

Frequently asked questions about paralegals (FAQ)

1 What does the term 'paralegal' mean?

The prefix '*para*' comes from Greek. It means 'beside', 'side by side', or 'at one side of'. Thus, a **paralegal** is a person who primarily works '**beside**' attorneys in a law firm. The term 'paralegal' originated in the United States of America and was then adopted in a few European countries. From the early 1990's it became more widely used overseas and in South Africa as well.

2 Can a paralegal work only in a law firm?

Not at all. A paralegal can also work in other legal environments, for example, as an advocate's secretary, or as an assistant to a legal adviser in the legal department of a large commercial enterprise such as a bank, insurance company, medical aid scheme, manufacturing company, mine, charity, non-profit organisation (NGO) etc.

3 Are there other job titles for paralegals?

3.1 Yes, there are. A more descriptive and accurate term for paralegal is '**legal assistant**'. Collectively, **legal assistants** are referred to as **legal support staff**.

3.2 Although the term 'paralegal' has become widely accepted, both in South Africa and elsewhere, we prefer the more descriptive term '**legal assistant**'. The term 'legal assistant' describes the nature of the work done. It refers to a person '**assisting**' a qualified **legal practitioner**. In other words, someone who works '**alongside**' an attorney, an advocate, a legal adviser, or a legally qualified person in any other **formal legal environment** in either the **formal private sector** or the **public sector**. For this reason, we will use both terms interchangeably to show that they mean the same thing.

Paralegal = Legal assistant
Legal assistant = Paralegal

4 Are conveyancing secretaries or litigation secretaries also paralegals?

Yes, certainly. Although the terms 'legal assistant' or 'paralegal' are becoming more popular in the South African vernacular, you will find that in many law practices the old-fashioned terms '**conveyancing secretary**' or '**litigation secretary**' are still used to describe the nature of the work done by these legal assistants (paralegals). A further interesting development is that more and more men are doing work

previously done by females. For example, an increasing number of men are now doing the work traditionally done by conveyancing secretaries. These men prefer to be referred to as '**conveyancing assistants**' or 'conveyancing **paralegals**'.

5 What is a paralegal's job?

In a **private law firm**, paralegals **assist attorneys** with tasks ancillary to legal matters such as debt collection, administration of estates, conveyancing and the management of specialised departments in the practice. Although not admitted to practise law, under the supervision of an attorney they can **run their own files** and conduct work **supplementary** to the work undertaken by the attorney.

In other **formal legal environments**, such as businesses, large corporations, government or semi-government institutions, paralegals assist or work alongside trained legal professionals, such as legal advisers.

6 What is the role of a paralegal?

Paralegals play a vital role in the legal system. Their role is **to assist** attorneys, advocates or legal advisers in the delivery of legal services.

7 What do paralegals do on a daily basis?

Their daily duties range from assisting attorneys with the typing of legal documents, organising case files, preparing trial notes, making appointments or preparing legal briefs to occasionally sitting in with an attorney during client and witness interviews.

8 Can a paralegal work independently?

Yes, provided that the paralegal has a knowledge of the particular area of the law in which he or she is working. This would be the case in specialised departments with high volumes of turnover and repetitive work, such as conveyancing, debt collection, legal accounting and administration of estates. However, ultimately the attorney must still sign off on all the work done by the paralegal.

9 What are the job opportunities for a paralegal in South Africa?

There are many job opportunities for legal support staff (paralegals) in South Africa. In Module 1 of our general course, career opportunities in both the private and the public sectors will be discussed. Suffice it to say that there are nine practice areas for paralegals in the private sector and sixteen areas in the public sector. Lastly there are far more legal assistants in South Africa than formally trained legal practitioners (advocates and attorneys) and legal advisers.

10 Are your courses accredited?

No, our courses are not formally 'accredited' by any government institution, but we have something much better to offer. Since our establishment in 1994, more than 27 years ago, we have received **practical recognition from attorneys, advocates and law firms country wide**. Their recognition of the **true intrinsic value** and the **high quality** of the training we offer is an important reason for our continued success.

11 Is there more than one type of paralegal?

Yes, there is. In practice **two types of paralegals** can be identified, namely, paralegals working either -

- in the **formal** legal environment; or
- in the **community-based** legal environment.

Type of work paralegals / legal assistants would do in the -	
formal / commercial / corporate legal environment	community-based legal environment
Assist attorneys in the delivery of legal services - that is in a private law firm - or assist advocates in their advocate chambers.	This type of work is less clearly defined than work in the 'formal' group. It is mostly 'semi-legal' work that falls outside the formally regulated legal environment.
Alternatively, they may assist legal advisers in corporations (private sector), or in government or semi-government institutions (public sector), but always under the supervision of a lawyer. (PS: paralegals can't give legal advice.)	They may provide 'unofficial' legal advice, or legal assistance in some non-governmental institutions and community-based advice offices. They often serve as 'community-based advice officers' or as 'mediators' and 'facilitators' in community-based legal disputes and issues.

