

## BACKGROUND NOTE

### Solomon Islands Access to Justice Project

#### *Provincial Paralegals*

#### Introduction

The socio-economic inequalities spread internationally and internally within nation-states reverberates into injustices faced by many, but disproportionately amongst marginalized members such as women, youth, and people with disabilities (PWDs). Sustainable development can be stalled when people do not know of, and cannot exercise, their basic rights regarding how their land is used, to fight against discrimination, and to be a critical check and balance in holding authorities to account. Law is essential to addressing these structural challenges which are being faced today. Sustainable Development Goal (SDG) 16 is one of the broadest and fundamental goals of all 17. It is acknowledged that sustainable development is dependent on peace, justice, and strong institutions.

Paralegals are an indispensable part of the legal profession and legal systems around the world. Their traditional functions have been in clerical support capacities, aiding the daily operations of the justice sector. Members of this sector include lawyers, law firms, legal aid providers, law enforcement agencies, public prosecution, government ministries, community service organisations (CSOs), and corporations.

Legal aid providers serve a critical role in addressing SDG 16 as well as the development and strengthening of liberal democracies. These providers include Public Solicitors' or Public Defenders' Offices and Legal Aid Commissions. Many clients increasingly seek a variety of legal services that are affordable and pro-bono at best. Accordingly, there is an assortment of positions ranging from barristers, solicitors, law clerks, paralegals, administrative assistants woven into their framework of providing equitable access to justice. This diverse model supports the sustainability and quality of services. Given the financial constraints often faced by these organisations, paralegal positions can vary between being paid to being voluntary. The positions are predominantly filled by current law students or recent law graduates, who have skills in legal research and analysis, legal drafting and writing, and strong verbal and written communication.

#### Context

The term 'justice sector' broadly refers to all the different agencies and actors that are involved in the provision, management and administration of justice. This encompasses:

- the judiciary, which comprises the Court of Appeal, the High Court, the Magistrates Court and the Local Courts; and
- the executive justice bodies, which includes the Ministry of Justice and Legal Affairs, the Office of the Director of Public Prosecutions, the Public Solicitor's Office, the Attorney-General Chambers, the Registrar General's Office and the Law Reform Commission; and
- civil society partners including chiefs, churches, NGOs, disability and women's advocacy groups.

The Justice Sector Strategic Framework underpins the goals in SDG 16. Its vision for the sector is that: *'all people in the Solomon Islands have timely and relevant access to a robust and independent justice system which they have confidence will support a safe and peaceful society.'*

Paralegals are not a novel concept for the justice sector, especially for the PSO. The PSO is the constitutionally mandated institution providing legal services to people facing socio-economic challenges. Their work facilitates the understanding, protection and vindication of their legal rights through community awareness, advocacy, assistance, advice and representation. They have permanent offices in Guadalcanal (Honiara), Malaita (Auki), Makira (Kirakira), Temotu (Lata) and Western Province (Gizo). The PSO employs 29 lawyers. The majority of whom are based in Honiara.

The PSO has a strong history of utilizing paralegal support. These positions are often voluntary for 8 weeks and filled by law students and recent graduates from The University of the South Pacific (USP) either completing the Professional Diploma of Legal Practice or undertaking work experience. These paralegals undertake induction and are supervised by senior lawyers. They are not permitted to give legal advice. Some of these paralegals are allowed to work as lawyers proceeding with their experience.

Additionally, a partnership was forged between the current Public Solicitor and Bond University in Australia, for law students to complete a 10-day placement in PSO's provincial office in Kirakira. These students have an immersive experience volunteering as paralegals. They specifically assist with legal research, drafting and community outreach, under the supervision of the Principal Legal Officer. These placements occur every few months and will be expanded to PSO's provincial office in Gizo.

The UNDP Solomon Islands Access to Justice Project is currently being implemented in partnership with the PSO. One core output is for the capacity, reach and breadth of service delivery and awareness activities of the PSO are increased through the development and roll-out of Provincial Paralegals (PPs). There will be 12 PPs recruited over the course of the project, but 6 at the first instance to be trained and deployed to all PSO provincial offices. One paralegal will be designated to Guadalcanal and will assist in the re-establishment of the Legal Clinic for People With Disabilities (PWDs).

### **Role of Provincial Paralegals**

The PPs will perform substantive legal work that does not require a lawyer. The lawyers must supervise their paralegal's work and remain responsible for their work undertaken. The PPs will not be permitted to practice law in their role. Consequently, they cannot provide legal advice, represent clients in court or sign pleadings.

