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TEACHING DISPUTE RESOLUTION COMMUNICATION SKILLS IN THE PARALEGAL CLASSROOM

Mari Garza

Paralegals occupy a unique intermediary role in legal practice. ADR-informed communication provides a teachable, assessable, and ethical framework for effective performance in that role.

Paralegals frequently function as intermediary communicators between attorneys, clients, and other legal professionals. They manage communication in emotionally charged and adversarial environments—including within their law offices, the courthouse, and other legal and administrative agencies. Despite this role, paralegal education and professional development may not adequately emphasize formal training in conflict communication and dispute resolution. This article argues that alternative dispute resolution principles provide a practical framework for equipping paralegals with essential ADR-informed communication skills. Paralegal programs should introduce this skill set in the classroom and legal employers should reinforce it through continuing education and workplace training.

Using the bygone metaphor of “running with the hare and hunting with the hounds,” this article conceptualizes the paralegal as an ADR-informed intermediary communicator who must recognize and accurately communicate competing concerns. Drawing from neuroscience, conflict communication theory, and ADR practice, the article identifies key competencies, including active listening, reframing, de-escalation, expectation management, and boundary setting, that are fundamental to effective paralegal practice. The article also addresses the ethical use of

artificial intelligence tools to support conflict-sensitive professional communication.

This article expands paralegal scholarship by offering practical strategies for implementing ADR-informed training in both paralegal education and legal workplaces through simulations and communication labs, mentorship, and office training protocols. Although most established paralegal competency frameworks do not expressly require ADR training, ADR-informed communication complements rather than displaces the core competencies of paralegal education and practice.

Mari Garza is an Assistant Professor in Texas State University's Master of Arts in Legal Studies program. She earned a B.A. with double majors in Political Science and Spanish and an M.A. in Legal Studies from Texas State University, and a J.D. from SMU Dedman School of Law. Drawing on her experience as an attorney and mediator in family law, probate, and estate planning, Dr. Garza integrates legal practice with academic scholarship across the broad range of courses she teaches. Her scholarly interests include children's issues, legal pedagogy, and professional ethics. For V.L.G. and S.V.G.

This article is dedicated to the memory of Dr. Walter A. Wright, my professor, from whom I first learned the principles of alternative dispute resolution, and later my colleague, mentor, and friend. It is both a privilege and a profound responsibility to now teach many of the courses he once taught. His generosity, encouragement, and unwavering commitment to legal education continue to shape my teaching and scholarship. I can only hope to honor his legacy by passing forward a small measure of what he shared with students and colleagues alike.

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I. INTRODUCTION: THE PARALEGAL AS INTERMEDIARY IN LEGAL COMMUNICATION

“You cannot run with the hare and hunt with the hounds.”¹

Or can you? The idiom *run with the hare and hunt with the hounds* signifies the act of supporting two opposing sides of a dispute, argument, or conflict simultaneously.² A traditional proverb, its historical use has been negative, implying dishonesty or hypocrisy, and often referring to the two-faced politician or someone straddling the fence, refusing to take a side in an argument (often to win favor with both sides).³ However, this article challenges that notion. Those with backgrounds in conciliation and dispute resolution should look at the phrase inversely: to run with the hare and hunt with the hounds, can serve as a valid technique to meet all parties' interests and avoid further conflict. Conflict arises not only in litigation but also between attorneys and clients and among members of a law office. Mediators who engage in the practice of running with the hare and hunting with the hounds may describe the phrase more accurately as the difficulty of maintaining good relations and neutral, beneficial positions with both sides, particularly in high-

stakes situations. The balanced perspective reflected in this expression perfectly describes how a paralegal should strive to be a conflict-sensitive communicator in an adversarial legal system.

Paralegals often serve as gatekeepers.⁴ Within many legal work environments, paralegals handle the majority of client or outside contact.⁵ This arrangement allows attorneys to work with fewer interruptions and protects them from a barrage of nonurgent communications. Between attorneys and other legal staff in the workplace, a paralegal serves as a buffer, screening telephone calls and other communications, and should do so with tact. In other words, “these things must be done delicately.”⁶ In this role, paralegals often absorb client and coworker frustration while managing emotions and expectations. Though many paralegals have well-developed core competencies,⁷ they are often not trained in conflict management.⁸ This can lead to client dissatisfaction, attorney-client miscommunication, workplace tensions, and ultimately, paralegal frustration.

