



## **Paralegals Working In Legal Aid: An Unhealthy Dependency? A Report By Young Legal Aid Lawyers**

### **Introduction**

This report is based on a survey carried out by Young Legal Aid Lawyers (YLAL). Results of the survey suggest that paralegals are frequently exploited and underpaid by law firms, and that this is a particular and growing problem in the field of legal aid.

YLAL is a group of lawyers committed to practising in areas of law that have traditionally been publicly funded. The group, which has around 800 members, includes students, paralegals and trainees, as well as recently qualified barristers and solicitors. YLAL members share a strong belief in good quality representation and advice to those who could not otherwise afford it. Founded on the premise that without access to justice, there can be no justice at all, YLAL has campaigned to ensure that changes to legal aid do not reduce the quality of legal aid provision or access to justice. It is also of great concern to YLAL that without new generations of committed and properly trained legal aid lawyers, there is no future for legal aid. One of YLAL's primary aims is to ensure that new legal aid lawyers are both willing and able to provide good quality legal advice.

In response to anecdotal evidence about the unfair treatment of paralegals, YLAL surveyed its members in the autumn of 2007. An analysis of the first 100 respondents reveals growing concerns about inadequate pay, uncertain career progression, lack of training and supervision, poor working conditions, and the implications of the pyramid model envisaged under the Carter review for profitable legal aid firms. The 'Carter Model' of highly efficient and profitable legal aid firms is based on a high ratio of unqualified fee earners to solicitors<sup>1</sup>.

It is hoped that the findings of this report will assist the profession in ensuring that a sustainable future for legal aid is not jeopardised by the unrecognised and unchecked systematic exploitation of paralegals.

Finally, it is recognised by YLAL members that some of the bad practices referred to within are the inevitable result of hasty changes to legal aid, which have left some firms in extremely difficult positions if they are to survive.

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<sup>1</sup> Implementation of the Carter review of Legal Aid, Constitutional Affairs Committee 2007 para. 180

## **Executive Summary**

Survey results reveal that an overwhelming number of paralegals do not regard paralegal work as a “career” within in its own right but as a prerequisite to securing a training contract or pupillage. Eighty-five per cent of YLAL members surveyed stated that they had done paralegal work with a view to eventually qualifying as a lawyer. Further, results show that while progression as a paralegal is difficult, the opportunity to qualify is frequently used as a bartering tool.

## **Feeling undervalued**

Sixty per cent of respondents complained that conditions are worse for paralegals than for solicitors. Paralegals are expected to charge comparable hours and make comparable profits to those of solicitors. However, while paralegals often do the same work as trainees, and even solicitors, they lack job security and status and find that they are not given equal facilities, training, supervision or pay.

Eighty per cent of former paralegals able to comment said their salary was below the minimum pay for training contracts at the time. Levels of pay among current paralegals indicate that this is a continuing trend. In autumn 2007 the Law Society’s minimum salary for trainees was £17,660 per annum in central London and £15,820 per annum elsewhere. Yet 13 per cent of respondents earned under £14,000 and 35 per cent earned between £14,000 and £16,000.

Survey results indicate that the use of paralegals as cheap labour is particularly endemic in the legal aid sector. Only ten per cent of respondents working in the legal aid sector earned over £20,000 in comparison with 50 per cent of their counterparts in the non-legal aid sector. The results even suggest that it is not unusual for firms to recruit new, aspiring entrants to the profession as unpaid paralegals on false promises of future training contracts. This exploitation is only likely to increase under the changes underway for legal aid procurement.

## **Inadequate Training**

Over ninety per cent of respondents did casework as part of their role as a paralegal. Seven per cent even did some advocacy while they were in the role. However, only ten percent of surveyed members received thorough formal training about their tasks, while forty-four per cent received informal on the job training and forty-one percent just asked as they went along.

## **Unfair Treatment**

It is apparent that some employers are not treating paralegals fairly, even where they are doing the same work as qualified solicitors. In some cases, this may be in breach of the Equal Pay Act 1970 or the Race Relations Act 1976. Dedicated legal aid lawyers may be reluctant to blow the whistle on such firms because they are desperate to continue in the field.

