

**JOB DESCRIPTION
POINT RATING EVALUATION PLAN**

Working Title

Name

Paralegal

Position Number

Reports to Position No.,
Class & Level

Division, Branch/Unit

Ministry

Criminal Justice Division**Justice and Attorney General**

Present Classification

Requested Classification

Administration 5

Dept ID

Program Code

Project Code (if applicable)

PURPOSE: Give a brief summary of the job, covering the main responsibilities, the framework within which the job has to operate and the main contribution to the organization (see Section 2.3).

The Paralegal plays a critical role in the Criminal Justice Division prosecutorial process, contributing significantly to the effective and efficient prosecution of serious and complex cases. As an integral part of the prosecution team, this position manages and assumes substantive and procedural legal work on assigned files to help ensure compliance with common law principles, legislation, and regulations. The paralegal must be able to work independently while being under the ultimate direction of a lawyer. The work performed by the paralegal generally requires sufficient knowledge of legal concepts such that, in the absence of a paralegal, a lawyer would perform a majority of those duties. Work is performed with a high degree of independence and personal accountability. The Paralegal reports to a designated lawyer such as a Chief Crown Counsel, Assistant Chief Crown Counsel, or Director depending on the branch or office in which the Paralegal works.

In addition to providing comprehensive file management and associated consultation and specialized services for assigned cases, the Paralegal attends court proceedings to facilitate witness and courtroom management and provide research and technical support to Crown Counsel. This position is also relied upon to carry out legal research and analysis for diverse and complex issues associated with cases. The position also serves as the primary contact with legal professionals, law enforcement representatives, witnesses, victims and other stakeholders in relation to the files being managed.

This position applies to all aspects of responsibilities a detailed knowledge of legal theory and of the provincial and federal legislation, regulations, and guidelines that are relevant to the criminal justice system. Work is performed with a high degree of independence and personal accountability, with the Paralegal expected to provide guidance and advice to other members of the prosecution team, particularly in relation to explaining, troubleshooting and facilitating completion of complex legal processes pertaining to assigned cases. The Paralegal is expected to keep the responsible Crown Counsel informed about the status of assigned tasks and to regularly update the Crown Counsel as to the work undertaken.

The Paralegal functions within the parameters of applicable legislation, regulations, policies, directives, and procedures.

Note:

Examples of serious and complex cases can include serious or violent offences, or offences involving high risk offenders or prolific offenders. Examples also include, high profile, sensitive cases involving serious personal injury offences with complex legal issues; cases with potential for protracted prosecutions; or fraud cases with multiple documents.

RESPONSIBILITIES AND ACTIVITIES: The purpose of the job can be broken down in different responsibilities and end results. Each end result shows what the job is accountable for, within what framework and what the added value is. Normally a job has 4-8 core end results. For each end result, approximately 3 major activities should be described (see **Sections 2.1 and 2.2**)

- 1 Files for assigned serious and complex litigation cases are organized and managed effectively to ensure compliance with common law, legislation and regulations; facilitate the prosecution process; and alleviate demands on Crown Counsel throughout preparation for criminal trials and appeals.

Activities:

