

# The SAS Para-Legal Secretarial Training Programme

**Part One of Three**

**Extracts Only**

**Note: Part 1 contains 2 Sections. We have only included extracts from Section 1.**

(Why Not Print These Extracts Out)

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# **The SAS Para-Legal Secretarial Training Course**

## **PART 1**

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- 1/ A Day in the Life of a Busy Legal Secretary
- 2/ A General Introduction To The Whole Course
- 3/ Introduction To Part 1 – Section 1
- 4/ How To Work Your Way Through Part 1
- 5/ An Introduction To General Principles And Procedure In English Law
- 6/ Questions On General Principles And Procedure
- 7/ Answer Sheet

## **Introduction To Part 1**

One of the significant criticisms lawyers have expressed about legal secretaries is that they often know very little about law in general and the process of law.

As a consequence we have made part one of your training programme an Introduction to General Principles & Procedure in English Law.

Having an understanding of law and the legal system will place you in a very good position to rise within the ranks and make it easier to receive more responsibility.

Quite a few partners in law firms started off their career as a legal secretary.

# **PART 1**

## How To Work Your Way Through Part 1 – Section 1

- 1/ Before attempting to answer any of the questions read through the whole material.
- 2/ Then answer each question as directed on the answer sheet.
- 3/ When you have finished send only the answers back to us.

**An Introduction  
To General Principles And  
Procedure In English Law**

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## 1. THE ENGLISH LEGAL SYSTEM

### 1.1 **What is Law?**

Rules of conduct imposed by the State upon its members and enforced by courts.

Such rules are the law of the land, the object of which is to enforce certain standards of behaviour among citizens in the interests of peace and good order.

### 1.2 **Law can be divided into two main areas:**

1.21 **Public Law** - is that part of the law which governs relationships of citizens with the State and of one state with another, e.g.: Criminal law.

1.22 **Private Law** - is that part of the law of a country which governs relationships of citizens among themselves, e.g.: Law of Contract.

### 1.3 **English and Roman Law**

In most parts of Europe and in many other parts of the world, the main systems of law are as follows:

#### 1.31 **English Common Law**

To the foreign observer, probably the most distinct characteristic of English Law is its antiquity and continuity. Most countries on the continent of Europe have a modern legal system which has emerged over the past 200 years or so.

English Law, on the other hand, has an unbroken history which can be followed right back to Ethelbert who was King of Kent from 560-616.

English Law has absorbed only a few rules of Roman Law and today is applied in most parts of the Commonwealth and the USA.

#### 1.32 **Modern Roman Law**

Derived from the ancient laws of the Roman Empire, modernised and applied in France, Spain, Italy, South America and Quebec.

Scottish Law is Roman law based.

### 1.4 **The Accusatorial Procedure**

(Another distinct characteristic in English Law)

# The SAS Para-Legal Secretarial Training Course

## **PART 1** – Section 1

### 27 Questions on **GENERAL PRINCIPLES and PROCEDURE in ENGLISH LAW**

#### **Notes to students:-**

First read through to get an overall view of the material.  
Using the answers sheets for General Principles and Procedures answer the questions below. (When answering, make sure you follow the guidelines on the answer sheets)

#### **Questions:**

- 1/ What is the oldest source of English law?
- 2/ Who or what is the supreme legislative body in the United Kingdom?
- 3/ What can bind a Judge?
- 4/ Who in the legal system must eat 18 dinners? Explain
- 5/ Whilst solicitors have lost the monopoly in the area of conveyancing what monopoly are barristers losing?
- 6/ There are 400 what in England and Wales?
- 7/ Can all divorce cases be dealt with in the county court? Explain
- 8/ Explain what an “invitation to treat” is.

