

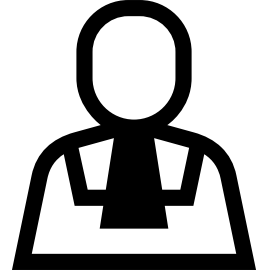


Paralegal Training Curriculum

Memo 2.1: USE THE LAW

Continuous support after referring to a lawyer

The continued support of the paralegal to the case/person after referring them to a lawyer is essential – here is how you can continue support:



As paralegal you need to explain to the person referred (see below) : What to expect from interactions with a lawyer or law firm :

- **You May Not Speak to a Lawyer Right Away:** Lawyers are busy people. They attend court hearings, depositions, mediations, conferences, and client meetings, and they draft all kinds of briefs, pleadings, and agreements. Chances are, when you contact a law firm, you will initially speak with the legal support staff, such as a legal assistant. The legal support staff is there to help you by taking your information and communicating that information to the attorneys.
- **What to Anticipate in a Lawyer Consultation:** During your consultation, you can expect to go over the specifics of your case, explore your legal options, and discuss any potential obstacles. The attorney will likely pose targeted questions pertaining to your situation to assess if they can represent you effectively. This meeting also provides an opportunity for you to ask your prepared questions and determine if the lawyer is the right match for your needs.
- **The Lawyer May Not Be Able to Take Your Case:** Every law firm is different. Some law firms are busier than others. A good attorney will limit the number of cases they take so that the law firm can give each case the time and attention it deserves. Sometimes, when you contact a law firm, you will provide information about your case, only to find out that the attorneys are unable to take your case based on their current caseload. In most instances, the law firm can give you referrals to other law firms that practice the same type of law. If you believe you have a valid claim, you should continue to seek representation.
- **Choosing your lawyer :** Lawyer are very few in some context and lawyer ready to support pro bono or referred by NGO are not many and therefor there is often not many choice to select your lawyer. But usually it means that those lawyers are more sensitive to the situation and wish to help, therefore they might be more trained, sensitive.

In specific case where the client can have the choice between several lawyers, here are some tips on what to look at : It is best to hire an attorney who specializes in the specific field of law you need help in. The more experience a lawyer has, the more skilled he or she becomes. If you speak with a lawyer but have a feeling that he or she may not fully understand the field of law, it is best to keep looking until you find a lawyer you trust.

**As paralegal you can help the person to prepare for its meeting with the lawyer.
Here is a few tips on how to help prepare for the meeting with the lawyer :**

- **Research the Elements of the Case:** Each type of legal claim has specific elements that must be proven to win the case. If you research the elements of the type of case you want to bring, it can help you communicate with the lawyer and convey the most important information.(ex: testimony; documents...)
- **Get organized :** Try to create a clear, comprehensive story of the situation. You can help the person write down everything that took place, from start to finish, in chronological order, even by putting dates and facts. Don't dump an overload of scattered information on your poor lawyer to sort out themselves.
- **Be detailed :** Seemingly frivolous details like the weather may, at first, seem dismissible. But in the eyes of the law, every detail matters; every variable has the potential to help your case. As paralegal you can support by being the lawyer's eyes and ears, so they are looking at the whole (and most importantly, accurate) picture. Give specifics (names, dates, and exact incidents) and factual information to produce that crystal clear view.
- **Have the Documents Ready:** Lawyers often need to see documents to understand the case. For example, if you are calling about an inheritance problem, the lawyer will probably need to see a copy of the decedent's will or trust. Prepare your document.
- **Be honest :** Plain and simple: Don't lie. Remember that paralegal, the case and the lawyer are on the same team. The lawyer cannot share confidential information with anyone unless you give them permission to do so. When you start omitting relevant facts or adding fictitious information to your story, it will only hurt the client. This will help them give the right advice and guidance to ensure the best possible outcome.
- **Help Answer the Lawyer's Specific Questions:** When the client contact a lawyer, they are going to ask very specific questions to determine what type of elements are present in the case. If a lawyer (or the lawyer's support staff) asks specific question, the lawyer needs that information in order to determine whether the case is viable. Try to stick to answering those specific questions. If the lawyer determines they can represent you, you will have the opportunity to go into further detail.
- **Ask and Help to clarify :** Lawyer may use a lot of jargon and get the client confused. As paralegal you can help the client to understand and simplify it for him. If, as paralegal you are also confused or unsure, always feel free to ask for clarification. The law can get confusing, and this is not the time to guess at meanings or pretend to understand legalese. Just let your lawyer know, and they should do their best to explain things in layman's terms. Always make sure that the person understand all the details, it is the lawyer responsibility to make sure its client understand, but as paralegal you can also support and play a key role.

- **Keep the lawyer informed :** Things are bound to change. And when they do, it's imperative to update the lawyer. Each small detail or development can dramatically change the legal situation—for better or for worse. Some legal situations may take a longer time to resolve so it's best to keep in contact with the lawyer as new relevant updates pop up.
- **Have a List of Questions at Hand:** As paralegal the client may have questions or identify questions that the client/case have. You can help them list the questions. Attorneys generally cannot give legal advice without fully analyzing the facts of the situation, which takes time. Most attorneys are very busy and will not have time to respond to every question they receive. To maximize the benefits of the consultation, come prepared with a list of questions for the attorney. These could include inquiries about their experience, fee structure, and potential outcomes for your case. It's also important to ask about their communication approach and the frequency of updates the client can anticipate regarding the case's progress.

As a paralegal you will have to support the client, help write its question, statement, help hom understand the process. The above are some exemple on how to support a person you have referred to a lawyer. The referral to a lawyer is not the end but the beginning of a long support throughout the legal process !

