# A Paralegal Trainer's Manual For Africa

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&

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# Preface

One of the most formidable challenges facing Africa today is the effective realization of the right to development as stipulated in the African Charter on Human and Peoples Rights. Under-development, particularly in the rural areas of Africa, continues to pose major problems. In light of the higher proportion of population concentrations in the rural areas, the true test of the success of any development strategy is the extent to which it provides benefits to rural areas. As the report of the UN Secretary General on the Realization of the Right to Development pointed out in September 1990, "National Development programmes should aim explicitly at minimizing disparities between different groups of society, and their elaboration should be based on grass-roots initiatives".

At the time of adoption of the African Charter on Human and Peoples Rights (1981) and prior to the UN Declaration on the Right to Development (1986), the ICJ expressed concern about lack of access to legal and social services on the part of rural populations. These concerns prompted the ICJ in 1982 to embark on a programme seeking to introduce, in Africa, a system providing for legal services in rural areas (LSRA). The programme was fashioned on models that had operated successfully in parts of Latin America and Asia.

As I indicated in the ICJ publication, "Paralegals in Rural Africa" (1990) : "The essence of the system is for lawyers to cooperate with grass-roots development organisations which have the confidence of the rural populations, and to train 'paralegals' to provide such services. The tasks of paralegals are : to inform people of their rights under the law; to help them to

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assert and obtain those rights; to negotiate on their behalf; and where necessary, to contact a lawyer in the town if they meet with difficulties or obstruction in securing their rights. The lawyers and the paralegals have recourse to litigation only as a last resort, and should encourage other forms of dispute settlement. Paralegals may be drawn from the rural areas, development organizations or from the Universities. They act as a bridge between the lawyers in the towns and the rural populations in the villages. Where the laws prove inadequate, the lawyers work for their reform".

In light of the potential role of paralegals as a catalyst for rural development in Africa, the ICJ has, in terms of its LRSA programme, organised paralegal training seminars in over ten African countries. These have resulted in the launching of national LSRA projects for the further consolidation of paralegal work in the participating countries. In all these seminars the need for a Trainer's Manual had been expressed by the participants.

In response to this need, two paralegal trainers, Mrs Tokunbo Ige and Ms. Amy Tsanga, who have been closely associated with the ICJ's LSRA programme for many years, have produced such a Manual. Based on their experiences and those of others, the authors provide useful insights into the concept of paralegal training and the practical aspects of mounting training courses aimed at equipping trainees with the kinds of skills required for effective paralegal work. Earlier drafts were tested in both Nigeria and Zimbabwe. They were also commented upon by participants attending ICJ Paralegal Seminars in Nairobi, Kenya (June 1992) and Accra, Ghana (July 1993).

On behalf of the ICJ, I wish to express sincere gratitude and appreciation to the authors and to all those who sent them valuable comments which enabled them to produce this useful tool for the advancement of our LSRA programme.

The ICJ also wishes to express its gratitude to the following donors who through their support have enabled contributions to be made to the preparation of the Manual and its publication : Swedish International Development Authority (SIDA), The Commission of the European Communities (EEC), The Danish Development Assistance (DANIDA), The Diakonisches Werk Der Evangelischen Kirche in Deutschland (EKD), The Netherlands Organization for International Development Cooperation (NOVIB).

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**Adama Dieng**
*Secretary General*

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# CHAPTER 1

# Understanding
# the Concept of Paralegals

## Introduction

This manual offers guidance to lawyers in Africa on the processes and issues involved in paralegal training, an area where lawyers often lack considerable expertise. However, as the concept of paralegal training is fairly new in Africa, the manual begins by putting it into perspective.

Although the advice and help of ordinary people in dealing with community problems is appreciated in most African societies, it has mainly been on the level of customary law. Their role in the formal legal system has a much shorter history, despite the fact that the legal services provided by both the state and lawyers to the various disadvantaged members of society are limited. The failure to harness the services of community members is partly due to the profession's regard of the law as the field of specialists and partly to a lack of awareness of the potential role ordinary people can play in the provision of legal services.

The use of paralegals in Africa, though not widespread, is gaining acceptance as its effectiveness is remarked in other countries with similar socio-economic problems. The ability to service oppressed and disadvantaged communities, especially in rural areas with few service structures, has been improved by the creative use of paralegals.

## Definition of a paralegal

A paralegal is a community-based person who possesses the basic knowledge of law and its procedures, and has the necessary motivation, attitudes and skills to:

- conduct educational programmes to bring disadvantaged people to the awareness of their rights;

- facilitate the creation of peoples' organizations to enable them to demand their rights;

- give advice and help solve basic legal and social welfare problems;

- assist in securing mediation and reconciliation in matters of dispute;

- conduct preliminary investigations in cases which need to be referred to a lawyer;

- assist the lawyer with written statements, required evidence and other information relevant to the case.

## Situations in which paralegals can be effectual

Paralegals have been effectively used in such African countries as Kenya, Namibia, South Africa, Zimbabwe and Senegal, just to mention a few, and have had a role in responding to several of the problems currently inflicting the continent, amongst which:

### (i) The difficulties of disadvantaged groups in accessing legal services

Paralegals are trained in counseling, community education and practical skills in order to assist people who cannot afford

legal services for such problems as family matters, child support, labour issues, pensions, rents, and consumer exploitation. Community offices have been established for this giving of advice. Paralegals have also worked with assistance agencies on problems related to the inefficiencies and inequalities in the administration of law, a domain in which most people encounter great injustice. Permanent strategies lie, for example, in removing fear to criticize government officials who do not act in the peoples' interest.

## (ii) Problems stemming from a plural legal system

Most African countries have dual legal systems. The bulk of the population lives in rural areas and is more familiar with customary law, particularly in the area of family law, where it was the colonial policy to retain customary laws. However, the continuous change in social structures has caused some customary practices to be out of step with modern day realities. Some governments have dealt with the problem by unifying certain aspects of national law with the received law since the national law of the land did not apply nationally and generally. Attempts to abolish pluralism by making inroads into customary law have often alienated rural people even further from the legal system. Quite often legal issues which introduce new concepts, differing from those by which people are used to regulating their lives, are met with considerable resistance. The hierarchy of the family structure is perceived to be threatened, especially in issues touching upon gender status. This makes it difficult for women to assert their rights. Where legislative changes have been introduced, paralegals have played a role in rights awareness. The experience of paralegals in Zimbabwe, for instance, has shown the potential use of paralegals to carry proposed changes to the people; to gather information with which to assess public

opinion as a sort of forerunner to the changing of old laws and the introduction of new ones.

### (iii) Problems of curbing undemocratic practices at the state level

Political situations in Africa range between civil conflict, dictatorship and fragile democracies where intimidation is rife. Experiences in some countries have shown the scope of the work of paralegals in curbing undemocratic practices and fostering human rights awareness. In South Africa, for example, paralegals have been involved in detention work, problems of forced removals and the curbing of right wing violence. In Namibia, paralegals were important in the investigation of human rights violations by the military and paramilitary forces of the South African administration in the period before the elections, and in bringing these to the attention of lawyers, the media and the international community. Paralegals assisted in taking statements and affidavits from people concerning such abuses as murder, rape, torture, disappearances, assault, unlawful arrest and detention. They were also active in educating the public about the election processes, such as the whys and hows of registering. Today the same role is being performed by paralegals in South Africa. In independent Namibia, paralegals continue to be active in the structuring of a human rights culture by educating people in their constitutional rights. In Zimbabwe, paralegal-type training has also been given to policemen to re-educate and re-orientate them on such issues as their powers to interrogate, search places and take statements from people. These experiences show that paralegals stand to play an increasingly important role in human rights awareness, particularly at this time when demands for democracy are sweeping the continent.

## Types of organizations which train paralegals

Paralegals can be trained by:

- human rights organizations which popularize the law as part of their work;

- bar associations and other official bodies of the legal profession engaged in providing legal aid;

- non-governmental organizations committed to grassroots development, as in the fields of health and education;

- law faculties and other educational institutions;

- government agencies wishing to train their personnel in rural extension programmes;

- organizations formed by the rural poor and other disadvantaged groups.

## Types of people trained
## as paralegals and their qualifications

People trained as paralegals have been community leaders, rural youth, social workers, representatives of specific disadvantaged groups (women), trade union leaders, health workers, literacy teachers, religious workers, law students, student volunteers doing community work, development workers and political activists. Some have been trained to work as full-time paralegals, setting up community advice centres, for example, which usually demand full-time paralegal services. Others have functioned as part-time paralegal volunteers in addition to their normal activities. Most organizations which engage paralegals cannot afford to employ full-time field workers and so often rely on networking those organizations which

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already have community-based workers. Such paralegals play a vital role in community education by incorporating legal awareness in their work and training programmes. In rural areas where there are few advice and service structures, this method of giving legal skills to different community workers is an important way of disseminating information; but such people are already over-worked and their voluntary services are not easily kept up, even if travelling expenses are reimbursed.

One way to overcome this difficulty is to train a wide spectrum of paralegals on specific issues. Health personnel, for instance, are strategically placed to disseminate information on some issues while agricultural extension workers are better placed to disseminate a different type of information: there would be little avail to train the agricultural worker to deal with accident damages. Direct relevance to one's own work lessens the likelihood of seeing the paralegal service as over and above one's normal duties.

Experience from various countries has shown that members of disadvantaged groups who have been trained as paralegals even though they did not possess high literacy skills have functioned successfully, nevertheless. This is because the scope of paralegals is wider than mere legal aid. Wherever paralegals concentrate on community dynamics, qualities and skills are of greater importance than educational levels. A paralegal worker, however, should be open to self-learning (including the acquiring of skills to read and write so as to be more effective in his or her work). Educational qualifications are generally emphasized for paralegals engaged in legal aid work requiring knowledge of legal techniques. Thus some bar associations have been sceptical bout the training of ordinary people as paralegals. The different types and levels of training in paralegal work have a bearing on the qualifications needed.

# Paralegal training

Trainers who are lawyers are often unprepared for the dynamics involved between law and the predicaments of disadvantaged groups of people. One specific problem is that the lawyers' own training has not formally exposed them to areas of law affecting disadvantaged groups or, more importantly, to the philosophies behind the provision of legal services. This in turn affects the overall framework under which the paralegals are trained. The training of paralegals within a purely legalistic framework, or a legal needs model, has proved to be inadequate. Given the social realities of developing countries, a more successful approach is to train paralegals in the framework of law and development. These two approaches are discussed below.