**Answer Sheet**  
**Para-Legal Secretarial Part 1- Section 1**

**Your Name**  
**Your address**  
**Your e-mail address**

**Instructions on answering:- General Principles and Procedure In English Law**

- 1/ **State the Q number (Q = Question) e.g. 5 and the P number (P = Page) e.g. 32**
- 2/ **State Heading or Sub Heading e.g. Blackmail**
- 3/ **Give your answer (it should be as described on the page DO NOT use your own words. If the answer is too long just write the first few words and the last few words of the paragraph.)**
- 4/ **Where you can outline an example of a legal secretarial assignment/duty that you might be required to perform in connection with your answer.**
- 5/ **Photocopy/Print more answer sheets as required**

**To separate your answers underline before answering the next one.**

Q	P	Heading or Subheading	Your Answer	An Example

# **The SAS Para-Legal Secretarial Training Programme**

**Part Two of Three**  
(An Extract Only)

# **PART 2**

## Contents

- 1/ About Part 2
- 2/ How To Work Your Way Through Part 2
- 3/ Situations And Tasks At Work
- 4/ Quick Reference Guide
- 5/ Answer Sheet

# PART 2

## How To Work Your Way Through Part 2

- 1/ Read the Situation (Try and visualise yourself at work as a Legal Secretary).
  
- 2/ Then for each Task listed under the following Situations, look up the appropriate Quick Reference Guide (QRG) heading and note down the steps you would take to carry out the Tasks on the Answer sheet provided at the end. If you wish you can also make comments on the steps taken.
  
- 3/ When you have finished all the Tasks send or e-mail only the answer sheet back to us. Make sure that you state the S (Situation) number and the T (Task number) for each answer.

**Situations And Tasks  
At Work**

# **PART 2**

## **Situation**

You have just finished 5 days of in-house training with one of the top 500 law firms. You are sitting at your desk, today is your very first day of actual work.

One of the three lawyers you have been assigned to tells you to locate and amend previous banking transaction documents of an existing client.

The 5 days of in-house training was fast and furious and the person training you kept saying “don’t worry you will pick things up” which at this point does not prevent the feeling of panic rise up in you, on this your first day.

How will you cope, you ask yourself!

This section of your legal secretarial training will help you to build confidence in your own ability to learn on the job. Something that everyone who is starting in a new area must learn to do.

Please now work through the following Tasks using the Quick Reference Guide to show us how you would carry out each Task.

## **PART 2**

### **Situation 1**

**You get into work and you are told to fax documents to clients and send internal memos to other lawyers. Then send a letter to a new client. The letter is to contain specific extracts from a 200 page document held on computer and a sample spreadsheet.**

**In addition to further instructions you are told to copy paragraphs from the draft document that contain certain words/expressions**

### **Tasks**

- 1/ Create a spreadsheet (it is a laser-form) for a new client's folder.
- 2/ Notify specific members of staff of a change in meeting times.
- 3/ An existing letter needs to be readdressed and sent in envelopes to several recipients.
- 4/ Locate draft agreements which include the word "completion" within 5 words of the term "before".

## PART 2

### Situation 4

**You have been instructed to open some New files - Due to the size of the firm you work for there is a department that looks after this. You will as a secretary be required to fill in the Matter Inception Form. Send it in and you will then receive a new file folder back with the appropriate file number on it.**

**In addition you have been asked to deal with a folder in your mail box and pass on certain information to certain individuals...**

### Tasks

- 1/ If a folder in your Mail Inbox has a triangle icon beside it, what does it mean?
- 2/ If you want to pass on a phone message to someone, but you want to restrict the content to only that person, what particular step would you take?
- 3/ If you want to do the above but this time keep a copy for yourself which particular step would you take?
- 4/ If you have allowed all member of staff access to your calendar but now want to restrict access to a certain number, what steps would you take?

# **The SAS Para-Legal Secretarial Training Programme**

## **Part Three Of Three**

(Extracts Only)

**Note: Part 3 contains 4 Sections. We have only included extracts from Section 1.**

# **PART 3**

## Contents

1/ Introduction

2/ Various Legal Assistants/Paralegal Assignments

3/ Answer Sheets

## **Introduction To Part 3**

Welcome to the final part of our Legal Secretary Training Course.

Part 3 Covers various Legal Assistant/Paralegal Assignments which will complement what you have already learned; it is in 4 Sections.

Remember that if you work for a big city law firm, which we hope you will aim for, it will be your ability to fit in and learn the firm's style and way of doing things that will determine how well you do.

