

The Evolving Paralegal Role

Do you have the technology know-how to combine your paralegal skills with [litigation support](#)?

By Milton Hooper

(Originally appeared in print as "The Hybrid Paralegal")

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Computer technology and the management of information in the law office have evolved from word processing and spreadsheets to managing huge document databases and creating Hollywood-style productions for courtroom presentations. This evolution of technology has created a new legal [career](#) niche which merges the skills of a paralegal and a computer specialist into a legal technology specialist, more commonly known as a litigation support specialist.

A Mixture of Skills

Document management was one of the starting points for the litigation support career field, but now the litigation support position also involves courtroom presentations and trial graphics.

Courtroom presentations encompass anything from creating digital presentations to setting up projectors in the courtroom. This is where the law firm uses technology in some way to visually present its case. Some lawyers use a projector and a document camera, while others take advantage of courtrooms wired with multiple monitors and electronic podiums. I always call it "putting on the show," and in many respects, it's much like a television production. This makes sense considering that today's jurors are getting their information through visual media, such as television and the Internet. The key component in determining the use of computer presentation technology is thinking about how the jury will receive and process the information.

Trial graphics blurs the line between artistic ability and computer expertise. It's not necessary to manually draw charts and diagrams for court anymore; however, an artistic mindset is necessary when developing trial graphics. Scaling, color schemes and other graphic artist skills are essential for creating professional and accurate visual aids. Fortunately, today we do not have to use a paintbrush or pen. There are several graphics programs such as CorelDraw, Microsoft Visio and SmartDraw, which can be used to create professional presentations for use in court. Some litigation also requires the use of animation. For the most part, computer animation projects are still outsourced to vendors since many offices don't have the payroll for a full-time computer animation position; however, a litigation support specialist possessing the aptitude for computer animation could increase his or her worth to the office.

Most attorneys are "linear thinkers," which means they are limited in their creative ability. A person who has a mixture of paralegal, computer specialist and graphic artist skills can give his or her attorney another dimension and the ability to think outside of the linear box.

Paralegals and Litigation Support

Paralegals are a good fit as litigation support specialists because of their knowledge of courtroom procedures and local rules. A person who only has technical knowledge will not understand when to display exhibits or the importance of preserving annotations made to documentary exhibits that are used in witness testimony. The technology is only useful if you know what the rules are for preparation and display in the courtroom. A paralegal background can be instrumental in understanding what is and isn't allowed.

Gary Melhuish, manager of litigation support services at Ballard Spahr Andrews & Ingersoll in Philadelphia, encourages paralegals to look at the litigation side of the litigation support position. "The best litigation support personnel are able to not only operate the relevant software, but make intelligent and practical suggestions to the attorneys on how the software can assist in the review, production and presentation of evidence," he said.

Gigi Pereira, who is the U.S. Department of Justice account manager for SRA International in Alexandria, Va., thinks paralegals are well-suited for litigation support responsibilities. Pereira has

trained hundreds of litigation support specialists in the DOJ and has kept them informed of future trends in litigation technology.

"Most paralegals pick up the litigation support skills and technologies quickly because they have been using the technology in school," she said.

Pereira has been involved in litigation support for more than 20 years. She began her career in 1987 as an information specialist supporting law firms and corporate legal counsel on large civil litigations. Today she trains paralegals and legal secretaries in an Automated Litigation Support Boot Camp course she developed where students get hands-on training with case processes and technologies.

While a paralegal background is helpful, this doesn't mean that all paralegals possess the abilities to perform the technical aspects of this job, nor do all computer specialists transition well into this position. It takes a person who can think and work creatively with the right blend of legal and technical knowledge.