## **Limited Career Progression**

The survey results also indicated that progression as a paralegal is increasingly difficult. Respondents complained of feeling exploited and

frustrated at being trapped in a system which does not allow paralegals who may be as committed and talented, and are often more experienced, than trainees, to formally qualify.

### **Limiting access and diversity?**

YLAL is concerned that exploitation of paralegals is further limiting access to the legal profession and that it can only serve as an additional deterrent to students from under privileged backgrounds. Only those who can afford to pay the Legal Practice Course or Bar Vocational Course fees, and then subsidise a low salary for an unknown period, are likely to consider a career in legal aid. Pay appeared to be significantly less for those paralegals who described their ethnicity as Asian.

### **An Unhealthy And Growing Dependency?**

It is widely anticipated that this exploitation will only become greater under pyramid model envisaged in Lord Carter's review. Legal aid firms will be expected to sustain profitability by working to economies of scale with a high ratio of unqualified solicitors and to solicitors. As a result of these changes to legal aid, firms will increasingly rely on paralegals rather than trainees or qualified solicitors. This may lead to a dearth of training contracts and further reduce the prospects of potential lawyers to gain a broad range of experience and to formally qualify. YLAL believe that the 'would be' qualified lawyers will inevitably become frustrated at the bottom of this pyramid where they will be subjected to the kinds of exploitation described in the survey results. The obvious choice for even the most dedicated young legal aid lawyer will be to seek employment in other fields of law or other professions.

### **Consultation And Intervention To Protect Paralegals**

Survey results confirmed that paralegals would like to be consulted on issues that affect them and want firm intervention to protect them from exploitation and to ensure they receive adequate training and fair treatment.

### **Urgent Action Required: Recommendations**

YLAL is concerned that increased use of paralegals will limit access to justice and adversely impact on the quality of advice and representation given to clients. Inevitably overworked supervisors and under-trained paralegals will not be capable of supplying the standard of legal services that clients deserve. YLAL has therefore proposed some possible solutions and action that we believe should be considered by the Law Society and the Legal Services Commission. These are set out in the recommendations.

### **The Respondents**

From the answers of YLAL members surveyed in Autumn 2007, an analysis was undertaken of the first 100 respondents. These respondents included:

- 10 solicitors
- 3 barristers
- 1 legal executive
- 19 trainee solicitors
- 3 pupil barristers
- 42 paralegals/other legal job
- 10 seeking employment after LPC/BVC
- 7 LPC students
- 1 BVC student
- 1 LPC/ study contract student
- 2 LLB graduates
- 1 paralegal/part-time GDL

Eighty-seven per cent of respondents have at one time been engaged in full-time paid work as a paralegal in the legal aid sector, including all the barristers and pupil barristers who took part in the survey, 18 out of 19 of the trainee solicitors and 4 out of 7 current LPC students. Thirty-four per cent have also worked as a paralegal in a non-legal aid field of law.

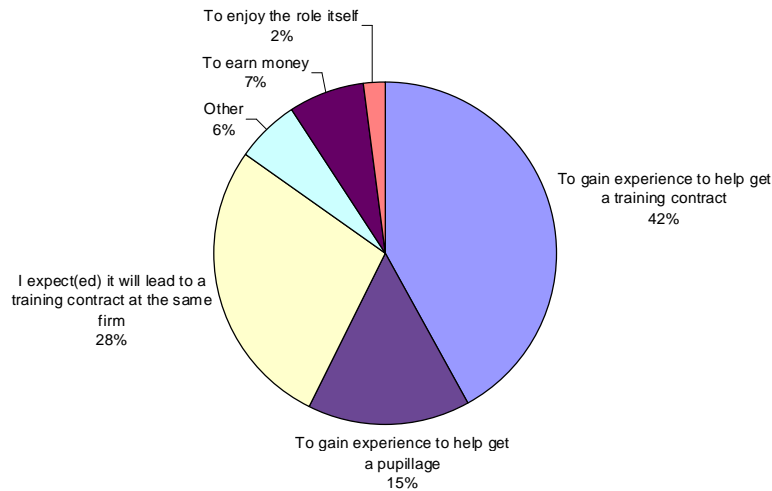
The following table reveals the diverse range of legal areas in which respondents have worked. On average respondents have worked as a paralegal in two legal aid areas of law, but some had experience in multiple fields. Crime was the most common area of experience with forty-five per cent having worked as a paralegal in this field of law. One third of respondents have worked in family and one quarter in immigration.