The law is a “verbal profession—[professionals] can establish or destroy [their] careers by the words [they] use. Consequently, [legal professionals] must be more careful than others not to give offense by...use of biased language—language that keeps listeners from understanding [what is being said....]”⁹ Alternative dispute resolution¹⁰-informed communication, as defined in this article, refers to the intentional use of dispute-resolution skills—such as active listening, emotional acknowledgment, reframing, interest identification, expectation management, de-escalation, and boundary setting—to move legal communication from emotional reaction toward clarity and manageable action. The visual imagery of running with the hare and hunting with the hounds encapsulates ADR-informed communication. Thus, ADR-informed training should be integrated into paralegal education and continuing legal education and training because paralegals frequently function as an intermediary who applies mediation-informed communication techniques between attorneys, clients, and office staff. For a paralegal, knowing *how* and when to communicate is as important as knowing *what* to communicate. Dispute resolution principles thus become a critical skill set a paralegal must employ and apply to everyday communication. This article therefore advocates ADR-informed training for paralegals through formal education and continuing professional development.

Paralegal education scholarship has increasingly emphasized innovation in pedagogy,¹¹ professionalism, and readiness for a changing legal workplace,¹² but a substantial gap remains in the literature concerning conflict-management and ADR-informed communication as a core paralegal competency. The legal field’s current priorities call for sustained treatment of how paralegals should be educated to manage conflict, de-escalate emotionally charged interactions, or apply ADR principles in routine communications with clients, attorneys, and office staff.

This article’s contribution to paralegal scholarship is noteworthy because adjacent scholarship in legal education¹³ and dispute-resolution pedagogy¹⁴ has long treated communication, emotional intelligence, negotiation, and client counseling as essential professional skills. Recent legal-education scholarship likewise argues that AI integration should sharpen, rather than displace, attention to human skills such as ethical judgment and interpersonal communication.¹⁵ What is missing, however, is a paralegal-centered article that synthesizes those neighboring literatures and translates them into implementable guidance for paralegal educators and legal employers. This article addresses that gap by positioning the paralegal as the

intermediary communicator within adversarial systems and by proposing ADR-informed competencies, classroom methods, ethical guardrails, and office-training models tailored specifically to paralegal work.

This article proceeds in six parts. Part II explains why ADR-informed communication techniques work by connecting the psychological and neurological dynamics of conflict with the foundational principles of mediation and interest-based dispute resolution. Part III identifies the core ADR-informed competencies most relevant to paralegal practice, including active listening, reframing, interest identification, de-escalation, expectation management, and boundary setting. Part IV considers how paralegal educators can teach and assess these competencies through simulations, communication exercises, case-based learning, reflection, and structured feedback. Part V turns to the legal workplace and proposes methods for reinforcing the same competencies through mentorship, communication protocols, professional development, and attorney supervision. Part VI addresses the limits of the paralegal's intermediary role, including the unauthorized practice of law, the distinction between neutrality and advocacy, and the ethical use of artificial intelligence to support, but not replace, professional judgment. Part VII concludes that educators and employers should recognize ADR-informed communication as a distinct professional communication competency that strengthens paralegal education, legal workplaces, and client service.

II. WHY ADR-INFORMED COMMUNICATION WORKS: CONFLICT, EMOTION, AND THE ADR FRAMEWORK

Throughout recorded history, conflict has arisen in every form of human relationship—"between children, spouses, neighbors, coworkers, superiors and subordinates, organizations, communities, people and their governments, ethnic and racial groups, and nations."¹⁶ "Because of the pervasive presence of conflict and the emotional, physical, and other costs that are often associated with it, people have always sought ways to peacefully handle their differences."¹⁷ Over the centuries, unsung heroes developed procedures to effectively and efficiently manage and resolve conflicts.¹⁸ In seeking to do so, thought was given to "satisfy [opposing sides'] interests, build or change relationships for the better, minimize suffering, and control unnecessary expenditures of emotional and physical energy or tangible resources."¹⁹

"ADR differs fundamentally from the adversarial system in that it seeks a mutually satisfactory process by which to resolve disputes."²⁰ Modern ADR is an umbrella term encompassing a variety of processes including negotiation, mediation, arbitration, conciliation, and other mechanisms through which parties manage or resolve conflict outside or alongside conventional adjudication.²¹ Some processes employ a third-party neutral, while others rely on direct negotiation between the parties.²² Although the processes differ in formality and decision-making authority, negotiation and mediation, particularly, are relevant here because both emphasize communication, interest identification, option generation, and voluntary problem solving.²³ Arbitration is less directly applicable to the paralegal's intermediary role because arbitration ordinarily places decisional authority in a third-party neutral.²⁴

A. CONFLICT CHANGES HOW PEOPLE COMMUNICATE

Although legal disputes often concern facts, law, or procedure, people do not experience conflict solely as a disagreement over substantive issues. Conflict also operates as an emotional process that influences cognition, communication, decision-making, and interpersonal behavior. Conflict affects how individuals process information, interpret tone, remember events, and respond to perceived threats.²⁵ In practice, a client who believes that an attorney has ignored an urgent concern may be unable, at least initially, to separate the substantive legal problem from the emotional experience of not feeling heard. Likewise, an attorney facing deadlines and competing professional obligations may receive a client's repeated requests for information as criticism rather than concern. The paralegal communicating between them encounters not only two different accounts of the same problem, but two different emotional and cognitive responses to it. These scenarios do not require the paralegal to diagnose personality, trauma, or mental illness—in fact, paralegals lack both the professional authority and the clinical expertise to diagnose those conditions.²⁶ Nor should paralegals presume difficult behavior necessarily indicates a personality disorder; rather, a basic understanding of conflict behavior²⁷ (including escalation and management) helps the paralegal recognize that communication styles, emotional triggers, and responses to stress vary. ADR-informed training can develop emotional intelligence or emotional quotient by teaching not only bargaining techniques but also self-awareness and professional communication.²⁸