## (i) The legal needs model

This approach views law as being adequate for everyone, if only it is made more accessible. It assumes that there is simply a need for more lawyers which is not being met because of economic, geographical, social or psychological barriers. The remedy, then, is to provide legal assistance to individuals who cannot afford lawyers. Programmes are coordinated with social service agencies, traditional legal aid organizations and the organized bar, the belief being that such legal assistance should function much like the private law firms. Emphasis is given to problems of individuals and there is less concern for notions such as law reform, community organization and control, since work with specific groups is considered to be political. Community education, where undertaken, is done with the aim of helping people to avoid common legal pitfalls in their daily lives, as well as to raise their awareness of the instances in which a lawyer should be consulted. The effort to simply make known the formal rights guaranteed under the law, whether through pamphlets, lectures or seminars, ignores contextual realities and often makes legal

messages illusory or rhetorical. In essence, the legal needs approach amounts to a top-down perception of the problem.

### (ii) The law and development approach

This approach rejects the assumption that law is adequate for everyone; that all that is needed is for law to be made more accessible to those who cannot afford legal costs and for people to be made aware of their rights. Instead, law is considered in relation to the role it plays in the distribution of wealth, power and increasing inequality, as well as in terms of the potential of using law to fight injustice. It specifically emphasizes the problems of groups rather than of individuals. The rationale is that disadvantaged groups should not be isolated from each other. To the extent that the individual view permeates a society, people will look to individual remedies to solve their problems. The group approach has the advantage of bringing together people with similar problems and allowing solutions to be developed with the interests of particular groups in mind. Thus the problems of consumers, labourers, tenants, women, landless take on important group dimensions. This is not to say that the problems of individuals should be ignored, but that as a focal point, they are inadequate.

In contrast to the legal needs model, community education is not about informing people of their rights. Presenting the law as a panacea conveys a false image of the potential of law to solve people's problems. Rather, it is important to take into account the powerful social, cultural, psychological and political constraints which hinder the enjoyment of rights. The purpose of community education is to help groups and individuals understand the limits of legal action. The role of the educator is to help contextualize the learning process and provide the legal and technical tools of how law can be useful in their struggles for change.

## Attributes and skills of a paralegal trainer

Most lawyers are deemed to be experts in the content of the law, but have very few skills in training and educational techniques. For lawyers training paralegals, the ability to plan and administer a programme is just as important as being technically proficient in content.

Knowledge of content, of trainees' needs and of methods are all essential. In addition, the trainer should possess certain personality traits: a sense of self-confidence, informality, enthusiasm, responsiveness and creativity. In essence, the necessary skills of a paralegal trainer fall into two main categories, namely, programme planning skills and teaching-learning transaction skills. These are summarized below and the rest of the manual is devoted to expanding what is said here.

### Programme planning skills

*Needs assessment:* Before a training programme can be carried out, needs are assessed so that the trainer can review the assumptions of the educational needs of potential trainees. This helps in the selection of appropriate topics and materials, as well as in clarifying aims and objectives.

*Context analysis:* This takes into consideration the societal trends and issues, and the resources and mission of the organization or institution. Proper understanding of the organization's mission, resources, priorities as well as of local trends and constraints is essential for making decisions or arrangements for an educational programme. By combining the context analysis with the needs assessment, training objectives can be set which are feasible.

*Setting of training objectives:* The selection and setting of educational objectives depends heavily on the information

gained from the needs assessment and the context analysis. This is the joint responsibility of the trainer, the trainees who will participate, the coordinators and the administrators of the programme, as well as any other resource persons or experts. The trainer will use those learning objectives to select materials, outline content, decide on teaching and learning methods and prepare evaluation procedures.

*Organization of learning activities:* The needs assessment, context analysis and setting of objectives provide the information needed to identify the training programme's intended outcomes. The trainer must have the skill to select and organize learning activities to meet these intended outcomes. The appropriateness of various activities depends upon the desired outcome, the current proficiency level and the preferred learning styles of the trainees. Educational material is grouped into categories, such as printed matter, audio (radios, audio tapes), visual (slides, flip charts), audio-visual (slide tapes, video tapes), simulations, case studies, discussion guides and examples. The primary criteria for selecting materials should be the educational purposes they serve, in conjunction with learner needs and styles.

*Programme evaluation:* Evaluation is the final component in the programme planning process. Programme evaluation provides feedback to the trainer, to the programme participants and to others who help guide programme decisions.

**Teaching and learning transaction skills**

The trainer must build a supportive and active educational climate which encourages participation. He or she must have the ability to provide challenging teaching-learning interaction. Strategies for facilitating critical thinking, such as critical questioning, role-playing, crisis decision simulations, must be embraced as a vital component of the process of helping trainees to learn.

# CHAPTER 2

# The Roles and Skills
# of Paralegals

## Roles

Paralegals are trained to perform the following functions:

*Education and conscientization:* This means creating awareness among people about their rights, as well as imparting information on specific laws concerning them. In some instances, this may involve information on specific development and welfare programmes initiated by government and how to participate in them.

*Social analysis:* This helps the paralegal as well as the people to understand the structural nature of the problems they face, to enable them to think of long term solutions to these problems.

*Advocacy:* With the help of lawyers and others, paralegals bring the problems faced by the disadvantaged groups with whom they are working to the attention of policy makers. Sometimes this may mean representing the case of the community or of an individual before officials, tribunals and quasi judicial bodies.

*Counselling, mediation and conciliation:* Paralegals are trained to provide legal and other services of mediation and conciliation in the case of disputes arising between members of the community. As conciliators, they encourage the members of the

community to negotiate and settle their disputes amongst themselves.

*Legal first aid:* The role of a paralegal here is to provide immediate or preliminary solutions in emergency situations; for example, in the case of threatened eviction from a squatter camp, obtaining injunctions to prevent eviction.

*Networking:* The paralegal establishes links with other organizations, groups and individuals in order to generate support for the problems faced by the community he or she is assisting.

## Skills and Knowledge

*Legal skills:* Paralegals must have some knowledge of the various aspects of the law pertaining to their communities. In Africa, where most countries have dual or plural legal systems, this implies a knowledge of both formal and customary law, as well as of the informal means to settle disputes. They should also be familiar with its political and legal system, and the various judicial and quasi-judicial fora.

*Ability to work with people:* Paralegals get greater participation for their programmes if they can work well with other people.

*Communication skills:* In order for there to be mutual understanding, paralegals must present their message in a manner which can be understood by the people. This pertains to both language and method.

*Writing and drafting skills:* A paralegal should possess or develop the skill to write down thoughts clearly and coherently for documentation and reporting purposes. These skills are also

needed for obtaining statements from potential parties and witnesses for cases to be taken to court.

*Development of educational materials:* A paralegal should be able to prepare the necessary learning and teaching aids used in educational programmes.

*Administrative skills:* These include typing, filing, keeping financial records, bookkeeping and time management. They are useful in communities which have advice offices run by paralegals.

*Ability to conduct research:* Being the "person on the spot", the paralegal should be able to do research, including the collecting and analyzing of information.

*Counselling:* A paralegal must be in a position to provide proper advice and counselling, to enable the community or an individual to deal with a problem through a particular course of action.

*Negotiating skills:* Paralegals may be called upon to negotiate with authorities and other parties concerning problems faced by the community; they should possess the skills to negotiate successfully.

*Evaluating skills:* Paralegals must evaluate their own and the peoples' performance critically, so as to strengthen the impact of the programme.

# CHAPTER 3

# Developing a Paralegal Scheme

## Community survey and a general needs assessment

The decision to train paralegals usually stems from some perceived need for training. It is important to build on those initial perceptions, by discovering if they relate to the needs of the people who are to benefit from the scheme. Designers must have a clear idea of the institutional, community and social context within which the programme is to be implemented. A needs assessment involves the collecting of opinions and factual data. If a new programme is being developed, an in-depth needs assessment might be required. In that case, a useful starting point might be a community survey.

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**Do not develop a paralegal programme in a vacuum!**

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The multi-cultural educator Paulo Freire (cf., for instance, *Pedagogy of the Oppressed,* Herder & Herder, N.Y. 1970, p. 102-4) groups the collecting of information on any given community into six major categories:

*family related issues:* sex habits and behaviour, marriage and marital status, child care, size of families, beliefs about children, health, housing shelter, roles of sexes, ages groups, food and diet;

*economy-related issues:* daily activities of various satellites, value and use of money and other items, trade and commerce, skills in small or large industries, stage and type of technology,

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professions and their status, availability and supply of resources, the nature and type of agricultural and food related activities

*leisure time activities:* various types of entertainment, rest time, ceremonies, games and their significance, types of traditional and modern amusements for various ages and categories of the population;

*beliefs:* values, superstitions, taboos, religious practices, traditions, rites, customs;

*politics:* organization, leadership, decision-making, status and influence, structures, meetings and meeting places, formal and informal leaders;

*education:* level of literacy, formal and informal types of education and training, child up-bringing, aspirations of youth, profession proficiency in use of various languages.

The gathering of this kind of information involves asking some personal questions. Therefore it is useful to make people aware of the reason for which information is sought, and especially of the fact that it will be used for planning activities and projects which will benefit the community. Enlisting the support or assistance of, or simply being accompanied by a member of the community will help to make the community more responsive. A sensitive approach is an imperative.

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**When discovering the nature of the problems people face, it is also necessary to learn:**
- **what steps have already taken to deal with the problem**
- **what people want to know concerning it**
- **what further action they untend to take**
- **whether any people have undergone previous relevant training.**

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## Sources of opinion

In a needs assessment there are generally three categories of people who need to be consulted:

- people who have a right to be consulted, such as those who will be affected by a programme
- people whom it is politically expedient to consult, such as administrative officials and community elders
- people who have special insight or expertise.

## Methods of obtaining data

Data for a needs assessment is normally collected by many different methods, amongst which are the following:

*Community fora or public hearings:* Informal gatherings enable the community members to explore and build on each others ideas or views of issues, such as the identification of key problems or who should be trained as paralegals.

*Interviews:* Interviews allow the exploration of issues face to face and are useful for seeking out the opinions of influential individuals and administrative officials. They obviously require more time, so fewer people can be contacted, as well as special skills on the part of the interviewer, such as establishing rapport.

*Questionnaires:* Data can also be collected in questionnaires reproduced and distributed simultaneously to many people rapidly and inexpensively. However, designing questionnaires requires considerable expertise and responding to them, a certain level of literacy. It may be preferable, then, to use them as only one of several data gathering instruments.

*Analysis of social indicators:* Much light can be thrown on people's needs by data which is already available. Statistics on employment, health, crime, delinquency, utilization of social services, housing are all indirect indicators of need.

*Reading:* The paralegal should sample the literature available in a specific domain. On the need for legal services and the merits and demerits of the different approaches, for example, there is an increasing amount of literature and debate.

*Observation:* Unobtrusive observation of people's behaviour may be useful for making inferences about need and for completing data gained from questionnaires or interviews.

*Brainstorming:* Trainers benefit from sharing each other's independent and creative thought. This normally takes place at the institutional level. It is valuable to keep a record of the ideas discussed in order to build on each other's suggestions.

