



## **The Future of the Legal Workforce – can paralegals meet market needs? – YLAL’s perspective**

This is YLAL’s contribution to the Paralegal Enquiry being conducted by the Chartered Institute of Legal Executives (CILEx). It is based on a survey of our members.

### About YLAL

Young Legal Aid Lawyers (YLAL) is a group of lawyers who are committed to practising in those areas of law, both criminal and civil, that have traditionally been publicly funded. YLAL members include students, paralegals, trainee solicitors, pupil barristers and qualified junior lawyers based throughout England and Wales. We believe that the provision of good quality publicly funded legal help is essential to protecting the interests of the vulnerable in society and upholding the rule of law.

YLAL’s objectives are:

- To campaign for a sustainable legal aid system which provides good quality legal help to those who could not otherwise afford to pay for it.
- To increase social mobility and diversity within the legal aid sector.
- To promote the interests of new entrants and junior lawyers and provide a network for likeminded people beginning their careers in the legal aid sector.

Our work on social mobility has included the 2013 publication of a report into social mobility in the legal aid sector “One Step Forward, Two Steps Back”. The findings of the report, which can be found [here](#), highlighted concerns about the use of paralegals in the industry, particularly where most were badly paid or not paid at all.

### YLAL’s contribution to the enquiry

Legal aid has been subject to government cuts, most noticeably through the Legal Aid, Sentencing and Punishment of Offenders Act 2012. As a result of this, firms and chambers that deal predominately in legal aid work are less able to offer job opportunities and career progression. This means that prospective legal aid lawyers

have been looking to paralegal work as a 'gateway' into the profession. Therefore YLAL welcomes the CILEx enquiry into the use of paralegals in the legal profession.

In preparation for our response, YLAL undertook a survey of our membership between October 2014 and December 2014, to canvass members' views of their experience of working in legal aid. We had 14 respondents, one of which did not work in legal aid. Their results were not included in the quantitative analysis, but it was noted that the opinions accorded with the majority of the responses from those who work in the legal aid sector.

The main conclusions from members' responses were that:

- Paralegal work was mostly being treated as a stepping stone to qualify as a solicitor or barrister, with few prepared to paralegal permanently
- Competition for roles is high
- Salaries are low, and working hours are long, with many feeling unsupported particularly by a lack of external bodies to offer guidance
- On the whole respondents enjoyed their jobs, notwithstanding their frustrations, showing an ongoing commitment to careers in law and legal aid

Although this survey is only a snapshot of the views of YLAL members, these conclusions fit with what we have been told by those in the wider membership.

### YLAL survey findings

We conducted a survey on the views of our members based on their experience of working as paralegals. All of those surveyed work in legal aid firms, across a range of practice areas. The results of the survey are set out below.

#### 1) Definition of a paralegal – how YLAL members' experience meets this definition

- The definition of a 'paralegal' is a fluid one. From participation in the CILEx roundtable meeting and from YLAL members' survey responses, we can see that paralegal roles encompass a wide range of work from administrative tasks right up to managing a caseload alone.
- The vast majority have some involvement with casework, with 62% of those surveyed having undertaken their own casework or running their own caseload, and a further 46% providing support to other fee-earners with certain aspects of casework. 62% said that their role met with their expectations, with only 8% saying that it did not.
- The amount of time that those surveyed have spent as a paralegal varied from 1.5 years to 8.5 years, with the mean average time spent being approximately 2 years and 10 months. This shows that within the legal aid sector, there is a certain level of reliance by firms on paralegals.

## 2) Paralegals in legal aid – already meeting market needs?

- The lack of a formal definition of what constitutes a ‘paralegal’ no doubt contributes to the flexibility that employers can accord to the role, allowing paralegals to be utilised in line with business needs.
- With over half of our respondents running their own caseload, without the formal qualifications required to be a solicitor, this highlights the level of responsibility given to paralegals, and the gap that they are filling in the legal market.
- One reason for this is the cost effectiveness of employing paralegals, who tend to be paid a lower salary than solicitors. This is especially pertinent in legal aid, which has been greatly affected by recent government reforms, meaning that some firms are tending towards an “economies of scale” approach.
- Whilst paralegals are a useful resource for employers, 15% of those surveyed felt that they were unsupported or inadequately trained for the roles they were given. This raises concerns over the pressure placed on paralegals to meet the demands of their roles, which can be equivalent to those of practising solicitors.
- 92% of participants were or are working as paralegals as a gateway/stepping stone to another stage in their legal career. 62% were doing this in order to gain experience to support applications for higher positions, with a further 7% doing so because it was not possible to obtain a position as a trainee solicitor immediately in their firm. 15% were doing it to meet the experience requirements in order to cross-qualify from the Bar to being a solicitor, and 7% were doing it to see if a career in law was right for them.
- 85% would not be prepared to paralegal permanently. If employers are looking to use paralegals to meet the demand and supply of their work, then it will be a concern that a high percentage of paralegals do not see this as a long term career option. High turnover will not be cost efficient, and will in all likelihood lead to a loss in the quality of work and client satisfaction.