Combining technical skills with a legal background has worked well for Barbara Norton. Though recently retired, Norton has 12 years of experience as an investigative technician in the Trial Support Services Unit for the San Diego County District Attorney's Office. Norton got her start with law during her 11 years of service as a reserve police officer in Chula Vista, Calif. She said you must be creative but provide litigation support in a way that stays within the legal boundaries. "You have to use some kind of visual to best determine the proper way to show something," she said. "You have to relate to the jury [members] and make them understand what is going on."

Whether you work in a district attorney's office, a private law firm or corporation, or as a private litigation support contractor, it takes a variety of skills to be successful in litigation support.

Getting the Education

Since this career is relatively new to the legal field, you can't obtain a college degree in litigation support. The best approach to prepare yourself for a litigation support job is to develop a plan that will provide the best training in legal and technical skills. If you have the legal qualifications, you should seek certification in information technology, such as database management or computer graphics. For example, Microsoft offers a Certified Database Administrator certification for professionals who implement and administer Microsoft SQL server databases. A certification such as this shows your technical ability.

"It's important for paralegals to seek out litigation business process training in addition to the technologies that are used most frequently by law firms, service bureaus and the federal government," Pereira said. "Too often, paralegals don't realize that there are [more] efficient and time-saving ways to capture, process and manage evidence than the traditional methods typically taught in school or learned on the job.

"Additionally, paralegals need to understand the full life cycle of a typical case from investigation/complaint through trial," Pereira added. "Unfortunately, many paralegals never get the chance to see their cases through to trial as most settle, but it is important to experience a trial and see how the evidentiary process and associated technologies work together in the courtroom."

Perhaps the best way to understand the technical side of the litigation support position is to work with the technical support personnel in your office or, if your office already has a litigation support manager, get involved with what he or she does.

Lorryn Abbott, a litigation technologies project coordinator for Skadden Arps Slate Meagher & Flom in Los Angeles, did just that. She got her start when the litigation support manager of the Reed Smith law firm where she worked as a paralegal recognized her technology skills. Abbott had been using those skills to provide input to the litigation practice group attorneys on technology issues. She also worked closely with the litigation support department on database design. After a year and a half as a paralegal, Abbott worked as a member of the litigation support team for another year and a half and then worked for two years as a hybrid paralegal with technology skills. "They basically threw several databases my way," Abbott said. "It was trial

by fire, but I learned how to do it and it helped me gain the confidence of the litigation support manager.”

Working within the parameters of her paralegal job, Abbott was able to align herself with people who already were working in litigation support and gain their confidence. “My background as a paralegal benefits [my current] position [also], as the majority of the work I coordinate comes from the paralegals,” Abbott said.

As Abbott’s experience shows, the best method of certifying your credentials is to evaluate your own skills and abilities, then decide how to best gain experience in the areas where you are lacking.

Katie Manns, a 20-year paralegal and a litigation support manager at Phillips Lytle in Buffalo, N.Y., suggests that learning the software well as a paralegal will make for a smoother transition to a litigation support position. “If you have at least one [software application] under your belt, it’s easier to make the jump to another vendor’s product,” Manns said. “I am not sure a degree in litigation support exists, but someone who has worked as a paralegal for at least five years in the litigation arena and has knowledge of some of the litigation support programs would be the best candidate [for a litigation support position].”

Melhuish also encourages taking advantage of free courses offered by litigation support companies. “The more that you learn about the process and inner workings of the programs, the more valuable you will be,” he said. “Technology people are a great resource, but oftentimes they are not proficient in the application of the program. That is the biggest value that you [as a paralegal] bring to the table.”

Making the Transition

Making the transition to an actual litigation support position might require more than the right education and technology skills. Some offices are slow to embrace this or any new position due to strict budgets and tight payrolls. It’s tempting for law firms to dump litigation support duties on current positions in the office, such as a paralegal or the office manager, rather than hiring a full-time litigation support specialist. Doing this can create a potentially bad experience with litigation support. Litigation support is a tool — if you do not use it wisely, you will not get the appropriate quality from it. If it’s not at least 50 percent of the job description, you are doing more harm than good.