Personality traits and conflict styles may help explain why some individuals demand immediate engagement, others withdraw, and still others attempt to control the discussion.²⁹ The practical lesson is that paralegals should avoid categorizing clients or co-workers and avoid assuming every person processes conflict, time, language, or professional expectations in the same manner.³⁰ Personality frameworks further illustrate why a communication method that reassures one person may frustrate another. The Big Five framework, for example, describes differences in openness, conscientiousness, extraversion, agreeableness, and sensitivity to stress.³¹ These traits exist on continua, rather than as fixed categories, and are relevant as part of this discussion not as diagnostic tools, but as reminders that clients, attorneys, and staff members may interpret uncertainty, directness, delay, structure, and interpersonal engagement differently.³² A paralegal who understands and recognizes those differences can adapt the manner of communication without altering its substance or compromising professional boundaries.³³

B. THE PARALEGAL AS AN EMOTIONAL THERMOSTAT

Emotional responses during conflict can narrow attention, alter perception, and affect interpersonal communication, making effective conflict management dependent not only upon legal knowledge but also upon emotional regulation and communication skills.³⁴ The concept of the paralegal as an *emotional thermostat* connects emotional regulation to effective ADR skills; it emphasizes that those skill sets further detailed below,³⁵ such as active listening and reframing, can help lower emotional arousal before rational discussion and negotiation occur. In an

adversarial profession, the ability to communicate without unnecessarily creating another adversary is not merely a soft skill; it is a form of professional competence.

Like a thermostat, the paralegal cannot control another person's emotions but can influence the environment in which conflict-sensitive communication occurs. This is where professional competency comes in. Through tone, pacing, acknowledgment, and deliberate word choice, the paralegal may help prevent the participants from mirroring and intensifying one another's frustration. Acting as an emotional thermostat does not require the paralegal to absorb another person's emotions or resolve the underlying legal dispute; it requires the paralegal to regulate their own response so that the communication remains productive.

C. ADR TRANSLATES EMOTIONAL CONFLICT INTO MANAGEABLE INTERESTS AND CHOICES

Although paralegals rarely serve as formal mediators, ADR principles provide a practical framework for managing conflict in daily legal practice. These principles apply even when no formal mediation is occurring. ADR techniques and skills can apply to disgruntled or dissatisfied clients, attorney-client miscommunication, interoffice conflict, scheduling disputes, and managing expectations about case timelines. Consider the following: A frustrated client ultimately needs the legal problem resolved but may first need the paralegal to identify the concern accurately and communicate it to the attorney. An overwhelmed attorney may not need the paralegal to agree with the client; rather, the attorney may require a concise explanation of the underlying concern prompting the client's repeated telephone calls. Co-workers disputing responsibility for a missed deadline do not need adjudication, but need expectations clarified and a future protocol established. In each example, the paralegal as intermediary does not resolve the underlying legal dispute. The paralegal uses ADR-informed communication to prevent the communication surrounding the dispute from escalating into a separate conflict and, when possible, to create an opportunity for collaboration.³⁶

III. CORE ADR-INFORMED COMMUNICATION COMPETENCIES FOR PARALEGALS

ADR-informed communication is not a single, linear script. It is best visualized as a cyclical sequence of professional judgments. The paralegal must first determine what the speaker is attempting to communicate, then identify the interest or concern beneath the speaker's position, and finally respond in a manner that is accurate, neutral, and consistent with the limits of the paralegal's authority. The competencies discussed below overlap, but together they provide a practical framework—connect and understand, redirect and clarify, and maintain professional boundaries—for moving a conversation from emotional reaction toward manageable action.

A. CONNECT AND UNDERSTAND

Once the paralegal identifies the conflict, "the first five to ten minutes . . . are often critical for building rapport and establishing personal credibility."³⁷ This may have already occurred if the paralegal has a prior relationship with the individual or individuals; however, that is not always the case.

