

IOP Competency Standards for Paralegals

Intermediate Level: May 2010



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Setting Competency Standards for Paralegals

ABOUT THESE STANDARDS

This document contains the IOP Intermediate Level Competency Standards for Paralegals.

These Standards have been developed by the Institute of Paralegals with the assistance of numerous law firms, legal regulators, government departments and others.

This Intermediate Level is relevant to established in their careers, but who have not yet become senior paralegals. More junior paralegals should use the Introductory Level Standards and more senior paralegals should use the Advanced Level Standards.

For more information on these Paralegal and other IOP Competency Standards visit www.LegalStandards.org.

1. Who should use these Standards?

The IOP Paralegal Standards are designed for all paralegals, regardless of their job title, practice area or type of employer (solicitors' firm; paralegal law firm; local government; in-house legal department etc).

They are not jurisdiction specific, so can be used in any country/by anyone wanting to work to an international benchmark.

Purely for the sake of convenience, the wording used in this document assumes that you are a paralegal working in a solicitors' firm. However the Standards are still relevant to most paralegals doing compatible legal work in other kinds of organisation because they focus on the core skills, abilities and knowledge required of all paralegals, rather than on the expertise needed to work in a particular practice-area or for a particular type of employer.

The main purpose of the IOP Standards for Paralegals is to provide clear and consistent benchmarks to aid with the recruitment, training, appraisal and career development of paralegals. These Intermediate Level Standards list the things that the profession expects from you as a competent paralegal at the Affiliate/Associate stage of your career

2. Am I recognised as a paralegal for the purposes of these Standards?

Outside of the Route to Qualification career path for professional paralegals offered by the Institute, there is no consistent use of job titles for paralegals. Numerous different job titles are used, and even when the same job title is used, the underlying job and its responsibility/authority may be completely different.

You can consider yourself to be a paralegal if you frequently do legal work (also known as practice law) which a lawyer would expect to be asked to do, be willing to do it, and in respect of which, he/she would normally charge a client.

The paralegal role hinges on your doing actual legal work (i.e. practising law), regardless of whether you do it on a paid or voluntary basis, and regardless of whether you charge for your services or not. We distinguish the paralegal role

from the secretarial role and the clerical/administrative role of legal assistants: both of which have their own sets of Standards.

3. Professional conduct obligations

These Standards incorporate the core professional conduct obligations imposed upon paralegals working for solicitors' firms and have been vetted with the kind assistance of the Solicitors Regulation Authority ("SRA").

The SRA professional conduct requirements are still relevant to you even if you do not work for a solicitor, because the SRA requirements are quite general and constitute best practice and, where appropriate, judicial expectation.

4. Possible additional standards

Please speak to your line/HR manager before using these Standards as there may be additional internal standards that your organisation also needs you to comply with.

5. Are you using the most up-to-date edition?

The paralegal role is changing rapidly. Therefore these Standards will be updated as required, so please ensure that you have the latest version. **This is the May 2010 edition.**

By visiting www.LegalStandards.org you can check whether this edition is the most recent version. Please also visit that web-site if you would like to subscribe to our automatic update notification service.

6. General

Please follow your organisation's guidance on how these standards are to be used.

When following these standards we have assumed that:

- You will know of any relevant internal procedures that your organisation has;
- You will interpret and apply these standards only to the extent of your job remit and authority, e.g. Client Relations, P2-CR2 on page 8 ("*Comply with any internal Know-Your-Client procedures*") applies only as far as those procedures are relevant to your job and responsibilities. It does not oblige you to take on responsibility for ensuring that all the procedures have been followed if that is someone else's job;
- You appreciate that you are expected to apply these Standards courteously, promptly, professionally and competently.

Paralegals at your level of seniority are expected to demonstrate common sense and judgement, **but not to:**

- Independently modify or re-interpret instructions without prior approval;
- Independently analyse instructions or outcomes and then act upon that analysis;
- Take any further steps without prior approval.

7. Blanks

You will see that some individual standards just say "[Blank]". This means that it is in use in either the Introductory or Advanced Levels, but is not relevant to you at the Intermediate Level. However we have left it in to enable easy comparison between the three levels.

