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**PARALEGALS USE THE INTERNET TO CRAFT INFORMAL DISCOVERY**

**PARALEGALS PAGE**

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The discovery process is one of the most important aspects of a paralegal's involvement in litigation. While familiar with the importance of formal discovery methods and their effect upon a particular action, oftentimes it is informal discovery that provides the litigation paralegal with crucial information in the development of a case. Informal discovery covers a variety of areas, including locating information from public records, working with witnesses and clients, and providing a useful tool to aid in developing investigation plans.

The role of a paralegal includes the ability to gather information and prepare it for use at trial. The use of these fact-gathering techniques in the informal discovery process can provide a roadmap for the attorney with respect to the evaluation and/or trial of a case. Being able to uncover this information via informal discovery is a significant skill. In this era, the use of the Internet serves as a valuable tool to the litigation paralegal to facilitate the fact-gathering process without the usual costs associated with formal discovery.

The advantages to engaging in informal discovery via the Internet are numerous. These include time, cost and no notification to opposing counsel. Of course, there are formal procedures and devices that structure the fact gathering process. The most common of these is written discovery requests (i.e. interrogatories and requests for production of documents). These are often the first discovery devices used. For one reason or another, however, several weeks may pass before the actual written discovery requests are forwarded to opposing counsel. Thereafter, opposing counsel may not initially respond and/or will not provide complete information and/or documentation, causing unnecessary delay of the case.

Informal discovery, however, can be conducted from the assignment of the claim. There is no specific timeframe or waiting period to commence these search tasks. Thus, litigation **paralegals** can perform informal discovery prior to or shortly after the commencement of formal litigation resulting in an elevated efficient handling of the case.

The economic advantages to be derived from conducting research and investigation via informal discovery are becoming widely recognized by the legal community. In a time when clients are concerned about cost-effective legal services, **paralegals** can provide a high-caliber work product at a reduced cost to the client. While paper discovery can be quite costly, the upshot of a quick search of the Internet to obtain information is virtually no additional cost to the client or attorney.

Lastly, reviewing public Web sites requires no disclosure to opposing counsel. Specifically, the gathering of informal discovery via public sources on the Internet results in no prejudice to opposing counsel, who need not be privy to the information obtained via the Internet during the informal discovery process. For example, a litigation paralegal may need to locate information on a particular witness.

While counsel can send out formal discovery requests to the opposing attorney seeking this information and/or obtain an investigator, a paralegal can utilize the Internet to locate the client and/or witness. In this regard, there are a wide variety of user-friendly Web sites that provide these services (i.e. people finder and reverse directory locator). In this way, the litigation paralegal can streamline informal discovery by utilizing the public sources of information without any need to notify opposing counsel.

There are numerous sources of informal discovery available on the Internet. Certain Web sites, such as [www.craigball.com](http://www.craigball.com), provide litigation **paralegals** with a sample list of informal discovery links. These links present **paralegals** with a variety of information on opposing counsel, witnesses, corporations and businesses, medical resources as well as investigative services, etc. The Web site also provides links to search engines to perform such activities as locating individuals and evidence.

The use of Internet resources is an integral part of informal discovery. While the Internet is viewed as an 'open field' of information, a paralegal can also tailor a search to suit the particular needs of a case -- i.e. the need to locate a client, a party, or a witness. Popular Internet sites such as people finder and reverse telephone directories provide simple and quick ways to locate individuals, witnesses or experts. Additionally, the Web sites do not require an exorbitant amount of information to locate individuals.

For example, although a paralegal may only have a small piece of information (i.e. last name, phone number, etc.), utilization of a specific web site such as [www.switchboard.com](http://www.switchboard.com), can provide a wealth of additional information such as an address, telephone number or city. This process can often times obviate the need to hire an investigator in the case. This results not only in effective and efficient litigation, but cost savings as well.

In the maturing age of electronic court filings, most federal and state courts now have on-line access to court information, directories and case files. These online services provide litigation **paralegals** with yet another way to perform informal discovery. For example, court Web sites can be accessed to perform name searches in order to obtain information concerning an individual with respect to prior or subsequent claims and filings. The information obtained via this type of search early on in the lawsuit may provide essential information to the development of an overall discovery plan in the handling of a case. This information can be obtained early on in the case, without the time delay of formal discovery, and at little or no cost to the client and/or attorney.

Advanced technology, via the Internet, also results in a wealth of information on the social activities of individuals. While the Internet can provide a litigation paralegal with important background information such as current addresses and phone numbers, it can also serve as a springboard to gathering evidence to be utilized in the case. Web sites like the extremely popular [myspace.com](http://myspace.com) and/or [facebook.com](http://facebook.com) now provide the profile of a witness or party, and information on preferred interests and activities.

For example, a party in a particular case may claim impairment and/or restriction in performing activities and/or employment. A quick search of [myspace.com](http://myspace.com) or [facebook.com](http://facebook.com) by a paralegal may, in fact, reveal information, images or videos showing the individual participating in a wide variety of activities. Additionally, an individual might post comments relative to his/her condition. The evidence obtained from these public searches certainly has use at either a deposition and/or trial to impeach the credibility of a party.

The role of informal discovery to the outcome of a lawsuit is crucial. There are multiple advantages to performing informal discovery via the Internet, including time and cost benefits.

The combination of easy-to-access information and sheer quantity of resources has made the Internet the preferred source with respect to informal discovery.

That said, an essential piece of information to keep in mind during the informal discovery process is the role of ethical issues. A paralegal needs to be aware of the distribution of confidential client information via the Internet. This goal cannot be compromised at the expense of obtaining additional information on a client, physician, witness, etc., from the Internet.

It is noted, though, that the use of the Internet in a proper and ethical way to craft informal discovery is an efficient and cost effective tool in the day-to-day litigation of claims.