Appearing as an open, warm, intelligent, and interested person . . . the intermediary should take time to have an informal conversation on noncontroversial topics of mutual interest as a means of building a positive relationship with a disputant. This conversation should not include subjects that might create distance or dissonance between the mediator and the party.³⁸

Connection and understanding occur through active listening.³⁹ Active listening involves paraphrasing or reframing, interest identification, clarifying, and reflecting emotions through acknowledgment and validation.⁴⁰ “Feedback through reframing promotes better understanding and, similar to active listening, requires listening to and restating what was heard, but with a focus on substantive and procedural content of the party's communication.”⁴¹ Reframing allows the paralegal to turn positional statements into underlying interests. Even if the paralegal does not share the speaker's emotional reaction, it is important to acknowledge the expressed emotion without necessarily validating the speaker's factual characterization or position.⁴²

Consider this hypothetical: a client calls the office and tells the paralegal, “I am losing money each day my home sits on the market—why do we not have a court date, yet?!? What am I paying you all for?” By engaging in active listening, the paralegal can legitimize the client's emotions through restating and clarifying the issue. The paralegal may respond with: “I hear your concern about how the delay may affect your finances. It sounds as though your immediate concern is obtaining the earliest available court date. Let me identify the information we need for scheduling, and I will also arrange for you to discuss your legal options with the attorney.” Restating can help clarify any misunderstandings that may arise during emotionally charged conversations.⁴³ The paralegal should clarify whether the client is expressing concern about billing or merely using the reference to fees as an expression of frustration.

Finally, the intermediary should engage in appropriate nonverbal communication, such as making eye contact, avoiding heavy hand or finger gestures, and avoiding abrupt facial expressions.⁴⁴ People may interpret nonverbal communication differently across cultures, generations, abilities, and other dimensions of identity. ADR-informed training should therefore teach students to avoid treating a single form of eye contact, posture, or expression as universally appropriate.⁴⁵

B. REDIRECT AND CLARIFY

Once the issue is identified, redirect from past blame to future action. Throughout the process of diffusing conflict, clarification is key. Expectation management is also important and can weave in important skills like asking open-ended questions and using neutral and concise communication. “Open-ended questions allow the [individual] to share as much information as [they] desire based on [their] perceptions of reality without being subjected to a framework of analysis imposed by the mediator or being asked probing questions with an implied or prescribed answer.”⁴⁶

Take the prior hypothetical: In discussing availability for court dates, the client persists. “Why has no one asked me before about when I was free for court? I am ready any day, in fact, I was ready yesterday. Whatever date is selected, I need the day to be locked in, no questions asked.” An ADR-informed response redirecting may look like: “Litigation looks different in each case. There is not one timeline that all cases follow, but I’m happy to look at dates with you today.” To address expectation management and offer appropriate choices, the paralegal may continue with: “Applicable rules require advance notice and coordination with opposing counsel before the court can set the matter. That process may prevent us from obtaining an immediate date. I can ask the attorney whether any procedure is available to request an earlier setting. What other questions do you have about scheduling a court date? I want to make sure I understand your concern so I can communicate it clearly to the attorney.” If the client responds by cursing the rules as arbitrary, the use of neutral and concise language is necessary to move communication along.

The paralegal must also avoid the unauthorized practice of law and, in quelling conflict, explain process without giving legal advice⁴⁷ and defer to the attorney if the client pushes back. A paralegal may explain that a motion has been filed, identify a scheduled hearing date, describe the office’s ordinary communication process, or relay an attorney-approved explanation, but cannot determine which legal remedy the client should pursue, predict how the court will rule, independently interpret the client’s rights, or negotiate a substantive client concession.

In conflict, it is important that opposing sides feel heard. The paralegal, as an ADR-informed communicator, need not agree with a speaker’s characterization of events to acknowledge the speaker’s concern. Neutral questions can help speakers articulate the interests underlying their stated positions and assess the importance of those interests.⁴⁸ Parties are more likely to view a resolution as satisfactory when they believe the other participants have genuinely heard their concerns.⁴⁹ *“One of the most important ingredients in a satisfactory settlement is that the parties feel that opposite parties have truly heard what they had to say.”*⁵⁰

ADR-informed communication is ultimately an exercise in professional judgment. The competencies discussed throughout this article require the paralegal to determine not only what information should be communicated, but also how, when, and by whom that information should be communicated.

C. MAINTAIN PROFESSIONAL BOUNDARIES

When an individual’s emotional intensity catches the paralegal off guard, the paralegal can use de-escalation techniques to promote connection and aim to facilitate calmness, positivity, and ultimately, resolution.⁵¹ Many times, the angry, frightened, or frustrated individual wants to be heard, understood, and respected.⁵² “To help you stay calm in the face of the other person’s upset, [sic] remind yourself ‘it’s not about you!’ Don’t take it personally.”⁵³

Boundary setting becomes important when conflict persists and is critical with emotional or hostile individuals. If a disgruntled co-worker continues sending angry emails demanding better work throughout the day, consider setting up a meeting to discuss all concerns at one time instead

of continuously, which can lead to oversight or, in the worst cases, avoidance. When a client continues to use profane language directed at the paralegal or team, explain the consequences and potential outcomes that may follow if the hostile behavior persists.⁵⁴ When faced with these dynamics, other types of boundaries during discussions include preventing interruptions, refraining from using vulgar, profane, or threatening language, or in high-conflict situations, requiring future communications to occur in writing.