## **Part 3** Section 1

### **Various Legal Assistants Assignments**

**Though not officially the work of a legal secretary, the following, highlights and explains some legal assistant assignments that you could be asked to carry out if you first start work with a typical High St firm of lawyers.**

**Equally, you might like to use the additional skills and knowledge gained to advance your worth to a prospective employer.**

**Through out you will find Questions to test what you have learned. Use the Answer Sheets at the end to record your answers.**

**As previously return just your answers.**

### **AT YOUR DESK TYPING**

**1** The legal assistant/clerk/paralegal is sick and the lawyer needs some one to go to court and carry out some assignments. Don't panic and beg off. The knowledge contained in this section will be more than enough to see you successfully through.

**2** Generally, you will be asked to attend court on Civil Case matters or Criminal Case matters.

**3** If you are being sent out on a criminal case then your assignments will tend to be limited to taking notes of the hearing and notes of any conference the barrister may have with the client. Civil cases may require you to carry out various assignments, such as filing documents, paying court fees, and making court applications.

## ON THE WAY TO COURT

12 You are now ready to set off to complete your assignment/s. Between the lawyers' office and the court house there are a couple of things you need to make sure that you accomplish. The first thing is, you must 'make sure that you know what is required of you'. The journey to the court is not the time to be doing the crossword, planning your holiday or day dreaming. Your assignment should be clear in your head, because sometimes the minute you step through the court house doors things will happen in a rush and it will be easy to make mistakes.

13 Making sure you know what is required of you on the way to court, is one of the important principles of this type of assignment and you should have it firmly imbedded in your mind.

14 The reason being that when a lawyer sends you off on an assignment he or she wants to feel confident that he/she can entrust their clients' welfare into your hands. A particular assignment may seem inconsequential yet in fact may carry a heavy penalty if not carried out properly and in accordance with the lawyer's instructions. We will look at a set of instructions in a little while.

15 The second thing you should accomplish before arriving at the court, is make sure you know what the case is all about. To do this you will need to read the following documents from the client's case file:- a/ Brief To Counsel, b/ Client's Affidavit/Statement of Truth, c/ Witness Statements.

### MEANINGS

**Counsel:** Another word for a Barrister.

**Brief to Counsel:** Lawyers instructions to Counsel, detailing the case explaining what needs to be accomplished at court on the day of the hearing.

**Affidavit/Unsworn Statement of Truth:** An affidavit is a sworn statement.

## **INSTRUCTIONS**

**TO: JOHN**

**FROM: LOUISE**

**RE: LINA JANOS - 912242 - WILLESDEN COUNTY COURT  
EX PARTE APPLICATION - 1ST DECEMBER 1992 –**

**COUNSEL: LORNA TAGLIAVINI**

**DATE: 30TH NOVEMBER 1992**

The Janos case is a very complex one. I am sending you down to clerk Lorna Tagliavini usually on a District Judge's appointment because of the complexity of the case and the number of things that need to be done.

Could you please attend to the following:-

1. In the blue ring binder file under the Legal Aid section you will find behind the yellow marker labelled 912242 defend 36303 a blue offer of Legal Aid Ms Janos must accept this offer of Legal Aid. If she does not her Legal Aid certificate numbered 1 91 36303B will be revoked and all her Legal Aid will be put in jeopardy. There is already a long history of Legal Aid Board problems on this file and I am absolutely certain that if she does not sign the offer of Legal Aid immediately we will not be able to do anything further for her because we will not be able to get Legal Aid to do so. Please ask Ms Janos' interpreter to explain that she needs to sign the offer of Legal Aid and give it to you. I will send it to the Legal Aid Board. She will then get from Legal Aid Board an instalment payment book and she will need to then start the monthly instalments of £49.50 in the first month followed by 11 instalments of £48.50.
2. Please issue the application. You will find two copies of the notice of application on the top of the file. Counsel already has a copy as do Latima Thobani who acts for the Claimant. You may find they charge you a fee and there will be a cheque in the file.
3. You will also find 3 copies of the second affidavit/statement of truth of Ms Janos on the top of the file. Please take her to the Court office and ask her to swear to the truth of the matter. You will need to file the original affidavit/statement of truth at

20 Picture yourself sitting on a train going over your instructions. As you check to make sure you know what is required of you, you notice that in your instructions are words and expressions that you don't know the meaning of. Remember what was mentioned earlier, the best place to find out things is at the court house. You will always find willing help, just have the courage to ask. In the mean time in order to help you fully understand your instructions, let us look at what some of these words and expressions mean.

