks of human rights educators.

*Outcomes* are indicators or evidence that the activities carried by your project had their intended consequences. Also known as results or impacts, these outcomes could affect individuals, groups, policies or systems, depending upon your project's goals. An

example of some outcomes for a paralegal project might be the increased knowledge of community members about the government services they are entitled to. Outcomes may be short, medium, or long-term, depending upon your project's activities. The time frame for impacts will obviously affect your ability to capture them in an evaluation.

The Cambodian paralegal project mentioned above also included a section on anticipated outcomes:

- Clients and other members of the community will acquire a practical understanding of the law, and the legal system will be useful in their everyday lives.
- Clients and other members of the community will improve their understanding of the fundamental principles and values of the constitution, laws, and legal system.
- Effective citizen participation in the legal system will be encouraged.
- The program will bring about greater justice, tolerance, and fairness.
- People's willingness and ability to resolve disputes through informal and, where necessary, formal resolution mechanisms will be enhanced.
- People's basic skills, including critical thinking and reasoning, communication, observation, and problem solving, will be improved.
- Young people will develop a positive attitude toward the law, thereby reducing juvenile delinquency.

If you apply for grant funding when beginning your program, you will likely need to include details about the ways in which you intend to report on program results.

There are many considerations to keep in mind when designing your program evaluation, including:

- What data are practical for staff to collect internally, and without undue burden?
- At that point might your program be ready for an impact evaluation?
- What are the outputs and outcomes that are relevant for the program?
- How can program evaluation be designed so that it informs program operation?
- Can program evaluation be designed so that it is in keeping with the ethos of a community-based paralegal program, which is people-centered?
- Is it necessary to consider using funds to have an evaluation carried out by an external specialist?

### Internal Management Lessons Learned from Kenya's Paralegal Program

- Increased supervision of paralegals is needed in the districts to encourage them to work more closely with local state administrators.
- Requiring paralegals to submit monthly reports and involving the local community in evaluating those reports are needed to gauge the level of awareness created by paralegal activities.
- More frequent paralegal training is needed to ensure paralegals are informed of new statutes.

Source: Konditi (1999).

### 8.1.3 Evaluation of Internal Program Operations

In the early years of your program, funders might also be interested to see you conduct an internal evaluation focusing on program operation. In this kind of study, you might look comprehensively at the following features of your internal management and operation systems:

- Presence of operational guidelines
- Effective monitoring, supervision, and assessment of personnel
- Reliable and established financial management system
- Appropriate and established human resources policies
- Working relationship with the board of directors or an advisory board
- Paralegal trainees successfully completing training programs and receiving certification
- Effective use of referral networks

### 8.1.4 Methodological Approaches to Program Evaluation

There are a range of methods to evaluate your program. If you have been involved in program reporting and evaluation in the past, many of these techniques will be familiar to you. They involve compiling the internal data you maintain for the program, in addition to case files and training evaluations. Other methods include individual and focus group interviews, questionnaires, observations, and document reviews. (For more information about details on data collection methods visit the Planning & Evaluation Resource Center at [www.evaluationtools.org/plan\\_data\\_collect.asp](http://www.evaluationtools.org/plan_data_collect.asp).)

Evaluations for paralegal programs can draw upon traditional evaluation techniques, such as *indicators*. Indicators can measure inputs, processes, outputs, and outcomes. *Input indicators* measure resources, both human and financial, devoted to a particular program or intervention (e.g., the number of paralegals). Input indicators can also include measures of characteristics of target populations (e.g., the number of clients eligible for a program). *Process indicators* measure ways in which program services and goods are provided (e.g., the time required to resolve cases). *Output indicators* measure the quantity of goods and services produced and the efficiency of production (e.g., the number of people served and speed of response to client requests). These indicators can be identified for your overall paralegal program, for each field office and/or for each area



of service delivery. *Outcome indicators* measure the broader results achieved through the provision of goods and services.

### Logframe Matrix

Design Summary	Indicators/Targets	Data Sources	Assumptions
Impact			
Outcome			
Outputs			
Activities			

A *logframe* is an abbreviation of the term “logical framework.” A logframe matrix (see example above) is a simple method of mapping program goals and objectives with inputs, processes, and outputs. An evaluation logframe matrix might also include additional information, such as data sources, methodologies of data collection, and the time frame for the work. An evaluation logframe can be used to compare anticipated project activities with those actually carried out. Where project activities were carried out, *results-based management criteria* would be applied by the evaluation team.

Four areas of results-based management criteria are 1) relevance; 2) effectiveness (short-term effects); 3) impact (long-term effects), and 4) sustainability. Such an evaluation might also document opportunities and constraints arising in both the internal and external environments that affected project activities and results.

Some more qualitative impacts are difficult to measure through quantitative indicators. Examples of impacts that are difficult to measure in paralegal programs delivering justice services might include the following:

- Greater self-reliance among clients
- Greater awareness of problems and possible solutions
- Better grassroots organization of target communities
- Greater resistance to abuses by those in power
- Increased justice
- Increased hope and dignity

In this situation you might supplement quantitative information on intake and resolution of cases with qualitative research.

Any program or impact evaluation that you organize will benefit from qualitative research, specifically interviews and observations. Interviews with clients can be used to capture their feelings about the services received. Appendix 13 includes a client evaluation form. You might organize community forums or workshops where you can collect feedback on your programming. This can be done in a very straightforward manner through oral feedback; however, popular education has also developed creative tools—such as use of drawings and drama—for facilitating feedback on programming. In Sierra Leone, the Timap for Justice paralegal program plans to use qualitative methods to document “pathways” that clients follow to find resolutions to their problems. This documentation will try to capture a series of decisions and consequences—over time and with different clients—that may show how the paralegal has effectively resolved community-wide problems through non-legal methods.

Depending upon the vision and longevity of your program, you might look at impacts on the legal system at the national level. There may be aspects of the legal system that your program may have influenced, such as access to justice, the availability of legal information, and alternative dispute mechanisms.

Whichever program evaluation approach you consider undertaking, you should step back and reflect before committing to it. Does the approach consider your long-term goals and vision as well as your short-term objectives? Does it equip you and others with the knowledge, skills, attitudes, and examples you need to understand and work together in order to solve your biggest needs? Does it help to lead to better decision-making and control in the project and, in particular, does it strengthen the voice of clients? Does it encourage trust and responsibility among all those concerned? It is essential that your program evaluation meet your needs as much as those of your external audiences.

## 8.2 Accreditation and Certification

### 8.2.1 Accreditation of Programming

*Program accreditation* means that an independent authority or body has verified that a program has met the minimum standards established for program quality. Accreditation and the development of paralegal guidelines go hand-in-hand. Guidelines might include internal administrative and review procedures, as well as supervision and assessment procedures. More details on guidelines, standards, and codes of ethics are provided in

Chapter 7, “Monitoring, Supporting, and Assessing Paralegals in the Field,” and Chapter 3, “Establishing a Paralegal Program.”

You might consider pursuing program accreditation if you would like to see your paralegals’ credentials formally accepted by a law-related agency in your country, or if you would like to encourage your paralegals to continue their professional development. In some countries, statutory recognition, rather than program accreditation, is an option. Establishing that you have met such standards may not immediately result in government support, but it will better position you for such support in the future.

Some of the key issues regarding accreditation include:

- Uniform training systems for paralegals
- Certification of paralegals
- Integration into the formal system of legal service delivery

It may be that your training program, rather than your overall program of service delivery, will be eligible for accreditation. If your program is affiliated with a university, you might consider how your training program may fit into the credit or degree-granting capability of your institution.

In Hungary, the ELTE paralegal program is accredited through the Hungarian adult education system. All paralegals-in-training can receive continuing education credit. Although this technically makes it possible to charge fees to trainees, they do not. However, this does make the program eligible for European Union funding because it meets EU “labor market inclusion” goals by providing training to Roma, a group that has high rates of unemployment. If your program works with “at-risk” populations you should investigate whether you may qualify for similar types of government funding, or whether individuals in your program can apply for such support.