<b>Field</b>	<b>per cent who have worked in the field as a paralegal</b>
Crime	45
Family	34
Immigration	24
Actions against the police, prison law, civil liberties, human rights	23
Housing	22
Mental health	10
Public	10
Child law	8
Community care	7
Education	6
Employment	6
Welfare	3

## Paralegals' Motivations

As the pie chart and the comments below demonstrate, career progression and the prospect of formally qualifying as a lawyer are the overriding motivations for people engaging in paralegal work.

Please give your most important reason for doing paralegal work.



Many respondents described paralegal work as a pre-requisite to and invaluable experience for formal qualification:

*'To gain a training contract at a legal aid firm it is important to show a commitment to legally aided work, working as a paralegal can therefore be helpful.'*

*'Outdoor clerking helped me get pupillage interviews and probably to get a pupillage. It not only impresses people that you've done it but it also gives you more know-how on what goes on in court, what clients are like and what counsel do.'*

*'It is an excellent way to get experience, and a way to find out what area(s) of law you would like to pursue.'*

*'It's invaluable to those who don't have a strong academic CV.'*

Other respondents stated reasons for doing the role included:

*'I hope it will lead to a training contract, however I was very attracted by the role itself and the firm.'*

*'To provide 24 months work experience to sit QLTT post BVC.'*

*'To occupy the year between completing BVC and starting pupillage.'*

*'To see if I wanted to pursue a career in the legal profession and ultimately qualify as a solicitor.'*

One of the major reasons listed for enduring the low pay of a paralegal is the value of the work experience for career progression:

*'The rate of pay for paralegals is, in my opinion, lower than the rate of pay for alternative jobs that a BVC graduate could take. However, valuable experience can be gained from work as a paralegal which accounts for the lower rate of pay.'*

One respondent explained:

*'I don't regard it as a "career" in its own right - especially within the legal aid world, I think it is a really useful way to gain experience, but for me it is a stepping stone to a training contract. In legal aid, where money is tight, paralegals are only going to be able to progress to a certain level of experience and a certain level of salary - and they are both quite limited.'*

Others commented:

*'Getting a job as a case paralegal in a solicitors firm in the field I wanted to specialise in was very hard (criminal/public/HR law) and I was frequently turned down as lacking in experience. I therefore had to start by outdoor clerking for two firms. This was very hard and felt like I was literally scratching a living, picking up half days (£30 plus travel) here and there, and occasionally the odd trial which would tie me over. Considering the rents in London, I was literally living hand to mouth whilst studying my GDL part time and getting myself into debt. After a year and a half of this I worked my way up to full time case paralegal, which I did for a year. Only on the back of my two and a half years paralegal experience, and having built up contacts, was I offered training contracts.'*

*'It definitely gives you the practical experience that employers are looking for, particularly if like me you have taken time out to consider whether to qualify or not. However the feeling is (unlike career paralegals in the US) that you can't be truly 'fulfilled' until you qualify - this is reflected in the salary difference between a paralegal and a newly qualified solicitor even though both may have in fact have similar experience!'*

## Feeling Undervalued

### *Cheap Labour*

Law Society recommendations on levels of pay for trainees provide a useful bench mark. The Law Society recommended trainee salary levels for the 12 month-period **beginning 1 August 2007** as follows:

- **Central London**  
Minimum salary – £17,660 pa  
Recommended salary – £18,090 pa
- **Elsewhere**  
Minimum salary – £15,820 pa  
Recommended salary – £16,100 pa

Forty-three percent of current paralegals earn less than £17,000. Among all current paid paralegals, respondents who are paid (across legal aid and non-legal aid fields), earn as follows:

- Thirteen per cent earn under £14,00;
- Thirty per cent earn £14,000-16,000;
- Thirty-five per cent earn £17,000-19,000;
- Twenty –two per cent earn £20,000-25,000.

