

THE LAW SOCIETY OF SINGAPORE

GUIDANCE NOTE 3.7.1

[Formerly Practice Circular dated 6 June 2014]

SUPERVISION OF PARALEGALS

1. This Guidance Note seeks to remind practitioners of their obligations regarding the regulation of paralegals employed by law practices. For the purposes of this Guidance Note, the term 'paralegal' shall mean and include a legal executive, legal secretary or legal clerk and any other employee of a law practice, who performs paralegal functions and assists a legal practitioner as a paralegal, who does not have in force a practising certificate and is without regard to the designation of such employee.

2. Sections 29, 32 and 33 of the Legal Profession Act (Cap 161, 2009 Rev Ed) ('LPA') prohibit persons without a valid practising certificate from practising law in Singapore and such persons fall within the category of "unauthorised persons" under the LPA. Paralegals working across law practices in Singapore also fall within the category of "unauthorised persons" and are not allowed to practise law as an advocate and solicitor (as defined by the Act).

3. While paralegals working at law practices in Singapore are currently not regulated under the LPA, rule 32 of the Legal Profession (Professional Conduct) Rules (S 706/2015) ('PCR 2015') requires a legal practitioner, regardless of the legal practitioner's designation in the law practice, to "exercise proper supervision over the staff working under the legal practitioner in the law practice".

4. Accordingly, legal practitioners and law practices employing paralegal staff should ensure compliance with the following guidelines, to appropriately abide by the provisions of the LPA and the PCR 2015:

- (a) A legal practitioner shall ensure that he/she remains responsible for all professional actions of a paralegal and a paralegal performs his/her duties, at all times, under the constant supervision of the legal practitioner in relation to such paralegal's involvement in any legal matter.
- (b) Legal practitioners should take due care to ensure that paralegals are not allowed to make any unsupervised appearance before any court in Singapore including hearings in judges' chambers and at pre-trial conferences.
- (c) As a general principle, paralegals have no right of audience before any court in Singapore including open court sessions, hearings in judges' chambers and pre-trial conferences. Paralegals are, however, permitted to attend chambers and open court sessions to record notes of hearing, with the prior leave of the court. In the event the paralegal accompanies the supervising legal practitioner to court hearings and seeks to be in attendance at any hearing, it is the responsibility of the supervising legal practitioner to ensure that the court is fully made aware of the status of the paralegal before the commencement of proceedings. Even in such cases, paralegals are not permitted to occupy the front row seating area or any other seating area normally reserved for legal practitioners in the court without the permission of the court.
- (d) Legal practitioners must ensure that paralegals refrain from engaging in any form of unsupervised conduct in litigation matters. In criminal matters, legal practitioners should restrict paralegals from engaging in any unsupervised discussions with enforcement agencies, police officers or prosecutors. For the avoidance of doubt, it

is hereby clarified that paralegals are permitted to take statements from and interview clients or witnesses in their client's case in the absence of the supervising legal practitioner provided that no advice is rendered on such occasions.

- (e) Paralegals, by way of their association with the supervising legal practitioner, shall also be subject to rule 13(6) of the PCR 2015, which provides that a legal practitioner must not publish, or take steps to facilitate the publication of, any material concerning any proceedings, whether on behalf of his/her client, which amounts to a contempt of court or which is calculated to interfere with the fair trial of a case or to prejudice the administration of justice. Legal practitioners are required to ensure that their paralegal staff are made aware of their obligations under rule 13(6) of the PCR 2015.
- (f) Section 77 of the LPA provides that no solicitor shall wilfully and knowingly undertake any action that may amount to enabling an unauthorised person to practise law in Singapore. Since a paralegal falls within the ambit of the term "unauthorised person" under the said section any action contrary to Section 77 LPA may warrant a disciplinary proceeding against the solicitor.

Date: 31 January 2019

THE COUNCIL OF THE LAW SOCIETY OF SINGAPORE