Seeking accreditation will require human and possibly financial resources from your program. You will need to be prepared for this process, confident of the quality of your program, and convinced that accreditation will contribute to the long-term sustainability of your effort.

### **8.2.2 Certification of Paralegals**

As described in Chapter 5, “Training of Paralegals,” some programs have developed a certification process for paralegals, requiring staff to successfully complete a series of trainings and demonstrate quality work in the field before acquiring full status as a paralegal.

You might consider establishing formal paralegal qualification guidelines within your program. In addition to establishing criteria for the initial hiring of paralegals, you would develop standards for the full qualification of paralegals, based on their participation in trainings, work experience, and receipt of positive evaluations. Such a qualification procedure might provide an additional incentive for paralegals to continue their professional development and serve as a reward for staff who remain involved in the program. This certification would probably need to be associated with an increase in pay or position.

Certification of paralegals can be closely linked with the accreditation of training programs. In some university-affiliated programs, such as those in South Africa, the university grants certificates or diplomas to paralegals who have completed their training. This can take place even if some of the trainings are carried out by specialized NGOs, as long as the university has maintained its own quality controls over the training process.

## **8.3 National Networks**

As you carry out your program, you will have expanding contacts with other NGOs, government institutions, local municipalities and officials, lawyers, and bar associations. Such relationships should be cultivated in order to help ensure that they serve as facilitators for your program or, at the very least, do not block it.

### **8.3.1 National Paralegal Networks and Associations**

In some countries, national networks and associations have formed to recognize the cohesion of groups carrying out a similar mission and to promote the role of paralegals in society at large. Coalitions or membership associations can link programs or individual paralegals.

Affiliation or relationships with such networks and associations can bring the following benefits:

- Increased lobbying potential
- Organization of certification and/or accreditation standards
- Quality assurance
- Fundraising potential
- Programming coordination

- Resource sharing
- Mentoring
- Self-governance

In South Africa, the early efforts of paralegal organizations resulted in the development of a National Paralegal Organization Network. A representative of the network sits on the Legal Aid Board, as well as other oversight bodies at the provincial and national levels. These relationships have helped paralegal projects gain entry and recognition among the country's legal stakeholders.

The Foundation for Clinical Legal and Street Law Programs in Hungary, in cooperation with Roma civil rights leaders, elaborated a comprehensive paralegal program that aimed, among other things, to build a paralegal network that could reach regions where Roma families are largely abandoned by the legal and social services.

### 8.3.2 Standards for National Networks

National networks and associations of paralegals must agree on common rules, guidelines, and codes for the profession. Paralegal associations typically have statements related to mission, objectives, definition of a paralegal, standards related to licensing or regulations, and membership requirements.

Policies that you have developed for your own paralegal program, such as a code of ethics, or standards related to certification and accreditation, can contribute directly to a dialogue across organizations and individuals about standards to be set for the country as a whole.

An example of such guidelines, adapted from the National Association of Legal Assistants, in the United States, is as follows:

- The paralegal has clear limits on what roles he or she can play in relation to the law. Some roles can be played only by lawyers.
- The paralegal must clearly explain his or her role, including responsibilities she or he cannot undertake, to clients and other persons they work with.
- The paralegal is responsible toward her or his client and is also accountable to his or her supervisor in the paralegal program.
- A paralegal cannot contribute toward or participate in the breaking of a law.
- The paralegal cannot accept fees or other forms of payment from clients.

- The paralegal must use discretion when dealing with client problems. This means respecting privacy and not discussing the case with others, except in the context of performing professional responsibilities.
- The paralegal must strive to maintain integrity and a high degree of competency in all responsibilities.

## 8.4 Government Support

As mentioned in Chapter 3, “Establishing a Paralegal Program,” it might be advisable for the long-term sustainability of your program to explore ways in which the government could support your programming, assuming that such an arrangement would still allow you to carry out your activities in a politically neutral way. If there are legal aid offices in the country, you could try to place paralegals there. Also, if the government has established a free system of legal aid, you could seek to invigorate and cooperate with state legal aid activities. Often, governments with such commitments prefer to contract out the provision of such services rather than to provide them directly, and your program might be eligible to perform this function. One benefit of pursuing government contracts is that the process will usually require you to have a very detailed organizational plan and set of service standards. In the European context, such contracting has taken place in the Netherlands, where legal aid is provided by paralegals through an NGO that is funded by the government. In South Africa, the Legal Aid Board’s Justice Centres employ paralegals. In Mongolia, paralegals are used by provincial governors’ offices.

If it does not seem realistic to forge a relationship with the government at the national level, this might be something to explore at the local level. Much of your decision will be based on your initial situation analysis which gave you information about the legal environment and the possibilities for cooperation with the government.

Another alternative is to take a political or legislative approach and use your program to lobby governments to provide free legal aid. You could organize on behalf of legislative amendments that recognize the role of paralegals in administering justice or which recognize specific legal aid institutions, where they exist.

Advocacy efforts are often greatly assisted by having a national professional association of paralegal programs that works on behalf of all paralegals, including those in your program, to strengthen support for recognition and funding of legal aid. By forming associations paralegal programs are simply doing what other groups such as paramedics, social workers, and legal clinics have done in many countries throughout the world.

## 8.5 Adaptive Programming

Experience will bring new knowledge about your program and the environment it operates in. This new knowledge should result in new ideas about how to adapt your program to better serve your clients and fulfill your mission.

### 8.5.1 Change in Level of Services

If the initial efforts of your paralegal program are successful, it is natural to consider ways in which your programming can be expanded. Such expansion can take place through the hiring of new staff and the delivery of services to new locations. Experienced paralegal directors often caution others to be careful, as expanding a program results in a higher burden for supervision, quality control, and fundraising. Therefore, any expansion of your program should involve a thoughtful consideration of the demand for paralegal services, which is likely to remain high, and the likelihood that you will be able to attract the necessary resources on a long-term basis.

In lieu of expanding your own programming, you might encourage other NGOs to initiate programming of their own. Thus your role might be one of catalyst and capacity-builder for a national effort. Your valuable experiences in program implementation, setting standards, and trainings can be passed along to other organizations with which you might form a collaborative relationship.

### 8.5.2 Changes in Target Groups and Issue Areas

One area that inevitably evolves in a paralegal program is the treatment of legal themes and issues. Emerging legal needs and patterns of injustice are likely to lead you to deepen or expand your involvement with various issues. For example, in South Africa where there is a high incidence of HIV and AIDS, some paralegal offices advise clients living with HIV on how to access health services for antiretroviral treatment.

As your trainers become qualified in using interactive methods to teach about law-related matters, you may also discover new target groups that can benefit from your expertise. Your paralegals might, for example, become engaged in training staff from other NGOs.

Changes in the overall political landscape can also result in changes in program content.

There was an evolution in the paralegal landscape in South Africa following the end of apartheid. The Community Law and Rural Development Centre, established

in 1989, was primarily focused on the delivery of economic and social rights denied to blacks under the apartheid regime. It later shifted its focus to democracy and voter education as the country moved toward its first democratic elections. But once apartheid ended, the program returned to issues of social and economic rights.

### 8.5.3 Changes in Program Model

As your program moves forward, your program model might have to be adapted. The roles that you assign your paralegals might expand or contract. If you have in-house lawyers, you might decide to do referrals only. If you would like to reach remote areas but do not have the capacity to establish regular field offices, you might opt for mobile clinics.

One program model that has been successfully implemented in South Africa is the “cluster” model. In this approach, a “cluster” of paralegal offices creates a coordinated, focused, and regional approach to particular social problems. For example, a land rights cluster litigated land-related claims throughout the KwaZulu-Natal province. The cluster worked in partnership with paralegals in the field who were trained to provide basic information and assistance to people with land issues and to identify when litigation is appropriate. In this scenario, paralegals act as intermediaries between the cluster lawyers and the clients, and support the clients during and after litigation.

