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**Paralegals**

**PROMIS**

PROSECUTOR'S MANAGEMENT  
INFORMATION SYSTEM  
An Exemplary Project of LEAA

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PROMIS (Prosecutor's Management Information System) is a management information system (computerized or manual) for public prosecution agencies and the courts. Developed under a grant from the United States Department of Justice, Law Enforcement Assistance Administration (LEAA), PROMIS has been in operation in Washington, D.C., since January 1971 and is in various implementation stages in more than 30 other jurisdictions.

LEAA has designated PROMIS an Exemplary Project. Such designation is reserved for criminal justice programs judged outstanding, worthy of national attention, and suitable for adoption by other communities.

The Institute for Law and Social Research (INSLAW) has prepared a series of 21 briefing papers to explain to nontechnical audiences of prosecutors, court administrators, criminal justice planners, and members of the bar the underlying concepts of management and organization inherent in PROMIS. It is expected that these briefings will assist other jurisdictions to evaluate and when appropriate, implement PROMIS in part or in its entirety. The implementation can range from adoption of the concepts of management and organization, to the use of PROMIS forms and paperwork procedures, to the application of the manual or semiautomated version of PROMIS, and, finally, to the installation of the computer software.

Other PROMIS documentation produced by INSLAW under grants from LEAA includes a handbook on *PROMIS For The Nonautomated or Semiautomated Office*, research designs for using PROMIS data bases in statistical studies of criminal justice policies, a six-volume set of computer software documentation, and a 20-minute color documentary of PROMIS (16mm film or video cassette) for nontechnical audiences. The 21 briefings are as follows:

1. Management Overview of PROMIS
2. Case Screening
3. Uniform Case Evaluation and Rating
4. Special Litigation (Major Violators) Unit
5. Witness Notification Unit
6. Paralegals
7. Comprehensive Training
8. Reasons for Discretionary and Other Actions
9. Counting by Crime, Case and Defendant
10. Research Uses of PROMIS Data
11. Uniform Crime Charging Manual
12. Police Prosecution Report
13. Crime Analysis Worksheet
14. Processing and Trial Preparation Worksheet
15. Police Intake Worksheet
16. Standardized Case Jacket
17. Interface with Other CJIS
18. Privacy and Security
19. Analysis of Costs and Benefits
20. Transferability
21. Optional On-Line Inquiry and Data Input Capability

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**PROMIS**  
**BRIEFING SERIES\*****ACQUISITIONS****6. Paralegals**

Although prosecutors in the large, urban agency must cope with a massive work load, they are further burdened by tasks that, while essential, are purely ministerial. Vital as they are to successful prosecutions, these tasks do not require the highly specialized professional training of a prosecuting attorney, who must perform them largely because of the wide training/skill gap existing between him or her and support personnel.

The need exists to narrow this gap. In other contexts--such as in private law offices and legal aid services--this has been achieved through the employment of paralegals (legal paraprofessionals). Some district attorney offices, of course, are aware that paralegals could perform a number of time-consuming duties, many of which would involve interviewing, servicing, and informing citizens, particularly witnesses and victims. A few prosecution agencies have already taken initial steps; one paralegal program in a district attorney's office is described as "a first step toward the long overdue task of meeting the district attorney's need for improved...support."<sup>1/</sup>

PROMIS HIGHLIGHTS THE NEED FOR PARALEGALS

At the prosecutor's office in Washington, D.C., <sup>2/</sup> implementation of PROMIS served to heighten awareness about the utility of paralegals by exposing important weaknesses in the documentation of cases by assistant prosecutors, which in turn led to the realization that much of this work could be performed more effectively and efficiently by persons with less specialized training. Consequently, nonlawyer college graduates have been recruited and hired to perform certain functions which require judgment and discretion but not the specialized training of an attorney.

For example, with the emphasis in PROMIS on recording reasons for key prosecutive actions, the discovery was soon made that this requirement for full documentation was not being met satisfactorily.<sup>3/</sup> The visibility given this problem led to the creation of paralegal positions.

\*One of a series of 21 Briefing Papers for PROMIS (Prosecutor's Management Information System), this publication was prepared by the Institute for Law and Social Research (INSLAW), Washington, D.C., under a grant from the Law Enforcement Assistance Administration (LEAA), which has designated PROMIS as an Exemplary Project. Such a designation is reserved for criminal justice programs judged outstanding, worthy of national attention, and suitable for adoption by other communities. Presenting a bird's-eye view of PROMIS capabilities, the Briefing Papers are one facet of INSLAW's LEAA-funded program designed to assist local prosecutors evaluate and, when appropriate, implement PROMIS. In January 1971, the computerized information system was initiated in Washington, D.C., where prosecutors continue to rely upon PROMIS to help them manage more effectively an annual work load involving allegations of 8,500 serious misdemeanors and 7,500 felonies. (A manual version of PROMIS is also available and parallels the capabilities of the computerized system.)



