



Feature

Discovery Paralegal – At the Heart of the Case

This article talks about the Discovery Paralegal. Discovery happens before the trial begins. It is the time when all parties investigate the facts of the case so there is a clear understanding of witnesses and their testimonies and any details pertaining to the case. It is also the time to explore the other side's facts and predict the litigation strategies.

A Discovery Paralegal is definitely trained as a Paralegal and may hold an Advanced Certification in Discovery. A Paralegal can obtain this certification with the following prerequisites:

- 1) Good written and verbal communication skills
- 2) Knowledge of document management
- 3) Be Familiar with Discovery Methods
- 4) The importance and scope of discovery
- 5) The role of the paralegal in the discovery process
- 6) The ethical considerations involved in the discovery process
- 7) Knowledge of the Federal rules
- 8) Process of civil and criminal litigation
- 9) Knowledge of the litigation process
- 10) Purposes of litigation
- 11) Knowledge of the following; process for criminal litigation, trial, evidence and computerized litigation support

Don't worry if you are a Paralegal and some of the prerequisites have faded from your memory a bit. Depending on the area of law in which you are accustomed to, learned information you use more often is retained better. The Advanced Certification course in Discovery does review many of the legal points listed above.

The duties that a Paralegal will perform are always in assistance to the attorney. A Discovery Paralegal can use formal or informal methods in his discovery work. His informal work consists of researching information in public records; preparing witnesses; gearing up questions to be answered regarding the case and creating an investigation plan. The formal portion of the discovery job includes getting written documents, doing depositions that are recorded by a court reporter, asking questions that are answered through writing. The documents gathered in the formal investigation can be

any written document like bank statements, tax returns or real estate records.

The Discovery Paralegal will review the litigation process and decide where discovery best accommodates the proceedings. The Paralegal can help in deciding when to present evidence and preparing the schedules on the calendar.

There is much work to be done by the Discovery Paralegal before the trial begins.

Drafting objections, requests and responses takes place. Evidentiary items for the trial need to be described. The Discovery Paralegal will manage the documents from the formal discovery so they are ready to be presented.

Depositions need to be scheduled and this is a task the Discovery Paralegal will perform.

There are oral and written depositions that need to be arranged with notices and subpoenas. There are sometimes out of state depositions required to prepare for the trial. The Discovery Paralegal is also responsible for the "post deposition" work which includes summarizing. There can be various types of summaries needed.

A Discovery Paralegal can also be responsible for locating expert witnesses for the trial. Often choosing an expert involves investigating the person's qualifications and working with the expert to calendar his services.

Finally, there needs to be requests for submission by the parties. The Discovery Paralegal will be coordinating requests for admissions. He will provide categories of evidence to be admitted. Admitting evidence is a very important step in the process and is the heart of the case when it has been clearly defined and is ready to go to trial.

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