An important part of their training would be relevant practical courses that could add value to a law firm, such as courses on conveyancing, debt collection, civil litigation and procedure, criminal law and procedure, legal accounting, commercial law, etc.	An important part of their training would be courses on the Constitution, human rights, matrimonial law, administrative law and all consumer protection related law.
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12 What type of training do you offer?

Our training is very **specific, specialised and practical**. We focus entirely on the **formal legal environment** and not on the community-based legal environment.

Our training is therefore suitable for any person pursuing a career, or who wants to advance his or her career, in the **formal private sector**. Although our training is mainly focused on the work executed in a **private law firm** (an attorney's office), some of our **specialised courses** would be equally valuable for legal assistants working in areas such as the departments of large corporates that deal with the administration of estates, or the debt collection sections of debt recovery institutions. On the other hand, some of our general introductory courses would be equally valuable for any legal assistant working in either the **formal private sector** or the **public sector**.

13 How long does it take to train as a paralegal?

Unlike attorneys and advocates, who must complete years of formal education and pass the admission exams before they can practise law, you can become a paralegal after as little as a **few months of study** - provided that you register with the right institution.

Although there are a number of institutions offering training to paralegals, all their programmes are *highly academic* and structured quite broadly in order to cater for both types of paralegals identified above. The formal legal environment, however, requires **focussed** and **practical** legal training.

<p>The formal legal environment (law firms, commercial, corporate), requires focussed and practical legal training.</p> <p>That is what we offer.</p>

14 What makes your training unique?

The unique feature of our training programmes is that we offer **practical paralegal training** which can be **immediately applied** in the workplace.

Our courses consist of both a **theoretical** and a **practical** component. Much of the law is theoretical and must be learned and understood. However, theory without practical application serves no purpose. Our aim is to focus on the **practical application** of the law, in particular from a legal assistant's point of view.

The aim of our unique training courses is to focus on the
practical application of the law
in a **private law firm** or other **formal legal environment**,
and in particular
from a legal assistant's point of view.

15 What courses do you offer?

Our training consists of **two components**, namely:

- 1) general courses; and
- 2) specialised courses.

15.1 General courses

General courses consist of three **introductory courses** which **lay the foundation** for a legal assistant's understanding of the **law** and the **formal legal environment** in which he or she will operate, namely:

- Module 1 - Legal practice
- Module 2 - South African law
- Module 3 - Practical legal skills

15.2 Specialised courses

Specialised courses consist of a number of **advanced practical courses** in each of the following **specialised fields** of law:

- Conveyancing
- Civil litigation
- Debt collection
- Legal bookkeeping
- Business law

- Labour law
- Administration of estates

These courses can be taken separately and in any sequence. In fact, each represents a **highly specialised field** and a legal assistant would probably choose one of them as a career choice, in other words commit to becoming a conveyancing secretary or a debt collections legal assistant etc. The same would apply to any of the other fields of specialisation.

16 How does assessment after each course or module work?

After completion of each course or module (where a course consists of more than one module) your knowledge will be assessed as follows:

- i) you will write an **open book test**;
- ii) you will use the **course notes** for the test;
- iii) the test will consist of **100 multiple-choice questions** covering the entire scope of the module or course.

The aim of this assessment is not to test your memory, but rather to test whether you **understand** the work and know **where to find** the relevant information. The intention is not to catch you out, but to give you confidence that you have mastered the content dealt with.

17 Certificates for legal assistants

- 17.1 **General courses:** A **certificate** will be issued upon successful completion of each module of the general course and a **diploma in legal practice** will be issued upon completion of all three modules.
- 17.2 **Specialised courses:** A **certificate** will be issued upon successful completion of each specialised course, and where a specialised course consists of more than one module, for each module.
- 17.3 Both general and specialised courses are vocational training *par excellence*. Our training prepares you for the **practical day-to-day duties** that you will be performing as a legal assistant in various specialised sections of an attorney's law firm, as a secretary to an advocate, or as a legal assistant working alongside a legal practitioner in a large corporate institution or in the public sector.

18 Do I need a matric certificate to register for any of your courses?

No, you don't. However, if you don't have a matric certificate we would recommend that you register for Module 1 of the general course first. This will be your test. If you can't pass this module, then you are probably not cut out for this type of work and are likely to fail the other courses. However, if you like, understand and pass this module then you will probably succeed in the rest. So, a matric certificate is not a requirement. You can still register without one and see how you get on.

19 What are the most important qualities a legal assistant should have?

- 19.1 The most important thing is to *know your files well*. You have to know exactly what is happening at all times in your work so that you can speak confidently to clients about progress on their case.
- 19.2 It is also important to be *very organised* and to *think ahead* all the time. Then you can give clients the best service possible.
- 19.3 You must be able to *function under high pressure* and be able to *run multiple files* at the same time.
- 19.4 The turnaround time in some legal matters may be very short and you must be able to *work fast* and with *great accuracy*.
- 19.4.1 Finally, always be prepared to *learn something new*. The more eager you are to learn, the better the progress you will make in your work.