Whatever methods are used, it is essential to keep written records of findings, as these will be necessary when it comes to determining the training package.

## Utilizing the needs assessment information

The needs assessment provides the guidance necessary to answer the following questions:

- On what issues are you going to train?
- Why are these issues important to the community?
- Whom are you going to train?
- How are they going to do their work?
- What type of training are you going to provide?
- What skills will they need to carry out their tasks?

# CHAPTER 4

# Deciding on the Type
# of Training and Selecting Trainees

Before working on a training package, it is essential to know whom exactly is being targeted and the type of training to be provided. Different kinds of paralegals and different fields of work — community organizations, non-governmental organizations, law firms — demand different types of training. Full-time paralegals will need more training than part-time paralegal workers. The various levels of training provide some guidance on the length of programmes. These different levels are as follows:

***Basic training:*** This is a standard paralegal course which covers general legal issues and skills for all paralegals, irrespective of their area of work.

***Specialized training:*** This provides the knowledge and skills required to work with a particular disadvantaged community. Specialized training may cover issues such as labour, arrests, or women's rights, to mention a few.

***In-service training:*** This type of training involves paralegals who learn by working with experienced people in an office or community.

***Refresher training:*** Refresher/follow-up courses to the basic training programme aim at strengthening paralegals' knowledge, skills and aptitudes. Regular refresher courses are important for

updating paralegals on changes in the law. They generally require less time than the basic training.

***Advanced training skills for paralegals:*** Once paralegals have acquired a good deal of experience, they may be given the knowledge and skills necessary to become trainers or assistant trainers themselves.

If it is at all feasible, it might be beneficial to break up the basic, specialized or advanced training into "blocks" or "modules". These training sessions are then spread over a number of weekends or even months. There are several advantages to such a procedure: it caters to trainees who have other jobs or commitments; it encourages them to absorb certain knowledge first and practise some skills before moving on to new topics; it gives the trainer an opportunity to do in-service supervision and, based on feedback, to adapt the training content and methods for the next block or module.

**Trainees** must be chosen in consultation with the people and in response to the needs felt within the community. Such a participatory method rules out accusations of arbitrary selection processes, favouritism or nepotism. Where it is necessary to go through a selection process, it is important that the panel be representative of the whole community. These measures will make it is easier to carry the project through.

A likely trainee should have or show potential for the following qualities:

- trust and honesty with the people and an open ear;

- objectivity with which to understand the problems faced by the people;

- creativity to elaborate different ways by which laws could be used constructively;

- self-criticism and the ability to analyze the short-comings of one's own work;

- enough self-reliance to take initiative and not always depend on the lawyer or the organization to which one belongs;

- respect for the initiatives taken by the people, to facilitate their own self-reliance and enhance a democratic form of decision-making by consulting them before taking decisions;

- self-confidence to establish links and relate with different sections of the society, deal with police officials, court officials and other public service personnel;

- the capacity to make risk analysis and not endanger one's own security or that of the people;

- the ability to foresee potential problems or issues and deal with them before they emerge;

- the ability and self-confidence to openly discuss the positive and the negative consequences of particular actions (Should the community decide to engage in collective action in the form of protests or demonstrations, for example, the paralegal should explain the possible consequences of such actions.);

- realistic estimation of one's own capacities, so as to know at what point it is necessary to seek outside help;

- the ability to render proper advice and not raise expectations or promise results which may not be feasible;

- integrity not to misuse one's role for self interests;

- a style and mannerism accepted by the people rather than that of a lawyer;

- propensity for promoting basic human rights principles, especially where they are being violated;

- the refusal to contribute to or strengthen existing patterns of discrimination, such as that against women, and if a particular law is discriminatory, the willingness to raise awareness among the people to challenge that law by referring to international human rights principles;

- respect for the people's knowledge and traditions so as not to upset the positive attributes of the local culture in the process of introducing legal principles.

All these principles should guide the selection process and be highlighted in discussions with the trainees once they are selected.

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**A paralegal is not a lawyer**

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# CHAPTER 5

# Curriculum Development

## Preliminary organization

The needs assessment has identified a large number of needs. The next step is to move from a broad social analysis to the task of curriculum development. Those legal needs which are critical should be given priority, but long term needs should not be ignored. Various other factors to be taken into account are:

- the trainees for whom the curriculum is being designed

- the anticipated length of the course

- the cost of offering the course

- constraints (possibly political constraints in dealing with certain issues; in some cases, policy constraints, such as the limit to which a bar association will permit the training of paralegals; or simply a lack of competent staff to cater to all the needs).

### Preparing a curriculum outline

Commitment in the form of time, money and approval must be obtained before development begins. In view of this, it may be necessary to have an outline which describes in general terms the curriculum envisaged. The outline should incorporate a summary of the needs assessment, the conclusions reached, and proposals for the task that lies ahead. The history of the problem and the

inadequacy of present efforts to meet the need should be highlighted. It must be shown that constraints and resources have been taken into account.

### Forming a curriculum team

Although one-person operations have the advantage that decisions can be made and implemented easily and problems of consensus and communication eliminated, one-person curriculum development is rarely feasible for programmes operating at the district, state or national level. There are several advantages in having a team which represents various fields and brings in a broader and more creative interplay of ideas, even if a large team may find it difficult to always agree on issues of policy, procedure or the next meeting date.

An ideal team will include experts in many areas:

*Subject matter:* It is essential to include scholars of the discipline being dealt with.

*Pedagogy:* Skilled and experienced educationists bring to a curriculum team essential practical knowledge of the learning process.

*Curriculum design:* The team should include a person with expertise in curriculum planning.

*Organization:* A curriculum team needs to organize its time, resources and activities efficiently. While it is preferable for all team members to have skills and share responsibilities in this area, it is good to have someone on the committee with specific talents.

*Writing:* Since the final product will be a written document which must combine technical exactness with clarity and precision, the importance of having an expert in written composition should not be under-estimated.

# Defining goals, aims and objectives

A curriculum must have explicit goals, aims and objectives. An *aim* refers to the *general* change to be brought about in the learner, whereas an *objective* is the statement of the *specific* change to be brought about in the learner. A *goal* incorporates both general and specific purposes. The conscious pursuit of goals is characteristic of human life.

## Goals

It is essential for a curriculum to state clearly the educational and training goals. These serve the following purposes:

- Goals guide the designers in developing an effective curriculum. The failure to agree on explicit goals or to recognize and resolve disagreements at an early stage could result in expensive backtracking.

- Goals guide the trainer in creating appropriate learning experiences. Focusing on goals prevents the danger of omitting important material or including that which is irrelevant.

- Goals inform trainees what they are expected to learn. Commitment to an understood goal is a powerful motivator and the probability of commitment is increased if the goal is based on a genuine need recognized by the trainees or learners.

- Goals provide a means to evaluate the programme. Without an understanding of the purpose of an activity, it is impossible to evaluate its effectiveness or efficiency. The formulation of general curriculum aims is the first step, leading to the exact definition of operational criteria, against which programme success can then be evaluated and points needing improvement identified.

### The curriculum aim

An aim is distinct from an ideal or hope. An aim states something which curriculum designers actually intend a programme to bring about and as such, it is the heart of the curriculum. It must be concise and exact. The statement of an aim is easier when a needs assessment has identified an important educational or training need.

### The curriculum rationale

The curriculum rationale is an argument which seeks to justify the commitment of resources in pursuit of an aim. The rationale should be written with a view to convincing those who will read the curriculum, especially those who have the power to intervene in its implementation (for ex., sceptical bar associations). It may be necessary to include evidence that the curriculum is a constructive response to community needs.

### Curriculum objectives

Objectives give clear guidance to the designer and the trainer regarding the teaching instruction needed, as indicators of the essential knowledge, skills and attitudes required for future paralegals. Objectives specify what exactly the learner will be required to do on completion of a stage of training, so they are the best guide for selecting course content. The successful breaking down of generalities into specifics is the key to defining curriculum objectives. The first step is to list the component tasks the learner will need to be able to perform, if the aim itself is to be attained. The task list provides the designers with the objectives of the curriculum.

### Some guidelines for writing objectives

- Write down the main purpose of the change you wish to achieve. Ask what benefits you want to see.

- List the things you would like to see the learner doing after the training event. For each main purpose of change, there may be several observable behaviours which would show the trainer and trainees that knowledge and skills have been mastered.

- Make a check list of observable actions and eliminate any which seem trivial or which duplicate other items on the list.

- Check and eliminate abstract words such as 'understand', 'appreciate'.

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**Effective objectives are those you can make happen. They are concrete and observable.**

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When you find an abstract word, try to change it into something you could see someone doing which would convince you that the person had achieved that objective. The following are some action verbs used in writing objectives: analyze, document, evaluate, explain, express, file, fill in, organize, solve, state, teach, write, describe, design, detect, categorize, clarify, record.

- Finalize objectives. For each observable action, specify the conditions under which it would normally occur and the standard required for its satisfactory performance.

- Be familiar with the roles and skills of paralegals, as elaborated in chapter two. This helps to delineate the objectives appropriate to their training.

## Curriculum evaluation

Once a curriculum has been drafted, it must be tested. The starting point is usually an internal evaluation leading to a

revised draft. Once this has been done, an expert appraisal might be sought before moving on to testing the curriculum on a broader scale.

The following is a guide against which a curriculum can be evaluated:

*Aim:* Is the overall outcome concisely stated? Does it encompass all the main intents of the curriculum?

*Rationale:* Is the need for the programme convincingly stated? Are anticipated objections dealt with?

*Objectives:* Are all major specific outcomes identified? Grading, if it is to be used, is it clear and explicit?

*Context:* Is the social and community context described?

*Factors of selection:* Is there a description of the learners for whom the curriculum is intended?

*Instructional content:* Is the instructional schedule detailed? Is the subject matter motivational? Are the teaching strategies appropriate, varied and creative?

*Logistics:* Are minimum and maximum numbers of trainees indicated?

Are materials, equipment and required facilities specified? Are instructor qualities, competence and responsibilities stipulated? Is the cost analysis complete?

*Trial:* Is there provision for adequate pilot and field testing? If this has already been done, are the results indicated?

*Programme evaluation:* Are there valid measures of effectiveness and acceptability? Is there a provision for on-going monitoring and revision?

*Implementation:* Is there a strategy and a timetable for implementation? Are roles and responsibilities clearly defined? Are the plans for implementation realistic?

*Production:* Is the curriculum free of stylistic and typographical errors, unsupported assertions, verbosity? Is it attractively and professionally produced?

## The pilot test

In order that trainees do not bear the cost of errors and lack of foresight, every effort must be made to eliminate weaknesses in the curriculum before it is introduced on a large scale. Therefore, the initial training programme is regarded as a pilot test. The trainees will need to be made aware that the curriculum is being evaluated and that they are encouraged to offer criticism and suggestions.

