

Tools of the Trade

“Discovery in Civil Litigation Cases: Top 10 Paralegal Practice Tips”

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Paralegals can perform crucial informal and formal discovery tasks in civil litigation cases. When investigating the case facts and reviewing evidence, a knowledgeable paralegal should:

- 1. Work With Clients.**
Ask clients to immediately provide any, and all, documentation in their possession regarding the case.
- 2. Review All Available Documents Carefully.**
Obtain supplementary information from all additional sources outside of formal discovery requests (including, but not limited to, the Internet, public records and fee-based database programs).
- 3. Summarize the Facts and Supporting Evidence.**
Discuss the legal issues and necessary evidence to make a prima facie case with your supervising attorney.
- 4. Know the Rules.**
Become familiar with applicable civil procedure and discovery rules, including local rules, which may set forth additional discovery deadlines. Keep a copy at your desk and save the websites for local, state and federal rules on your web browser.
- 5. Familiarize Yourself With Ethical Guidelines.**
Know the applicable state's ethics rules for attorney contact with witnesses, including medical providers and management employees.
- 6. Build a 'Library' of Forms and Documents.**
Maintain and develop form complaints and discovery documents in your office, using continuing legal education manuscripts, publications, articles, law libraries and go-bys from other legal professionals.
- 7. Create a Witness Summary.**
Prepare a witness list with the name and contact information for each witness, a summary of the witness' testimony or knowledge, and whether the witness has been interviewed and/or subpoenaed to the hearing.
- 8. Draft Relevant Discovery Requests.**
Draft well-stated and clear discovery requests (to be sent to the opposing party) based on a strong understanding of the case facts and necessary evidence.
- 9. Draft Accurate Discovery Responses.**
Read the other party's discovery requests very carefully and review the client's file thoroughly when drafting responses to verify the facts and accuracy of the answers.
- 10. Learn as Much as You Can About Discovery.**
Attend litigation continuing legal education (CLE) seminars in your specialty areas and carefully review discovery articles and publications for legal professionals.

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