- Thoroughly review and analyze all prosecution case materials and prepare the file for litigation. This process includes the following tasks:
 - ensuring the investigating law enforcement agency has provided all relevant case and disclosure materials and identifying and requesting missing materials where necessary;
 - reviewing all statements, transcripts and video interviews;
 - preparing comprehensive and accurate summaries of evidence;
 - analyzing materials with a view toward legal issues such as admissibility, probative value, and potential deficiencies in the evidence; and
 - anticipating potential legal issues (eg. potential defences and constitutional issues) arising from the evidence and reporting to Crown Counsel on these issues.
- Serve as the case expert on all issues of disclosure arising during the life of an assigned file. In consultation with Crown Counsel, the paralegal will prepare disclosure packages by gathering, organizing and assessing documentary evidence for relevancy, solicitor-client privilege, third party privacy and informer privilege. The paralegal will identify and address issues associated with the disclosure.
- Prepare Agreed Statement of Facts for review by supervising Crown Counsel. This process involves analyzing all available evidence, identifying important evidence, irrelevant evidence, and potentially contentious evidence. Having identified and analyzed the various categories of evidence, the paralegal employs their best judgment to draft an agreed statement of facts that accurately reflects all of the evidence that is necessary to inform all elements of the offences to be alleged at trial, or all of the evidence necessary for a particular issue or respecting a specific agreement arrived at between Crown Counsel and defence counsel.
- Draft correspondence, reports, factums and other documents, including complex legal documents, as appropriate throughout the life of a file; draft notices in compliance with the Canada Evidence Act; and draft case resolution offers on the instruction of Crown Counsel for Crown Counsel's signature.
- Complete Crown respondent's application records in assigned bail applications and complete applications for bail revocation until court appearance as requested.
- Take a lead role in witness consultation and witness management. This includes identifying and locating witnesses; interviewing and preparing witnesses before trial as directed by Crown Counsel; preparing notes, summarizing evidence, and bringing pertinent information to the attention of Crown Counsel. The paralegal also indexes files and cross-references indices with witness statements.
- In some trials, expert witnesses provide evidence if they are shown to have acquired specialized knowledge through study or experience, and this type of evidence is necessary for a trial. Expert witnesses can come from any discipline such as medicine, engineering and anthropology. The paralegal will locate and communicate with expert witnesses on issues as directed by Crown Counsel, and perform the following critically important tasks:
 - develop knowledge of the subject matter that forms the expertise of the witness by reviewing and analysing any reports and academic articles authored by the expert, and studying the material reviewed by the expert in forming the opinion;
 - consult with and provide relevant case information to the expert to support preparation of expert witness reports, and to ensure that the expert's opinion is grounded in the facts of the case;
 - review and become familiar with the current scientific or specialized concepts surrounding the expert's opinion. This will include a study of all relevant academic literature surrounding the expert's area of expertise as it pertains to the case;
 - accurately define all technical and scientific terms used by the expert;
 - identify the concepts or opinions that fall outside the area of expertise of the expert; and
 - recognize and analyze any concerns surrounding the expert's report and the expert's *viva voce*

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evidence, and bring these concerns to the attention of Crown Counsel.

- Conduct meetings with police and/or regulatory agencies and defence counsel as directed by Crown Counsel or assist Crown Counsel in such meetings, including keeping accurate records of evidence to potentially be used in "will say" statements.
- Ensure Crown Counsel is continually informed of developments to and status of cases, including collaborating with Crown Counsel to develop strategies on an ongoing basis (i.e. approaches to witness preparation); maintain Crown Counsel schedules and arrange appointments for assigned cases; and identify and resolve potential issues and complaints pertaining to files as appropriate.
- Assign work to and monitor work performed by Legal Assistants; provide guidance, advice, and instructions to administrative support staff members in relation to assigned cases.
- Provide guidance and instructions to Crown Counsel and other Paralegals in relation to specialized legal processes and procedures associated with assigned files (e.g. a paralegal specializing in dangerous offender procedure provides advice and guidance on this to other paralegals and Crown counsel).

- 2 Court-related activities and services are provided to facilitate the prosecution process and alleviate demands on Crown Counsel associated with the conduct of criminal trials.

Activities:

- Attend court to provide witness management services, including preparing, identifying, and/or locating witnesses, responding to enquiries, etc.
- Collaborate with court representatives to provide courtroom management services, including responding to technical issues relating to exhibits; organizing and coordinating trial presentations; responding to enquiries from clerks; and liaising with court observers.
- Notify Crown Counsel and court services representatives of any potential issues relating to courtroom security.
- Provide Crown Counsel with services during the trial and in response to issues arising during trial, including emergency legal research; information retrieval; observations and analysis of proceedings; summaries; technical support; and advice.
- At the request of Crown Counsel and with approval of the Court, the Paralegal will cross the bar and attend at the Crown's table to provide aid in serious and complex prosecution cases.
- Accompany Crown Counsel to meetings with judges and defence counsel to provide services associated with prosecution of criminal cases (i.e. preparation of pre-trial notices).