# CHAPTER 6

# Understanding and Facilitating the Learning Process

## Participatory versus non-participatory learning

Training methods can be classified according to whether they are participatory or not. Paralegal training generally involves the teaching of adults or people who will be working with adults. It is therefore necessary for paralegals to learn methods appropriate for adults. Participatory methods and techniques are preferable because:

- adults will only want to learn something if they can see the need;

- adults expect value for time;

- adults learn more quickly and remember longer if they are actively involved;

- adults are experienced people - new learning will be scrutinized and rejected if it does not agree with experience;

- adults learn best in an informal environment.

### The elements of participatory training

- Content is organized around specific needs of trainees.

- Emphasis is on attitudes and skills.

- Un-competitive tests are used to verify competency and help learners and trainers to identify weak areas.

- There is the attitude that the teaching method must be adapted to the student.

- There a relationship between theory and practice.

- There is an open climate for discussion and interaction.

**The elements of non-participatory training**

- Content is organized around academic topics.

- Emphasis is on knowledge.

- There is limited practice of skills.

- Competitive tests are used which evaluate rather than assist.

- There is an attitude that the students must adapt to the teaching method.

- Theory is separated from practice.
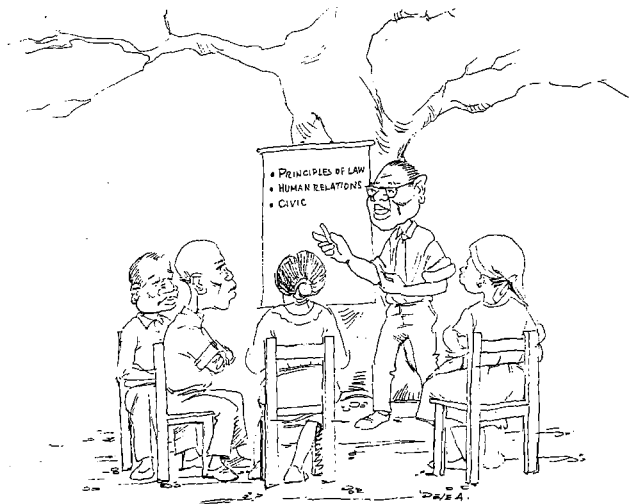
# A variety of instructional methods

### The lecture

A lecture can be defined as an oral presentation of a particular subject by a qualified individual. It is often used when the primary goal of learning is information transfer, when the purpose is to present information in an organized way in a relatively short time frame. It is also used to identify, explain and clarify difficult concepts, problems or ideas. A lecture is economical of manpower and offers foundation and guidance for independent study. The qualifications of the speaker must lie not only in content but also in oral deliverance.

In its purest form, the lecture provides no verbal interaction between the audience and the speaker and as such discourages learner involvement in the teaching-learning transaction. Scant regard is paid to individual differences among trainees. It frequently fails to engage attention and encourages passivity in the audience.

### The lesson

Like in a lecture, the purpose of a lesson is often to give information, but it is interspersed with frequent questions; yet questions related to the information rather than questions which lead to discussion. The teacher is in control. It is often necessary to complement both lecture and lesson with other instructional methods, for learning increases when information-giving is modified to provide for more active involvement.

### Discussion

Discussion can be beneficial when the participants have some knowledge of the subject. It may assume a variety of forms: the facilitator may act as a chairperson; there may be discussions

without a leader; or a group may divide itself up into relatively small groups for discussion and their respective leaders report back to a meeting of the whole group.

There are several advantages of learning through discussion:

- it obliges learners to externalize the assumptions underlying their personal values, beliefs and actions;
- it invites learners to take perspective, to see the world as others see it;
- it exposes learners to a diversity of perspectives on an issue;
- it introduces elements of complexity and ambiguity within an issue, topic or theme.

The disadvantages of discussion are that the needs of the trainee who does not find this method helpful are ignored and the more outspoken person in the group influences to an undesirable degree the content of discussion.

**Practical exercises**

This method is designed to give paralegals the opportunity to practise a specific skill which they have learned with the objective of increasing their ability and enabling the trainer to assess their progress. Such exercises may include the preparation of affidavits, writing the facts of a case, or letter-writing.

**Case studies**

A case study is a method of instruction based on a real life or hypothetical example. It may be used throughout a course or for selected activities. Trainees discuss the situation and decide on what course of action they will take if they are faced with a similar situation. Cases need to be relevant both to the interest and experience level of the trainees and to the concepts being taught.

The strength of the case study is that it emphasizes practical thinking. Trainees learn to formulate problems as well as to solve them. The case method is also participatory in nature. Although good cases take a long time to prepare, the benefits to be gained by simulating the real world outweigh the time needed to prepare them. The facilitator must be skilled to lead case analysis and to develop group skills in the learners so that all participate equally in the discussion.

## Games

This is a generic term to describe a wide variety of methods for teaching skills or subjects of which, ideally, the learning process can be conceived of as a game. The game releases energies in the interest of education and provides the vital factor of motivation. However, content can pose difficulties for the trainer if it is to be of real educational benefit. Furthermore, some games may be felt to be irrelevant or artificial.

## Simulation

A simulation technique is one which enables learners to obtain skills, competence or knowledge of behaviours be becoming involved in situations that are similar to those in real life. Simulation includes role plays, case studies and dramas. This method requires learners to possess prior, real life, practical experience to be fully effective. A successful simulation depends on the identifying of an appropriate learning objective and then designing a learning activity which accomplishes that objective.

## Demonstration

A demonstration can be defined as an accurate portrayal of a procedure, technique or operation, or a means of showing, proving, illustrating or explaining something in a practical

manner. Demonstrations are used to provide a model of a skill or to support an explanation of an idea, theory, belief, concept or skill. They can introduce supplementary content and translate descriptive material into actual practice.

A demonstration is largely passive from the learner's point of view. Some skills are not easily broken down into components and therefore do not lend themselves easily to demonstration.

## Selecting a method

Those methods are selected which best meet the instructional requirements and do not pose problems in terms of constraints. A trainer should always aim for methods which ensure effective learning and provide maximum feedback.

### Factors to be considered before choosing a training method:

*Objectives:* The objectives which state clearly the behaviour that trainees are expected to display during or at the end of training are the major determinants of method. The main element is whether the objective infers knowledge, skill or attitude. Whichever of the three is dominant will be a key indicator of the most appropriate training method.

*Subject matter:* Whether or not the material is likely to remain unchanged is one major consideration. Further, the effect of subject matter on the choice of method should be considered in the light of a) the trainees: their motivation, ability, experience and educational background in the subject matter; b) the teaching staff: not all trainers have the same skills, knowledge and confidence or experience of the same topics.

*Facilities:* Each method requires specific equipment, aids, materials or accommodation.

*Time:* Some methods (discussions and lessons) take more instructional time to cover a given amount of material than others (lectures). However, the fact that material has been covered is no guarantee that it has been learnt.

The time of day can influence learning effectiveness: experience has shown that methods requiring heavy intellectual effort on the part of trainees ought not to be used immediately after lunch.

The amount of preparation time needed for various methods also influences choice, and this, of course, influences the overall training system.

*Costs:* Costs are inter-linked with all other factors. Major considerations are those of the cost of trainer hours and facilities.

## Procedural guidelines
## for suggested methods and techniques

### Ice-breakers

Some methods are particularly worthwhile at the beginning of a training workshop. Perform exercises that loosen people up and get them relaxed. One such exercise is to ask people to shake hands and introduce themselves to everyone else in two minutes. Singing, playing games or physical exercises may also be used as ice-breakers. The *go-around* is another warm-up method in which everyone in the circle gets a chance to speak to introduce themselves and where they come from (organization or community). If there are participants from many different places, give them name tags to help them get to know each other. Another introductory method is *word wheels*. Here people stand in two circles of equal numbers, so that each person in the inside circle faces someone in the outside circle. They introduce

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themselves to each other. After a minute or two, ask each person to move one place to the right and say something else about themselves or their work, and so on.



**Brain-storming**
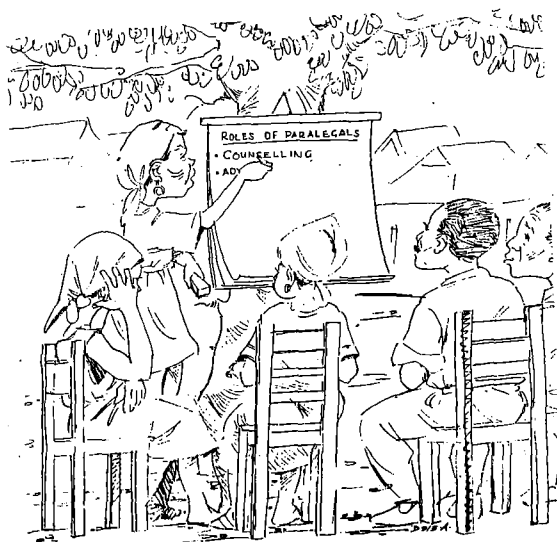
Brain-storming is a method for getting ideas, definitions and opinions from the trainees on a particular issue by posing questions. What do trainees perceive to be the role of a paralegal, for instance. Their views are concisely noted down by the trainer on a flip chart as they are expressed. At this stage, the views are neither contested nor judged. Afterwards, points on the flip chart are categorized for further discussion. Brain-storming generally serves the purpose of laying the foundation and giving the frame-work for a wider discussion. This method adds variety to lectures.