## 3) YLAL members’ experience of paralegalling

- Issues raised by our members included that the market is saturated with candidates, leading to an ‘employers’ market’, with employers having high requirements (such as previous experience, accreditation, a masters or the LPC) for even those in entry level jobs.
- Although there are more job opportunities in London, some considered the problem with competition and pre-requisites for the job to be worse. However, previous feedback to YLAL indicates that fewer job opportunities outside of London mean that there are more difficulties with career progression or entering the sector, and pay is often lower as they are not adjusted to meet the higher living costs of London.

- Pay is also an issue, with those surveyed citing a difficulty in finding a job with more than entry-level pay, despite the high requirements from employers.
- With that said, 100% of those surveyed enjoyed their jobs, although they expressed frustration at the low salaries, long hours and the perception of paralegals from clients and colleagues. There was variation as to whether this was resented, or whether it was viewed as simply a necessary step for career development.

#### 4) The need for regulation and support

- 85% of those surveyed felt that they were well supported by their employers or colleagues, with the other 15% not feeling supported at all. None recorded that they were affiliated to any external organisations who could offer support.
- 77% of those surveyed thought that there should be some regulation of paralegals, with mixed views on the extent of regulation required. Many felt that it was important to have a body to affiliate with, feeling that it is “anomalous that paralegals are not regulated but solicitors are, when there is an increasing reliance on paralegals”.
- Others (23%) felt that regulation was not essential. The reasons given were that paralegals were supervised by solicitors who were themselves regulated, and that paralegals had to apply the SRA Code of Conduct, bringing them within SRA regulation. Those opposed to regulation raised concerns over costs and bureaucracy.
- Answers reflected that regulation would improve the status of paralegals, potentially equating them to other fee earners, and improving support from employers.
- Another prevalent issue is the need for support, in the form of a union. Those surveyed felt that to request better working conditions may jeopardise career progression, for example prospects of a training contract. Unionisation was seen as a way to secure rights, and ensure adequate training and supervision.
- Only one respondent was a member of CILEx and completing the relevant qualifications to become a legal executive. Another noted that in place of regulation, they would have liked to affiliate with CILEx but were concerned over ‘confusing’ job titles and costs, and were unsure if it would confer any additional rights in the workplace. YLAL encourages members who do not intend to qualify as solicitors or barrister to learn more about CILEx, as CILEx offers a good and supportive framework through a work based learning approach.

In September 2012, YLAL conducted a survey of opinions in a response to the legal education and training review. We asked members for their views on regulation. Although there was a wider pool of respondents, the results are similar those in the present survey. The findings of the 2012 survey are set out below:

“There are mixed views amongst YLAL membership but the consensus is that regulation of paralegals is something which needs to be given consideration. Junior paralegals, who are doing the same level of work as trainees should be given the same level of supervision as trainees. Firms should be encouraged to ensure greater parity of pay between trainees and paralegals.”

### Conclusion

The findings of our survey clearly show the increase in responsibility given to paralegals. The main concern is to ensure that paralegals are not subject to exploitation, and are given adequate supervision and training, which in turn will ensure high quality legal work and client care as it would with another fee earner.

Employers who recruit paralegals need to be mindful of their responsibility to ensure that their paralegals are given the recognition and status that they deserve, both internally to the organisation, and externally. YLAL recognises that paralegal work provides a useful opportunity for those looking to gain relevant experience before qualifying as either a solicitor or barrister. For those not looking to incur the costs of the vocational courses (LPC/BPTC), then paralegal work can also be a career option in itself. However, in order for this to work, the concerns outlined above need to be addressed. With adequate safeguards in place, paralegals would be able to enjoy better protection and work conditions whilst remaining a valuable part of the legal workforce.

*Young Legal Aid Lawyers*  
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