PROMIS serves as a paralegal catalyst in another way also. Because computerized systems, such as PROMIS, require complete, consistent, and uniform data input, this usually requires utilization of carefully designed forms, which not only serve the needs of prosecutors but also constitute efficient data collection vehicles for the computer. An inevitable by-product of well thought-out forms is that procedures become better structured and more systematized.<sup>4/</sup> Often this means that the tasks are simpler to perform and fall within the capabilities of paralegals.

### CURRENT RESPONSIBILITIES OF PARALEGALS

The prosecutor's office in Washington, D.C., takes advantage of paralegal assistance in a variety of areas:

Documentation. Paralegals review case jackets<sup>5/</sup> to ensure that documentation is complete and in proper sequence for trial attorneys. When assigned to the mass-production courtrooms, paralegals aid prosecutors in documenting reasons for trial dates, continuances, nolle prosequis, and dismissals.

Witness notification. Paralegals assure that subpoenas are mailed to witnesses and, when time does not permit use of the mails, paralegals contact witnesses by phone.<sup>6/</sup>

Continuance coordination. Requests by prosecutors and defense attorneys for continuances are coordinated by paralegals, who are responsible for ensuring that a mutually agreeable court date is selected and that all parties--witnesses, prosecutor, defense counsel, and court--are notified.

Schedule reconciliation. Conflicts between court case schedules and prosecutors' commitments are resolved.

Witness inquiries. Numerous calls are received daily from witnesses who wish to know when and where to report, what the docket numbers of their cases are, whether they receive compensation, etc. Paralegals supply the answers.

Special arrangements. Accommodations and other necessary arrangements for out-of-state witnesses can be handled by the paralegal staff.

Witness room. Paralegals are being prepared to staff the witness room, where someone is needed to check in witnesses and take particular care that essential witnesses--identified as such by a PROMIS-generated court calendar--are present. The witness room supervisor keeps prosecutors in master calendar courts apprised of the status of government witnesses. This person also annotates the court calendar to indicate



the trial courtroom to which cases are assigned and to identify cases that are dismissed, that involve the police drug unit, that do not belong on the calendar, or that are designated as ready by the prosecutor.

### EXPANDING THE DUTIES OF PARALEGALS

Additional uses of paralegals could be explored. Eight areas of potential paralegal expansion in the Washington, D.C., prosecutor's office are summarized below:

First, regarding felony trials, at present there are three prosecuting attorneys and one secretary assigned to each judge. Attorneys spend considerable time on routine interviews and documentation. If properly trained, paralegals could be expected to replace one of the three attorneys, freeing the prosecutor for work more appropriate to his or her expertise. Specific tasks now assigned to the felony trial attorney but which could be performed by paralegals include the following:

- Preparing evidentiary lists.
- Gathering documentary evidence.
- Determining the need for additional evidence.
- Constructing evidentiary chains of custody.
- Coordinating witness/police officer conferences.
- Assisting in witness interviews and liaison.

Second, there are potential paralegal responsibilities at intake and screening. The prosecutor now conducts what often turn out to be lengthy interviews with police and witnesses to develop information about a crime and the accused's criminal history. Also in this regard, numerous forms must be completed during the screening process.<sup>7/</sup>

A paralegal could complete these forms and follow an established format for the interviews, thereby developing a relatively complete case for final decision by an attorney. During intake and screening, paralegals could also acquaint witnesses with their role in the criminal justice process and explain what will be occurring and required.

Third, with respect to screening complaints brought by citizens to the prosecutor's office, attorneys working in this area devote most of their time to reviewing and mediating conflicts which do not warrant criminal prosecution even though they may occasionally involve technical violations of the law. While this review of citizen complaints must be supported by the authority of the prosecutor to preserve the possibility



of imposition of legal sanctions, sufficiently detailed guidelines could enable paralegals to assume this responsibility and to identify those few cases meriting the attention of the prosecutor, whose time is freed for pursuits more in keeping with his training.

Many citizens who lodge complaints with the prosecutor's office are in desperate need of help and possess little knowledge of the remedial or mediatory means by which to resolve their problems. Thus a properly trained paralegal could render a valuable service by giving these citizens positive direction.

The fourth area of the study is the arraignment court, where a single attorney must present as many as 80 cases during the course of an afternoon. A trained paralegal could assist the prosecutor by informing him about the readiness of the case so that an appropriate trial date could be scheduled. He could assure that documentation in the case jacket is complete and up to date, as well as record the court's scheduling or disposition decisions (along with the associated reasons) on the case jacket.

Fifth, the calendar control court also processes cases in bulk. The prosecutor present before this court must determine whether the government is prepared for trial in the 40 to 50 cases called each morning. A paralegal could not only record the day's transactions in proper form for entry into the PROMIS data base but also assist the attorney in a variety of other ways.