**Buzz groups**



Buzz groups are a useful alternative to brain-storming, especially in smaller groups. In groups of three, the people around a circle are asked to discuss a particular issue or question for a short time (5-10 minutes). Do a quick go-around to get feedback from a reporter on the point discussed. Then form other groups on another point of discussion. In this way all have a chance to give their ideas.
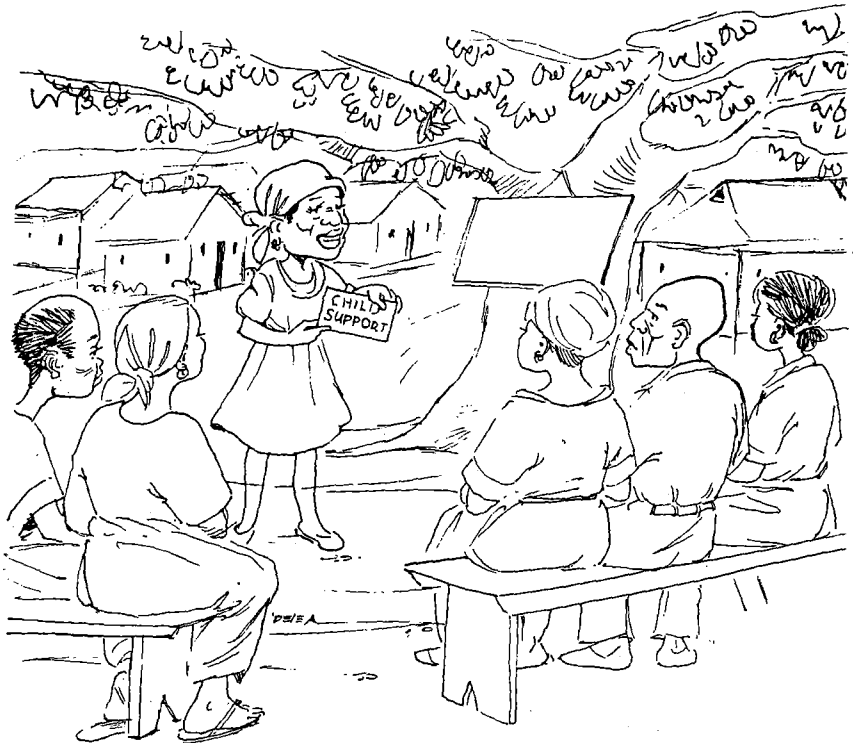
**Flash cards**

These are cards on which simple illustrations or words or phrases are printed or written. They are used one at a time and held in the hand in front of the trainees.
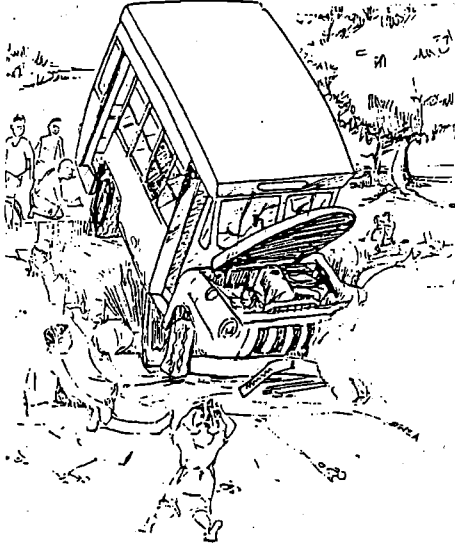
General guidelines:

- Keep them simple.

- Use stiff paper.

- Letters should be large enough to be seen.

- Test the cards before using them, particularly in the case of illustrations.

**Posters**

## A BUS ACCIDENT



Posters transmit a message. They can be used to start up a discussion or remind trainees of an idea, topic, concept or practice.

General guidelines:

- Posters should be simple.

- The topic must be relevant.

- The idea in the poster should be adapted to local customs, beliefs and ways of acting.

- Make use of different and bright colours.

If a poster is being used to start a discussion, have a broad set of questions ready to channel the discussion. Questions like those

which follow help people to talk about real experiences and provide the basis for linking theory to practice:

- What do you see happening?
- Have you ever seen or experienced this in real life?
- What are the causes of this problem?
- What other problems can this case cause?
- How can we solve this problem?

The advantage of a poster is that, so long as durable paper is used, it can be used over and over again with different groups and can be easily carried. Trainees should be encouraged to develop their own posters in the community. Where posters are used to address groups in open places, they can be held up by two people for the rest of the group to see.

**The chalk or blackboard**

The advantage of the blackboard is that it is cheap, easily obtained, transportable and can be prepared in advance. However, it has no memory and once you have rubbed something off, it is gone. It is also dusty and you need to turn away from the audience to write. Finally, it may cause annoying associations with school days. Where the blackboard is used, the following tips will be useful:

- Plan your notes and what is to be written down.
- Eventually, have two boards, one for a prepared outline and one for spontaneous ideas, comments, etc.
- Be careful with colours of chalk which do not show up clearly.

- Check legibility from the back of the room.

- Do not talk while writing on the board.

- Minimize the problem of lack of eye contact by standing at the side of the board.

**Flip charts**



Flip charts are used much in the same way as the blackboard, but with marker, pens or crayons. They are also easily transportable and they do have a memory. The instructor may present a piece of information at a time and then move on to a new page, to refer back to that information at a later time. There remains the problem of eye contact as you write on the board, as well as a risk of running out of paper. When a page of information has been dealt with, it should be turned over to avoid distraction.

### The overhead projector

The overhead projector aids systematic presentation. The user can maintain eye contact with the audience. However, the projector is relatively expensive and can only be used where there is a source of electricity. Where it is used:

- Make sure that you know how it works.
- Check that the picture fills the screen.
- Test for focus and picture distortion.
- Point at the stage, not at the screen.
- Talk to the audience, not to the screen.
- Have plenty of room for stacking projection films and transparencies before and after use.
- Use colour on the films/transparencies for impact, contrast, or to draw attention.
- Keep transparencies simple. Normally illustrate one point only on each. Use overlays for gradual build-up.

### Films

A careful briefing is needed before the viewing and a careful consolidation afterwards. Create as much student participation as possible by asking them to look out for specific points, by having questionnaires to fill in, or by stopping the film for discussion when necessary.

Depending on resources, videos, television, radios and other visual aids may be used: slides, photographs, press clips.

### Drama/plays

This is a very popular method in many countries. A prepared skit is a good way of highlighting a particular issue or process. It can be

performed almost anywhere and is often a good way of targeting different audiences: men in their various meeting places such as drinking halls, women at community functions, children in schools, or people in general anywhere they tend to spend long hours waiting for services. The skit needs to be relatively short and well practised.

**Role play**

In role play, people act out real life situations around specific problems. In some cases, there may be no prior practice and so roles need to be acted out slowly to enable people to follow. Role play is used to develop the following:

- practical skills in new techniques, ways of doing things and helping others, and solving problems step by step;

- social skills in relating to people with different problems than one's own and talking to others about problems;

- teaching ability to educate and communicate new ideas and skills to neighbours, community members and others;

- social awareness of habits, customs, attitudes and traditions of other people.

One creative use of this method for developing *practical skills* is to role play a bad example, of interviewing and listening, for example. Ask trainees to identify the problems in the bad example. Then ask volunteers to role play a good example, bearing in mind the difficulties just defined.

For *teaching skills*, role play an input (talk or presentation), on the rights of people when arrested, for instance. Then ask a trainee to do the input jointly with you. Finally, let the trainee do the input alone, while you as the trainer observe.

The trainer's check-list for role plays:

- Are the participants completely prepared and ready to engage in this exercise?
- Are the instructions clear?
- Are the rewards for participating in the exercise apparent?
- Is the exercise a close representation of real or potential situations?
- Does it meet an immediate need or solve a specific problem?
- Does it involve problem-solving and decision-making processes appropriate to the level of the learners?
- Does the exercise provide for adequate interaction and feedback?

**Field trips**



Field trips entail taking the trainees to visit certain places or situations that will give them first hand experience. They may be

taken to observe a court proceeding or visit a prison. The purpose of the trip should be explained in advance to the participants and they should be briefed as to the way they should conduct themselves during the visit. They should be asked to record their observations.

## Singing

In many cultures of Africa, songs are used to convey messages and can be easily adapted to talk about rights. People are likely to remember the words of a song if the melody is attractive to them. Singing at the beginning of a talk may arouse interest or at the end, ensure that people depart on a happy note.

This list of training methods is not exhaustive and trainers and trainees should continuously seek to learn and use new and appropriate methods.

# Exercises for improving paralegal skills

## Group dynamics

Paralegals work with different groups and so it is essential that they understand group dynamics and are able to facilitate group functioning. Discussion on group dynamics could be initiated by conducting an exercise called "Broken Squares" (Crone and John Hunter, *World Education*, N.Y. 1980, p. 18).

*"Broken Squares"* is a game which can be played by five people, with others watching. Alternatively, the instructor can prepare enough material to provide for several groups of five.

Preparation for 5 players:

- On 5 squares of card or stiff paper (roughly 12 cm), rule each square into a pattern as shown below and mark each shape with

the appropriate letter. Measurements should be made as accurately as possible.
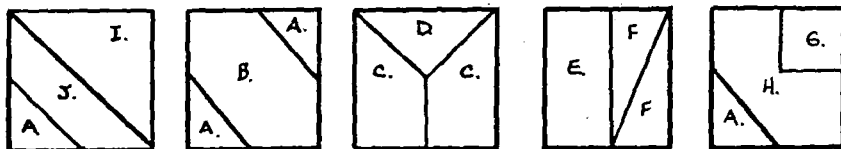


- Cut out the shapes, mix all fifteen and distribute them at random to each of the five players, so that each player has three.

- Give the following instructions:

- Each member of the team has 3 pieces of paper. When I say 'begin', the task before the five of you is to form five perfect squares of equal size. Your task will not be complete until each of you has in front of you a perfect square of the same size as those before the other four players.

  – You may pass a piece of card to another person, but you may not reach out and take one.

  – No talking or other kinds of communication are allowed.

  – You may at any time decline to take further part.

- Allow 20 minutes for the game.

- At the end of 20 minutes, show those players who have been unable to complete the task how to form the five squares.

- Conduct a discussion.

Issues for discussion:

- What happened? Usually at least one square has been formed which was not one of those illustrated. This holds up

the group until the person concerned dismantles it and seeks for an alternative piece with which to build his or her square. Encourage group members to verbalize their feelings about this.

- What does this exercise say about sharing?

- Was the initial reaction to try and get your own square and then leave the scene?

- Was there any critical point when the group began to cooperate?

- What does this say about the way we operate in life (i.e., the way we aim first for security and a firm base to work from, which seems sensible at the time but makes subsequent cooperation difficult).

    Group dynamics is the study of forces acting within a group of people. Good internal dynamics do not happen by accident. They come from an awareness of how the group functions, aspects that need to be modified, and dynamics that need to be built upon to improve group efficiency and personal satisfaction among participants. These ideas could be used by trainers to discuss and clarify group dynamics.

## Communication

One of the central components of any type of paralegal work is effective communication. Paralegals, whether acting as a facilitators in a group/community discussion, attempting to provide leadership in a particular project, or mediating in disputes, must have skills to convey their ideas effectively. Apart from the more obvious factors of presentation and clarity, paralegals must be aware of what influences the communication process: the nature of the relationship between the parties involved, the present mood or atmosphere, the type of message

to be communicated. Communication in group situations involves different factors than communication between individuals. Similarly, communication of an idea or concept requires more clarification and time than a simple message. Finally, paralegals must be aware that communication is a two-way process.

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**To be effective, one must listen before speaking.**
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*Exercise 1: Rumour clinic*

Purpose:

Rumour clinic can be used to initiate the discussion on problems involved in communication. It illustrates the distortions to information as it is transmitted from the original source through several individuals to a final destination.

Group size:

6 participants, plus an unlimited number of process observers.

Time:

30 minutes.

Materials:

- the rumour clinic message
- rumour clinic observations forms
- blackboard and chalk or newsprint and felt-tip marker
- tape recorder (optional).

Physical setting:

- a meeting room where all observers are seated facing the platform area where the rumour clinic is staged
- a room where participants can be isolated.