8. For more information on these Standards or to give feedback

For more information please speak with your HR or line manager in the first instance. Otherwise please:

- Visit the Institute's legal standards web-site at www.LegalStandards.org
- Email standards@theiop.org
- Call (+44) (0)20 7099 9122

If you have any comments, feedback or suggestions for improving these Standards we would love to hear from you.

9. Keep up-to-date with paralegal matters

The paralegal world is fast changing. To keep up-to-date with events that may affect your practice, employment or career then subscribe to receive the Institute's free monthly e-journal, *The Paralegal*.

To subscribe, and to view recent past editions, please visit www.TheParalegal.org or to just subscribe, e-mail your name and address to newsletter@theiop.org. If you wish to subscribe on behalf of your colleagues, students or clients, that is fine too.

QUALIFYING AS A PARALEGAL

Turning a job into a career; an occupation into a profession

You become a paralegal by getting a job as a paralegal. You do not need any particular qualification and you do not need to be a member of the Institute of Paralegals. However, if you want to be a professional paralegal, i.e. a legal professional; if you want to have a career rather than a job; if you want to be part of a profession rather than just having an occupation; and if you want to be acknowledged as a professional legal practitioner, then you need to join the Institute and work towards Qualified Paralegal status.

This is because anyone can call themselves a paralegal, regardless of experience, training or ability. This means that the term 'paralegal' is hazy and does not command much respect from legal professionals, clients, the courts etc. The alternative is to become a recognised legal professional by following the Institute's national career path with its Paralegal Code of Conduct, Continuing Professional Development requirements, IOP Competency Standards and recognised professional designations.

The Institute offers professional paralegal a recognised career path. It is a four-stage career path:

Affiliate: this grade of Institute membership is for aspiring paralegals who do not yet do legal work

Associate: this grade of Institute membership is for practising paralegals who have less than four years good practice experience. Effectively this is the apprenticeship/trainee stage

Certified Paralegal: this grade of Institute membership is for experienced practising paralegals. To achieve Certified Paralegal status you typically need a minimum of four years solid practice experience. People with certain legal qualifications need only two years' experience and LPC graduates need only one years' experience. Effectively this is confirmation of "flying hours". Certified Paralegal status makes you a full member of the Institute, allowing you to also use the letters M.Inst.Pa after your name.

Qualified Paralegal: this grade of Institute membership is for the top practising paralegals. To achieve Qualified Paralegal status you need to meet all of the criteria for Certified Paralegal status and have passed a Mandatory Course. This is necessary because Qualified Paralegal status tells legal professionals, clients and others that you are competent (by dint of having passed examinations). Qualified Paralegal status makes you a Fellow of the Institute, allowing you to also use the letters F.Inst.Pa after your name. You can apply to join today: visit www.theIOP.org.

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ADVOCACY

At the Certified Paralegal level of seniority, and depending upon your practice area, you may be expected to have some advocacy experience/responsibilities. Generally speaking if you work in a practice area that involves advocacy you will be expected to be able to:

- A. Develop a case presentation strategy incorporating your client's goals
- B. Take an active role in the preparation and conduct of hearings
- C. Understand basic evidential rules
- D. Make an effective and persuasive submission

Specifically this is what the National Competency Standards for Paralegals at the Intermediate Level require you to be able to do:

- P2-A1 Analyse a routine matter and assess the strengths and weaknesses of each party's case, including where appropriate, the opponent's evidence
- P2-A2 Prepare a case summary for presentation to a court, tribunal or other forum
- P2-A3 Develop a case presentation strategy
- P2-A4 Demonstrate an understanding of the skills and techniques of advocates
- P2-A5 Assist in preparing cases for trial
- P2-A6 Demonstrate an understanding of the purpose, techniques and tactics of examination, cross-examination and re-examination to adduce, rebut and clarify evidence
- P2-A7 Formulate a coherent submission based upon facts, general principles and legal authority in a structured, concise and persuasive manner
- P2-A8 Demonstrate a basic understanding of the ethics, etiquette and conventions of advocacy
- P2-A9 Assist in the conduct of a hearing
- P2-A10 [Blank]
- P2-A11 [Blank]

APPLICATION OF LEGAL EXPERTISE

As a paralegal practitioner at the Certified Paralegal level you are expected to have the legal expertise necessary to competently do the tasks reasonably assigned to you.