- 3 Legal research and analysis are provided to facilitate and contribute to the success of the prosecution process.

Activities:

- Perform comprehensive legal research and analysis to provide input to and/or prepare case summaries, briefs and written arguments.
- Analyze specific legal issues relating to cases under the guidance of Crown Counsel, including analysing and synthesizing related information and documents and preparing reports.
- Research impact of new or amended legislation on assigned cases or the criminal justice system, including identifying issues for the attention of Crown Counsel, supervisor, and/or other paralegals
- Create and contribute to legal databases and indexes.

- 4 Comprehensive communication, consultation and information services are provided to facilitate the prosecution process; ensure compliance with relevant legislation and policies; and enhance the perception of the criminal justice system.

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Activities:

- Serve as primary point of contact for Crown Counsel, legal professional, victims, and other stakeholders throughout the life of assigned files.
- Liaise with other legal professionals and law enforcement agencies to obtain and provide information that contributes to the success of the prosecution process.
- Initiate contact with victims and families to inform them of their rights in accordance with the Victims of Crime Protocol; respond to enquiries concerning case status, court dates, outcomes, and general information about criminal justice system and related legislation, including associated processes and roles of all involved parties. Meeting with victims in order to ensure they understand their role and the Crown's role in the system.
- Keep witnesses apprised of status of cases, including processes concerning bail, recognizance, assessment orders, etc.; provides procedural information and responds to enquiries relating to criminal justice system and roles of involved parties.
- Attend seminars, conferences, and other sessions to remain aware and current as to potential issues and information pertaining to assigned cases, the criminal justice system, and paralegal services; present information of interest to multiple stakeholders at conferences and information sessions as appropriate.
- Consolidate information and develop best practices and new procedural protocols for the division in response to new or amended legislation and policy directives as appropriate.

SCOPE: List specific information that illustrates what internal or external areas the job impacts, and the diversity, complexity, and creativity of the job (see [Section 2.4](#)).

Criminal Justice paralegals are professionals engaged in substantive and procedural legal work to manage and co-ordinate major criminal cases. Paralegals work in a collaborative and mutually supportive team environment with Prosecutors by contributing substantially to the success of the Criminal Justice Division in achieving just outcomes.

The Paralegal is as knowledgeable with an assigned serious and complex case as the Crown prosecutor due to the position's involvement in every stage of the file as described in the *Responsibilities and Activities* section. Crowns rely heavily on the Paralegal's thorough knowledge of the file during the preparation stage as well as during the actual trial so that any unexpected issues that arise in court are responded to appropriately and quickly.

The vast range of serious and complex files that the Paralegal works on requires knowledge of different areas of the Criminal Code and case law, which contributes to the increasing diversity and complexity of the job.

Please refer to the *Changes Since Last Classification Review* section which fully describes how these positions have strengthened in responsibility and scope since the last review.

KNOWLEDGE, SKILLS & ABILITIES: Provide a list of the most important knowledge factors, skills and abilities including knowledge about practical procedures, specialized techniques, etc., analytical and conceptual skills and abilities, and skills needed for direct interaction with others not only diplomas and degrees. Specific training if it is an occupational certification/registration required for the job.

