



Interviewing and Investigating Law Program Overview

This course provides an overview of interviewing and investigating skills used by paralegals to gather relevant information in order to assist the legal team in case preparation. The concept of formal discovery as it relates to civil and criminal litigation is discussed. Ethical considerations that affect the interviewing and investigating process are addressed. Students will learn to identify and find witnesses, use public and private sources of information, and prepare and conduct interviews of clients and witnesses.

Objectives

- Demonstrate a basic knowledge of the purpose and role of factual investigation and interviewing as it relates to formal discovery and informal investigation in the law office.
- Describe the American adversarial system.
- Explain formal discovery in civil and criminal procedure.
- Describe the basic rules of evidence and how they are applied in interviewing and investigating by legal professionals.
- Discuss relevant ethical and professional concerns including the unauthorized practice of law, client confidences, conflicts of interest, and improper communications.
- Illustrate the communication and factual analysis skills needed to competently plan and carry out an effective investigation in a realistic case context including locating public and private records, identifying fact witnesses, locating qualified expert witnesses, and the scheduling and conducting of a client interview and a witness interview as well as the preparation of a witness statement.

Program Outline

Lesson 1: Introduction to Interviewing and Investigating; Ethical and Professional Responsibilities

Chapter 1: Introduction to Interviewing and Investigating

Chapter 2: Ethical and Professional Responsibilities for Legal Professionals Engaged in Interviewing and Investigating

Lesson 2: The Adversarial System, ADR, and Pre-filing Investigation; Formal Discovery

Chapter 3: The Adversarial System, ADR, and Pre-filing Investigation

Chapter 4: Formal Discovery in Civil Litigation

Chapter 5: Formal Discovery in Criminal Litigation

Lesson 3: Rules of Evidence and Communication Skills

Chapter 6: Rules of Evidence for the Investigator – Part I

Chapter 7: Rules of Evidence for the Investigator – Part II

Chapter 8: Communication Skills for the Investigator

Lesson 4: Investigation, Preparing, and Conducting Client Interviews

Chapter 9: Formulating a Plan of Investigation

Chapter 10: Preparing for a Client Interview

Chapter 11: Conducting a Client Interview

Lesson 5: Preparing and Conducting Witness Interviews

Chapter 12: Preparing for a Witness Interview

Chapter 13: Conducting a Witness Interview

Chapter 14: Identifying and Locating Fact Witnesses

Chapter 15: Working with Expert Witnesses

Lesson 6: Public and Private Sources of Information

Chapter 16: Public Sources of Information – Federal

Chapter 17: Public Sources of Information – State and Local

Chapter 18: Private Sources of Information



Lesson 1

Introduction to Interviewing and Investigating; Ethical and Professional Responsibilities for Legal Professionals Engaged in Interviewing and Investigating

Chapter 1: Explains the importance of interviewing and investigating skills for paralegals; covers factual analysis and investigation in civil and criminal litigation; discusses the rules of evidence and how attorneys use paralegals for interviewing and investigating

Chapter 2: Details the ethical guidelines in place for legal professionals; lists the consequences of unethical conduct including unauthorized practice of law and conflicts of interest



Lesson 2

The Adversarial System, ADR, and Pre-filing Investigation; Formal Discovery in Civil and Criminal Litigation

Chapter 3: Provides an overview of the adversarial system of justice; discusses the use of alternative dispute resolution (ADR); distinguishes between informal investigation and formal discovery

Chapter 4: Covers the procedural rules that govern formal discovery for civil cases; details the scope and purposes of formal discovery; the role of the legal professional in formal discovery; how to draft discovery documents and motions

Chapter 5: Covers the procedural rules that govern formal discovery for criminal cases; details the scope and purposes of formal discovery; the role of pretrial hearings in discovery; discusses the use of motions in criminal cases to aid discovery



Lesson 3

Rules of Evidence and Communication Skills for Investigators

Chapter 6: Explores the difference between various types of evidence; details the role of the burden of proof and degree of proof required in civil and criminal cases; discusses privileged information that may not be discovered

Chapter 7: Presents the basic rules of evidence and their application to interviewing and investigating work

Chapter 8: Discusses verbal, nonverbal, and written communication; how to use active listening skills; presents guidelines for written communications



Lesson 4

Formulating a Plan of Investigation; Preparing and Conducting Client Interviews

Chapter 9: Explains how to create an organized and effective plan for investigation

Chapter 10: Discusses the types of interviews legal professionals conduct and how to schedule and prepare for an effective client interview

Chapter 11: Discusses how to conduct a client interview, including active listening skills, verification of information obtained, and preparing an interview summary

Examination



Lesson 5

Preparing and Conducting Witness Interviews; Fact and Expert Witnesses

Chapter 12: Details how to schedule and prepare for a witness interview

Chapter 13: Discusses how to conduct a witness interview, including active listening and observation skills, verification of information obtained, preparing and conducting phone interviews; preparing a written witness statement

Chapter 14: Covers the techniques to identify and locate fact witnesses; use of resources to find witnesses

Chapter 15: Discusses the importance of expert witnesses; how to locate and evaluate expert witnesses; how to assist in preparation to cross-examine an opposing expert witness



Lesson 6

Public and Private Information Sources

Chapter 16: Explains public records; discusses sources of federal agency and departmental information; lists the procedures to obtain information using the Freedom of Information and Privacy Acts

Chapter 17: Details the organization of state and local governments and the types of records they maintain; provides resources to access state and local records

Chapter 18: Provides an overview of private sources of information to obtain records including medical, employment, educational, telephone, credit, and financial information

