

### 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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## § 8.3

# Duties of the Paralegal Investigator

## *A Variety of Tasks*

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

### IDENTIFYING WITNESSES

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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?*

An *unknown witness* is a witness not named, but whose existence is known. An example would be a person in the background of an accident scene photograph. The name is not known, but the person may have been a witness.

## INTERVIEWING WITNESSES

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The goal when interviewing a witness is to pursue the *client's interests*. You are not a neutral party and may not portray yourself as such. The three fundamental considerations when interviewing witnesses are:

### *Introduction*

Make clear to the witness who you are and your position in the firm. Also, be prepared to explain why you have been chosen to conduct the interview.

### *Preparation of Questions*

Preparing a set of anticipated questions for the interview will make the session more productive and professional. Create and keep a form bank of questions. After a couple of years, you will have created a valuable resource.

### *Location*

Choose an appropriate setting for the interview. A law office projects a professional aura. A conference room is appropriate when documents must be reviewed or when multiple witnesses are being questioned.

## SKIP TRACING

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You may be asked to locate a witness or a client whose whereabouts are unknown. This is called skip-tracing. There are two levels of skip-tracing. The primary level involves searches that can be done from within the office. The secondary level involves searches that include fieldwork.

## ACCIDENT SCENE PHOTOGRAPHY

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A paralegal or investigator may be asked to take photographs of the scene of an accident. The following are a few primary considerations when performing accident scene photography:

### *Get there quickly*

Even if some time has passed since the accident, make it a point to visit the scene as soon as possible. Traffic signs, road deformities, and vegetation can change. Take more pictures than you think necessary. As the quote says, "If less is sometimes more, imagine how much more will be!"

*Get the big picture*

First, take photographs of the overall scene. Don't concentrate on the exact spot of the accident; photograph the approaches from all directions. Your goal should be to anticipate questions the attorney might ask, such as, "Was the street lined with trees?" or "How far ahead can a person see at the curve in the road?" Try to create a record of how the approach to the accident appeared to all parties, including witnesses.

*Get the small picture*

Try to capture details of the actual scene. Photograph skid marks, oil or gas stains, cracks or bumps in the pavement, scars in the scenery, and traffic signs and signals.

*Scale*

For close-up pictures of objects, place a ruler near the object to provide accurate scale. If a ruler is not available, a common object, such as a quarter or pencil, will usually suffice.

*Time of day*

If possible, take pictures at approximately the same time of day as the accident occurred. If the accident was at night, take both day and night pictures. If weather may have been a factor, revisit the scene at some point under similar weather conditions.

**OBTAINING DOCUMENTS**

If an attorney requests a document, the paralegal or investigator must find a legal and ethical way to obtain it. The most common documents needed are the following:

*Court Documents*

Most documents filed in court are public record. The major exceptions are records relating to juveniles and some family court records. If a record is not sealed, you should be able to gain access. If the action has been closed for more than a year, the court clerk has probably sent the file to the court archives. Be respectful to the clerks but remember: your client has a right to those documents.

*Medical Records*

If you need documents from a doctor or hospital, the best way is to obtain a written authorization or release from the subject of the records, usually your client. Make sure that the release specifies the entire file including notes and diagnoses. Hospitals often provide only summaries and may attempt to sanitize a file by removing physician and medical personnel notes. Insist on the complete file. If the entire file is not provided, it is possible to subpoena the entire file by using a *subpoena duces tecum* addressed to the hospital custodian of records. If the entire record is not provided as per the subpoena, the attorney may file a *motion to show cause* or *motion for contempt citation*.

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## TAKING STATEMENTS

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Witness statements serve two purposes. First, they provide information that can be used in the pretrial process to promote settlement. Second, they lock the witness into the scope and substance of the testimony they will provide at trial. There are two kinds of witness statements: formal and informal.

*formal witness statements*

Formal statements are generally typed and are often notarized. They are prepared after at least an initial interview, if not multiple interviews.

*informal witness statements*

Informal statements are usually handwritten, the result of unexpected information or a surprise during the interview. The statement commits the witness to the surprising or important information.

Unless the attorney instructs otherwise, only take statements that benefit your client's position. If you put an adversarial statement in writing, you simply lock the witness into the damaging information and may force yourself to provide damaging discovery to the opposing party.

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## TITLE SEARCHES

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The method used to search land titles varies from state to state, and sometimes even county to county. The county recorder maintains records of titles to property. Check with the recorder's office for specific steps to take in that jurisdiction. Here are some typical steps:

*Go to the county assessor*

Use the known address in question to look up the assessor's parcel number. Most documents, such as an appraisal, will have the assessor's parcel number, as well as the legal description needed to check the recorder's office for encumbrances. Example of an assessor's parcel number: **190-04-612-068**.

*Go to the county recorder*

Use the legal description to check the recorder's records, determining whether there are any liens and/or encumbrances. An example of a legal description would be **LOT 237 BLOCK 9 BEACH FRONT HOMES**.

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**INTERNET SEARCHES**

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The Internet offers three levels of search potential.

*General Information Search*

There are many effective general information search engines online, including [www.google.com](http://www.google.com), [www.bing.com](http://www.bing.com), [www.ask.com](http://www.ask.com). When conducting investigation for a law firm, do not overlook these somewhat obvious tools. It is amazing how much information may pop up.

*Legal Site Search*

If the goal is to locate a site for specific information from a legal source (such as a court, agency, or government office), the most effective method is to use a general search engine and conduct the following search: *law legal (your county) (your state) information*.

*Legal Authority Search*

The general research site [megalaw.com](http://megalaw.com) has excellent statutory, court rule, and administrative regulation links. [Westlaw.com](http://Westlaw.com) and [Lexis.com](http://Lexis.com) are high-end, fee-based sites. [Versuslaw.com](http://Versuslaw.com) and [scholar.google.com](http://scholar.google.com) are low-cost or free fee-based sites that have grown in popularity. They are not as expensive as *Westlaw* or *Lexis*, but they also do not provide as much material. However, these sites are the first real competition to the more expensive *Westlaw* and *Lexis* fee-based sites.