The Paralegal requires comprehensive knowledge and understanding of:

- the criminal justice system and legal theory
- file management and court documentation requirements and processes
- early case resolution processes
- legal research techniques and processes
- police investigative techniques and respective *Criminal Code* requirements
- the Ministry and division vision, business plan, organizational structure, and strategic priorities

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- Ministry and Division policy including the Crown Prosecutors' Manual
- the client and stakeholder community impacted by the division mandate and operations, the public, including relevant organizations, committees, advisory groups, and representatives
- relevant common law principles; legislation and regulations (including but not limited to *Canada Evidence Act*, *Criminal Code*, Provincial and Federal Victims of Crime Legislation, and *Youth Criminal Justice Act*); and Ministry policies, guidelines and procedures
- information systems and business productivity tools used to carry out responsibilities (i.e. Microsoft Word; JOIN; COMIS; legal databases and indexes; internet)

Depending on the branch or area in which the Paralegal works, specialized knowledge or expertise may be required (i.e. pertaining to Dangerous / Long Offender applications; declarations and affidavits; or bail estreatment for breaches).

The Paralegal requires strong and demonstrated:

- consultation and interpersonal skills
- analytical and research skills, including ability to analyze and synthesize legal information obtained from broad and varied sources
- problem solving and decision making skills
- written and verbal communication skills
- organizational and time management skills
- commitment to discretion, diplomacy and tact
- commitment to continuous improvement and innovation

The Paralegal must be able to:

- recognize and identify emerging trends, issues, and information relating to assigned cases and the criminal justice system and assess their potential impact and affects on prosecutions
- develop and maintain collaborative working relationships with stakeholders and partners
- function independently as well as lead and contribute effectively within a team environment
- demonstrate initiative, professional judgment, political sensitivity and empathy

Educational background

The minimum requirements for this position are:

- An undergraduate degree in a related field such as criminology. A candidate with a qualifying undergraduate degree must also have demonstrated experience performing analytical, organizational, report writing and research tasks in a work environment; or
- An undergraduate bachelor of arts or social sciences degree, which has demonstrably developed the individual's written, analytical and research skills. A candidate with a qualifying undergraduate degree must also have demonstrated experience performing analytical, organizational, report writing and research tasks in a work environment; or
- A legal assistant or paralegal diploma from a recognized post-secondary institution such as Grant MacEwan University, SAIT, or Red Deer College together with five years' experience performing paralegal functions relevant to this job description. For the purposes of these minimum requirements, relevant paralegal functions consist of the exercise of some of the core paralegal skills listed in this job description, such as trial management, legal research and analysis. The paralegal skills can have developed as a regular supplement to general legal assistant duties. General administrative duties performed in a legal environment such as making travel arrangements for witnesses and completing boiler plate forms such as subpoenas, are not core paralegal functions.

Post secondary equivalencies will be considered, but it is fundamental that a paralegal qualifying under any of the educational categories above must possess measurably superior research, writing and analytical skills.

CONTACTS: The main contacts of this position and the purpose of those contacts:

Paralegal contacts and the frequency of these contacts vary depending on the type of files assigned to the paralegal at any one time, and the progress of each file. Paralegal contacts include:

Frequent Contacts (approximately daily contact with these groups)

- Law enforcement agencies
- Department of Justice counsel and employees
- Victims' Services personnel
- Victims
- Witnesses, both ordinary and expert
- Defence counsel
- Court services
- Judges and Justices
- Members of the public
- Sheriffs (both Court House security and highway traffic enforcement officers)
- Criminal Justice Division employees
- Justice Department officials and employees from other jurisdictions

Weekly contacts

- Parole officers and parole office personnel
- Federal and provincial corrections staff
- Probation officers
- Court Reporters
- Librarians from crown libraries, legal reference libraries and Law Society libraries
- Psychologists and psychiatrists
- Medical examiners
- Other medical professionals
- Forensic lab personnel

Monthly contacts

- Social workers
- AADAC treatment centres
- The Law Society of Alberta
- Other government agencies
- Insurance Companies (with respect to restitution orders)
- Behavioural sciences unit personnel

These contacts help the Criminal Justice Division achieve just outcomes by:

- Allowing paralegals to ensure or ascertain the continuity of evidence,
- Conduct information gathering,
- Prepare expert and ordinary witnesses for trial,
- Provide information and receive information from other agencies, branches or government offices involved in the administration of justice.

Importantly these contacts also help to ensure the public has access to justice and to information about prosecutions, thereby helping to facilitate a positive public perception of the criminal justice system.

