

AAfPE Core Competencies for Paralegal Programs

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CRITICAL THINKING SKILLS

Paralegal education programs should be able to demonstrate that their graduates can:

1. Analyze a problem and identify issues relevant to a potential solution;
2. Determine which areas of law are relevant to a particular situation;
3. Identify interrelationships among cases, statutes, regulations, and other legal authorities;
4. Synthesize and apply recognized legal authority to the solution of the problem;
5. Formulate logical solutions to problems; construct logical arguments in support of specific positions; evaluate solutions and arguments;
6. Identify and evaluate alternative solutions;
7. Apply principles of professional ethics to specific factual situations;
8. Analyze factual situations to determine when it is appropriate to apply exceptions to general legal rules;
9. Apply exceptions to general legal rules;
10. Distinguish evidentiary facts from other material and/or controlling facts;
11. Identify factual omissions and inconsistencies; and
12. Discern and analyze the law applicable to all parties to a dispute.

ORGANIZATIONAL SKILLS

Paralegal education programs should be able to demonstrate that their graduates can:

1. Sort information by category;
2. Prioritize assignments and client needs;
3. Manage information and client files manually and electronically;
4. Understand and use manual and electronic calendaring systems;
5. Understand and utilize e-filing systems;
6. Understand the ethical guidelines associated with file and client information maintenance;
7. When appropriate, manage social media on behalf of an employer;
8. Provide appropriate hearing/trial assistance through the organization and maintenance of evidence; and
9. Create materials that show organizational skills like trial notebooks; and
10. Utilize time efficiently.

GENERAL COMMUNICATION SKILLS

Paralegal education programs should be able to demonstrate that their graduates can:

1. Interact effectively, in person, by telephone. in written and electronic correspondence with lawyers, clients, witnesses, court personnel, co-workers, and other business professionals;
2. Conduct effective interviews with clients, witnesses and experts;
3. Exhibit tact and diplomacy; distinguish between assertive and aggressive behavior; apply assertive behavior techniques;
4. Adapt to situations as they arise;
5. Multi-task;
6. Understand the need to ask questions and seek guidance when appropriate;
7. Identify attributes of a team player; work effectively as part of a team;
8. Work independently and with a minimal amount of supervision when appropriate;
9. Understand the boundaries, limitations and prohibitions related to communications with opposing counsel, opposing parties, and court personnel.

LEGAL RESEARCH SKILLS

Legal research involves the application of the critical thinking, organizational and communication skills listed above. Paralegal education programs should be able to demonstrate that their graduates can:

1. Prepare and carry out a legal research plan; analyze and categorize key facts as well as relevant missing facts in a situation;
2. Use both print and electronic sources of law to locate applicable statutes, administrative regulations, constitutional provisions, court cases and other primary source materials;
3. Understand which sources of law supersede other sources of law;
4. Use both print and electronic sources of law to locate treatises, law review articles, legal encyclopedias, and other secondary source materials that help explain the law;
5. Read, evaluate and analyze both print and electronic sources of law, and apply them to issues requiring legal analysis;
6. Properly cite both print and electronic sources of law;
7. “Cite check” legal sources;
8. Identify, locate and appropriately use both print and electronic resources to update and verify the reliability of cited legal authority;
9. Understand whether your jurisdiction accepts or permits the use of unpublished/depublished opinions in legal documents; and
10. Properly locate and identify binding and persuasive authority.

LEGAL WRITING SKILLS

Legal writing involves the application of the critical thinking, organizational, communications and legal research skills listed above. Paralegal education programs should be able to demonstrate that their graduates can:

1. Understand and apply principles of writing and rules of English grammar to all writing tasks;

2. Write in a style that conveys legal theory in a clear and concise manner;
3. Read and apply a court opinion to a fact situation;
4. Report legal research findings in a standard interoffice memorandum or other appropriate format;
5. Cite print and electronic primary and secondary sources in proper form;
6. Draft client correspondence and legal documents, using proper format and appropriate content;
7. Locate and modify standardized forms found in formbooks, pleadings files, form files, or databases to fit a particular situation;
8. Understand and apply effective writing techniques targeted at particular audiences; and
9. Understand and demonstrate knowledge of writing styles or formats uniquely suited to objective and persuasive documents.

