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The Paralegal as Factfinder

A Different Mindset

In a law office, investigation is not usually of the “cloak and dagger” variety seen on TV. Still, it can be a rewarding and important aspect of a paralegal’s career.

Limitations

As a paralegal with investigative duties, you need to be especially careful not to violate laws or rules of ethics. The general rule is that a paralegal acting as an investigator cannot engage in any activity from which an attorney would be prohibited.

For instance, under some circumstances, an attorney must identify himself as an attorney to a potential witness. The paralegal must follow the same guidelines.

Attitude

The key to being a successful investigative paralegal is attitude. When you walk out of the law office door, your attitude should be that nothing is going to keep you from obtaining relevant facts (in a lawful and ethical manner). You become an advocate not only for your client, but for his or her right to effective representation.

When seeking facts of a case, be a crusader for your client’s rights.

DEVIL IN THE DETAILS

Sometimes the difference between success and failure in fact finding is simply who pays the best attention. A paralegal investigating an accident that occurred several months earlier had a problem. He could not find any witness who actually saw the event. In witness statements and police reports, several people mentioned a man who had apparently jumped out of his car to redirect traffic around the accident scene, but no one got his name. Did that person witness the accident? If so, he could be a very important witness. With no new avenues to investigate, the paralegal decided to review the police files, including photos, hoping the man would show up.

After reviewing a few dozen accident scene photos, there was no candidate for the potential witness. But the paralegal did see something else. There were several photographs that, in the background, included the image of a van parked on the side of the road. In one of the photos the license plate was clearly visible. Sure enough, the van ended up belonging to the missing witness, who became an important element of both the criminal and civil cases against the defendant.

Think outside the box. Consider different approaches. Most of all, pay attention to the details.

REMOTE INTERVIEWING ETIQUETTE

General conference call etiquette applies to remote interviews. All participants should:

- **mute** their microphones when they are not speaking. If you are in the role of moderator and someone fails to mute their microphone, do it for them before you start the session.
- **appear on video at the beginning** of the interview to be introduced and confirm who is present; only those speaking should continue to appear on video (the interviewer and interviewee). If someone else wishes to speak or ask a question, they can switch on their video without speaking, and the leader will become aware of their intention to speak, without any disruption.
- **accept that interruptions do happen** such as background noise or family member interruptions. Do not draw unnecessary attention to them. Do not embarrass anyone. But also try not to let anyone disrupt the focus of the interview.
- **dress appropriately** and have a neutral/inoffensive background when you appear on video.

SELECTING A VIDEO CONFERENCING PLATFORM

A range of previously unfamiliar video conferencing platforms are now becoming more familiar to individuals and businesses.

Zoom

When it comes to video conferencing software, *Zoom* is one of the most popular options. Currently, 50% of Fortune 500 companies have at least one *Zoom* account.

- There is a 40-minute limit on group meetings if you are subscribed to the free plan, so you should take note of that time restraint if you'll be using the software for longer online meetings. Multiple attendees can share their screens at the same time, making it easy to collaborate remotely.
- If the time limit is putting you off, then we should mention that face-to-face meetings are not restricted by the 40-minute cap. You only need to be concerned about runtime when hosting group conference calls or webinars.
- Best for: Short collaborative meetings that require robust screen-sharing capabilities.

UberConference

- One of the main benefits of using UberConference is the fact that it's a completely browser-based video call solution. There is no need to download any program, although mobile apps exist for those who want to use UberConference on their smartphone or tablet.
- Free users can host conferences with up to 10 participants and record these meetings for future review. The maximum duration for conferences with the free plan is 45 minutes, coming in at slightly longer than *Zoom*.
- Best for: Companies looking for browser-based business solutions and are likely to have less than 10 participants in a single conference.

Google Meet (Formerly *Google Hangouts Meet*)

- You will need to have an existing *Google Workspace* (formerly *G Suite*) subscription. That is not a big issue since the cheapest plan is only \$6 per month.
- In addition to HD video, this app allows for screen sharing and you can share documents.
- Best for: Existing *Workspace* or *G Suite* users.

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Duties of the Paralegal Investigator

A Variety of Tasks

Following is an overview of the duties a paralegal might engage in when conducting law office investigation:

IDENTIFYING WITNESSES

The investigator should review any documents, reports, statements, or files, making a list of those who might have information about the matter. Then the investigator should ask two questions:

- *Who is missing from the list?*
- *Are there any unknown witnesses?*