If there is no room on your firm’s payroll for a dedicated litigation support specialist, take a look at your office structure. If you truly feel that you have the aptitude to contribute as a litigation support specialist, talk to your supervisor about it. You might suggest shifting your duties so you can show the firm what you can do. At the very worst, volunteer to take on the responsibility. I know when you see the word “volunteer” you immediately think of more work and more hours, but some sacrifice now might pay off for you later. If you truly are talented in litigation support, it will become evident.

Manns advises considering several factors before advocating for a litigation support position in your firm. “The best way is to decide what role you want to take in the litigation support area. Can you work closely with the IT department? Will you have all new projects go through you? Do you have enough hardware/software support? The last thing you want to do is begin a new position and spend, spend, spend.”

Once you have decided this is something you want to do, Manns recommends “tak[ing] it to the head of your department. Once you get those attorneys that you are doing the work for to buy into the idea, it has a smaller chance of failing.”

This approach worked well for Manns when she decided that she wanted to work in litigation support. “[I] approached the partner in charge of the trial department paralegals and discussed the idea of becoming somewhat of a liaison between the IT group, who was designing databases for the trial department, and the attorneys, who were desperately trying to make sense of the hundreds of boxes of information.”

Keep in mind that the opportunities to transition into a litigation support position are not limited to your law office. From New York City to Macon, Ga., litigation support opportunities are

growing. Law offices are recognizing the need for a specialist who understands both information technology and legal procedures.

If you still can't find a litigation support position in a location where you want to work, there is always the option of employment with a litigation support contractor.

Dexter Savoy is senior litigation support consultant and court-certified videographer for Dexter Savoy Associates in Washington, D.C. By being one of the first in this position, he was instrumental in the creation of the litigation support specialist position in the United States attorney's office. After 18 years with the DOJ and the Federal Trade Commission as a litigation support specialist, he started Dexter Savoy Associates, where he is responsible for the planning and management of litigation support activities and services in both the civil and criminal area of law, pretrial, trial and post-trial. He performs pretrial work such as video depositions and "Day in the Life" videos that are used for settlements. In addition, he handles animations, forensics, databases, document imaging and litigation graphics.

To get started as your own contractor, Savoy suggests "watch[ing] for federal contracts in the area of litigation support. I haven't found a law firm yet that didn't need good paralegal help." While Savoy hires paralegals to work for him on a temporary basis, he knows of other contractors who hire paralegals on a long-term basis.

Regardless of where you end up working in litigation support, working around litigation support specialists and IT professionals can help you get there. Watch what they do, and offer to help whenever possible. As Norton said, "It takes about six months of strong mentoring before one has grasped the intricacies of case exhibit presentation."

And Savoy added this advice: "I would probably tell others, above all of the other items we have talked about, be a good communicator. You need that ability to sell your litigation support services and yourself to your office or clients."

The Future of Litigation Support

Litigation support will continue to grow as a vital function of law offices in both the private and government sectors. There are several reasons why this career field will become more essential to the law office.

Document management will continue to be an issue. The ability to process paper into electronic formats quickly and efficiently will be important.

Pereira foresees that technology is going to force attorneys to practice law in ways that many might not be prepared to take on. "The recent amendments to the Federal Rules of Civil Procedure will also likely cause some changes to established legal practices that the industry has relied on for many years," she said. "Paper discovery will become more and more of a distant memory as native electronic file discovery becomes more common. Attorneys and paralegals will have to embrace technology as a survival tool in the age of increasing evidentiary file volume and complexity."

E-discovery has created a new concern as more and more evidentiary issues involve e-mails, hard drives and other electronic storage media. "It's absolutely vital," Abbott said. "Attorneys generally don't speak technical language. They know that e-discovery is necessary but don't necessarily want to know how it works, as long as they get what they need."

