

Interviewing and Investigation
UPAR 416-81
3.0 Credit Hours
Tulane University School of Continuing Studies
(Updated May 2007)

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Office Hours: Before or after class, or by appointment

Text: *Interviewing and Investigating: Essential Skills for the Paralegal*, Stephen Parsons, Aspen Publishing, Second Edition, 2004

Students may also be provided with supplemental materials and handouts

Reference: *Guide to Factual Investigations*, Linda Edwards and J. Stanley Edwards, West Publishing, 2002
Louisiana Code of Civil Procedure
Louisiana Code of Criminal Procedure
Louisiana Criminal Code
Federal Rules of Civil Procedure
Federal Rules of Criminal Procedure

Course

Description: This course is an in-depth study of principles, methods, and investigative techniques utilized to locate, gather, document and disseminate information. The emphasis will be on developing interviewing and investigative skills intended to prepare paralegals to communicate effectively while recognizing ethical problems.

Course

Objective: This course is a professional level in-depth study of principles, methods and investigative techniques utilized to locate, gather, document and disseminate information. Although presented in a lecture format, the real emphasis of the course will be on developing interviewing and investigative skills intended to prepare paralegals for active participation in civil and criminal litigation under the direction of an attorney. Emphasis will also be placed on the ethical rules and professional responsibility canons under which lawyers and paralegals must conduct themselves.

Interviewing and investigating are the threshold skills for an effective paralegal in today's highly competitive legal environment. Like any other skill, these are only effectively learned by doing. Therefore, several "hand-on" projects designed to develop these skills will be assigned and evaluated during the semester. These projects likely will include: Investigative plans, witness/client interviews, deposition logistics, verbal and nonverbal communication evaluation, expert

witness logistics, expert location, evaluation and retention, discovery drafting and witness statement preparation.

Instructional

Method: The legal principals and concepts will be presented in lectures. However, this is a “learn by doing” class. One cannot memorize skills, one must learn by practicing. Therefore, you will complete assignments and projects that will allow you to put the skills you learn into practice. These assignments will comprise 40% of your final grade. The midterm and final examination will each count for 30%.

Grading

Scale:	A	94-100	A-	90-93	B+	87-89	B	83-86
	B-	80-82	C+	77-79	C	73-76	C-	70-72
	D	67-69	D-	64-66	F	63 and below		

Late Work

Missed Tests: All projects will have a clear due date when assigned. It is expected that the assignments will be tendered on time. If not turned in on a timely basis, no credit will be awarded for the assignment absent dire circumstances. Midterm and final will be made up only under extraordinary dire circumstances. It goes without saying that the Tulane Honor Code applies to all aspects of this course. Students are **not** to work together on projects.

Contact: Students should feel free to discuss with me any issues relating to class either before or after class on Tuesdays. Telephone calls and e-mails are welcome as well. If a private appointment is required, let me know no later than one class period ahead of time so that arrangements can be made to find space on campus.

Assignments: A separate assignment sheet for skills assignments/projects will be issued. Reading assignments are included in this document

PART ONE: THE FUNDAMENTALS

(All classes are three hours unless otherwise indicated)

Class 1

Introduction to Interviewing and Investigations

Overview of Louisiana state and federal systems

Basics of Civil Actions

Basics of Criminal System

Why all legal cases are fact and witness driven

Role of paralegals in the system

Factual analysis and role of these skills in lawyer’s work

Role of Paralegal in interviews

Role of Paralegals in investigation

Assignment: Read Case Study #1 (pps 431-433); prepare two paragraph summary of facts; read Chapter One in text.

Class 2

Discussion of Case Studies

What facts are important

Understanding the “micro” and “macro” of legal and factual issues

Why different types of attorneys approach investigations in different ways

Why trials are rare in both civil and criminal sectors

The Adversarial System

Rules of procedure

Rules of Evidence

Court rules

Causes of action/defenses

Arbitration/Mediation

Assignment: Read Chapter Three; Read Case Study

#2; prepare one paragraph summary of facts. Identify the most important seven facts of the case in order of importance

Class 3

Discovery in General

Informal v. Formal

Civil v. Criminal

State v. Federal

What rules apply

Admissible v. Discoverable

Ethical abuses

Formal Discovery in Civil Litigation

Rules review

Types of information discoverable

Depositions generally, ethical aspects

Role of Paralegals in logistical and substantive aspects of deposition

Assignment: Read Chapter Four; Read Case Study # 3, pps. 436-438; prepare summary containing the five most important facts of the case. Identify the most important witness in the case.

Class 4

Interrogatories

What they are

Paralegals role in drafting

General common sense rules

Will the other side try to hide juicy stuff

Voluntary disclosure under civil/criminal reform

Document production

Document handling/organization

Formal Discovery in Criminal Litigation

Why different from civil

Why different procedural discovery rules exist

The different kinds of information discoverable

Defendant's discovery requests to prosecution
The 5th Amendment
Assignment: Read Chapter Five; Read Case Study # 4 (pps. 439-440); prepare fact summary not to exceed 50 words.

Class 5

Formal Discovery in Criminal Litigation (Continued)
Prosecution's discovery requests to defendant
Resolution of Discovery disputes
Giglio/Brady issues
Paralegal role in entire criminal pretrial process
The Rules of Evidence
The difference between testimonial, real, documentary and demonstrative
The difference between first-hand and second-hand knowledge
Assignment: Read Chapter Six

Class 6

Evidence (Continued)
Laying proper foundations
Paralegal role in establishing
Burden of Proof
Privileges
Relevant evidence
Hearsay
Conclusion
Assignment: Read Chapter Two

Class 7

Ethics/Midterm Exam Preparation
Sources of ethical and professional rules
Paralegal's ethical obligations
Career ending consequences of unethical practice

Class 8

MIDTERM EXAMINATION
Assignment: Read Chapter Eight

PART TWO- WITNESS AND CLIENT INTERVIEWS

Class 9

Communication Skills

Learning verbal skills
Using non-verbal skills
Getting the facts and only the facts
Written communication to clients
Written communication to your boss
The Investigative Plan
The one issue which separates bad lawyers and paralegals from
good lawyers and paralegals
Formulation of IP
Limitations of IP
Flexibility/Modification
Logistics for paralegals
The end result of a good IP
Assignment: Read Chapter Nine

Class 10

The Client/Witness Interview

What is a good interview
Reasons for interview
Goals of initial interview
Logistics
Conducting the Interview
Basics
Goals
Verbal issues
Non verbal issues
Important facts
Silly facts
Bad/mean clients
Guilty clients
Assignment: Read Chapter Ten

Class 11

Assignment of Final Project/In Class Interviews

Assignment: Read Chapter Eleven

Class 12

Identifying and Locating Fact Witnesses

How to find fact witnesses
People sources
Document sources
Locating missing witnesses
Googling/Computer searches
Privacy issues
Working with Experts
Why we need/use experts

Experts are very expensive/conversations should be short
What an expert is
What an expert is not
Consulting v. testifying
Bad opinions
Locking up experts
Internet/Bar Journal listings
Tips
Assignment: Read Chapter Twelve

Class 13

Public Source Information-Federal
How to understand and obtain federal information
Public Source Information-State and Local
How to understand and obtain state and local information
Private Source Information
Medical Records
Employment Records
Educational Records
Phone Records
Credit Records
Computer/Newspaper searches
Privacy/ ethical issues
Assignment: Read Chapter Thirteen

Class 14

Course Recap/Parting Words of Wisdom/Final Exam Review

Class 15

FINAL EXAMINATION and FINAL PROJECT DUE- 6:00-9:00 p.m.