The PPs will enable greater efficiency in the PSO offices through effective use of resources to serve the community better. Their services cost less and will alleviate pressures from the qualified lawyer, so they can focus on higher-level tasks requiring their specific skill set including preparing advice and attending court.

The Solomon Islands Access to Justice Project will train and deploy paralegals to all PSO offices to support the service delivery and awareness activities of the organization, particularly to marginalized groups. There will be one such paralegal that will support Guadalcanal. It is envisioned that this paralegal will attend the legal clinic regularly on a set day. Their role will be to collect contact details of clients, conduct the initial interview, prepare a brief on the legal issues and refer the matter to the relevant section of the PSO for a lawyer to follow up. Once a lawyer has confirmed the need to follow up to provide advice, the

paralegal will arrange an appointment with the client either at the legal clinic, over the phone or a mobile trip to the client's location.

<b>Provincial Paralegal Services;</b>	
<b>Criminal Justice Stream</b>	
<b>1</b>	Visit all police arrest cells daily, on behalf of the PSO, to register all people detained, including the time of arrest
<b>2</b>	Provide all arrested persons with information about their rights in police custody and procedure that will follow
<b>3</b>	Help prepare bail applications, including tracing sureties to support bail applications for all detainees who wish to apply for bail at their first or subsequent court appearances
<b>4</b>	Inform family members as to the whereabouts of the arrested person
<b>5</b>	Monitor compliance with custodial time limits and other basic safeguards of criminal law procedure
<b>6</b>	Identify vulnerable people among those arrested, including children, women, people with mental or physical disabilities, and immediately refer such cases to the PSO lawyers for special attention
<b>7</b>	Refer cases and applications for legal representation to the PSO lawyers
<b>8</b>	Assist PSO lawyers to prepare cases by taking statements, tracing witnesses and collecting evidence as needed
<b>9</b>	Visit persons remanded in prison daily to follow up on their cases and to identify remand prisoners whose custody warrants have or are due to expire before their scheduled court appearance
<b>10</b>	Identify remand prisoners who appear to meet conditions for bail but who have not yet been able to apply for bail or whose bail application has been refused
<b>11</b>	Conduct training for unrepresented remand prisoners on criminal procedure, in the form of role plays, and improving the ability of unrepresented prisoners to represent themselves in court
<b>12</b>	Identify convicted prisoners who wish to appeal their cases and who may qualify for legal aid
<b>Generalist Stream</b>	
<b>13</b>	Recording keeping of tasks, organization and maintenance of client files;
<b>14</b>	Performing research on legal issues, review and monitor laws, judgments and legal articles, to update colleagues on developments in the law and maintaining a legal library
<b>15</b>	Conduct investigations, statistical and documentary research
<b>16</b>	Trial preparation including compiling briefs, preparing indices, witness lists and organize the annexures

<b>17</b>	Preliminary drafting of correspondence and a range of documents including affidavits, pleadings, conference minutes, contracts, letters, memorandums, child support worksheets, and preparing a compendium of templates for ease of reference in similar matters
<b>18</b>	Conduct client interviews and liaising between clients and lawyers
<b>19</b>	Preliminary drafting of reports and submissions to inquiry bodies such as law reform commission
<b>20</b>	Providing relevant referrals to clients for any social support, such as Seif Pleis and Christian Care Centre
<b>21</b>	Assisting with community legal education and awareness

### Legal Clinic for People with Disabilities

The PPs which are trained and deployed to all PSO offices will support the service delivery and awareness activities of the organization, particularly to marginalized groups. There will be one such paralegal that will support Guadalcanal. It is envisioned that this paralegal will attend the legal clinic for people with disabilities (PWDs) based at People With Disabilities Solomon Islands (PWDSI) in the Development Services Exchange (DSE), weekly. Their role will be to collect contact details of clients, conduct the initial interview, prepare a brief on the legal issues and refer the matter to the relevant section of the PSO for a lawyer to follow up. Once a lawyer has confirmed the need to follow up to provide advice, the paralegal will arrange an appointment with the client either at the legal clinic, over the phone or a mobile trip to the client's location. This model is currently being developed in consultation with PWDSI, PSO family unit and Solomon Islands Justice Program (SIJP) Gender and Social Inclusion Advisor.

### Skill Development

The PPs will undergo initial training before deployment and will strengthen their practical skills in the field. The PPs will have a law background, which will allow training to run with a higher level of assumed knowledge. The training will focus on the following areas:

- Substantive law (environment, property, criminal, family, contracts)
- Legal writing
- Research
- Proofreading and reviewing materials
- Interview techniques
- Client and telephone manner
- Microsoft Office (PowerPoint, Outlook, Excel and Word)
- Communication, including oral and basic Auslan sign language
- Time recording