

On Paralegal Competence and Diligence¹

There are no universally accepted standards or mandatory educational requirements used to measure paralegal competence in the United States. Therefore, it is important that every paralegal understand and apply competence to their work ethic. Diligence and competence go hand-in-hand when meeting the goal of maintaining a high level of professional responsibility.

The *Kentucky Paralegal Standards of Professional Conduct*, Standard 1. Competence, (KPSPC) tell us what paralegal competence is -- *A paralegal shall provide competent service when assisting supervising lawyers and their clients. Competent service requires paralegal education, training and work experience in the application of legal concepts, skills, and knowledge. A paralegal shall be knowledgeable of Kentucky Supreme Court Rule 3.700 Provisions Relating to Paralegals and the Kentucky Rules of Professional Conduct for lawyers. A paralegal shall maintain competence by participating in continuing paralegal education programs on substantive legal subjects, skills, and paralegal standards of conduct.* Standard 2. Diligence, states a paralegal “*shall work with reasonable care, industry, and punctuality when assisting supervising lawyers and their clients.*”

Below are two scenarios to help give some insight into the practical application of competence and diligence in the typical paralegal experience.

Scenario One: You are asked to maintain a docket and calendaring system for a group of attorneys in your firm. This responsibility is in addition to your traditional paralegal responsibilities. As part of the system, there is an “in-take” box for all pleadings received by those attorneys. On occasion, your work becomes overwhelming and the “in-take” box is ignored. The longest ignored period has been for an entire work week or five days. To date, no deadlines have ever been missed.

We all have those extreme weeks, where things may get “out of hand,”⁷ but ignoring the “in-take” box is a serious lack of diligence, all around. How could this situation be better handled in a diligent and competent manner? At least open the mail in the “in-take” box and determine if there are any looming deadlines or pressing matters that should be addressed. Docket and calendar those items that need immediate attention. Set aside time every day and work this practice into your daily routine.

Scenario Two: On his way out of the office, your supervising attorney hands you a draft brief with instructions to proofread the brief so it can be filed with the court later that day on his return to the office. You are aware the attorney is not comfortable with technology and you are also aware the library’s *Shepard’s® Citations Service* is out of date. Should you only proofread the brief because that is all you were asked to do?

Here is an opportunity to apply diligence and competence. Do proofread the brief, but also, Shephardize and cite check the brief, proof any quotes, and check the Rules of Court concerning format and filing requirements. Make it ready to file with the court on his return to the office.

Competence and diligence is a responsibility, not to be taken lightly. Certified Kentucky paralegals are required to understand and apply diligence and competence and are expected to incorporate it as part of their work ethic.

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