Sixth, in misdemeanor trials, attorneys often are obliged to present a case on five or ten minutes notice because of the heavy work load and the assembly-line nature of the proceedings. To enable the trial attorney to review these cases as quickly and comprehensively as possible, paralegals could perform much of the pretrial preparation: interview witnesses; assure that documentation is complete (lab test results, lineup reports, etc.); and place forms, statements, and other paperwork in proper sequence in the case jacket. Questions of law would be settled by attorneys.

Diversion programs could be another productive aspect of paralegal utilization. Paralegals could assist prosecutors in selecting candidates for these programs by reviewing their family history, educational background, criminal involvement, and employment history. Follow-up interviews and instruction and guidance during the rehabilitative program are other ways in which paralegals could aid prosecutors, who normally can allocate only minimal time to such tasks.

Finally, paralegals could help prosecutors intensively prepare those cases that PROMIS has designated as particularly serious.<sup>8/</sup> Use of paralegals to assist attorneys conduct interviews, prepare paperwork, and construct chains of custody could enable prosecutors to specially prepare a larger number of serious cases.<sup>9/</sup>



## POTENTIAL BENEFITS OF PARALEGAL UTILIZATION

The most obvious advantage flowing from the use of paralegals is that scarce resources--skilled attorneys--can be allocated in the most productive manner. The freeing of significant amounts of attorney time for purely legal tasks will help assure increased office performance--whether in terms of better charging decisions, which reduce subsequent dismissals or nolle prosequi actions, or in terms of improved conviction rates resultant from more attorneys spending more time on case preparation and prosecution.

Increased efficiency in the performance of nonattorney tasks assigned to paralegals is a second major benefit. Properly trained paralegals can be expected to perform ministerial duties more meticulously than overtaxed attorneys whose training and interests lie elsewhere. This will reduce errors and omissions, which is particularly important during intake and screening, where inaccurate or incomplete case documentation can degrade the effectiveness of PROMIS. And to the extent attorneys are relieved from what they regard as the less-challenging aspects of prosecutive work, turnover of the legal staff may well be reduced.

Another important paralegal-related benefit is improved citizen cooperation with the prosecutor's office--especially by citizens who are witnesses or victims. Research is disclosing that what prosecutors perceive as witness noncooperation, which is a prime cause of premature termination of prosecution, is often the product of a failure in communications between citizens, on the one hand, and police and prosecution on the other.<sup>10/</sup> Sometimes citizens are unaware that they are considered witnesses, do not understand the significance of their role, and fail to receive effective communications about trial dates. Principally in the areas of witness notification and intake and screening, paralegals can exert a major corrective influence.

Because paralegals would adhere to prescribed criteria and formats in citizen interviews and case documentation, evenhanded decision making could be served in such areas as enrollment of offenders in diversion programs, government recommendations for pretrial release, and government attitudes toward continuances.

Finally, paralegals can be expected to contribute improved continuity and uniformity to the administrative process and case documentation. This will help compensate for high attorney turnover experienced by many urban prosecution agencies.



When all is said and done, however, these and other potential benefits result because the use of paralegals conforms to one of the most valuable and basic of management precepts: responsibility should be delegated to the lowest organizational level consistent with sound decision-making. Clearly, attorneys are overqualified for certain office tasks; traditionally, office personnel at the next level have been underqualified to perform those same tasks. Paralegals can fill the void by assuming a wide variety of delegated responsibilities.





## FOOTNOTES

1/Executive Committee Criminal Justice Coordinating Council of New York City, 1973 Criminal Justice Plan (New York: Criminal Justice Coordinating Council of New York City, 1973), pp. 58-59.

2/In the District of Columbia, the U.S. Attorney serves as the local prosecutor. About 75 lawyers are assigned to the D.C. Superior Court (equivalent to a state court of general jurisdiction), where prosecution of local "street crime" cases is conducted. About 16,000 allegations of such crimes are considered for prosecution annually.

3/See Briefing No. 8, Reason for Discretionary and Other Actions, for details on the utilization of data.

4/Key PROMIS forms are explained in Briefing Nos. 11-16, Uniform Crime Charging Manual, Police Prosecution Report, Crime Analysis Worksheet, Processing and Trial Preparation Worksheet, Police Intake Worksheet, and Standardized Case Jacket.

5/The case jacket, in addition to containing essential forms, is itself a form on which key information is recorded. See Briefing No. 16, Standardized Case Jacket.

6/See Briefing No. 5, Witness Notification Unit, for more details about witness notification.

7/The screening process is detailed in Briefing No. 2, Case Screening.

8/Briefing No. 3, Uniform Case Evaluation and Rating, discusses PROMIS' case-rating capability.

9/See Briefing No. 4, Special Litigation (Major Violators) Unit.

10/Briefing No. 5, Witness Notification Unit, highlights the findings of a witness cooperation study conducted by the Institute for Law and Social Research. See Institute for Law and Social Research, Witness Cooperation With a Handbook of Witness Management (Lexington, Mass.: D.C. Heath and Company/Lexington Books, 1976).





**END**