In South Africa, the International Commission of Jurists helped paralegal advice offices expand by using a “cluster model.” The advice offices were clustered into groups of five and associated with a law school clinic. These law school clinics gave advice and legal back-up to paralegals and helped carry out trainings.

Paralegal program leaders in South Africa also succeeded in getting the Legal Aid Board to serve as part of the clustering for criminal cases. In this way, the paralegal program involved both universities as well as the government-funded legal sector.

The development of the “cluster system” with the International Commission of Jurists has strengthened the paralegal program’s financial accountability and stability. The cluster system was also a way to involve the Legal Aid Board and its network of 58 justice centers and 26 satellite offices that employ public defenders. Many paralegals are now employed in South African Legal Aid Board justice centers and law clinics.

### 8.5.4 Strengths, Weaknesses, Opportunities, and Threats (SWOT) Analysis

Strategic planning is a process that can help to create a platform for you and other program leaders to consider ways in which you might adapt your programming.



A “strengths, weaknesses, opportunities, and threats” (SWOT) analysis is a planning exercise that involves thinking strategically about the program so that you can continue to meet your mission. This analysis classifies the internal aspects of an organization as strengths or weaknesses and classifies the external situational factors as opportunities or threats. By understanding these four features, an organization can better leverage its strengths, correct its weaknesses, capitalize on opportunities, and avoid or minimize threats.

Although SWOT analyses are intended to allow for strategic planning in the short and medium-term, they also provide an opportunity to reaffirm and elaborate upon a vision for the future.

Strategic planning processes such as the SWOT analysis can help determine how your program should evolve in response to changes in the environment and changes within the program itself. In fact, program evaluation can be thought of as a continuation of the situation analysis (described in Chapter 2) that preceded the formation of your program. It is important to recognize that the work of your program—including analyzing the community’s needs, training paralegals, solving justice problems, and monitoring your impact—does not have a natural ending point. The work of paralegal programs in delivering justice is ongoing and constantly evolving.

## What SWOT Revealed for the ELTE Paralegal Program in Hungary

### *Strengths*

- Committed legal professionals
- Trainers are well prepared
- Financial support from EU structural funds

### *Weaknesses*

- Selection procedures cannot guarantee that the most dedicated paralegals enter the program
- Very heterogeneous composition of the student group
- Ongoing financial problems

### *Opportunities*

- Accreditation of the paralegal program through the university MA program
- Lobby for inclusion of a paralegal program in the free legal aid law
- Develop national network for paralegal services

### *Threats*

- Professional resistance against a new paralegal profession
- Questioning of the professional relevance and adequacy of paralegals
- Lack of public/official support for legal aid to most indigent groups

*Source:* Tibbitts (2005a).



# Appendices

## Appendix 1: Excerpts from Memo to Sierra Leone Paralegals (Cited in Chapter 3)

### Tips for Paralegals

Source: Daniel Sesay, “Tips for Community Based Paralegals,” Timap for Justice, 2006.

#### ➤ Gifts/ Money from Clients

Remember, our services are free-of-cost. Don’t accept gifts in any form from clients. They will turn into bribes, which will influence you, especially when the case/matter is still ongoing. As soon as you accept a gift from any party to a matter, you tend to do things in the favor of the gift giver. The gift some people give is a bribe in disguise. This also can risk your job as it is against the policy of the organization.

#### *What to Do*

- Paralegals should make clear from the onset that they don’t accept gifts/money.
- In the introduction of yourself and the office, you should be able to openly tell the client and anyone accompanying him/her that accepting gifts is against our policies.
- Tell them you will be sacked if you take a gift or money in return for services.

#### ➤ Confidentiality

Confidentiality should be part of paralegals’ ethics; special attention should be paid to this. Confidentiality, if properly adhered to, will give credibility to you the paralegal and to the organization. On the other hand, if confidentiality is not maintained, it will lead to very serious problems. The issues/matters that clients bring are secret and must not be exposed to anyone.

### *What to Do*

- Keep files, ledgers, binders, statements away from other people.
- Ask for the consent of client before allowing a third person to hear the client's story.
- Ask visitors to step out of the office when you are talking to clients or other people involved in a case.
- Even your wife, girlfriend, brothers etc. shouldn't be allowed to read statements or play with files.
- Don't discuss cases with other people, unless those people have relevant knowledge, such as experts in customary law. Even when discussing a case with experts, don't name the client or even their address.

### ➤ **Client Money**

Clients' money is in the form of medical bills, maintenance fees, paid back loans, school fees, house rent, etc. These monies are as sacred as the collection in the mosque and church. Don't play with them—even if you desperately need money, don't touch client money. Go without food instead of tampering with client money. Don't borrow from it. You will lose your job.

### *What to Do*

- Put client money in a separate envelope, seal it, and write the name of the client on it. Do this as soon as you receive the money.
- Hand it to the client as soon as he/she comes to the office.
- Issue a receipt to the person paying the money.
- Have the client sign for the money before collecting it.
- Don't keep client money long for fear of temptations.
- If the client doesn't show up for the money, follow up and invite him/her to come to the office to collect the money.
- Please don't play with client money—it is against the policy of our organization.

## Appendix 2: Examples of Learner’s and Trainer’s Manuals (Cited in Chapter 4)

Source: “What is a Consumer?” Bridges Across Borders Southeast Asia, 2005.

### Learner’s Manual

#### 3.1.2 What is a Consumer?

A consumer is any person who buys something. All of us buy things in our daily lives: shoes, clothes, food, radios, livestock, etc. (these things are also called “goods” or “products”). We buy things from people we know and from strangers. Usually, we pay for the things we buy with money, but sometimes we trade or exchange things. Therefore, all of us are consumers. For example, when you buy clothes or a chicken in the market, you are a consumer. When you trade your chicken in order to get someone else’s rice, you are also a consumer. Most of the time, consumers are happy with the things they buy, but once in a while, there is a problem. If the clothes you buy are torn or the chicken you buy is sick, you will be upset. You might want to get your money back or to exchange the sick chicken for a healthy one, but the seller may not agree. This creates a problem between the consumer and the seller. Consumer protection laws are supposed to prevent problems from occurring and to help solve them if they do occur.

#### Exercise 1: Who is a Consumer?

---

##### Instructions:

1. Work with a partner to answer the following questions.
2. When you are finished, you will present your best example to the entire group.

##### Questions:

1. List some of the products you have bought in the last month.
  2. When you bought them, were you careful to make sure that there was nothing wrong with the products? What did you do?
  3. Did you have any problems with the products you bought? If so, what did you do about the problem?
-

## Trainer’s Manual

### 3.1.2 What is a consumer?

A consumer is any person who buys something. All of us buy things in our daily lives: shoes, clothes, food, radios, livestock, etc. (these things are also called “goods” or “products”). We buy things from people we know and from strangers. Usually, we pay for the things we buy with money, but sometimes we trade or exchange things. Therefore, all of us are consumers. For example, when you buy clothes or a chicken in the market, you are a consumer. When you trade your chicken in order to get someone else’s rice, you are also a consumer. Most of the time, consumers are happy with the things they buy, but once in a while, there is a problem. If the clothes you buy are torn or the chicken you buy is sick, you will be upset. You might want to get your money back or to exchange the sick chicken for a healthy one, but the seller may not agree. This creates a problem between the consumer and the seller. Consumer protection laws are supposed to prevent problems from occurring and to help solve them if they do occur.

#### Exercise 1: Who is a Consumer?

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##### Aim:

**This exercise is designed to make Learners think about what they already know from experience about consumer protection. The Learners will think about who is a consumer, what problems consumers face, and what common-sense steps consumers usually take to protect themselves.**

##### Introduction to the Exercise Topic:

The Educator must cover the following topics in a short introductory lecture, before beginning the exercise activities:

- What a consumer is
- What consumer protection is
- Why we have consumer protection laws

The Educator may want to introduce the material by asking the Learners what they already know (for example, the Educator would ask, “Has anyone ever heard the word ‘consumer’? What does that word mean?”). That way, the Educator will be able to determine how much of the material needs to be explained in depth.