Eighty per cent of former paralegals able to comment reported their salary was below the minimum pay for training contacts at the time.

Of those whose salary is in the upper bracket, many worked for up to 4 years to achieve that level and this is an obvious deterrent for many considering a long-term career in legal aid. One respondent commented:

*'My rate of pay has only just gone over the £20k mark after nearly 4 years of paralegaling, and this has been subject to becoming accredited. The reality is if you work in legal aid and live in London you are going to be hard pressed to come up with the money you need to see you through the extortionate LPC course fees and potentially minimal salary for 2 years on a training contract in order to qualify. This is something I have had to consider very seriously and unfortunately as a result I will be leaving legal aid work to paralegal in private practice while I consider my options.'*

Others recalled:

*'As a Caseworker in the GLS I was earning £8 an hour on a long-term temp contract but doing exactly the same job as the Trainee who was earning over £25,000 pa. In a large City firm the pay was much better (£24k) but obviously well below that of Trainees. In my current role I am earning £20,000pa, which is*

*about £2,000 less than Trainees, though the work is broadly similar.'*

*'In retrospect, the rate of pay was a bit abusive - I started on 7,500 pa. and this went up to 9,500 after about 10 months.'*

*'Pay is appalling. Firms pay peanuts but not for monkeys, they get much more than their money's worth. Legal Aid firms exploit their paralegals because they know they have them over a barrel.'*

The survey did not give a detailed comparison between paralegals who work in legal aid and those who do not but there is an indication that paralegals have been working for much lower salaries in legal aid. 3 out of 6 current paralegals who have only worked in non-legal aid fields now earn over 20k compared with 5 out of 56 current paralegals who have only worked in legal aid fields.

Respondents called for greater protection in levels of pay:

*'There is no formal guidance - therefore paralegals are used as cheap labour.'*

*'My rate of pay with HMRC was pretty good as pay levels are protected in the public sector. When I took a job in a private firm the pay went down.'*

*'I think that paralegals should be offered more protection in the form of a minimum salary.'*

*'[wages] are incredibly low; if there was a minimum not much below that of trainees, then there would be less incentive for firms to take on paralegals rather than trainees.'*

*'Paralegals also need to be better protected in terms of pay. I received below law society minimum for my work and found myself unable to meet the repayments for my loans taken out for the CPE and LPC as well as living expenses, but I know of people who were paid far less than I was.'*

### **Free Labour**

While it is not the norm, as the following anecdotes demonstrate, it is not unheard of for firms to achieve their own casework targets by inducing new entrants to the profession to work as unpaid paralegals.

*'I was recruited onto a programme advertised as a "work experience scheme" ... advertised as 3 months' unpaid work, followed by 3 months' paid work. My work included taking initial instructions for clients, preparing applications and writing*

*submissions to the home office, preparing bundles, drafting applications (appeals, JR, etc). Once I had begun working at the firm it became apparent that other paralegals had been recruited on to similar programmes. Some had been indirectly promised the opportunity of a training contract. In no case was any kind of salary paid after the initial three month period.'*

*'I was recently interviewed for a position advertised as a training contract... On being invited back for a second interview I found myself with two other candidates. We were told that the firm would like each of us to work, unpaid, for three months. This would include work as a paralegal, as the firm's receptionist and as someone tasked with attracting new clients. After three months one of us might be selected, whilst the other two would leave with nothing. I declined to take part.'*

## **Inadequate Training**

Surveyed members raised concerns about a lack of training and supervision and the adverse effects of this trend for both clients and staff:

- Over ninety per cent of respondents did casework as part of their role as a paralegal.
- Seven per cent even performed some advocacy as part of their role.
- However, just ten per cent of paralegals received detailed formal training about their tasks.
- Forty-four percent received informal on the job training.
- Forty-one per cent just asked as they went along.

