



# THE LEGAL BRIEF

## Legal Assistants

by John D. Whitaker

If you really want to know what is going on in any law office, just ask one of the Legal Assistants. Some people think that a Legal Assistant is just a secretary who works in a law office. Let me set the record straight. Legal Assistants, who are sometimes called Paralegals, are highly trained professionals. They are required to multi-task in very complex and stressful situations. They generally work behind the scenes, so most people don't have a clear understanding about what they actually do. Suffice it to say that I don't know a single decent trial lawyer in this state that does not have a good Legal Assistant working with them.



When we look at a case, we will generally ask one of our Legal Assistants to sit in on the initial client interview. In an accident case for example, we need to know all about what happened, how it happened, and what potential evidence may be available to support the claim. We will need to identify and locate any evidence that will be used to prove how the client has been damaged. Our Legal Assistants will start this process by gathering the available evidence including things like the accident report, photographs of the vehicles and the scene. They also identify, locate, and sometimes talk to witnesses who have information about the claim. They will obtain the medical records from the various health care entities which have provided medical care to the client and prepare summaries of the medical records, bills and lost wages. They spend a lot of time dealing with the client in order to get all of this information. A seasoned Legal Assistant will develop intuitions about the case which they frequently share with the lawyers. Sometimes these intuitions can be very helpful information for the lawyer to have in mind as the case proceeds.

Initially, we usually try to negotiate the claim with the insurance company before filing suit. This process begins with our Legal Assistants pulling together all of the relevant evidence we can find to support the claim. The Legal Assistants usually will do a first draft of a demand letter that is ultimately sent to the insurance company to see if the case can be resolved early in the process.

If the negotiations with the insurance company are unsuccessful, the next step is to file a suit. This includes preparing and filing a variety of documents with the court. After the case is filed, the Legal Assistant will locate the Defendant

and work with the process servers to make sure that the Defendant is properly served. Prior to filing the lawsuit, the Legal Assistant will create a first draft of the documents we send to the other side in a case to discover any additional evidence which may be in the Defendant's possession. This process is called discovery and includes written documents called interrogatories and requests to produce documents. These documents are usually served together with the lawsuit.

In some of our larger cases there may be thousands of pages of documents which are produced in answer to the discovery requests. The Legal Assistant will review and catalogue these documents so that they can be located quickly when needed. After the written discovery is essentially finished, the case is ready for depositions. A deposition is a formal procedure where the lawyers are permitted to question the witnesses under oath. The Legal Assistant working on the case will usually attend the deposition and help the lawyers locate the documents needed during the deposition. After the depositions, the Legal Assistant will try to obtain any new documents that may have been identified.

As the case gets closer to trial the Legal Assistant will keep a sharp eye on the various deadlines established by the court. These deadlines include deadlines for the listing of expert witnesses, fact witnesses and evidentiary exhibits that we expect to use at trial. Generally, the court requires that summaries of each witness' testimony be provided to the other side. A Legal Assistant will usually make the first draft of the documents we file with the court to provide this information. They must then compile our exhibit list and make sure that all exhibits are properly marked with exhibit numbers. Our Legal Assistants also compile and provide the information that our expert witnesses must read about the case so that their opinions about the case can be based upon all of the evidence available. They also make the arrangements for the experts to get to the trial.

At trial, the Legal Assistants act like air traffic controllers. They must schedule the witnesses and keep track of the exhibits. They can also take care of the unexpected problems that always surface in a trial.

Trial work can be a rough business and most successful trial lawyers that I know suffer from some level of obsessive-compulsive disorder. The more obsessive-compulsive, the better. These are healthy traits for a Legal Assistant too.

**The Wyoming State Bar does not certify any lawyer as a specialist or expert. Anyone considering a lawyer should independently investigate the lawyer's credentials and ability, and not rely upon advertisements or self-proclaimed expertise. This informative column is brought to you by John Whitaker who practices personal injury and criminal law throughout Wyoming. He can be reached at JDWTL@aol.com or by calling his office in Casper at 265-6204.**