Procedure:

- The facilitator selects six participants.
- Five of the six participants are asked to go to the isolation room. One remains with the facilitator on the platform.
- The tape recorder is started, if one is being used, in order to replay the rumour clinic message after the process is completed in order to find clues to distortion.
- The facilitator reads the message to the first participant.
- The second participant is called in.
- The first participant repeats what he or she heard from the facilitator to the second participant. It is important that each participant transmits the message in his or her own way, without the help of other participants or observers.
- The third participant is asked to return and the second participant repeats what he/she hear from the first participant.
- The process is repeated until the sixth participant has returned and had the message repeated. The sixth participant writes the message as he or she receives it on the blackboard or newsprint, so that the entire group can read it.
- The facilitator then writes the original message and it is compared with the sixth participant's message.
- The facilitator then leads a short discussion with the entire group on the implications of the rumour clinic experience, eventually utilizing the tape recorder. He/she invites the comments of observers, followed by the reactions of participants.

*Exercise 2: Harmonizing concepts and understanding tasks*

Materials:

Pens, pencils, foolscap paper.

Procedure:

- The facilitator announces that instructions for this exercise will shortly be given and must be followed as fast as possible.

- Participants are paired. Each pair is given one sheet of paper, a pen and a pencil between them.

- The facilitator explains or writes down the instruction: *Each pair is to hold the pen or pencil together and, without talking or gesturing, draw a picture of a house.* (It is important not to elaborate on these instructions).

- As soon as all pairs are finished drawing, the pictures are displayed.

Discussion:

- What problems did the pairs experience?

- What caused the problems?

- Who led? Why?

- Who followed? Why?

- Why did communication break down?

*In addition to imparting or clarifying basic concepts of* communication, instructors should also help trainees to improve their public speaking abilities and their written and reporting skills.

**Negotiation**

Paralegals will often be involved in situations requiring skills in negotiation - situations such as domestic disputes, inter-community problems, labour and management conflicts. To be effective facilitators in these situations, paralegals must have a comprehensive understanding of the negotiating process. To determine what tactics they will follow to arrive at an equitable

solution, they must be able to analyze the participants, the positions taken and the power relations involved.

*Exercise: Role play involving a dispute*

A discussion on the need to develop negotiating ad mediating skill can be introduced through a role play involving a dispute.

Procedure:

Two persons among the trainees are chosen to play out the roles of a lawyer and a client. The scene concerns the unwillingness of the client to pay the lawyer for having been incompetent in a litigation. The lawyer refuses to part with the case documents unless he is paid.

Discussion:

A discussion is conducted on the nature of the dispute and the manner in which it was dealt with by the lawyer and the client. Afterwards, the following ideas could be presented to the trainees:

*Principled negotiation can be boiled down to four precepts:*

1) The necessity to separate the people from the problem: The negotiator must not personalize the problem, but adopt an attitude of detachment and objectivity. Thus there are always two kinds of interests at play - that of the substance of the negotiation and that of the relationship involved.

2) The need to focus on interest, not positions: Interests define the problem. For a successful negotiation, one reconciles interests and not position.Without getting entangled in positions, try to get to the problem (each side's concerns, fears, wants). Realize that there are often areas where interests can meet, even though positions may remain oppositional.

3) The importance of generating a variety of possibilities before making decisions. This will increase chances of a solution and provide other alternatives if an initial choice has not worked. Moreover, it may result in a choice acceptable to all parties.

4) Insistence on an objective standard. One must try to avoid the negotiation process becoming a test of wills, where one side must back down. By insisting on a basis of independent criteria for the negotiation, one increases the chances for success.

The attention of the trainees might then be brought to the following considerations to be made when dealing with conflict situations:

***Diagnosis:*** Discover what must be accomplished for both parties to feel that their needs are being met. Sort out the real disagreements from those which are merely perceptual (i.e., differences which parties believe exist but which are based on unfounded assumptions about the other party or about the situation).

***The characteristics of the parties in conflict:*** What are their values and objectives? What resources (information, group support, self-esteem) do they have for waging or resolving conflict? What are their approaches to conflict?

***The prior relationship between the parties:*** What has gone on between the parties in the past (earlier in this meeting or before the meeting)? What are their attitudes and expectations of each other. What does each think that the other thinks about him or her?

***The nature of the issues giving rise to conflict:*** How does each party see the issue? What effect will winning or losing the conflict have on each party? Does either party have traditions or beliefs that depend on the outcome of the conflict?

*The group environment in which the conflict occurs:* What interest do others in the group have in the conflict and its outcome? Does the situation promote or discourage conflict? Are there group norms or influences which tend to regulate the conflict? Do other group members show irritation or boredom?

*The strategy and tactics employed by the parties:* Are rewarding or punishing tactics stressed? What threats are voiced an how are they backed up? How legitimate are the two parties to each other? How open and accurate is communication between them?

*What time restrictions are affecting the conflict?* Do parties perceive plenty of time in which to wage the conflict, or are they under group pressure to stop using group time for the disagreement?

The exercise "Broken Squares" on cooperation, referred to in the section on group dynamics, could also be used for generating discussion on conflict-versus-cooperation and how to mediate and negotiate.

Concepts underlying skills required for mediating and negotiating are introduced in basic training programmes and upgraded through refresher courses and specific job training.

## Structural Analysis

A basic component of any training programme is to equip participants with the necessary skills to undertake a structural analysis of the society and community in which they are work. There are various ways of introducing basic concepts of societal analysis. However, it is important to teach methods of making one's own analysis and not to give a pre-packaged analysis of a particular society.

## Period Analysis

The following guidelines may be used for a session on time-period analysis. The objective is to produce an analysis of the current situation. This simplified framework of analysis allows participants to identify the important events, to bring relevant issues to the surface, pinpoint significant actors or forces, and draw out trends and directions in the current situation.

Procedure:

- Select a particular time period or conjuncture in the nation's history to be the subject of analysis.

- Brainstorm on the political, socio-cultural or economically significant events which occurred during this given time period. These events have taken place on different levels: community, regional or national.

- Categorize related events into clusters or groupings. Specify the issue that emerges from each category. There is an emergent issue whenever problems and conflicts, beliefs, positions, or interests arise from the interaction of individuals/groups or forces involved in the events.

  Identify the individuals, groups and other social forces involved in each issue. Pinpoint their responses and positions regarding the issue. Observe similarities and differences, points of conflict and consensus on these positions.

- Review the analysis made on each issue. Based on these, make a general analysis of the national situation by determining the overall trends and patterns that can be gleaned from them.

- In phrases or short sentences, capture the characteristics of the general situation by pinpointing dominant themes,

directions and tendencies relevant to the time period analyzed. Select key words that reflect and synthesize the most significant issues and events of the national situation.

- To culminate this exercise, relate this time-period analysis to the current situation. What are the implications to our present work and involvement? What relevant tasks and courses of action does this situation pose on us? At what level of involvement?

## Collecting information

For paralegals to understand the dynamics of the community in which they work and for which they plan appropriate programmes, they must develop skills in collecting and analyzing information. This is also essential in assisting the lawyer to collect evidence and background information on a case.

Paralegals should be introduced to three main ways of collecting information about people, groups and communities:

- *observation:* collecting information by watching and listening;

- *interviewing:* discussing and questioning;

- *recording and documenting:* written observations and records of the experiences of other people.

These three methods are often used together in order to give a picture of a problem or survey of a community and its needs. Refer to the section on needs analysis for a discussion of the issues on which paralegals focus and the methodology used.

# CHAPTER 7

# Logistics

Once a decision to hold a training programme has been made, planning and organizing is usually a group activity. The term *logistics* refers to the detailed planning of all the means - human, material and administrative - for carrying out the intended programme. It is important to designate tasks and a time schedule for their accomplishment. Items to be planned are as follows:

*Date:* Set the dates for the training programme. Its length will depend on how much there is to be learnt, how long it will take trainees to learn the various skills and to use them effectively, as well as the amount of time participants can devote to the programme.

***Instructional materials:*** The content of instructional materials must be relevant to the curriculum objectives. Ensure that it is comprehensive, realistic, and up-to-date, especially so in the case of legal information where laws are under-going changes. Identify existing resource material on law which could be used in a training programme. For this purpose, it may be useful to contact other organizations which work with paralegals on specific issues. See networking addresses at the end of this manual and if you need to prepare your own materials, consult chapter eight.

***Selecting the venue:*** There are generally two options when choosing a venue for the training programme: it can either be centrally-located or organized in the community of the participants.

There are many advantages in choosing the *community location*, especially if participants are coming from the same area:

- Training contents and methods are easily adapted to local circumstances.

- The attendance of women and others with on-going responsibilities is facilitated.

- Trainees will find it easier to practise field-work skills.

- Local residents can observe and perhaps participate.

- Communities can help cover expenses.

- The participation of future supervisors of trainees is facilitated.

- Trainees may be able to walk to training sites.

- Trainers located in the community will be more likely to have post-training contact with trainees.

- Trainers located in the community have greater knowledge of local circumstances and workers' environment.

When participants come from different parts of the country, a likely venue will be a *central location*. In many parts of Africa where transportation is a problem, it is generally easier to bring people to somewhere central than to get them to travel to other locations. Other advantages to a central location are:

- the facilitation of routine management and supervision;

- the possibility of using full-time professional trainers;

- the more likely participation of specialists and trainers from other development organizations.

Venues should be booked well in advance. Since the trainer's job is to encourage learning, he/she should visit a selected venue

beforehand to ensure that the environment is conducive to learning. Have along a checklist of required equipment.

*The preparation of participants*: Once they have been selected, participants should be sent the draft programme and any background documentation. Post-training factors concerning participants also need to be planned:

- the method and amount of compensation they will receive;

- the support they will receive from your organization;

- the procedures for monitoring the scheme, i.e., the records which they will be asked to keep or provide.

***Stationery:*** A box containing all the practical things for the training should be prepared in advance: newsprint, felt pens, chalk, participants' stationery, charts, group questions, forms and any materials which participants will be taking away with them.

***Personnel/Resource persons:*** The competencies expected of resource persons should be stated realistically and their responsibilities fully outlined. This ensures that appropriate personnel are enlisted before the programme begins.

***Cost:*** Prepare a draft budget and, if necessary, seek funding. For some programmes, a simple budge will be sufficient, while others will require a detailed cost analysis.

# CHAPTER 8

# Producing Material
# and the Plain Language Process

## Written communication

Most organizations which train paralegals feel a need to develop their own training materials. Many trainers and organizations at some point, whether during or after training, like to complement other methods of creating rights awareness with booklets, pamphlets or training manuals of their own creation. The development of educational materials involves a delicate mix of content, context and presentation. Carrying out a needs analysis and then working on a curriculum helps to ensure that content is relevant to needs and context. Particularly important is that printed materials be written at the appropriate level for trainees. A common weakness is the frequent use of legal language which is difficult to understand. In some cases, direct translation into the vernacular results in misunderstandings, thus the need for translations to be thoroughly tested at the user level.