##### Learner’s Manual Instructions:

Work with a partner to answer the following questions. When you are finished, present your best example to the entire group.

1. List some of the products you have bought in the last month.
2. When you bought them, were you careful to make sure that there was nothing wrong with the products? What did you do?
3. Did you have any problems with the products you bought? If so, what did you do about the problem?

**Materials:**

Whiteboard or blackboard, Whiteboard markers or chalk

**Method(s) Used:**

Partner work, brainstorming, group discussion.

Procedure	Time Frame (in minutes)
1. Introduce the exercise topic using Learner’s Manual text	5
2. Introduce the exercise	1
3. Put Learners into groups of two	2
4. List and explain the questions each group will discuss	2
5. Groups discuss the questions	10
6. Each group presents an example to other groups	10
7. Group discussion, feedback, and questions	5
8. Debrief the exercise	5
<b>Total</b>	<b>40</b>

**Facilitation Tips:**

Step 4: After listing the questions, make sure the Learners understand the questions.

Step 5: The Educator should check on the Learners’ discussions to make sure that the Learners are participating and are completing the activity according to the exercise.

Step 6: The Educator should make sure that each pair gets a chance to present their example, and that no one takes up too much time to present.

Step 7: If no one has any comments or questions, simply move on to Step 8.

**Suggested Answers:**

Learners should be able to list the products they have bought and describe the actions they took to protect themselves, such as asking about the quality of the product, testing the product, asking about warranties or return policies. Learners should be able to describe their responses to problems with the products, such as asking for an exchange or repair, and explain why they acted the way they did.

**Debrief:**

The Educator should point to the examples given by the Learners and explain that there are laws that apply to situations like those. Those laws create rights and responsibilities for buyers and sellers, and make dealing with problems easier.

## Appendix 3: Materials Development: Agenda for Curriculum Development Workshop, Guidelines for Writing Paralegal Training Materials, and Post-Workshop Process for Revising Training Materials (Cited in Chapter 4)

### A. Mongolian Curriculum Development Training Programme

*Source:* Training agenda developed for a June 2005 workshop in Ulaanbaatar, Mongolia, David McQuoid-Mason, 2005.

#### OUTCOMES

At the end of this workshop you will be able to:

1. Explain what a paralegal is
2. Develop an outline for a paralegal learner's manual
3. Develop an outline for a paralegal educator's manual

#### Sunday 12 June 2005

09:00–09:15	Welcome
09:15–10:15	Introductions and expectations
10:15–10:30	Break
10:30–11:30	Role and function of paralegals
11:30–11:45	Introduction to designing paralegal manuals for mongolia
11:45–12:00	Writing paralegal manuals for mongolia



- 12:00–12:30 Relationship between learner’s manual and educator’s manual
- 12:30–14:00 Lunch
- 14:00–14:30 Allocation of topics to authors:
- Topic 1: General paralegal and administrative skills
  - Topic 2: Introduction to mongolian law and the legal system (including the constitution)
  - Topic 3: Procedural law and alternative dispute resolution
  - Topic 4: Civil law
  - Topic 5: Family law (including domestic violence)
  - Topic 6: Criminal law
  - Topic 7: Administrative law
  - Topic 8: Social welfare law
  - Topic 9: Labour law
  - Topic: 10 Tax law
  - Topic: 11 Land law
  - Topic: 12 Business law
- 14:30–15:30 Groups begin to prepare written outline of contents for their topics in learner’s manual
- 15:30–15:45 Break
- 15:45–17:00 Groups continue to prepare written outline of contents for their topics in learner’s manual
- 17:00–17:15 Review and closure

**Monday 13 June 2004**

- 09:00–10:30 Groups report back on written outlines of contents of their topics in learner’s manual prepared by them to the other participants
- 10:30–10:45 Break

10:45–11:30	Groups revise written outlines of contents of their topics in learner’s manual in accordance with suggestions from other participants
11:30–12:30	Groups begin writing outline of text, practical examples and activities for their topics in learner’s manual
12:30–14:00	Lunch
14:00–15:30	Groups continue writing outline of text, practical examples and activities for their topics in learner’s manual
15:30–15:45	Break
15:45–17:00	Groups continue writing of outline of text, practical examples and activities for their topics in learner’s manual
17:00–17:15	Review and closure

**Tuesday 14 June 2005**

09:00–10:30	Groups report back on writing of outline of text, practical examples and activities for their topics in learner’s manual to other participants
10:30–10:45	Break
10:45–11:30	Groups revise written outlines of text, practical examples and activities for their topics in learner’s manual in accordance with suggestions from other participants
11:30–12:30	Introduction to writing of educator’s manual
12:30–14:00	Lunch
14:00–15:30	Groups begin to prepare written outlines of contents and activities for their topics in educator’s manual
15:30–15:45	Break
15:45–17:00	Groups continue to prepare written outlines of contents and activities for their topics in educator’s manual
17:00–17:15	Review and closure

## Wednesday 15 June 2005

Morning free

*Optional programme on interactive teaching methods<sup>9</sup>*

09:00–09:30 *Brainstorming: interactive methods of teaching*

09:30–10:00 *Elements of a good lesson*

10:00–10:30 *Lesson plans*

10:30–10:45 *Break*

10:45–11:15 *Game: The need for laws and types of laws in a democratic society*

11:15–12:15 *Triads: Mediating a domestic violence case*

12:15–12:30 *General discussion on interactive teaching methods*

12:30–14:00 *Lunch*

14:00–15:30 Groups report back on written outline of contents and activities for their topics in educator's manual

15:30–15:45 *Break*

15:45–17:00 Resources, ground rules and time frames for writing of learner's and educator's paralegal manuals

17:00 Closure and farewell

1. Participants to bring and be provided with books, articles, statutes etc. As resource materials for writing of texts.
2. Each group to be provided with access to a computer for writing and editing.
3. Flip charts and pens, overhead projectors and transparencies, and blue tack to be made available in plenary and breakaway venues.

9. The optional program on interactive training methods was introduced in order to prepare new members that had been added to the writing team.

## B. Guidelines for Writing Paralegal Learner's and Trainer's Manuals

Source: handout developed for Mongolian and Moldovan writers in paralegal programs from *Guidelines for the Paralegal Manual Writing (Learner's and Educator's)*, David McQuoid-Mason, 2005.

### TEXT

#### Text in Manuals should:

- Use short, simple words
- Use short, simple sentences
- Use short, simple paragraphs
- Use one paragraph for each issue or idea
- Use proper punctuation
- Use headings and subheadings
- Use numbers for headings and subheadings: e.g.,:
  - I.I. Chapter heading
    - I.I.I. Section heading
      - I.I.I.I. Section subheading etc.
- Simplify the law in the text

### FORMAT AND STYLE

#### Learner's and Educator's manual:

- Outcomes should follow immediately after the chapter title.

#### Learner's manual–Text:

- Outcomes should come straight after the chapter title (before the sections headings).
- Text may be broken up with further exercises and practical steps.
- It is for the author to decide when it is appropriate to have a box with practical steps or an exercise.
- Golden rule: don't have long text (1-2 pages) without any break up (break with practical steps and/or exercises).
- Sometimes you can break up the text by highlighting important issues even if these are not practical steps.
- Have an introductory text/paragraph to all chapters and sections.

### **Learner’s manual–Exercises:**

- Make sure your exercises are related to your outcome and include them when relevant (no need to include exercises for each subsection if such is redundant, it is important only if they relate to the outcome).
- Exercises need to have a number (if more per chapter) and a name.
- Exercises can be designed to explain one sub-section/section or an entire chapter. When issues covered by one chapter are not too complex and one exercise (can have several scenarios) can capture them all, it is advisable to have one exercise for the chapter or for one section rather than a small exercise for each sub-section or section (authors should be guided by time concerns and what the best way is for teaching the paralegals the respective issues).