Establish procedures for when and how an issue should be escalated to the supervising attorney. Written documentation is important when a client criticizes their attorney, and a paralegal may ask the client to state the concern in writing so the paralegal can provide it accurately to the attorney. At the end of our hypothetical, the client blows up: “No, I do not want to [expletive] talk with the lawyer, or ask the other side for their availability. They are delaying on purpose because they know I need this money! I just want a court date [expletive]. How did you even [expletive] graduate?! You are so [expletive] pathetic at your job!” The ADR-informed paralegal takes a deep breath, pauses, and replies: “I am ending this call now. Our office does not tolerate language like that. I will let the attorney know of your concerns and ask that you follow up in writing with anything we could not cover today.” By setting and maintaining this boundary, the paralegal clearly communicates to the client the consequence of future hostile conduct. When writing and responding to misinformation, utilize the “Brief, Informative, Friendly, and Firm” or “BIFF” method of communication—“these are short paragraphs for responding to hostile or distorted information . . . It’s a way to keep from escalating the conversation, especially with emails.”⁵⁵

IV. TEACHING ADR-INFORMED COMMUNICATION IN PARALEGAL EDUCATION

ADR-informed communication cannot be taught effectively through description alone. Students may understand the definitions of active listening, reframing, or de-escalation, yet remain unable to use those skills when engaged with an impatient, accusatory, or emotionally distressed individual. Instruction must move from explanation to demonstration, supervised practice, feedback, and reflection because students develop communication skills through repeated, supervised practice.

A stand-alone ADR course offers the most comprehensive opportunity for this training, but it is not the only available model. Programs may integrate ADR-informed communication into introductory paralegal courses, legal drafting, litigation, law-office technology, ethics, internships, or substantive-law courses involving substantial client contact. Texas State University’s current graduate Legal Studies curriculum includes a dedicated Alternative Dispute Resolution course⁵⁶ and describes simulated client interactions and applied legal skills within its broader curriculum.⁵⁷ This article’s curricular argument is scalable, allowing diverse paralegal education programs to teach ADR-informed competencies through a full ADR course, a course module, or repeated exercises across the curriculum.

Through ADR simulation exercises, students role-play in many conflict negotiation scenarios. Paralegal educators have championed simulation, improvisation, and theater techniques as innovative strategies for transforming the paralegal learning experience.⁵⁸ A paralegal educator can develop different fact patterns for the paralegal in the workplace: paralegal to client; paralegal to attorney; paralegal to other legal professionals. Similarly, conflict communication labs would

allow students to practice de-escalation, reframing, and emotional validation through case-based learning. Students could analyze scenarios involving a client who blames an attorney for delays, a discovery dispute, or an internal office disagreement. Finally, implementation of reflection journals allows students to reflect on their emotional reactions, communication strategies, and ethical limits constrained by the unauthorized practice of law.⁵⁹

ADR training does not authorize a paralegal to represent that the paralegal is a court-appointed, credentialed, or otherwise qualified mediator, nor does it expand paralegal authority.⁶⁰ While training and appointment requirements vary by jurisdiction and program, the core competencies advocated here are relevant even when the paralegal never serves as a formal mediator.⁶¹ As a final thought, any ADR course should expressly highlight that paralegals are not licensed to practice law and must perform law-related responsibilities under attorney supervision. The course should explicitly distinguish process information from legal advice.⁶²

Educators may assess students through a simulation, recorded role-play, written response, or client-communication exercise using the rubric below to translate student competency into observable conduct.

Table 1. Assessment of ADR-Informed Communication

Competency	Proficient	Developing	Needs Improvement
Active listening and acknowledgment	Accurately identifies the speaker's concern, asks clarifying questions, and acknowledges emotion without agreeing with disputed facts.	Identifies part of the concern but overlooks important facts, interests, or emotions.	Interrupts, assumes the concern, dismisses emotion, or responds defensively.
Reframing and interest identification	Restates accusatory or positional language in neutral terms and identifies the underlying interest or need.	Attempts to reframe but retains blame, judgment, or an incomplete understanding of the interest.	Repeats inflammatory language, takes sides, or fails to identify the underlying concern.
Clarification and expectation management	Explains process accurately, distinguishes known facts from uncertain outcomes, and identifies a realistic next step.	Provides generally accurate information but remains vague, incomplete, or overly reassuring.	Makes promises, predicts outcomes, provides inaccurate information, or creates unrealistic expectations.
De-escalation and professional tone	Uses calm, concise, respectful language and redirects the discussion toward choices or future action.	Maintains professionalism but uses language that is overly lengthy, defensive, or	Escalates the interaction through argument, criticism, sarcasm, or dismissive language.