COMPUTER SKILLS

Levels of computer literacy and proficiency required in the typical law office continue to increase. Paralegal education programs should be able to demonstrate that their graduates can:

1. Define and identify basic computer hardware components and mobile devices;
2. Identify and describe typical software, information systems, and social media typically encountered in the legal environment;
3. Locate, read and comprehend software licenses and understand the ethical implications and penalties for illegally copying or using software;
4. Demonstrate basic understanding of operating systems environments for PCs, Macs, Tablets and Pads;
5. Demonstrate basic understanding of Smartphone technology and Smartphone systems;
6. Demonstrate word processing program features, including preparing, editing, saving, and retrieving documents;
7. Describe spreadsheet program features and be able to prepare a basic spreadsheet and graph;
8. Describe database program features and be able to prepare a basic database;
9. Describe the features of a presentation software program including slide components, graphics and sound and be able to prepare a basic presentation;
10. Describe features of typical law office time keeping and billing software programs; identify ethical issues that arise with the use of such programs;
11. Describe the features of computerized litigation support programs and be able to compare such programs to corresponding manual litigation support;
12. Describe the features of case management and information management software; compare to corresponding manual case management;
13. Describe the features of computerized docket control systems; compare to corresponding manual docket control systems; identify ethical problems relating to docket control;

14. Access legal and non-legal data available on the Internet; compare key word and subject-oriented search engines; evaluate Internet sites for reliability and validity of information; locate and join sites that relate to the legal assistant career;
15. Use e-mail functions and social media; describe ethical issues that arise as a result of using e-mail and other electronic methods of communication including cloud computing;
16. Describe the process used to file electronically documents in courts that permit electronic filing; compare to manual filing; identify ethical problems related to electronic filing of court documents;
17. Perform computer assisted legal research and Internet legal and factual research; and
18. Identify factors and issues to consider when purchasing legal-specific software.

INTERVIEWING AND INVESTIGATION SKILLS

Interviewing and investigation involves the application of critical thinking, organizational, communication, research, and computer skills listed above. Paralegal education programs should be able to demonstrate that their graduates can:

1. Identify and locate witnesses, potential parties to a suit and experts;
2. Develop a list of questions for an interview; conduct an effective interview; record the interview accurately;
3. Locate and prepare request documents to obtain information that is commonly maintained by government entities; obtain such information; read and interpret the information contained in such records and apply to a given situation;
4. Prepare releases and requests to obtain medical, corporate and other non-governmental records; obtain such records; read and interpret the information contained in such records and apply to a given situation;
5. Locate and apply rules of evidence and procedure to document acquisition, and witness, parties and expert testimony derived from interviews; and
6. Perform Internet searches to obtain relevant and reliable information.

THE PARALEGAL PROFESSION AND ETHICAL OBLIGATIONS

Knowledge and information relating to the role of the paralegal in the delivery of legal services, ethics and professional values is vital to paralegal competence. Paralegal education programs should be able to demonstrate that their graduates can:

1. Understand the legal process and the nature of law practice, emphasizing the role of the paralegal in the delivery of legal services;
2. Understand the ways in which paralegal services are used in the delivery of legal services, including functions and tasks commonly performed by paralegals; the place of the paralegal in the delivery services team; the respective roles and responsibilities of the members of the legal team;
3. Understand the evolving role of the paralegal and other non-lawyers in the delivery of legal services and in increasing access to legal services;

4. Identify the professional associations that serve and promote the paralegal profession; understand the importance of participation in professional activities;
5. Understand the legal and ethical principles that guide paralegal conduct, including, but not limited to: unauthorized practice of law and lawyer supervision of non-lawyers; confidentiality and attorney-client privilege; conflicts of interest; competence; advertising and solicitation; handling client funds, legal fees and related matters such as attorney fee awards and fee agreements; prohibitions relating to fees including fee referrals, fee-splitting and partnerships between lawyers and non-lawyers; limitations on communications with persons outside law firms, including represented persons, judges, jurors; special rules relating to litigation such as proper courtroom conduct, honesty and candor, frivolous claims and defenses, sanctions for misconduct;
6. Demonstrate the ability to identify and resolve ethical dilemmas that may be confronted in the workplace; and
7. Understand the importance of continuing legal education for paralegals.

LAW OFFICE MANAGEMENT SKILLS

Basic knowledge of the fundamentals of law office management and organization is essential to the entry-level paralegal. This knowledge can be presented through a stand-alone course or as part of the general program curriculum. Paralegal education programs should be able to demonstrate that their graduates can:

1. Identify and explain basic principles of management;
2. Explain issues relating to employment and promotion of paralegals;
3. Identify and describe the different types of law offices including organization, management and personnel structure;
4. Identify and explain the different management, administrative and support roles performed by lawyers and non-lawyers in the law office;
5. Describe law office billing practices, accounting systems and methods used for determining cost of legal services;
6. Understand administrative systems used in law practice, including client relation systems, conflict management, personnel, docket/calendaring systems, billing systems, and risk management systems;
7. Explain the role of technology in the management and administration of the law office; and
8. Identify and explain acceptable marketing and advertising practices for promoting law firms and legal services.