### **Learner’s manual–Practical steps:**

- Practical steps are a guide on how to do certain things.
- Practical steps should be included only when relevant (when theoretical issues are explained there is no need for inventing practical steps).
- Practical steps are part of the learner’s manual. In the educator’s manual instead of answers, if relevant, the authors can make reference to “see for answer the practical steps.”
- There is no golden rule about where to put practical steps, the authors should decide where they are relevant: after the text and before the exercise, or after the exercise.

### **Educator’s manual:**

- Explanation of the lessons plans:
  - Procedure—should explain in detail how to do the proposed exercise in the learner’s manual.
  - Time duration for doing the exercise should be outlined in a separate box.
- Authors should always make sure to have a reference to exercise in the learner’s manual (at the drafting stage the authors should not worry about concrete pages, it is enough to have the chapter and/or the section headings as relevant).
- Exercises—there is no need to repeat the facts in the educator’s manual, unless the facts are only in the educator’s manual (e.g., the Mongolian and Moldovan manuals paralegals’ skills parts).
- If there are special resources needed for a particular lesson, the authors can indicate so in a separate section. E.g., “Resources”.  
Example of resources:
  - “reading materials”—additional books or handouts as needed
  - Tools—e.g., flipcharts, markers, photos etc.
- Authors might include “checking questions” for some exercises.

- The lesson plans should include a section on “Answers” to the questions in the exercise. The answers should be clear, but if they are not (e.g., the issues discussed can be solved in different ways, or are ambiguous), the authors should mention that. There might be different answers to the questions; in this case the authors should give the answers for and against, or different answers. Often there is no single “right” answer to the given questions—the authors can include such questions and stimulate the participants (paralegal and learners) to think, but the answers should at least include the framework of possible answers.

**General formatting notes:**

- Authors should include the boxes in the text, not on the left side. A program staff member charged with doing layout or a publications design consultant can format the entire manual later before printing.
- The authors should not break the text in columns.
- To prevent confusion, the authors should number the parts (topics), chapters, sections and sub-sections correctly.
- Use Boxes for:

OUTCOMES EXERCISES PRACTICAL STEPS DIRECT QUOTES FROM LEGAL CODES
--

## C. Timeline for Paralegal Manual Development

*Source:* “Development of Paralegal Manual After 25 February-4 March 2006 Workshop,” internal memo for Open Society Justice Initiative, David McQuoid-Mason, 2005.

1. Authors will incorporate revisions to the text based on suggestions from paralegals. Comments from David and Nadia on second draft of text.
2. Paralegals will field-test Legal Guide (Learner’s Manual) and Methodology Manual (Educator’s Manual) for three months and provide feed-back on:
  - 2.1 How useful the Legal Guide is (chapter by chapter) for giving of advice to, and consultation by, ordinary citizens.
  - 2.2 How useful the Legal Guide and Methodology Manual are (chapter by chapter) for providing legal education to ordinary citizens—paralegals will be required to conduct three trainings for ordinary citizens or public officials during the three month period.
3. Paralegals will report back to a two-day Author and Paralegals Workshop in June/July on feed-back regarding use of Legal Guide and Methodology Manual with suggestions for chapter by chapter changes.
  - 3.1 Paralegals will attend a Second Training Workshop for three days on areas of the Legal Guide and Methodology Manual requested by them.
4. Authors will incorporate the changes suggested as a result of the field-testing, plus the Second Paralegal Training Workshop. Changes can either be done at a special Author’s Editing Workshop for three to five days—immediately after the Second Paralegal Training Workshop so that the Manual can be finalized there and then—or authors can be required to submit changes within one month after the Workshop.
5. After the final author’s changes have been made, the Manuscripts will be sent to the Mongolian editor for a final edit, to the translators for final translation, and to David and Nadia for a final check. David and Nadia’s check may not be necessary if the Mongolians are happy with the final product.
6. Once the final manuscript has been checked, Mongolian illustrators should be contacted if the Legal Guide is to be illustrated. It would be useful for the illustrators to show the authors and editor a sample of their work so that an appropriate style of cartoons/ pictures can be chosen.
7. Once the illustrations (if required) have been completed the Legal Guide can be laid out for printing. The Methodology Manual will not be illustrated except perhaps for the cover which can be the same as for the Legal Guide—except with the words ‘Methodology Manual’ on it in large letters—depending on if illustrated covers will be used.

## Appendix 4: Questions to Elicit Feedback from Trainee Paralegals (Cited in Chapter 4)

Source: Bridges Across Borders Southeast Asia Community Empowerment and Legal Awareness Program.

1. Were the lessons important for you in your work as a paralegal? Why?
2. Do you think the lessons are important for the grassroots community? Explain.
3. Is the topic relevant in your community? If yes, do you have any suggestions to make the material more applicable?
4. Do you think that the exercise encouraged everyone to participate?
5. How well did you understand the topic? Please be as specific as possible and explain why.
6. What kinds of methods or exercises did you find most helpful?
7. How well did you understand the specific lessons and exercises?
  - Which was most understandable?
  - Why?
  - Which was least understandable?
  - Why?
8. What kinds of methods or exercises did you find most helpful?
9. Which lesson do you feel needs more explanation or clarification? Which part?
10. What suggestions do you have to improve the lesson plans or exercises? How would you improve them?
11. What do you think of the reading materials and hand-outs?
12. Do you think you could teach these lessons to the community?



13. What are three things you liked the most about the training?
14. What are three things you liked the least about the training?
15. Please take a moment to highlight some of the successes and/or failures of the curriculum materials, and in your opinion, how you would improve them.
16. Any additional suggestions?

## Appendix 5: Sample Agenda for Initial Paralegal Training (Cited in Chapter 5)

Source: Vivek Maru, internal memo, Timap for Justice, 2004.

### Access to Justice Paralegal Training, Sierra Leone (May 12–May 21, 2004)

#### Wednesday, May 12

- Welcome and Opening Remarks
- Ground Rules for the Training: Respect for Each Other, Teamwork, Punctuality, Homework and Quizzes, etc.
- The Roles of a Paralegal
- What is Law and the Sources of Law (constitution, statutory, common law, customary, international)
- Three Branches of Government; Checks and Balances
- Lunch
- A Brief Constitutional History of Sierra Leone
- Evening: Welcome Dinner at Palladio

**Assignment:** Read Chapter 3 of the 1991 SL Constitution

#### Thursday, May 13

- Review Quiz
- Constitutional Law (Yada Williams, esq.): The Rights and Duties in Chapter 3 of the SL Constitution
- Lunch
- Mediation Workshop and Role-play: the Steps of Mediation; Facilitating the Creation of a Mediation Agreement; When Mediation is Important.

#### Friday, May 14

- Review Quiz
- Mediation (continued)
- Children's Rights; Juvenile Justice

- Lunch
- Women's Rights

### **Saturday, May 15**

- Assisting Victims of Gender-based Violence (Maria Kamara, formerly of IRC's GBV program)
- Picnic Lunch and Football at Lumley Beach

### **Monday, May 17**

- Assignments/Tests on Previous Lesson
- Breakfast
- Interviewing and Statement-taking
- Lunch
- The Ministry of Social Welfare: An Introduction to Its Structure; How a Paralegal Should Interface with the Ministry. (Assistant Secretary of the Ministry: Alhaji Bangura)
- Interviewing and Statement-taking Role-play

### **Tuesday, May 18**

- Breakfast
- Torts (Sonkita Conteh, Esq.): An Introduction to Torts: Trespass, Negligence, Animal Liability (relevant in the chiefdoms)
- Lunch
- Local Courts and Customary Law: Substantive and Jurisdictional Limits on Customary Law; Rights of Appeal from Local Courts
- Police Force: Structure of the Force; the Internal Discipline Unit; How a Paralegal Should Interface with the Police (ASP Kamara)

### **Wednesday, May 19**

- Assignments/Tests on Previous Lesson
- Breakfast
- Family Law: Introduction; Marriage; Inheritance.
- Lunch
- Media: How to Use the Media as a Tool for Advocacy. (David Tam Bayoh, Center for Media Education and Technology)
- Snack
- Family Law II: Marriage; Divorce; Alimony; Maintenance (Oceanna Thomas Esq.)