This is what the National Competency Standards for Paralegals at Intermediate Level require you to be able to do:

- P2-AL1 Know the law and procedure in your practice area as appropriate for your level of seniority
- P2-AL2 Apply your legal expertise to the matters you handle
- P2-AL3 Develop your knowledge of relevant law and procedure
- P2-AL4 Understand when it is appropriate to pass a matter to a more senior colleague
- P2-AL5 Discuss with your line manager the relevant law and legal implications associated with the cases you work on

End

BUSINESS AWARENESS

As a paralegal practitioner at Certified Paralegal level you will interact with clients. You therefore need an understanding of the commercial nature (if any) of your organisation.

This is what the National Competency Standards for Paralegals at the Intermediate Level require you to be able to do:

- P2-BA1 Understand the structure of your organisation and how it derives its income/funding
- P2-BA2 Understand the structure of your department/team
- P2-BA3 Understand the business/other activity of your clients and the environment in which they operate
- P2-BA4 Discuss your work with your line manager periodically with a view to reducing the cost of producing the work and maximising the benefit derived from it
- P2-BA5 Understand how your organisation charges for the work you do
- P2-BA6 Understand how your clients make their income/receive funding
- P2-BA7 Discuss with your clients whether there are other matters that the organisation can assist them with
- P2-BA8 Identify any opportunities to cross refer clients to others parts of your organisation and discuss it with your line manager
- P2-BA9 Tell your line manager if you identify any genuine opportunity for your organisation to acquire a new client

End

CLIENT RELATIONS

At the Certified Paralegal level of seniority, good client relations are primarily about three things:

- A. The way you treat your clients and the attitude you display when dealing with them;
- B. Your application of your organisation's policies on dealing with potential and existing clients;
- C. As a legal practitioner having contact with clients, acting in an appropriate and professional manner and taking personal responsibility for client care in all your dealings with your clients.

This is what the National Competency Standards for Paralegals at the Intermediate Level require you to be able to do:

-
- P2-CR1 Get background information about the client, their business (where relevant) and the issue they are consulting you on
 - P2-CR2 Comply with any internal Know-Your-Client procedures
 - P2-CR3 Comply with any internal guidelines and professional conduct obligations relating to new clients
 - P2-CR4 Identify your client's expectations and speak your line manager if they are problematic
 - P2-CR5 Keep your client updated as the matter progresses, and comply with professional conduct obligations, particularly with respect to costs if relevant
 - P2-CR6 Ensure that colleagues are kept up-to-date where necessary as the matter progresses
 - P2-CR7 Act in a professional and courteous manner when dealing with clients, potential clients and third parties and always project a positive image of your organisation
 - P2-CR8 Work in accordance with internal policies and procedures relating to client relations
 - P2-CR9 Be receptive to client feedback and acknowledge it in a professional manner. As appropriate, respond to it or pass it on without delay to your line manager
 - P2-CR10 Know your organisation's complaints procedure and discuss with your line manager any situations where it might need to be invoked
 - P2-CR11 React to your clients in a professional manner that takes into account the situation and context

P2-CR12 Update your organisation's client database as necessary

P2-CR13 Acknowledge enquiries from potential clients courteously and professionally and pass them on without delay to the appropriate person

P2-CR14 Promote clients' confidence and trust through an organised, focussed and professional approach to your relationship with them

End

COMMUNICATION

The ability to communicate clearly, concisely and accurately is one of the most important skills that a Certified Paralegal needs.