The training of paralegals is apparently low on the priority list for many firms and respondents made the following complaints:

*'Paralegals in our firm are expected to simply get on with the job. The work is the same as that of a trainee but little or no time is given to training.'*

*'Firms refuse to invest as Paralegals are seen as cheap and easy labour not worth the effort.'*

*'Crime is a manic area of law, at least where I work, and there is little to no time available for training as billable units are so precious.'*

*'... if a paralegal is to be given their own case load then I believe that there should be a formal training programme in place to ensure that the work is done correctly...'*

*'Paralegals at my firm do the same job as legal trainees, they are just not supervised. This does not seem appropriate.'*

As for the implications of this prevalence in inadequate training, surveyed members commented:

*'I have not come across anyone that has received any structured training. It means mistakes are made and clients lose out.'*

*'Client confidentiality - this was one of the few areas which was explained to me. Taking instructions - something which is learned on the job but it would be beneficial to train with someone. Own safety - in my first few months I took instructions by myself from a client which I later found out the partner on the case would not interview alone because the client was so difficult. I was never told when it would be ok to terminate an interview i.e. if someone became aggressive or sexually explicit. It seems obvious now and two years down the line I wouldn't put myself in that situation but as an inexperienced caseworker I*

*should have been given training on this. In criminal/prison work there is a macho culture of 'just handling' situations and in retrospect I think this can be dangerous if you are inexperienced.'*

*'How many paralegals will know when their firm is professionally embarrassed?'*

## Unfair Treatment

Sixty per cent said conditions are worse for paralegals than for solicitors.

Some respondents were able to report good practice, for example, one respondent stated:

*'There is very little difference where I work in the way paralegals, legal execs and solicitors are treated. The working conditions are the same for everyone - generally speaking they are of a good standard. The hours are standard hours. You only work late if you have something to finish. You don't have to stay late just because other people are having to work late. Everyone is supported in some way. There is a culture where if you don't know something you can just ask. This is the way that Paralegals should be treated and firms who treat paralegals poorly should be red flagged among the paralegal community. Perhaps then, when these firms can't hire any paralegals they might start treating them with a little more respect.'*

Another observed:

*'Solicitors worked significantly longer hours and were under significantly more pressure than paralegals at the firm where I worked.'*

...but the majority had concerns:

*'Paralegals are expected to achieve the same billing and chargeable hours targets as qualified staff, however it is often much more difficult for them to do so, e.g. due to lack of experience or formal training and a greater number of admin and support tasks also required of them.'*

*'I am expected to do the work close to the standard of a qualified solicitor and often the same as a qualified solicitor yet when it comes to resources such as a dictaphone or work mobile phone, and even a desk (!) I'm not entitled to these things because of my status as a mere paralegal. I am expected to work the same hours as a solicitor but for nowhere near the same pay (not even the same pay as a trainee). I have my own load of cases although they are not billed as my cases. I have support when it comes to undertaking work but not in advancing my career or in terms of the way I'm treated or management's attitude towards me. I feel degraded and exploited.'*

*'I don't know if there will be a job for me the next morning because my employment arrangement depends on the volume of work the firm is engaged in.'*

*'Pay is very uncertain, many legal aid firms don't want to bind in an employment contract with you because they don't know how much work they will be getting or how they may be affected by the legal aid reforms so they just don't put you on payroll, instead pay you as and when they tell you come in.'*

*'In the department that I worked in, there was so much work to do that I felt thrown into it and certain people did not seem that patient...I didn't feel very confident doing that job.'*

*'If you can take the long hours of slog for low pay then do it.'*

## Limitations On Career Progression

### Low Ceilings

Feedback on the unfair treatment of paralegals also referred to limitations on career progression. Respondents complained:

*'Progression as a paralegal is difficult, and firms set goalposts just to get as much out of a paralegal as possible with no intention to progress him/her or increase the salary.'*

*'I do the work of a solicitor but am paid under the minimum training contract wage. After 12 months work at the firm I am eligible to "be considered" for a training contract for 18 months'*

However, as another respondent pointed out:

*'if you are a paralegal for too long (over a year or two), it seems that firms are less willing to offer a training contract as they will question why you weren't offered one in your previous firm.'*

Thirty-four respondents successfully applied for a training contract where they worked as a paralegal. Eleven have tried without success.