**Thursday, May 20**

- Assignments/Tests on Previous Lesson
- Breakfast
- Record-keeping, Conducting Needs Assessments, Conducting Community Meetings
- Lunch
- Criminal Law/ Procedure (Eku Roberts, Esq.)
- Snacks
- Local Government: The New Structures of Local Government According to Local Government Act 2004 (A.M Jalloh, Esq.)

**Assignment:** Write an advocacy letter to a government official of your choice on the problem of nonpayment of schoolteachers in your community (based on role-play).

**Friday, May 21**

- Final Questions
- Breakfast
- Short Address by Abu Brima, Chairman of NFHR
- Petty Cash; Setting Up an Office; Interacting with Community Oversight Boards
- Administrative Issues
- Access to Justice Jeopardy (review game)
- Farewell
- Lunch

## Appendix 6: Model Complaint Letter (Cited in Chapter 5)

Source: Black Sash Education and Training Unit, Johannesburg, South Africa

X Advice Office  
(your complete mailing address)  
(your telephone number)  
(date)

(some offices give every letter its own reference number)

The Manager (the name or title of the person who must read the letter)

Tex Stores Ltd.

PO Box 1053 (the address you are writing to—then you have this on your copy of the letter)

Cape Town

8000

Dear Madam / Sir:

Ms. Gerda Fortuin: Leave

(the main thing that the letter is about: usually the client's name and type of problem)

**(introduction:)**

We are writing to you on behalf of Ms. Gerda Fortuin. She was employed by you as a checker at your Mowbray branch from 20/02/96 until 30/04/02. She resigned after giving the necessary notice. Her wage was R410 per week. Ms. Fortuin's work number was 315. Her identity number is XX.

(give information to identify the client)

**(what the problem is—setting out the details)**

Ms. Fortuin says that when she received her final pay packet she was not paid for leave owed to her. She last took leave in September 2001.

**(what the law says and applying the law to the facts)**

In terms of the Wage Determination for the Commercial and Distributive Trade, a worker may receive leave pay calculated according to the following formula:

**(put in the formula and your calculations)**

Ms. Fortuin is therefore owed 7 months pro-rate leave pay.

**(what the person you are writing must do about it:)**

Ms. Fortuin requests that you forward the leave pay that is owed to her to the above address within 14 days of receipt of this letter. Please contact our office if you would like to discuss this matter further.

Yours faithfully,

**(sign your letter)**

**(your name)**

Adviser

## Appendix 7: Introduction to Interactive Methodologies

(Cited in Chapter 5)

Source: adapted from Amnesty International, *First Steps: A Manual for Starting Human Rights Education* (London: Amnesty International—International Secretariat, 1997), available at: [www.hrea.org/index.php?base\\_id=104&language\\_id=1&erc\\_doc\\_id=511&category\\_id=6&category\\_type=3&group](http://www.hrea.org/index.php?base_id=104&language_id=1&erc_doc_id=511&category_id=6&category_type=3&group), and Flowers, N., *The Human Rights Education Handbook* (Minneapolis: University of Minnesota Human Rights Resource Center, 2000), available at: <http://www1.umn.edu/humanrts/edumat/hreduseries/hrhandbook/part4a.html>.

### Interactive Methodologies

Facilitators using interactive methods can draw from a variety of methods and techniques. When selecting methods, educators should always be aware that some methods may be culturally inappropriate for some groups (e.g., physical contact, graphic arts) or require unfamiliar or unavailable resources (e.g., access to the Internet or library resources). Below are definitions of some commonly used interactive methods. Greater detail on how to develop activities involving these, and other methods, can be found in the original sources listed above.

### Whole Class Discussion

Discussions are a good way for the facilitator and learners to discover what their attitudes are on issues. This is very important for teaching about topics related to justice and human rights, because as well as knowing the facts, participants also need to explore and analyze issues for themselves. Discussions are also an opportunity to practice listening, speaking in turn, and other group skills which are important for respecting other people's rights. In order to have an open discussion, it is important to have an atmosphere of trust and mutual respect in the learning environment.

### Questioning

Of course, all facilitators already use questions, but what sort of questions? Often, they are questions such as “What did I just say?” or questions that are so-called “closed” questions, which have only one correct answer and are used to test knowledge. It is important when exploring justice matters to use open-ended questions that encourage participation and analysis.

Some examples of open-ended questions:

- Hypothetical questions: “What would you do/think if...?” These help learners to imagine situations and stimulate thought.
- Speculating: “How might we help to solve this problem?”
- Encouraging/supporting: “That’s interesting, what happened next?” These draw out learners’ own experience and views.

- Opinion seeking: “What do you think or feel about...?” This tells participants that their opinion is important and interesting for you.
- Probing: “Why do you think that?” If asked in a non-aggressive way, this can help learners to think deeply and justify/analyze their opinions.
- Clarifying/summarizing: “Am I right to say that you think...?” Summarizing what a participant said and checking if you understand it will help other learners to think whether they agree with what is being said.
- Identifying agreement: “Do most of us agree that...?” This can provoke discussion or can come at the end, where, by using a question like “Have we finished that part...?” you can agree to move on to the next topic.

## Pairs and Groups

Dividing the class into pairs or groups gives learners more opportunity to interact with one another. Pairs and groups can be useful to generate a lot of ideas very quickly, or to help the group to think about an abstract concept in terms of their own experience. For example, if you were studying the right to life, you could give pairs or groups five minutes to decide “Is it ever right to kill someone?” before returning to the whole-group for further discussion.

## Brainstorming

Brainstorming encourages creativity and generates many ideas quickly. It can be used for solving a specific problem, answering a question, introducing a new subject, raising interest, and surveying knowledge and attitudes.

Most brainstorming sessions follow this procedure:

1. Introduce a question, problem, or topic both orally and in writing on chart paper.
2. Invite participants to respond with as many ideas or suggestions as possible, ideally in single words or short phrases. Encourage everyone to participate but do not proceed in any set order.
3. Explain that until the brainstorm is complete, no one may repeat or comment on any response.
4. Record every response on chart paper. Often, the most creative or outrageous suggestions are the most useful and interesting.
5. Afterward, prioritize, analyze, or use the list to generate discussion or problem solving.

## Role-play

A role-play is a drama played by the learners. It is mostly improvised. It aims to bring to life circumstances or events which are unfamiliar to students. Role-plays can improve understanding of a situation and encourage empathy toward those who are in it. For example, in a role-play about a robbery, students, by acting the part of the victim, can gain insight into what it is like to be the victim of crime.



## Simulations

In simulations participants are placed in fictional circumstances. Although simulations closely resemble role-plays, they typically are longer, more elaborately scripted, and less open-ended in order to achieve the learning objectives. Usually participants in a simulation do not pretend to be someone else but act as themselves in a fictional situation.

Since simulations can involve a fairly large group of people and last many hours, facilitators must prepare carefully beforehand and remain attentive during the activity to make sure that everyone understands what is going on. In general, participants should already be familiar with the background issues, which could be supplied on role cards the trainer provides at the beginning of the simulation. Be sensitive to the fact that some people may be uncomfortable in the assigned situation. Others may need help understanding roles, both their own or that of others.

A thorough debriefing is essential for participants to draw the parallels between what they have experienced and situations in the real world.

## Case Studies

Trainers can give small groups of learners case studies to encourage analysis, critical thinking, problem solving, and planning skills, as well as cooperation and team building. They can be used to set up debates (e.g., groups assigned to argue assigned positions on an issue) and comparisons (e.g., different analyses or solutions of problems in the case).

1. **Real cases** can be drawn from historical or current events, and from other countries or locations.
2. **Fictional or hypothetical cases** might be developed to address particular issues or workshop topics. Fictional situations can often address locally sensitive issues without evoking similarities to particular individuals, organizations, social groups, or geographic regions.
3. **Fieldwork cases** can be used to highlight current, local issues and can be developed from participant interviews in the community.