Guideline questions for producing written material:

- Who is your audience?

- Why are you writing this document?

- What do you want to say?

- How will your reader use the document?

These questions lead to further considerations concerning the audience:

- Do you have more than one audience?

- What do they know about the subject?

- What beliefs and attitudes do they have about the subject?

- What vested interests do they have or think they have in the subject?

- Why would they be reading this document?

- How fluently do they read, i.e., are you writing for the ear or for the eye?

- Where and under what conditions will they be reading the document?

- Are people generally interested in the subject, or will you have to arouse interest?

- Where and how will they get hold of this document?

Because of different realities and roles, the same questions may need to be put separately concerning different people in a community or society: rural and urban; women and men; policy makers and ordinary public; employers and employees; adults and youth.


## Effective written communication through the plain language process

Communication is basically shared meaning and does not necessarily mean that people agree, but that they understand each other. It can be seen as a contract between two unequal parties, and therefore every effort is required to equalize the

relationship. In the use of the written word, the goal of communication is likely to be achieved through the plain language process. This involves:

- an approach to communication which is effective and efficient;

- a positive attitude towards the reader;

- respect for the reader;

- understanding of the reader's purpose;

- empathy with the reader's needs.

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**Plain language is a process and not a set of rules.**

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**Organize your ideas:**

- Put the most important information first.

- Give your reader a guide to the text.

- Expose your logic by using headings and a table of contents.

- Give clear and concise instructions.

- Make sentences clear, direct, active, simple, short (about 25 words).

- State one idea per sentence and one topic per paragraph.

- Use simple and practical examples to illustrate the main points.

- Use charts and graphics to highlight key points and procedures.

- Avoid words not used every day, which are likely to be barriers to communication.

The general principle is to write the way you speak. Apply the following standards to your text:

**Objective standards:**

- Are your sentences too long?
- Are you using "big" words?
- Do your type size and length of line make for easy reading?

**Subjective standards:**

- Is the document clear and readily understandable?
- Can the document be easily used for the reader's particular purposes?
- Does your message convey your intended meaning to the reader?

**Composition:**

- An instructional document should be written by one author.
- If you are a technical expert on a subject, try to have the job done by a non-expert who has been briefed on the subject and who has writing skills.
- When it comes to editing, share notes with others who can give constructive criticism.

**Design and presentation:**

- Regarding the size of the document: if it is to be carried along by the use, it must be easy to transport.
- The use of colour often helps to break monotony.
- State whether the pamphlet or document is one of a series.

- Illustrations are useful, but need to be tested to ensure their relevance.

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**The plain language process in three points:**

**1 - Understand your readers' needs.**
**2 - Create a message that matches your needs with those of the reader.**
**3 - Get feedback to make sure that your message is effective.**

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## Testing and feedback

If error occurs in communication, the fault generally lies with the sender. For this reason it is imperative to test information for the following criteria:

- whether or not people understand the document;

- whether or not particular information in the text can be found easily;

- whether or not the text is accessible, i.e., does it look like something you would like to read;

- in the case of graphics, what feelings do they arouse besides meaning.

Tests can be **informal**, in which case

- read your documents aloud;

- ask someone to read your draft;

- use computer software to check grammar and style;

- do a readability test.

**Formal** tests imply focus group testing, scenario testing, or field interviews:

*Focus groups* work well for testing subjective views of things such as graphics. Get groups of people together to discuss the document, but be aware that this may not tell you whether or not a person has understood it, since many people are reluctant to publicly volunteer information about their literacy.

*Scenario testing* works well for the testing of understanding. It implies bringing in users on a one-to-one basis and asking them, once they have read the document, to say whether it answers the questions they have.

*Field interviews* are especially useful where you have a network of field workers to whom you can send proto-type material for feedback.

Again, a distinction may need to be made between urban and rural, male and female receivers, as well as considerations of regional distribution, reading levels, and age factors. The more kinds of people you need to sample, the greater number you will need.

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**It is exhausting for test readers to be asked to look at everything.**

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### Conducting tests

- Know what you want from the group you are testing.

- Have a rough outline of what you are going to ask them. Give guidelines.

- Make sure the moderator is sufficiently familiar with the material.

- Eventually record reactions on audio tapes.

- Keep the record of the meeting in order to review and process the data at a later stage.

- Be aware if someone you interview refers to something which is not actually in the information you have given them.

- Be sensitive to any questions a participant may ask.

- Give people time to become familiar with what is before them.

- In order to be objective, the person leading the group should not be the author of the material.

- Questions should not be direct as to affect the way people see things.

- Remember to test the language used in the text.

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**Unless we ask the reader, we can never be sure we have communicated.**

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## Dissemination of written material

Choose agents to distribute material according to their interest. If the subject matter has a direct bearing on the work and daily lives of those who are asked to spread the information, they are likely to do a better job of it.

Some institutions or organizations are well-placed to disseminate specific information. Hospitals and police stations, for example, are good agents for information on issues such as vehicle accidents or unlawful assaults because the victims are likely to call or be found in such places.

In Africa, as in other parts of the developing world, financial constraints often limit the quantity of materials which can be printed. More often than not, it is impossible to provide everyone with a written document to take home. Even if this were possible, many people are not strong enough readers to cope with the texts. Therefore, we need to consider popular education methods for disseminating information, methods with which people are familiar and are liable to help them remember the message and spread it to others.

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**The key to dissemination of information is relevance.**

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# CHAPTER 9

# The Teaching Process

## Planning

- Specify clear objectives for each lesson from the objectives listed in the curriculum.

- Focus on what is essential. Based on the objectives, decide what material the trainees must know, what they should know, and what they could know. They must learn the "must know", but the remainder can be left out if time is short.

- Work out an appropriate sequence for teaching the material.

- Decide upon a specific approach, again according to the objectives of the course. Double check the material against the objectives to ensure you have chose the best way to help trainees learn.

## Preparation

- Write a lesson plan. This is a detailed description of all the points to be taught. Use key questions. Cue in the material aids at the points in the lesson at which you have planned to use them. Keep your lesson concise, simple, and easy to follow. If a lesson is being taught for the first time, a detailed plan may be prepared, but it should then be summarized for the final teaching plan.

- Prepare the classroom. Lay out the room to suit the activity intended. Each trainee needs to see and hear without strain. There are various ways of laying out a room to meet these requirements and still ensure a more participatory atmosphere. The following diagrams show some examples.



*Wall mounted screen*
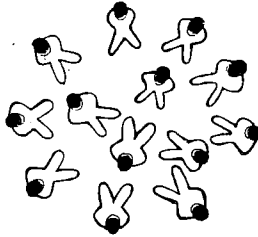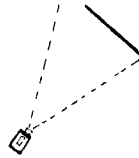
*Role play*



*Overhead projector*
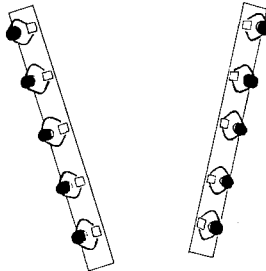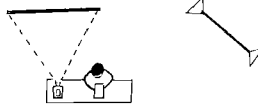
*Seminar*
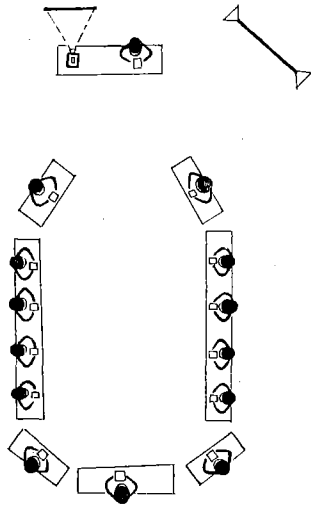
- Check that there is enough ventilation.

- In the trainer's space, have everything you need at hand. Be sure that your aids work and are organized for use. But they should be kept out of sight until needed. Nothing should be visible which can distract. Posters, diagrams and other displays should be kept on the back walls out of immediate view.

## The lesson structure

All lessons should have a structure worked out in advance. What follows here is the structure for a theoretical lesson, although much of it is applicable for other approaches.

### Introduction

Lay the foundations and create the desire to learn by getting and holding interest and attention. This takes about 10 % of the

lesson time. Include the mention of a tentative schedule, to see if participants' expectations are covered or not. Reasons should be given why any expectations cannot be met.

*Title:* Keep titles concise.

*Interest:* Arouse interest by using humour, anecdotes, analogies or surprises. Keep the interest factor relevant to the lesson.

*Need:* Motivate participants by showing why the lesson is necessary or relevant to them. This explanation of how the lesson fits into an overall pattern is essential.

*Revision:* Establish connections with previous work or experience.

*Objectives:* State clearly and positively what the trainee is going to be able to do by the end of the lesson.

*Scope:* Explain how you intend to teach the subject and the depth of the material you will cover.

**Development**

The development of the lesson, which takes up the other 80 % of the time, varies according to the material to be taught, but every development should have certain qualities:

*A sensible order:* If the materials have been analyzed and the teaching points put in order, the lesson will have a logical sequence.

*Clearly delineated steps:* The size of each stage will depend on the relevant difficulty of the material. Each step will progress logically from the previous one.

*Appropriate time allotment:* Each step of the lesson will be given a particular amount of time, depending on the complexity of the subject matter.

*Progressive recapitulation:* Questions may be used to recapitulate and the end of each step. This will indicate the rate of progress and the arising of any misinterpretations.

*A **question period:*** Allow time for trainees to ask questions.

*Consolidation:* Bring home the main points. Test that the trainees can do what the objectives aimed at. Summarize key points.


# Techniques for questioning

The use of questions helps the two-way communication needed for effective learning. Questions arouse interest and stimulate student thinking, thus learning. Questions are a simultaneous aid to reinforcement and retention. Through questions, the trainer can measure and evaluate progress, as well as focus attention on specific points and recall wandering attention.

**Good oral questions:**

- are immediately and easily understood;
- contain familiar words;
- are thought-provoking and challenging on a level appropriate to the trainees' ability.

**Procedure for questioning:**

- Pose the question.
- Pause.
- Nominate someone to answer the question.
- Listen to the response.
- Confirm a correct answer.

**Dealing with incorrect answers:**

Either tactfully correct the answer, ensuring that the student fully understands, or re-phrase the question to him/her. Alternatively, pass on the question to another trainee, taking care not to upset the one originally questioned.

**Explaining:**

To explain means to give understanding to another person. The explanation must be made in a way which enables the receiver to understand. The less the receiver knows to start with, the greater will be the difficulty to follow a path of explanation.

It is difficult to explain something to someone less knowledgeable than oneself because he or she does not have the adequate technical vocabulary or experience to fill in the missing gaps.