Some respondents who worked as a paralegal to gain experience to help get a training contract or a pupillage felt that it had - or will - help them achieve that goal:

*'I may still apply to the first firm I worked for, as I do believe working there as a paralegal massively boosted my chances of obtaining a training contract there. People tell me my 2-4 years experience as a paralegal will help me to secure a TC or pupillage but only time will tell...'*

However, not all were so optimistic. Of 27 respondents who worked as a paralegal in the expectation that it would lead to a training contract, twenty-five per cent have already been disappointed.

One respondent surmised:

*'The only thing that I would say is that whilst there are good firms out there, many firms do see paralegals as cheap labour and can exploit them. I have had experience of working as a paralegal in three firms, two of which promised training contracts when there was no real intention of giving one. My current firm have been excellent and I worked as a paralegal there for 15 months before starting my training contract.'*

### ***Stuck in a Quandary***

Many respondents made varying complaints about the unfair and informal recognition of paralegal work within the legal profession:

*'I think some paralegals are trained well, to the standard of a trainee solicitor, however, that training is often not recognised or treated as any kind of registered training as is a training contract.'*

*'...I am shocked at the way paralegals who may be equally committed and talented as trainees cannot formally qualify. I can only gain 6 months 'time to count' due to the rigidity of the Law Society rules and that is only at the discretion of the law firm. Equally, I cannot approach firms and ask to 'transfer' my training contract on the basis of time to count... I am also shocked that foreigners with legal qualifications can qualify on the basis of paralegal experience in UK, when UK citizens cannot. This is discriminatory and should be subject to legal challenge...'*

*'For those firms who agree to take on trainees from their paralegals and then apply to have a reduction in time, it seems like a good way to actual pay them under the Law Society minimum.'*

## **Limiting access and diversity?**

Member feedback indicates that paralegalling is, in particular, a common rite of passage young legal aid lawyers of ethnic minority backgrounds.

This was certainly true of all the 17 respondents who described their ethnicity as Asian or part-Asian within the meaning of the Indian subcontinent. All had done paid paralegal work and half had worked as a paralegal in a non-legal aid field (mainly corporate or conveyancing). Most had their own caseload and all did casework functions as part of the role as a paralegal. All but two had informal on the job training or just asked questions as they went along. Twenty-three per cent of those currently paralegalling are paid under £14,000, sixty per cent between £14,000 and 16,000 and just fifteen per cent over £17,000. The 4 former paralegals all said their pay was below the minimum rate for a trainee at the time.

When compared with the conditions of most surveyed members, these figures raise obvious questions about equal treatment and race relations issues. In some cases, firms may be discriminating against paralegals from black and ethnic minority groups or women. However, further inquiries should be carried out in order to explore whether this is the case: we have recommended that a referral be made to the new Equality and Human Rights Commission who are able to undertake inquiries.

## **An unhealthy and growing dependency?**

As the following comments demonstrate, feedback was resoundingly concerned about the implications of Lord Carter's pyramid model for profitable legal aid firms, which relies on the increased use of paralegals.

*'I would question whether such a large number of paralegals can be adequately supervised by one partner. My experience has been that I had very little contact with any of the firm's solicitors. The only training I received was through asking/observing other paralegals, some of whom were themselves unpaid. Essentially I was teaching myself from practitioners' handbooks and legal research.'*

*'Am at work, so don't have time to respond to this properly. Nuff said... In all seriousness there is simply no way that the requisite quality of work, especially in practice areas that need specialist expertise, could be maintained with that kind of hierarchy.'*

*'Clients will get a terrible service from a paralegal compared to what they have been getting from a qualified or experienced qualified solicitor.'*

*'....Important that paralegals have greater training otherwise there will be an impact on the service to clients.'*

*'The level of quality representation would severely decrease. A paralegal's job should be to support a solicitor to allow the solicitor to focus on the issues of the case, the client's instructions and the law.'*

*'...if fixed fees are inevitable, then a large team of paralegals doesn't have to signal a steep decline in standards. However the role of the paralegal should be defined and supported by the Law Society and the supervising solicitor will have to develop markedly different 'lawyering' and managerial skills in order to oversee this kind of team.'*