## Debates and Negotiations

Debates help to clarify different positions on a controversial issue. They usually involve two or several small groups that plan and present arguments on different sides of an issue, which may not necessarily represent their personal views. Debates develop logic, understanding of an issue, and listening and speaking skills. Ideally a debate concludes with all participants being able to vote for or against the proposition and discuss their positions.

1. **Formal Debates:** Many trainings use some version of formal debating techniques, including making a proposition, preparing positions, statements, rebuttals, and summaries, and conducting voting.
2. **Informal Debates:** Informal debates can take many forms. Sometimes participants are asked to take a stand on an issue and then explain their position. You might divide participants arbitrarily into two groups, each with an assigned position on an issue. The two groups prepare their arguments with each person in the group making one point for that side. The two sides

present their arguments in turn, with all participants speaking. Afterward participants indicate their personal positions, perhaps including “undecided.”

3. **Formal Negotiation:** Role-playing sides in a negotiation process clarifies conflicting positions. These might be simulated international summit talks, labor disputes between workers and management, or even family conflicts. Negotiations differ from debates in that the result is not a “winning side” but a settlement that both sides can accept. Negotiation skills are especially important for conflict resolution and consensus building.
4. **Active Listening:** Working in pairs or groups of four, Person A gives one reason for support of an issue. Person B listens and then summarizes or restates A’s reason. Person B then gives one reason opposing the statement. Person A (or Person C in a group of four) listens and summarizes B’s reason and so forth until each person has had a chance to express at least two reasons.

## Taking a Stand

This is a modified debate activity in which participants have a chance to literally take a stand on one side of an issue or another. It requires a large enough space for learners to stand up and arrange themselves along a continuum. Where space is lacking or where the facilitator would prefer to have only part of the group participate in any single time, some of the participants can watch from the side.

Before beginning this activity, agree with participants that they must be respectful of the opinions of others. Everyone should be courteous to others, even when they disagree.

Create signs that read “strongly agree” and “strongly disagree,” and place them at opposite ends of the continuum (imaginary line) in the room. After having participants reflect upon the prompt (for example, a potentially controversial statement) that calls for agreement or disagreement, have them align themselves along the spectrum. Tell them that if they stand on either extreme, they are absolute in their agreement or disagreement. They may also stand anywhere in between, depending upon their point of view.

Participants are then asked to explain why they have chosen to stand where they are standing. They may use whatever knowledge or emotion they have to defend their stance. After about three or four viewpoints are heard—from different parts of the continuum—ask if anyone wishes to move. Constantly remind learners to listen fully and to not interrupt. Run the activity until you feel most or all of the voices have been heard, making sure that no one person dominates.

## Field Trips

Sometimes participants need a safe place to learn, removed from the outside world. At other times learning is enhanced by exposure to new people and places, often unrecognized in their own communities. Visits might be to places where human rights issues develop (e.g., prisons, hospitals, international borders, urban centers) or where people work to stop abuses or relieve victims (non-profit organizations, government offices, homeless or battered women’s shelters, food or clothing banks). Prepare participants for any visit (e.g., create preliminary questions and research projects, give background information, specific assignments for observation) and provide appropriate ways for trainees to respond to the experience (e.g., journal writing, creative expression, small-group discussions) and take action.

## Interviewing

When teaching about law-related matters and justice, we can look in books for the letter of the law, but for concrete examples of rights in action we can look around us in our own communities. Interviews are a good way to bring the wider community into the school, to tie the study of human rights to real life, and also to improve students' skills in dealing with all sorts of people.

## Drawing

Drawing can be used to develop observation and cooperation skills, imagination, feelings of empathy for people in the pictures, or to get to know the other members of the group. Drawing is useful when exploring justice because the work of the group can be exhibited to communicate human rights values to others.

## Newspapers

The media is essential for enabling information to circulate in a democratic society. However sometimes we find subjective reporting using stereotypes and prejudices. Identifying and analyzing prejudice in newspapers prepares students to identify it and oppose it in every day situations. This sort of activity also improves students' communication skills.

## Appendix 8: Sample Paralegal Training Quizzes (Cited in Chapter 5)

Source: Vivek Maru, internal memo, Timap for Justice, 2004.

### SAMPLE: IN-TRAINING REVIEW QUIZZES

#### Review Quiz 1

1. Fill in the following table: criminal: definition, consequences, standard of proof. Civil: definition, consequences, standard of proof.
2. Define tort as a cause of action.
3. Do local courts have criminal jurisdiction? If so, over what crimes? Name three civil causes of action barred from local court jurisdiction.
4. What is the maximum length of detention of a criminal suspect before the suspect is charged?
5. Name and briefly describe six steps of mediation.

#### Review Quiz 2

1. A driver negligently crashes, causing injury to passengers. Has a crime been committed? If so, what crime? Has a tort been committed? If so, what tort?
2. Define *mens rea*. Is *mens rea* required to prove a tort? Explain. Is it required to prove a crime? Explain.
3. What legal action can be taken if a customary law violates the constitution?
4. If a client has been abused by a police officer, which section of the police department can you approach? Could the same issue be raised in a local court? Why or why not?

#### Review Quiz 3

1. Name one way in which a paralegal assists individuals and one way in which a paralegal addresses justice issues at a community-level.
2. Assume there is a problem of inadequate water supply in your community. What can you do as a paralegal?

3. What legal action can be taken if a customary practice violates the constitution?
4. What powers, or “checks,” does the legislative branch have over the executive branch?

### Review Quiz 4

1. You mediate a matter between three parties.
  - a) How many people should sign the agreement?
  - b) What step is left for you to take after the mediation agreement has been completed and signed?
2.
  - a) What is the age of criminal responsibility for sexual assault cases in Sierra Leone?
  - b) Define criminal responsibility.
3. A 16-year-old boy is held in a general cell overnight for disruption of public order. Identify any violations of the law.
4. What are the five steps for assisting a victim of gender-based violence?
5.
  - a) Name four potential actions you can take to assist a victim of gender-based violence.
  - b) Define gender-base violence.
6. A 15-year-old girl agrees to have sex with a 15-year-old boy.
  - a) Is it a crime under domestic law?
  - b) If so, what crime is it?
  - c) Is it a crime under international law?

### Review Quiz 5

1.
  - a) What’s the difference between civil law and criminal law?
  - b) Between tort and contract?
2. If a client has been abused by a police officer, which section within the police department can you approach?
3.
  - a) Could the client bring the same issue in local court?
  - b) Why or why not?
4. Someone has destroyed a client’s fence.
  - a) Has a tort occurred?
  - b) If so, what tort?
  - c) Has a crime occurred?
  - d) Could mediation be an appropriate approach for a paralegal to take?

## Review Quiz 6

1. What steps could you take to present a community issue to your local council? State four steps.
2. What are the elements of murder?
3. What is *mens rea*? Is it required to prove a crime? To prove a tort?
4. What are the six steps to take when conducting a community needs assessment?
5. A drunk driver accidentally runs over and kills a pedestrian. Has a crime occurred? If so, what crime? Has a tort occurred? If so, what tort? What legal consequences should the driver face?

## Appendix 9: Guidelines for Gender Sensitive Paralegal Training (Cited in Chapter 5)

Source: Tan, M.C., Ed.. *Basic Paralegal Training Module: A Paralegal Trainer's Handbook* (Manila: Paralegal Training Services Center, 1996).

### CHECKLIST FOR A GENDER-SENSITIVE PARALEGAL TRAINING Paralegal Training Services Centre, Philippines

#### Making women visible in:

- a) Language use
  - avoid the use of generic terms such as “man” and “he”
  - do not use sexist jokes
- b) The use of examples, illustrations and statistics
  - strive to have gender balance in the use of examples and illustrations
  - when using statistics, break out according to gender
- c) The training process
  - be aware of issues that may be gender sensitive
  - use training methods that both females and males will be comfortable with
  - use all-women small groups if this will help women to speak up
  - be conscious of the level of participation of women and encourage them to speak up if necessary
- d) The training needs analysis (TNA) questionnaire
  - integrate questions that bring out the special needs of both women and men.