*Steps for preparing an explanation:*

- Know what you want to explain and to whom you want to explain it. This is best done by asking yourself questions such as "what is..., why is..., how does..., how are..., why do..., is...?"

- Then ask yourself: What might the receivers find interesting about the topic? What do you think they should know about the topic?

- Then reformulate your answers as questions, for instance: How do local courts work? Why should we know the legal system? What are the basic procedures for claiming maintenance?

  These procedures remind you that you are explaining something to a particular group of people and suggest how to explain a particular point.

- Once the problems are written in question form, state the principle of the question. That basic key elucidates what you want to explain. An explanation is best if it has an introduction, the main points and a summary.

- State the principles in clear, key statements: for example, "the essential point is...", "put very briefly...". Useful openings to subsequent principles are: "now the next point is...", "let's look at the second feature".

- Now consider the need for examples, qualifications and re-statements. If you feel they are necessary, design them into the explanation. Certain phrases act as cues for the introduction of qualifications, exceptions or vague cases which do not easily fit the general rule. Such cue phrases are: "So far I've described the main points...", "Now some of you might have realized there are exceptions (problems, difficulties, variations)...", "The main exception is...", "Now let's probe a little deeper...".

- Summarize and bring together the main points. Form conclusions which answer the points which required explanation. Useful phrases are: "Let's look now at the points we have covered...", "To sum them up...", "So we can say...", "So it seems that...", "So there you have it...". Summaries are crucial in effective explanations as they act as markers (cues) for receivers.

- Before turning to the next activity, use signposts to tell the listener where they are at present and what they are to expect next. Say, for example, "There are three main points. First..., second..., third... Let me begin with..."; or "So far we have looked at... Now let us turn to...".

## Language

When discussing legal principles, avoid the use of jargon. Use legal or technical words only when it is essential and explain difficult words.

What Language are you speaking?

Activist jargon: workerist, populist, dynamics, imperialism caucussing dialectical, subjective condition concretise

Abbreviations: NEC, NDS, BGM, ILC, WOSA, SC, PR, OR.

Difficult expressions! at the end of the day..., the bottom line is..., in the final analysis..., in essence..., be that as it may.

Difficult words/legal words substantive, proprietary consequences, discretionary, paradigms, efficacy, justiciable, remedy, it reconciliable, violation, prescription

Foreign/Latin words: quid pro quo, rule nisi, inter alia, sine qua non, ex post facto, vis-a-vis, au fait apropos, modus operandi, per se.

# General tips for trainers

Clear, well-structured explanations or questions are still not enough if the presentation is dull and dreary. The trainer's own enthusiasm and interest in what he/she is explaining is vital.

*Mannerisms:* Your face, voice, hands, body movement, stillness or silence all convey interest and enthusiasm. Therefore your face must be seen, your voice heard. Avoid distracting mannerisms such as tossing chalk, pacing restlessly, jingling coins. But gestures of the hand, head or body may supplement oral communication.

*Voice:* Avoid talking too much, since continuous noise can adversely affect learning. Use questions to break up delivery and

involve trainees. Your voice should be clear and pitched at the right volume. Vary your pace in line with the material and the trainees' understanding.

*Attitude:* The trainer's attitude is crucial. Control, but do not over-control. Encourage participation, appreciate individual trainees' difficulties, and set an example by being enthusiastic about your subject. Always be patient and keep your sense of humour.

*Confidence:* A pleasant and friendly approval with constant eye contact is a sign of confidence. The trainer is more confident if his or her preparation has been thorough.

*Appearance:* Participants expect the trainer to be neat and smart. If you do not conform, you are likely to be a distraction.

# CHAPTER 10

# Monitoring and Evaluation

Every paralegal training programme should include a session to evaluate the programme. At the same time, this exercise imparts the knowledge and skills to trainees to evaluate and monitor their own work.

A training programme is evaluated to measure the degree to which its objectives have been achieved, in order to improve it and avoid future mistakes. Evaluation is a part of the learning process of trainers and indicates their willingness to learn from the comments and criticisms made by trainees.

Programme evaluation can be conducted by either trainers or the organization/community engaging them or by an independent expert.

## Suggested methods for an evaluation

### Pre- and post-testing

In a pre-test at the beginning of the programme, trainees answer questions on the topic to be covered during the training. The same set of questions are given at the end of the programme to check to what extent trainees have increased their knowledge and understanding.

### Evaluating through a questionnaire

At the end of the programme, the trainees are asked to respond to a questionnaire designed to elicit their comments on the

curriculum and the methods used as well as on other aspects of the seminar, such as facilities. The questionnaire should contain a statement of the programme's objectives, and might include the following questions:

- What is your comment on the objectives of the training programme? Did they fulfil your expectations?

- Did the curriculum give a clear picture of the expected task (role) of a paralegal?

- Did the training programme advance your knowledge and skill? In what areas was the training inadequate?

- Did the methods used in the training programme facilitate learning?

- Were there any particular methods which should not be used in the future? If so, for what reasons?

- Were the teaching materials appropriate?

- Do you have any comments on the resource persons who conducted the training?

- Do you have any comments on the facilities provided during the training programme?

  The persons responsible for conducting the training (including the resource persons) may also be asked to respond to a questionnaire. Here are some same questions:

- Were the objectives of the training programme appropriate for the trainees?

- What is your assessment of the curriculum and methods used? Were they appropriate for the trainees?

- What is your assessment of the trainees? Did you encounter any particular problems from them.

- Were there any particular problems in implementing the programme? What are your suggestions to avoid these pitfalls in the future?

- What have you learned from the training programme and from trainees?

- Amongst the trainees, are there any who could be invited in the future as resource persons?

**Group and informal discussion**

A discussion with the trainees may be conducted at the end of a programme to elicit their views and comments. To facilitate the discussion, they may be asked to respond to a series of questions.

Alternatively, instead of at the end of the programme, informal discussions could be conducted with individuals and small groups during the programme to assess its immediate impact.

**Critical incident studies**

Critical incident studies are a method used after paralegals have started their work. It is valuable for the preparation of refresher/follow-up courses.

Individual paralegals working in the field are asked to describe any recent events in which they felt uncertain or incompetent to handle a certain situation. These situations are the "critical incidents" which the paralegals have had to face yet for which they were insufficiently trained or prepared. Some "critical incidents" may be unusual or rare, but if several paralegals report difficulty in situations of a similar nature, the curriculum will need to be adapted accordingly.

If only one paralegal reports that he or she was unable to handle a situation while others were able to do so, there will be no need to change the curriculum; however, the individual should be helped to pinpoint the exact trouble and deal with it.

## Post training monitoring and evaluation

### Give support to your paralegals!

Guidelines on the support to be given to paralegals after their training must be clearly established. Especially in the case of new projects, paralegal workers like to see and liaise with those behind their initiation. Therefore the support lent to these people is essential.

Greater emphasis should be placed on in-service supervision, in the form of regular visits (or calls), casework assessment, referrals and checklists to reduce dependency, reference materials to encourage self-sufficiency.

Field visits by a supervisor not only lend support to paralegal workers, but also provides the opportunity for continuous evaluation of a project. A visiting trainer is put into the position of the paralegal and thereby gets a clearer understanding of the challenges which paralegals encounter in their jobs.

Written records of field visits enable a trainer to capture the sentiments expressed as well as other observations pertinent to the improvement of the project, to issues of concern to paralegals, and eventually to foci for refresher courses.

If field visits involve community members, they must be made at a time when people are available. There may be periods which cut badly into the community's spare time, or in some cases it might suit best to hold meetings over a week-end. The trainer

should draw on the paralegal's knowledge of the community in this regard.

If your project includes advice centres, plan your visits to accord with those who seek the services of the centre. Because of transport problems in rural areas, for example, people must often catch the earliest bus to get to the centre: do not keep them waiting, for they must still grapple with the problem of getting home.

At some point, most projects make use of external evaluators. This is valuable, but the process of internal evaluation and monitoring is what gives growth and improvement to projects.

## Networking

Although the training of paralegals is obviously influenced by historical and practical differences between countries, there are also many similarities all over the continent in the issues of law and the disadvantaged. This raises the importance of networking on common themes, problems and strategies. Organizations can profitably share many ideas, amongst which:

- strategies for community education work in semi-literate or illiterate societies;
- strategies in community work for overcoming attitudinal impediments;
- strategies for making people see that they do have rights and that law can be used as a positive building force for justice;
- methods for cooperating with state structures and assistance agencies;
- types of training which have been provided for paralegals.

# Organizations involved in Paralegal Work in Africa

**BENIN**
  ASSODIV/CADD
  B.P. 6733
  Cotonou
  *Focus : rural development and paralegal training*

**GHANA**
  **FIDA - Ghana**
  P.O. Box 16502
  Accra - North
  *Focus : women's rights*

  **Ghana Committee on Human & People's Rights**
  67 Kojo Thompson Road
  Box 207
  Accra
  Tel : 229875, Fax : 220307
  *Focus : legal assistance*

**KENYA**
  **Kituo Cha Sheria**
  P.O. Box 7483
  Nairobi
  *Focus : advocacy, legal assistance*

**NAMIBIA**
  **Legal Assistance Centre**
  Cnr Bulow and Tal Streets
  P.O. Box 604
  Windhoek 9000
  *Focus : legal assistance and paralegal training*

**NIGERIA**      **Legal Research and Resource Development Centre**
386, Murtala Muhammed Way
Yaba, P.O. Box 75242
Victoria Island, Lagos

*Focus : Human rights education and paralegal training*

**Civil Liberties Organization**
24 Mbonu Ojike Street
Off Alhaji Masha
Surulere, Lagos

*Focus : legal assistance*

**Constitutional Rights Project**
18 Awojemi Close
Off Ayinde Giwa/Ogunlana Drive
Surulere, Lagos

*Focus : legal assistance*

**SENEGAL**      **Comité africain pour le droit et le développement**
P.O. Box 15107
Dakar - Fann

*Focus : paralegal training*

**SOUTH AFRICA Community Law Centre**
Berea Centre, 7th floor
249 Berea Road
Durban 4001

*Focus : rural empowerment and paralegal training*

**Legal Education Action Project**
Institute of Criminology
University of Cape Town
Private Bag
Rondebosch 7700

*Focus : community education, paralegal training
& rural empowerment*

**Paralegal Training Project**
Lawyers for Human Rights
713 Van Erkom Building
Pretorius Street
Pretoria 0001

*Focus : paralegal training*

**UGANDA**  **Foundation for Human Rights Initiative**
**P.O. Box 11027**
**Kampala**

*Focus : human rights advocacy*

**ZAMBIA**  **NGO Coordinating Committee**
**P.O. Box 378**
**Lusaka**

*Focus : Paralegal training*

**ZIMBABWE**  **Legal Resources Foundation**
**P.O. Box 918**
**Harare**

*Focus : education and paralegal training*

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