This is what the National Competency Standards for Paralegals at the Intermediate Level require you to be able to do:

- P2-C1 Identify the outcome you wish to achieve from a proposed communication
- P2-C2 Communicate in a logical, clear, succinct and, where appropriate, persuasive manner
- P2-C3 Tailor your style of communication having regard to the circumstances and the recipient
- P2-C4 Demonstrate sensitivity to clients' and other recipients' diversity and to any vulnerability or disadvantage, and make appropriate adaptations to the style and content of your communications
- P2-C5 Use plain English in all communications and adhere to your organisation's house-style
- P2-C6 Adopt a courteous and professional tone in all your communications
- P2-C7 Know what information needs to be transmitted to, and obtained from, clients and third parties and when
- P2-C8 Consider what factual and legal information is needed to respond effectively to client communications
- P2-C9 Make a contemporaneous file note of all oral communications where appropriate
- P2-C10 Comply with your organisation's policies on the sending and filing of e-mails
- P2-C11 Take responsibility for the reliability of your communications, highlighting caveats and reservations where appropriate
- P2-C12 [Blank]

End

INTERVIEWING AND ADVISING

As a Certified Paralegal, when you are interviewing and advising you are expected to:

- A. Discuss your instructions and expected outcomes your client
- B. Have the skills to interview and advise competently
- C. Record interviews and advice given and initiate follow up action as necessary

This is what the National Competency Standards for Paralegals at the Intermediate Level require you to be able to do:

- P2-IA1 Identify the purpose, context and required outcome of the interview/advice session
- P2-IA2 Identify all legal, factual and conduct issues arising
- P2-IA3 Identify all the documentation and information you need to prepare properly
- P2-IA4 Plan and manage the interview/advice session and its environment
- P2-IA5 Use effective listening and questioning techniques
- P2-IA6 If appropriate identify the needs, concerns and goals of the interviewee/advisee and tailor your approach accordingly
- P2-IA7 Identify, agree and record any necessary caveats (e.g. session is without prejudice) at the outset of the session
- P2-IA8 Identify and expand upon important information and issues
- P2-IA9 If appropriate, identify, explain and discuss possible courses of action and the implications with the interviewee/advisee
- P2-IA10 Treat the interviewee/advisee with courtesy and respect
- P2-IA11 Record the interview/advice session in accordance with your organisation's guidelines
- P2-IA12 Be able to conclude the session appropriately: giving advice, instructions and details re next steps where required

MANAGING OTHERS

As a Certified Paralegal you are not expected to manage others. Accordingly there are no National Competency Standards set at the Intermediate Level.

P2-MO1 [Blank]

P2-MO2 [Blank]

P2-MO3 [Blank]

P2-MO4 [Blank]

P2-MO5 [Blank]

P2-MO6 [Blank]

P2-MO7 [Blank]

P2-MO8 [Blank]

P2-MO9 [Blank]

P2-MO10 [Blank]

P2-MO11 [Blank]

P2-MO12 [Blank]

P2-MO13 [Blank]

P2-MO14 [Blank]

P2-MO15 [Blank]

NEGOTIATING

At the Certified Paralegal level of seniority you are expected to be able to undertake straightforward negotiations.

The National Competency Standards for Paralegals at Intermediate Level require you to be able to:

- P2-N1 Identify the purpose, context and required outcome of the negotiation
- P2-N2 Identify all legal, factual and conduct issues arising
- P2-N3 Identify all documentation and information you need to prepare properly
- P2-N4 Demonstrate the ability to plan and manage the negotiation and its environment
- P2-N5 Be able to analyse the strengths and weaknesses of the matter from each party's perspective
- P2-N6 Be able to analyse the legal strengths and weaknesses of the matter from each party's prospective
- P2-N7 Demonstrate an ability to devise negotiation strategy and tactics
- P2-N8 Be able to document the negotiations and any resolution and discuss it with your client in the way that he/she understands
- P2-N9 Report the outcome to your line manager and discuss appropriate next steps
- P2-N10 Treat other parties in the negotiation with courtesy and respect

End

PRACTICAL LEGAL RESEARCH

Effective research is one of the key paralegal roles at Certified Paralegal level.

This is what the National Competency Standards for Paralegals at Intermediate Level require you to be able to do:

- P2-PL1 Know where and how to access basic procedural information about your practice area
- P2-PL2 Know the required outcome before commencing
- P2-PL3 Establish if there is a deadline, and meet it
- P2-PL4 Compile research findings citing sources, conclusions and caveats and present in a format most suitable for the intended recipient
- P2-PL5 Where appropriate save or record research so your colleagues can benefit from it
- P2-PL6 Identify if time spent on research is chargeable and, if so how much and upon what basis
- P2-PL7 [Blank]

End

PROFESSIONAL CONDUCT

As Certified Paralegal you are subject to compliance obligations imposed by law, regulatory bodies, the Institute (if you are a member) and your organisation.