#### Address specific obstacles of women as participants in the trainings.

- Make trainings child-friendly (provide childcare)
- Proper scheduling of trainings to avoid conflict with other responsibilities.

## Appendix 10: Client Referral Form (Cited in Chapter 6)

Source: Community Law and Rural Development Centre, South Africa.

### Referral Form

#### LETTERHEAD

To: \_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Dear Sir/Madam

Our reference: \_\_\_\_\_

**RE: NAME OF CLIENT:** \_\_\_\_\_

**NATURE OF PROBLEM:** \_\_\_\_\_

With reference to the above we would be grateful if you could assist Mr/Mrs/Ms \_\_\_\_\_ in this matter.

We have investigated Mr/Mrs/Ms \_\_\_\_\_'s situation and are satisfied that his/her case should be handled by your office.

We have requested Mr/Mrs/Ms \_\_\_\_\_ to bring the following documents with her:

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---

---

---

We thank you in advance for your kind cooperation in this matter. If you have any queries please do not hesitate to contact the writer.

Yours faithfully,

**Name and designation of writer**



## Appendix 11: Client Intake Form and Coding Sheets (Cited in Chapter 7)

Source: Timap for Justice.

### A. Client Intake/ Case Record Form

Paralegal's name: \_\_\_\_\_ Date of Interview: \_\_\_\_\_

Name of Client: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Marital Status: \_\_\_\_\_

Age: \_\_\_\_\_ Gender: \_\_\_\_\_

Occupation: \_\_\_\_\_ Tribe: \_\_\_\_\_

Religion: \_\_\_\_\_ Statement Attached? \_\_\_\_\_

Summary of Issue: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Information Given/ Action Plan / Actions Taken: \_\_\_\_\_

\_\_\_\_\_

First follow-up date and place: \_\_\_\_\_

Findings: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Further meetings/developments (continue on reverse side of page):

Date	Notes

## **B. New Cases Code Sheet** *(Sample)*

### **1) Handling Office**

- o1 Freetown
- o2 Magburaka
- o3 Yele
- o4 Bo
- o5 Gondama
- o6 Tikonko
- o7 Bumpenh
- o8 Kania

### **2) Individual Case or Community-Level Problem**

- o1 Individual level problem
- o2 Community level problem

### **3) How Did Case Reach Paralegals?**

- o1 Client reported to office
- o2 Client reported to mobile clinic
- o3 Referred by chief
- o4 Referred by COB member
- o5 Observed by paralegal in field
- o6 Referred by other paralegal office
- o7 Recommended by former client
- o8 Referred by other organization or institution
- 88 Other (please specify)

#### 4) Type of Case

##### *Family Issues*

- 01 Child abandonment/neglect
- 02 Preg/wife neglect
- 03 Early marriage/teenage pregnancy
- 04 Family disputes
- 05 Marital problems/custody

##### *Abuse by Formal Government, including police*

- 10 Police abuse
- 11 Wrongful detention
- 12 Corruption by formal government authorities

##### *Abuse by Customary Authorities*

- 20 Injustice in local courts
- 21 Abuse by traditional authorities
- 22 Corruption by customary authorities

##### *Private Violence*

- 30 Assault
- 31 Domestic violence
- 32 Sexual offences
- 33 Public disobedience/mob action
- 34 Group conflict

##### *Economic Exploitation*

- 40 Employment
- 41 Unpaid wages
- 42 Breach of contract
- 43 Debt
- 44 Housing
- 45 Land/property disputes
- 46 Larceny/conversion

##### *Social Infrastructure/ Development*

- 50 Education
- 51 Defamation
- 52 Health
- 53 Roads
- 54 Water
- 55 Agricultural development
- 56 Mining

88 Other (please specify)

## C. Resolved Cases Code Sheet

### 1) Tools Used

- o1 Information given
- o2 Assistance in navigating authority
- o3 Mediation
- o4 Advocacy
- o5 Organizing collective action
- o6 Community education/ dialogue

### 2) Directors' and COB Involvement

- o1 Directors consulted
- o2 Litigation
- o3 Directors engaged in advocacy
- o4 COB consulted
- o5 COB participated in mediation
- o6 COB participated in advocacy

### 3) Institutions Engaged:

#### *Customary*

- o1 Paramount chief
- o2 Other chiefs
- o3 Local courts
- o4 Customary police

#### *Formal*

- o10 Police
- o11 Formal courts
- o12 Customary law officer

- o13 Local court supervisor
- o14 Ministry of Welfare
- o15 Ministry of Lands
- o16 Ministry of Education
- o17 Ministry of Labor
- o18 Ministry of Lands
- o19 Ministry of Agriculture
- o20 Ministry of Roads and Transport

### 4) Case Resolved to Client's Satisfaction?

- o1 Yes
- o2 No

### 5) Outcomes

- o1 Mediation
- o2 Compensation/payment
- o3 Release from detention
- o4 Action taken by police
- o5 Action taken by customary authorities
- o6 Action taken by formal government authorities
- o7 Action taken by community
- o8 Action taken by family

**5a) If Monetary Compensation, What Type?**

- o1 Maintenance
- o2 Medical expenses
- o3 Unpaid wages
- o4 Specific performance of contract
- o5 Payment for goods provided or service rendered
- 88 Other compensation (please specify)

**6) Client Evaluation Form Submitted?**

- o1 Yes
- o2 No

# Appendix 12: Supervisory Guidelines for Developing Daily Activities Ledger and Writing Monthly Reports

*(Cited in Chapter 7)*

Source: Vivek Maru, “Notes on Supervision,” internal memo, Timap for Justice, 2007.

## Daily Activities Ledger

In order to develop a ledger of daily activities, you will need a book of lined paper with columns for the following information:

Date	Time	Case name	Case number	Action taken

This information should coincide with the information developed for the case file.

The ledger of daily activities can be used to record other activities that the paralegal carries out, such as going to meetings or observing the courts.

## Monthly Reports

Your monthly report should give us a clear sense of the kind of work you have undertaken over the month, including some of the success you’ve had and the challenges you’ve faced. We’d like all monthly reports to have at least three sections:

1. **Highlights from cases handled.** Choose a few of the cases you’ve worked on over the month and describe to us the issue, the actions taken, and the result. You might choose cases which involved particularly serious injustice, or which raised questions you’d like to ask us about, or which yielded a particularly encouraging or disappointing result, or which were unusual for some reason. You need not wait till a file is closed to discuss a case in your report; you may discuss cases which are ongoing.
2. **Highlights of other activities.** Describe other work you’ve undertaken during the month, such as outreach and education efforts, advocacy, court monitoring, etc. This is the section in which to discuss your efforts on community-level problems.
3. **Questions and recommendations for the coordinators.** This is your chance to ask us or recommend to us anything that has arisen during the month.





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Paralegals can be a powerful tool of justice, helping to resolve disputes and empower individual clients and whole communities. Living and working in the communities they serve, community-based paralegals use their knowledge of the formal justice system, alternative means of resolution such as mediation, and community education practices to help the poor and marginalized address their justice problems.

Less expensive than lawyers and able to work faster than the formal legal process, community-based paralegals are especially effective in transitional, post-conflict, and developing countries. In Sierra Leone, for example—where there are only 10 judges and about 100 lawyers to meet the justice needs of over three million people—paralegals help resolve land disputes, negotiate divorce settlements, and hold government officials accountable. Perhaps more importantly, community-based paralegals can educate whole communities about their rights, increasing citizens' agency and helping them demand more from their governments.

This how-to guide provides information on all aspects of establishing and operating a community-based paralegal program, from assessing a community's needs to training paralegals and resolving justice problems. The book includes case studies, training curricula, client intake forms, and other materials drawn from paralegal programs in Cambodia, Hungary, the Philippines, Sierra Leone, and elsewhere. *Community-based Paralegals: A Practitioner's Guide* should be useful for anyone who wants to start a new paralegals program, improve an existing one, or learn more about paralegals and the legal empowerment of the poor.