SUPERVISION EXERCISED: List position numbers, class titles, and working titles of positions directly supervised.

CHANGES SINCE LAST CLASSIFICATION REVIEW: This section is not required to be completed if the job description is being written for the conversion to PREP. It should be completed for any subsequent classification requests under PREP.

Criminal Justice paralegals are professionals engaged in substantive and procedural legal work to manage and co-ordinate major criminal cases, thereby helping to achieve just outcomes. Paralegals work in a collaborative and mutually supportive team environment with Prosecutors, contributing substantially to the success of the Criminal Justice Division in achieving just outcomes.

The Criminal Justice Division's paralegal position continues to evolve into a more complex, sophisticated and demanding role since its inception in 2003 and since the 2009 reclassification. This evolution includes the following:

- The paralegals' role and knowledge base has become more complex since 2009. Federal amendments to the *Criminal Code* continue to impose more serious sentences for a variety of offences, thereby raising the stakes in criminal prosecutions, causing the defence bar to adopt increasingly sophisticated new strategies, including a proliferation of *Charter* applications. The paralegals' expanded knowledge base includes the introduction of, or significant changes to, the following protocols and statutes:
 - Significant amendments to the *Criminal Code* including: organized crime amendments in 2009; new identity theft offences introduced in 2010; truth in sentencing provisions in 2010; new theft of motor vehicle offences in 2011, and Mega Case reforms in 2011. The changes to the impaired driving evidence to the contrary sections of the *Criminal Code* continue to impact the paralegal role with counsel for the accused continuing to adopt new and more elaborate defences.
 - Several amendments to the Crown Prosecutors' Manual have occurred since 2009.
 - Major developments in common law, which have occurred since 2009 including such cases as *R. v. Grant*, 2009 SCC 32 (Supreme Court of Canada decision with profound impact on admissibility of evidence under *Charter* s. 24(2)) and *R. v. McNeil*, 2009 SCC 3 (Supreme Court of Canada issued guidelines on disclosure of police disciplinary records).
 - Expansion of regional paralegal role into previously rarely-worked kinds of files such as dangerous offender applications, large fraud files, extradition matters and impaired driving causing death prosecutions. This is in part because the nature of prosecution files has expanded with defence counsel issuing more *Charter* notices and evolving police investigation techniques.
 - Important changes to DNA and Sex Offender Registry legislation in 2011 with resulting changes to SOIRA Handbook and Prosecution Service Protocol.
 - Changes to *Protection Against Family Violence Act*, to include arrest, offence, and penalty provisions addressing the failure to comply with Protection Orders, and resulting changes to Prosecution Service Directive on domestic violence;
 - *Witness Security Act* coming into force in 2012 and related introduction of Alberta Witness Security Program, both introducing procedures and measures to provide protective services to witnesses.
- Changes in file technology including the rise of electronic disclosure and eTrials have required paralegals to use different skills when managing prosecution files. Some of the roles and responsibilities accruing to paralegals in this area include:
 - Creation of electronic disclosure protocols;
 - Training other employees including legal assistants on use of electronic disclosure software and preparing training materials;
 - Presentations and meetings with internal and external agencies including the Edmonton Police Service and RCMP on electronic court briefs and e-Trial programs;
 - Helping to develop Best Practices across the RCMP Major Crime Units and General Investigative Units with respect to disclosure including assembling electronic disclosure packages;
 - Tackling specific IT problems with respect to audio or video evidence. This includes training on how to amalgamate the inconsistencies of audio and video for better syncing in court;
 - Attending at correctional facilities to assist self-represented accused on electronic disclosure provided by

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the Crown; and

- Attending trials and running e-Trial technologies in the Court room.