This is what the National Competency Standards for Paralegals at the Intermediate Level require you to be able to do:

- P2-PC1 You must provide a good standard of client care and work, exercising competence, skill and diligence
- P2-PC2 Conduct yourself so that clients are able to place their trust in you
- P2-PC3 Keep the affairs of your organisation's clients and former clients confidential
- P2-PC4 Keep your organisation's business confidential
- P2-PC5 Demonstrate an understanding of the prohibition on acting where there is a conflict of interest
- P2-PC6 Act at all times in a non-discriminatory manner and comply with your organisation's equality and diversity policies
- P2-PC7 Understand your organisation's anti-money-laundering policies to the extent that they apply to your work
- P2-PC8 Know the limits of your authority and seek guidance when uncertain
- P2-PC9 Act in a professional manner at all times

End

SELF AWARENESS AND DEVELOPMENT

As Certified Paralegal, you will be expected to have given some thought to your job, the skills you need for it, and how you can best develop those skills.

This is what the National Competency Standards for Paralegals at the Intermediate Level require you to be able to do:

- P2-SA1 Evaluate the strengths and weaknesses of your professional skills and knowledge
- P2-SA2 Be aware of changes to internal procedures and relevant compliance and regulatory obligations
- P2-SA3 Reflect on experiences and mistakes so as to improve your future performance
- P2-SA4 Periodically ask for constructive feedback about your performance. Consider issues identified and have a follow-up discussion with your line manager about how to improve your performance
- P2-SA5 Seek feedback about the training and development you need to do your job more effectively and to further develop you personally
- P2-SA6 Keep a record of your progress and achievements in meeting these standards
- P2-SA7 Be aware of the limits of your ability and seek guidance when asked to work beyond them
- P2-SA8 Contribute positively to any appraisal program you are involved in

End

WORKING WITH OTHERS

The ability to work well with your colleagues is essential for the proper functioning of your organisation. As a certified Paralegal you are under a positive obligation to work and interact with them in a professional and courteous manner.

This is what the National Competency Standards for Paralegals at the Intermediate Level require you to be able to do:

- P2-WO1 Treat colleagues with respect and professionalism
- P2-WO2 Appreciate your own role and responsibilities and recognise those of others
- P2-WO3 Demonstrate a commitment to your job and your organisation
- P2-WO4 Co-operate with, support and share information with colleagues to further your organisation's objectives
- P2-WO5 Read staff communications issued by your organisation and support new initiatives
- P2-WO6 Promote good team relations
- P2-WO7 Identify situations where the support of colleagues is needed and discuss with your line manager
- P2-WO8 [Blank]
- P2-WO9 [Blank]

End

WORKLOAD MANAGEMENT

In a work environment that is often hectic, frequently pressured and always changing, the ability to be well-organised and to manage your workload is essential.

This is what the National Competency Standards for Paralegals at the Intermediate Level require you to be able to do:

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- | | |
|---------|--|
| P2-WM1 | Provide a good standard of work, exercising competence, skill and diligence |
| P2-WM2 | Plan and prioritise your work through use of a diary, 'to-do' list and effective time management techniques |
| P2-WM3 | Set realistic timescales, re-prioritising other work as necessary |
| P2-WM4 | Liaise regularly with your line manager about your workload and availability |
| P2-WM5 | Meet deadlines or give a warning to the client or appropriate person in your organisation as soon as reasonably possible that a deadline is causing difficulty and identify an alternative delivery date |
| P2-WM6 | Give clear deadlines to third party service providers and monitor their compliance |
| P2-WM7 | Record work done as necessary for compliance, billing and file management purposes |
| P2-WM8 | Know the workload that you can safely handle and notify your line manager when you feel that this is being exceeded |
| P2-WM9 | Delegate work effectively where possible |
| P2-WM10 | Manage your workload to best ensure that matters are resolved in a timely manner |
| P2-WM11 | [Blank] |

End

WRITING AND DRAFTING

As Certified Paralegal you should have developed skills in the preparation and drafting of a range of documents. You should be able to formulate and present a coherent piece of writing based upon facts, general principles and legal authority, in a structured, concise and where appropriate, persuasive manner.