A liaison will be needed between the IT staff, attorneys and vendors. It's important to have a clear understanding of the discovery process as well as a technical background and understanding of the tools. These tools include scanning technology, search tools, review tools and OCR. It's essential to speak different "languages" such as technical, attorney and vendor. "With vendors, you need to be able to explain the legal and technical so they will know not only what the requirements are but why," Abbott said.

The "CSI effect" will influence attorneys to do more visuals in presenting their cases to a jury. Although jurors get an inaccurate view of real-life cases through the depiction of legal and criminal investigation television shows, the visual technology will put pressure on lawyers to do more.

Norton has already experienced this expectation in San Diego County. She said there will be more demand for this specialty. "This is an up-and-coming field, with more and more prosecutors seeking professional-looking exhibits."

So as you can see, this career field is not just a passing fad but is definitely here to stay to meet the demand for technology and legal expertise. The evidentiary rules are already evolving to address the changes in how we process information. Someone will need to be there to understand the changes and implement procedures to deal with them.

In deciding if a career move to a litigation support specialist is for you, you must evaluate your skills honestly. Do you have the knack for this job? Do you have the proper mix of legal and technical aptitude? Are you creative but understand the legal boundaries? You can't simply jump into this because you "like computers" or you want to play with the "cool toys" in this field. However, if you do possess the right skills, you can substantially increase your worth. The way to get your foot in the door is to fill the void with your strengths. Is your firm in need of better trial graphics? Do they need a Microsoft PowerPoint expert? Can you improve the area of document management? When you make your lawyers look good and give them the edge in using technology, your stock will rise and you will reap the benefits.

Weighing Your Options

Pros:

- Teamwork: You will learn what teamwork is all about by becoming part of the trial team.
- Direct contribution to litigation: When the jury returns a favorable verdict for your team, you will have a tremendous sense of accomplishment, knowing that you had a part in the outcome. Gigi Pereira, account manager for SRA International in Alexandria, Va., emphasizes the sense of accomplishment you will feel from working on a case from the beginning through to trial. "It's wonderful," she said. "There is a sense of closure when you see the entire process from beginning to the end. You really see how collaboration works and people come around to work toward one goal."
- Creativity: While others are stuck with law books and motions, you have creativity. You can help lawyers visualize and assist them with presenting their cases more effectively.
- Create an empire: If you have the talent for this job and you are good at what you do, you will be able to create your own little empire. You can increase your value to the office, which in turn can mean possible increases for you in salary or other benefits.
- High visibility: People will take notice of your abilities and you will be involved in all the big cases.

Cons:

- Long hours: Lawyers are notorious for procrastination. This creates last-minute situations and long hours for you as well. In his 19 years of experience, Dexter Savoy, senior litigation support consultant for Dexter Savoy Associates in Washington, D.C., knows the dedication involved with putting quality work into litigation support. "Be prepared to work 50 to 90 hours a week," he said. "Attorneys like to burn the midnight oil."
- Juggling several projects at once: The downside of increasing your value to the office is that more and more people will require your services and you might have numerous projects to balance all at once.
- Changes in technology: Just when you think you have it all figured out, the technology changes. It is challenging to keep up with changes and to get the funding for upgrades or new equipment to do your job. Pereira emphasizes the importance for anyone in this field to stay on top of the ever-changing technologies and processes that impact litigation support. "Legal practitioners look to us as expert consultants, and we need to be on top of changes to effectively support them," she said.

- Glitches: Sometimes the technology doesn't work. In spite of your best efforts, there are times when the technology will let you down or will not be used correctly by others in the office.

Milton Hooper is a litigation support specialist in Macon, Ga. He has worked in trial graphics, document management and courtroom presentation technology since 1996. Hooper has been an instructor for Microsoft PowerPoint and Verdict Systems' Sanction II at the National Advocacy Center in Columbia, S.C. He served active duty in the United States Air Force. Hooper also is an inspirational writer and speaker.