Competency	Proficient	Developing	Needs Improvement
		insufficiently responsive.	
Boundaries and ethical judgment	Maintains professional limits, avoids legal advice, recognizes when attorney review is necessary, and escalates appropriately.	Recognizes some limits but delays escalation or approaches the boundary of legal advice.	Gives legal advice, independently determines strategy, negotiates without authority, or fails to involve the attorney.
Documentation	Records the material facts, concern, response, boundary, and next step accurately and objectively.	Documents the interaction but omits relevant information or includes unnecessary conclusions.	Fails to document the interaction or uses subjective, emotional, or judgmental language.

The rubric should evaluate the student's reasoning as well as the final words used. A polished response may still be deficient if the student misunderstood the concern, exceeded the paralegal's authority, or failed to recognize the need for attorney involvement. Conversely, minor imperfections in phrasing should not outweigh sound judgment, ethical restraint, and effective movement toward a manageable next step. A simple scoring method assigns five points for proficient, three for developing, and one for needs improvement, for a maximum score of thirty.

V. REINFORCING ADR-INFORMED COMMUNICATION IN THE LEGAL WORKPLACE

Classroom instruction cannot anticipate every client, workplace, or practice-area dynamic. Legal employers must, therefore, reinforce ADR-informed communication through concrete expectations, office procedures, supervised practice, and feedback. Communication training should not be reserved for the moment *after* a client complaint or internal conflict has already occurred. It should be treated as part of onboarding, professional development, and risk management.

Workplace ADR-informed training should parallel classroom instruction⁶³ and may benefit employees across the legal organization.⁶⁴ Legal employers can reinforce ADR-informed communication through professional-development modules, written office policies, and mentorship.⁶⁵ Training modules may address client conflict, basic ADR communication, and protocols for high-conflict interactions. Office policies may establish escalation procedures, approved communication scripts, and documentation requirements. Supervising paralegals and attorneys can then mentor new staff in applying those standards.

Written protocols can identify routine response times, emergency escalation procedures, authorized communication methods, documentation requirements, and subjects requiring attorney review. Protocols should distinguish permissible explanations of process from impermissible legal advice and should also instruct the paralegal on what action to take when a communication becomes hostile, repetitive, threatening, or inconsistent with office policy.

Scripts should serve as starting points rather than mandatory recitations. A well-written, ADR-informed script can model how an office acknowledges frustration, explains a delay, sets a boundary, or communicates a realistic next step. Training should then require the paralegal to adapt the principle to the actual speaker, issue, and stage of representation.

Mentorship⁶⁶ is particularly important because new paralegals learn much of legal communication by observing experienced attorneys and paralegals. Senior paralegals and attorneys often possess tacit knowledge about when to pause, when to ask a clarifying question, when to end a conversation, and when to involve the attorney. Unless mentors explain that reasoning, newer professionals may see only the final response and not the active, professional judgment that produced it. Mentors must move beyond instructions such as “handle the client,” “use your judgment,” or “be professional,” which are too vague and too subjective; ask “What does that look like to you?”⁶⁷ Mentors should explain what the instruction means in practice, model an appropriate response, and discuss why they selected particular language. A mentor might ask: “What do you understand the client to be requesting?” “Which part can you answer?” “Which part requires attorney review?” “What language acknowledges the concern without promising an outcome?”

Employers can incorporate communication review into ordinary supervision. A supervising attorney or experienced paralegal may periodically review anonymized client emails, telephone notes, or internal summaries to identify effective language and recurring problems. No single preferred writing style is needed, but standardized communications should be accurate, neutral, ethically appropriate, and likely to move the matter toward a manageable next step or resolution.

Legal environments serving clients in family law, criminal law, probate, immigration, or other emotionally intensive practice areas may require more specific protocols. Consistent with this need, some jurisdictions require additional training before a mediator may accept appointments involving particular subject matters, such as parent-child disputes or family violence.⁶⁸ As used herein, the phrase *high-conflict* describes a recurring pattern of interaction rather than a clinical diagnosis.⁶⁹ Examples of high-conflict specific protocols might address repeated communications, abusive language, threats, unrealistic response expectations, communications involving children or vulnerable persons, and requests for the paralegal to intervene in matters outside of the scope of the legal representation. The policy should identify the point at which an interaction is transferred to the attorney, ended, documented, or evaluated for safety concerns. Paralegals are not mental-health professionals,⁷⁰ and difficult behavior alone does not establish a personality disorder, as discussed *supra* in Section II.⁷¹

VI. ETHICAL BOUNDARIES AND THE RESPONSIBLE USE OF ARTIFICIAL INTELLIGENCE IN ADR-INFORMED COMMUNICATION

Paralegal education and workplace training should address the competent and ethical use of artificial intelligence and large language models, which are increasingly important to contemporary paralegal practice.⁷² Although AI tools may support ADR-informed

communication, they cannot replace the judgment, empathy, and accountability that effective conflict communication requires. This author supports ADR only as a human-centered competency and skill that should not heavily rely on AI. Nonetheless, if AI, in a limited and justified manner, can *support* ADR-informed communication, it should not substitute the human judgment the ADR framework is intended to develop nor paralegal judgment, empathy, and accountability on which effective ADR-informed communication depends.

