

CHAPTER 5

Training Paralegals

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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 chieftom 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.