*'There will be less opportunities to qualify. People will be doing the work of solicitors for less pay and clients will have less access to qualified, experienced advisors so once again, the clients will be the greatest losers.'*

*'I think it will have a huge impact since if there is no career progression it will put lots of bright and committed people off.'*

*'After a year working as a paralegal I was offered a training contract to start in September 2007, but have recently been*

*made redundant due to my firm's response to the Carter proposals.'*

*'I was committed to legal aid and tried to gain experience throughout my legal studies in this field. This is despite numerous people criticising my choice of career and feeling that I could "do better" given my good qualifications. Having been made redundant and lost my training contract I now feel that there is no future for me in legal aid as I do not want to continue to work as a paralegal in the vain hope of securing a training contract....one day. Paralegals at my firm do the same work as solicitors but are lower paid & simply do not command the same status as a solicitor - both among clients and other professionals.'*

*'If it is a career as a paralegal one is looking for, the pay is unlikely to be sufficient to retain staff. If, on the other hand, one is looking for a paralegal position as a stepping stone towards a training contract, they will inevitably have to compete with the other 39 people, increasing their hours and stress resulting in a poor quality of life and service to clients. This is a sad state of affairs but I fear it is inevitable within the system of fixed fees.'*

*'I have worked in a variety of places as a paralegal, and have thus had a variety of different experiences. I have worked in a place comparable to the model as envisaged by Carter in a well known personal injury firm where the majority of work was done by unqualified legal executives. In this firm the quality of work was definitely sub-standard in that the staff were untrained, unvalued and fairly unregulated. I have, however, had a fantastic experience in a small human rights niche firm where I have been given a lot of autonomy and responsibility, training and a feeling of being valued (except for my salary which is depressingly low considering the extent of my experience). I would therefore be very concerned by the vision predicted by Carter in terms of the quality of work produced in such firms.'*

*'Greater exploitation of paralegals and will deter even more law students from wanting to work in the sector, naturally...'*

## **Consultation and intervention to protect paralegals**

Forty three respondents are keen to engage in issues surrounding paralegals. It may be inferred that a large number of working paralegals want to engage in consultation on changes to legal aid which will affect their role and their career prospects.

Among many calls for intervention and changes to the described system or exploitation, one respondent surmised:

*'In the legal aid sector paralegals are paid significantly less than secretaries, expected to stay late and generally treated quite inappropriately. The reason firms can get away with this is because of the increasing need for want-to-be-lawyers to have years worth of paralegalling experience before getting the much sought after 'training contract', as well as vague but strategic mentions of gaining a TC with that firm. This borders on exploitation and a code of guidance from the Law Society would greatly improve the situation.'*

## **YLAL Recommendations**

**YLAL proposes the following possible solutions to reduce the exploitation of paralegals.**

The Law Society should consider:

- issuing an unequivocal recommendation that law firms treat paralegals fairly, especially in respect of pay and training;
- referring the issue of exploitation of paralegals to the new Equality and Human Rights Commission to carry out an inquiry;
- issuing a minimum salary for paralegals;
- clearly defining the role of paralegals; and requiring that where paralegals are given their own caseload, a formal training programme be put in place to support them for at least the first two years;
- relaxing the rules on paralegal 'time to count' towards training by:
  - increasing the current maximum period of 6 months that can count towards training time; and
  - abolishing the rule that trainees are only allowed time as a paralegal at the discretion of the law firm with which they have a training contract.

The Legal Services Commission (LSC) should consider:

- refusing to contract with firms that exploit their work force;
- making a commitment to training a requirement for firms that contract with the LSC;
- increasing the number of sponsored training contracts, to encourage firms to take on trainees, for example, the number of contracts could be doubled by:
  - reimbursing only half the LPC fees paid for any person accepted under the scheme at whatever stage they are in their training; and
  - paying firms only 50 per cent of the salary of the trainee accepted under the scheme;
- offering ongoing support and incentives to firms that are committed to taking on trainees, including help with courses and/or fees that trainees need to take as part of training on application.

Young Legal Aid Lawyers  
28<sup>th</sup> February 2008  
[www.younglegalaidlawyers.org](http://www.younglegalaidlawyers.org)