This is what the National Competency Standards for Paralegals at the Intermediate Level require you to be able to do:

-
- | | |
|---------|---|
| P2-WD1 | You know which letters, forms and documents are commonly used in your practice area and have an understanding of why and when they are required |
| P2-WD2 | You can draft the letters and documents commonly used by paralegals at your level of seniority in your practice area |
| P2-WD3 | You can identify the need for and purpose of the documents you draft |
| P2-WD4 | Be able to use precedents |
| P2-WD5 | Be able to draft documents in a form and structure appropriate to the parties, circumstances, good practice and law |
| P2-WD6 | Be able to write in plain grammatical English, in a style appropriate to the circumstances and recipient |
| P2-WD7 | Know the documents in your practice area that require stamping, registration etc to be valid. Know how to do this |
| P2-WD8 | Be able to critically review and respond to letters, forms and documents received from clients and third parties |
| P2-WD9 | Comply with any internal guidelines relating on writing/drafting style/format |
| P2-WD10 | Assist more junior colleagues |

End

NOTES
(NOT PART OF THE STANDARDS)

A. Assistance in creating these standards

The following organisations are either (a) on/were on the main National Competency Standards Working Party that helped finalise these standards, or (b) requested a watching brief. Their assistance is much appreciated:

1. Berrymans Lace Mawer	37. Legal Services Board
2. Birmingham City University Law School	38. Legal Services Commission
3. Blackburn College	39. Legal Services Ombudsman
4. Bond Pearce LLP	40. Manches LLP
5. Buckles Solicitors LLP	41. Mayo Wynne Baxter LLP
6. Charles Russell	42. Mills Reeve
7. Central College Glasgow	43. Ministry of Defence
8. Cobbetts	44. Ministry of Justice
9. Compliance Recruitment Solutions	45. Morgan Cole
10. Council for Administration	46. Munday's LLP
11. Crown Prosecution Service	47. Nick Peterken, solicitors
12. Dawsons	48. Norton Rose
13. Denton Wilde Sapte	49. New York City Paralegal Association
14. Dickinson Dees LLP	50. Pinsent Masons
15. Edwards Angell & Palmer Dodge LLP	51. Platinum Training Solutions
16. Eversheds	52. Police National Legal Database
17. Farrer & Co.	53. Potter Farrelly & Associates
18. Field Fisher Waterhouse LLP	54. Reed Smith
19. Finers Stephens Innocent LLP	55. Resolution
20. Fox Williams LLP	56. Shakespeare Putsman LLP
21. Gide Loyrette Nouel	57. S J Berwin LLP
22. Halliwells	58. Scottish Paralegal Association
23. Harvey Ingram LLP	59. University of Lincoln Law School
24. HBJ Gateley Waring LLP	60. Shearman & Sterling
25. Herbert Smith LLP	61. Shepherd Evans
26. HR in Law	62. Simmons & Simmons
27. Jacobs Solicitors	63. Skills for Justice
28. Keoghs LLP	64. Solicitors Regulatory Authority
29. Land Registry	65. Taylor & Emmet
30. Law Society of England & Wales	66. Taylor Vinters
31. Law Society of Scotland	67. Thompsons
32. Law South	68. Thomson Snell & Passmore
33. LawNet	69. TLT solicitors
34. Legal & Contract Services Limited	70. University of Lincoln
35. Legal Education & Training Group	71. University of Westminster
36. Legal Secretaries of DC	72. Weightmans
	73. Wragge & Co.

B. Updating these standards

These Standards are reviewed and updated as necessary to ensure that they reflect current practice. If your organisation wishes to become a member of the IOP Competency Standards Working Party, or to have a watching brief, please contact us.

C. Contacting the Institute

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D. Copyright

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End