

Attorneys, Expert Witnesses and Paralegals: Working Better Together

Daniel Pollack and Helene M. Weiss | March 10, 2023



The American Bar Association defines a paralegal as “a person qualified by education, training, or work experience who is employed by a lawyer, law office, corporation, governmental agency, or other entity, and who performs delegated substantive legal work for which a lawyer is responsible.” As the right-hand of an attorney, offering vital legal supportive services, paralegals are an indispensable link between clients,

other attorneys, and experts in the litigation process. Oftentimes, the role of a paralegal can be overlooked by a hiring department as a mere secretarial role, but excellent paralegals can often transform the entire work dynamic of an attorney and create optimal outcomes for clients.

A good paralegal is highly organized, meets deadlines, works well under pressure, instinctively multi-tasks, is able to apply legal concepts to factual situations, and is trustworthy. Discretion, good judgment, and humility are also a must. The ability to serve as a critical thinker, offering insight and ideas to help the case move forward, rounds out the list of most desirable qualities in a paralegal. An excellent paralegal understands that certain tasks should be completed without an explicit instruction from a managing attorney and takes the initiative to do so. A good expert witness has all these qualities and is highly knowledgeable in their subject area as well.

An expert witness must be impartial, objective, and only draw reasonable, professional inferences from the facts of the case. While there are clear guidelines regulating expert witness behavior and how the opinions of the expert can be derived, litigation is most effective when the attorney, paralegal and expert all work well together. This requires thoughtful communication, intentional goal-setting, and a strong organizational understanding.

Being a good paralegal and expert witness is hard, especially so when most of us are working remotely. Despite this, attorneys, paralegals and expert witnesses can take meaningful steps to work together as a team in order to produce more effective and streamlined litigation practices. To make those relationships work well, here are some practice tips:

- Give your paralegal meaningful feedback and explicit instructions. Paralegals can only improve their skills and execute meaningful work if they are receiving quality, detailed feedback on their work product and are given clear instructions and expectations at the forefront of any assignment.
- Like attorneys, paralegals may have worked in a variety of settings such as a corporation, a law office, a governmental agency, an insurance company, etc. Regarding a particular case, paralegals can have a wealth of substantive and experience that an attorney is lacking. Because most paralegals routinely interview clients, draft documents, file motions, prepare for and assist at trial, the paralegal often knows details of the case very well. It may be wise to include the paralegal on conference calls with the expert.
- Paralegals should keep their attorneys copied on important correspondence but use discretion when including them on other tasks that may not need managerial oversight. A paralegal's ability to use discretion and good judgment in what information an attorney is "looped in on" is essential.
- The attorney, paralegal and expert should all have the exact same materials indexed in the same way. This allows everyone to be literally on the same page. When an expert does multiple cases for the same attorney or law firm, establishing a good working relationship with the paralegal can be invaluable. Indeed, they can develop an almost intuitive relationship, and thereby obviate the need for numerous phone calls and emails.
- There are times when a paralegal is more accessible than the attorney. Especially during a time crunch, having a good line of communication with the paralegal allows the expert to continue working without interruption or delay.
- A paralegal may be more up-to-date regarding online investigative and research tools than the attorney, and may be better able to quickly find information that an expert needs. To whatever extent mutual assistance is provided, even if it's just to acknowledge how much effort is being expended, reciprocal appreciation goes a long way. Give credit where credit is due.

Conclusion

An excellent paralegal can completely transform an attorney's day-to-day productivity, and in turn, assist in producing even better results for

clients. Paralegals, attorneys and expert witnesses are able to create an organizational synchronicity among themselves by actively communicating expectations, understanding the dynamic of the working relationship and participating in meaningful feedback loops. Indeed, expert witnesses and paralegals play a vital role in assisting attorneys in delivering affordable and high-quality legal services.

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