Generative AI may serve a limited role in ADR-informed training. A student or paralegal may use AI collaboratively to identify inflammatory phrasing, compare alternative tones, practice reframing, or test whether a prompt communicates a realistic next step. The user must nevertheless determine whether the proposed language is accurate, appropriate to the relationship, consistent with office policy, and within the paralegal's authority, under the supervision of an attorney.⁷³

Consider the following exercise. One defensible training method requires the student or paralegal to draft the communication before consulting an AI tool. The student may then prompt an institutionally approved AI tool to identify accusatory, defensive, vague, or potentially escalatory language; suggest neutral reframing; or provide feedback on other ADR-informed skills discussed *supra* in Section III. The instructor should require appropriate prompt limitations and prohibit the entry of client-identifying, confidential, privileged, or representation-related information into an unapproved system. The student must review each suggestion and explain whether to accept or reject it. This sequence preserves authorship and professional reasoning while using AI as a feedback mechanism. Legal employers should designate the systems that may be used, the information that may be provided, the permissible purposes, the required level of human review, and the method for documenting or disclosing use when necessary. AI-generated language must also be checked for factual accuracy, altered meaning, fabricated information, inappropriate assurances, and unintended admissions.

An appropriate prompt might state: "Review the following draft for tone only. Identify language that may sound accusatory, defensive, dismissive, or vague. Do not add facts, legal advice, promises, or conclusions. Suggest balanced alternatives that acknowledge the concern and identify a clear next step." The prompt should be accompanied by a de-identified or hypothetical communication, unless the legal employer has expressly approved the system for confidential client information.⁷⁴ The paralegal should remain responsible for the final language, under the supervision of the attorney,⁷⁵ and the supervising attorney should remain responsible for the legal services provided.

Even when using AI to facilitate ADR-informed communication, a paralegal may not provide legal advice or independently negotiate legal positions.⁷⁶ If a paralegal still struggles with conceptualizing conflict-sensitive language or reframing, the use of responsible and ethical AI could be helpful—especially when the paralegal needs assistance drafting a timely, neutral response.⁷⁷

VII. CONCLUSION

ADR-informed communication skills are a distinct professional competency for paralegals. Mastering these skills does not convert paralegals into lawyers, therapists, or formal mediators.

Instead, it equips paralegals to perform their existing intermediary role with greater intention, accuracy, and ethical awareness.

The paralegal, a frequent and front-line recipient of the client's first expression of fear, frustration, or confusion, may also be the person who must translate the concern into information the attorney can evaluate. Within the law office, a paralegal communicates between professionals who differ in authority, experience, workload, personality, and expectations. In every setting, the paralegal's words can either intensify the conflict or move the communication toward clarity. ADR provides a practical framework for making that choice. Active listening helps identify the actual concern. Emotional acknowledgment permits a person to feel heard without requiring agreement. Reframing separates the underlying interest from the accusation used to express it. Expectation management replaces assumptions with concrete understandings. Boundary setting preserves professionalism and protects the limits of the paralegal's role.

Paralegal education and workplace training should address the competent and ethical use of AI and LLMs, which increasingly affect contemporary paralegal practice. AI may support ADR-informed communication, but it should remain a limited instructional and drafting aid. Because ADR-informed communication depends on judgment, empathy, context, and accountability, AI should supplement rather than replace the human competencies that this article seeks to develop.

Together, these competencies allow the paralegal to *run with the hare and hunt with the hounds*—not through duplicity or divided loyalty, but through disciplined communication that recognizes competing concerns without losing sight of professional responsibility. These competencies should be introduced in paralegal education, practiced through realistic simulations, reinforced through mentorship and workplace protocols, and safeguarded by attorney supervision and ethical rules.

¹ Historically, the phrase was “hold with the hare and run with the hound.” “This phrase originates as one of the oldest recorded figures of speech in the English language, with its roots stretching back to at least the 15th century. The earliest documented written use appears in John Lydgate’s “Proverbs” (circa 1430-1440), where it was presented as a well-known saying, suggesting oral circulation prior to this timeframe. The phrase traditionally described the perceived inconsistency or duplicity of supporting opposing sides of the same dispute. THE OXFORD DICTIONARY OF PROVERBS 151 (Jennifer Speake ed., 6th ed. 2015) (entry for “hold with the hare and run with the hounds”). This article intentionally reclaims the proverb as a metaphor for the paralegal's role as an intermediary communicator who applies ADR-informed communication techniques without abandoning professional or ethical obligations.