- The paralegal continues to attend the same training as Prosecutors. This includes the Alberta Crown Prosecutor Conferences, which occur twice a year. Paralegals have also attended senior Crown conferences such as the 2009 Banff Criminal Law Seminar, the Homicide conference in Calgary in 2011, and the Child Sexual Assault conference in Edmonton in 2012. Also, Paralegal School has provided specialised paralegal training from 2008 through to 2012.
- The paralegal participates as a presenter on various panels including Legal Education Society of Alberta panels. Paralegals also conduct training sessions for outside agencies including other prosecution services (i.e. Federal Prosecution Service in the North West Territories), correctional services agencies, and police agencies such as the RCMP and Edmonton Police Services. Paralegals also work with outside agencies such as Victims Services on training and organizing interagency meetings to ensure effective collaboration.
- This position consults with police agencies and Crowns on major cases including discussing avenues of research and investigation of major cases (i.e. the habits of criminals; where to look for them; what their *modus operandi* may be). Also, the paralegal attends meetings with police for brainstorming sessions on investigative strategies and techniques, even prior to charges being laid. This includes discussion of undercover tactics, and what evidence to look for while at a crime scene.
- The paralegal now contributes to the Crown's general trial strategy both before and during trial. This includes increasing incidences where the paralegal crosses the bar to perform second counsel duties, replacing second counsel on many major criminal prosecutions.
- The increase in demands and responsibilities placed on Prosecutors continues to significantly impact the range of responsibilities demanded of paralegals, with paralegals continuing to assume many of the tasks previously performed by Prosecutors. Paralegals complement the work of the Prosecutors and handle any substantive legal work that is not restricted to members of the bar by statutory provisions. Paralegals also use their knowledge of criminal procedure and the Crown Prosecutors' Manual to help new or junior Crowns with policy and procedures and the court process, court rules and local practices.
- Paralegals will continue to be offered educational opportunities by the Division. It is expected that paralegals will prioritize attendance at these educational opportunities and it is also expected that the supervisors of paralegals will ensure that a paralegal is provided with time away from the office to attend these opportunities.
- Equivalencies will no longer be considered for candidates without the post-secondary qualifications listed in this revised job description. For candidates with legal assistant or paralegal diplomas, these qualifications must come from a recognized post secondary institution and it must be demonstrated that the paralegal or legal assistant diploma course included paralegal instruction. At a minimum the diploma program must have provided at least the following instruction:
 - One semester-long course of instruction in legal research, and
 - One semester-long course of instruction in criminal law or criminal procedure.
- It is fundamental that a successful candidate must demonstrate to the panel that they possess good writing and analytical skills. For internal candidates who are legal assistants, paralegal skills can comprise paralegal duties such as research projects or trial management roles that have been assigned by a supervising Crown as developmental opportunities. These developmental opportunities should occur in a planned and monitored program occurring consistently through an extended period of time.
- In order to ensure consistent paralegal hiring practices throughout the Division, the following changes will be implemented:
 - Office managers will not involve themselves in paralegal job competitions either in pre-screening applications or as members of the interview panel;
 - At least one Crown Prosecutor will sit on the hiring panel (preferably the Crown that will directly supervise

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- o the successful candidate); and
- o A senior Division paralegal will also sit on the panel.
- As a prerequisite, the hiring process should also expose each candidate to a suitably demanding written exam before the interview. The exam will test the applicant's writing and analytical skills and will also include a portion that is customized to the position being applied for. Each competition should feature a different test. Those who fail the exam will not be invited for interviews.
- Changes to this paralegal job description include a stronger statement, which clearly requires the paralegal to report only to a lawyer. It is not acceptable for paralegals to report to non-lawyers such as office managers.

ORGANIZATION CHART: An organization chart that includes supervisor, peers and staff **MUST** be attached.

This information is being collected under the authority of Section 10 of the Public Service Act and will be used to allocate positions within a classification plan and to manage the Alberta government human resources program. If you have any questions about the collection of this information, contact the Compensation Manager, 6th Floor, Peace Hills Trust Tower, 10011 - 109 Street, Edmonton, Alberta, T5J 3S8, phone 408-8400 or contact your Ministry Human Resource Office.