## MEANINGS

**Ex parte/Without Notice:** An application made to court for a hearing where only one side is represented and no notice is given to the other side before the hearing.

**Legal Aid Certificate:** A certificate guaranteeing that legal representation to the extent defined on the certificate will be paid for by the government. Sometimes this will not cover the entire amount.

**Issue the application:** To register details of an application for a hearing together with the reasons for wanting the hearing, and a time estimate of how long the hearing will take. With a view to obtaining from the court a hearing date, and for either the court or the lawyer to notify the other side and any other party who has a right to be informed.

**To file:** To lodge documents pertaining to a case at the court office. The documents, having been lodged, will then be placed in the court's own file of the case. Make sure documentation has case number and the party's name clearly visible.

**Claimant:** Person who starts an action against another in the civil courts.

**Notice of application:** A document to the court and to the other side informing of the hearing and the date of the hearing.

**Jurat:** The last page of the affidavit/statement of truth showing the details of when and by whom it was sworn.

**Warrant of execution:** Court authorization to carry out a court order.

**Stay of execution:** A court order to temporarily stop a previous order from being carried out.

21 Now that you have read through your instructions do you feel that if this were your very first assignment you would be able to carry out everything being asked of you? Shall we see how well you understand your assignment. Try and answer the following questions.

## QUESTIONS

Answer the following questions.

- 1 According to paragraph 1 of your instructions, who apart from Mrs Janos would be the other person who you would need to locate on arriving at court? Why?
- 2 Before getting Mrs Janos to sign the Legal Aid Offer, what things would you ask the interpreter to explain to her. Why?
- 3 According to paragraph 2 and bearing in mind the meaning of the expression 'to issue the application', where do you think the issuing would take place:  
a) at a post office? b) before the Judge of the day? c) at the court office?
- 4 Why do you think it mentions you may be charged a fee in paragraph 2.? Is it because: a) you must always pay a fee before an application can be issued? b) because Mrs Janos has only literally, in the last few minutes, signed the Legal Aid Offer and consequently the court may not consider her covered as at that precise moment in time? c) the court office sometimes charges and sometimes does not?

Write your answers on the Answer Sheet.

22 Now you have answered the above questions it might be a good idea to look at an example of 'issuing an application' referred to in paragraph 2 of your instructions. The example we are going to look at is not related to the same case. However, the layout and information is typical, and will help you in visualising that part of your instructions.

56 The third skill is to be able to write quick and accurate notes. For example if during a trial the Judge said '12 months suspended for 2 years', it would be poor note taking to write '12 months suspended for 1 year'.

## **AT THE END OF THE HEARING**

57 Often, the end of the hearing will take your client by surprise. The Judge's order makes little sense to them. Have they won or lost? Let your client know that Counsel will explain the Judge's order outside the courtroom.

58 Sometimes, even after a conference with Counsel the client may still not fully understand what has happened and the implications of the Judge's order.

59 After Counsel has said goodbye ask your client if everything is clear. If not try and re-explain and also make a note to let the lawyers know that the client could do with a letter explaining things in full.

60 At the end of the hearing most lawyers appreciate a phone call from the court house letting them know the outcome. Ring before leaving the courthouse. Also, before arriving back and handing in the case file the Court Attendance Report Sheet should be filled out. The Court Attendance Sheet is a very useful document. At a glance, it tells the lawyer the things he most wants to know; such as, 'what did the Judge order and what needs to be done before the next hearing. All the information to fill in this sheet should be in your notes. Simply go over your trial notes and extract the needed information.

61 Usually, you will be expected to return the case file, together with your notes, at the end of the hearing. If however, the case is going into the next day, it will be alright to leave the file in the courtroom. This is often done at criminal trials, which can go on for several days.

Note: Part 3 contains 4 Sections we have only included extracts from Section 1.

# ANSWER SHEETS

Please remember to:-

- 1/ Keep your answers brief and to the point.
- 2/ Always state which question number you are answering, e.g. Q8.