² *Id.*

³ *Id.*

⁴ Keisha L. Stokes-Hough, *Best Practices for Collaborating Effectively with Paralegals*, LAW PRAC. TODAY (July 9, 2026), https://www.americanbar.org/groups/law_practice/resources/law-practice-today/2026/july-2026/best-practices-for-collaborating-effectively-with-paralegals/ (recommending lawyers introduce paralegals to clients, explain their roles, and communicate expectations clearly); see Arthur G. Greene & Therese A. Cannon, *Paralegals, Profitability, and the Future of Your Law Practice*, ABA, <https://www.americanbar.org/content/dam/aba/administrative/paralegals/downloads/shiftingwork.pdf>; Am. Bar Ass’n, *Information for Lawyers: How Paralegals Can Improve Your Practice* (explaining how clients benefit from increased contact with law practices through paralegals and that attorneys should ethically explain the contact paralegals will have with clients; this “shifting” of work can improve a law practice’s bottom line, quoting “[s]hift a substantial portion of the traditional lawyer work to the paralegal. Finally produce enough business to keep one lawyer and three paralegals busy.”), https://www.americanbar.org/groups/paralegals/profession-information/information_for_lawyers_how_paralegals_can_improve_your_practice/ (last visited July 20, 2026)[hereinafter *How Paralegals Can Improve Your Practice*].

⁵ Stokes-Hough, *supra* note 4.

⁶ The author joyfully cites to THE WIZARD OF OZ (MGM 1939), where the Wicked Witch tells Dorothy: “These things must be done delicately, or you hurt the spell!”

⁷ NALA, The Paralegal Association, for example, lists a paralegal’s core competencies as ethics, legal knowledge, durable skills, critical thinking, research and analysis, technology proficiency, writings and communications, and organization. *Navigating the Paralegal Landscape: NALA’s Essential Core Competencies*, NALA Para. Ass’n, <https://nala.org/nalas-essential-core-competencies/> (last visited July 28, 2026).

⁸ *Id.* (“Clear and concise communication is crucial for drafting legal documents, interacting with clients, and maintaining effective correspondence.”); *see also* *How Paralegals Can Improve Your Practice*, *supra* note 4 (“Good communication skills, both oral and written, are essential.”). There are no specific references to “dispute or conflict resolution” as included in communication skills.

⁹ *Sensitive Language for a Service Profession*, 28 PROB. & PROP. 64 (Mar.-Apr. 2014).

¹⁰ “In some ways, ADR is defined by what it is not. It is an alternative to solving problems by power, the courts, violence, or any other forum in which one party’s inherent advantages rule out a fair settlement. It can be applied to any problem between individuals, groups, or nations, from labor strife to trade issues to marital discord. In its purest form, it seeks to get beyond the cloud of the present difficulties and resolve matters in a way that does not just stop the fighting but allows the participants to build a better relationship for the future.” JEROME T. BARRETT & JOSEPH P. BARRETT, A HISTORY OF ALTERNATIVE DISPUTE RESOLUTION xiv (2004).

¹¹ Charlie Penrod, *Speaking the Language of the Law: Incorporating Basic Complaint and Answer Assignments Throughout an Undergraduate Paralegal Studies Curriculum*, J. PARALEGAL EDUC. & PRAC. 1(2), 73-84 (2026).

¹² David A. Levy, *Ethical Considerations for the Use of Artificial Intelligence by Lawyers and Paralegals*, 1 J. PARALEGAL EDUC. & PRAC. 1(3) (2025); Mari Garza, *Talkin’ ‘Bout My G-G-G-Generation: Leveraging Multigenerational Dynamics of Paralegals*, 1 J. PARALEGAL EDUC. & PRAC. 1(2), 85-103 (2026).

¹³ *See generally* Laura J. Cooper, *An Experiment in Legal Education: Simulating ADR Processes in the Capstone Course on Labor and Employment Law*, DISP. RESOL. J., Feb.-Apr. 2011, at 50, 52 (reflecting on how realistic dispute resolution comes to life in an experimental law school course); Martin H. Malin & Deborah I. Ginsberg, *Flipping the Classroom to Teach Workplace ADR in an Intensive Environment*, 67 J. LEGAL EDUC. 615 (2018) (finding introducing simulations to doctrinal based classes, though challenging, are increasingly important considering recent ABA requirements for incorporating experiential learning to law school curricula).

¹⁴ *See generally* Andrea Kupfer Schneider, *Building a Pedagogy of Problem-Solving: Learning to Choose Among ADR Processes*, 5 HARV. NEGOT. L. REV. 113, 114 (2000) (examining an area in which ADR and its pedagogy remain deficient); *Negotiation Journal* describes itself as a peer-reviewed venue devoted to the theory, practice, and instruction of negotiation and mediation, and published work in that field has argued that legal education should incorporate emotions training, negotiation reflection, peer feedback, and client-counseling pedagogy, <https://direct.mit.edu/ngtn> (last visited July 20, 2026).

¹⁵ Levy, *supra* note 12; Garza, *supra* note 12.

¹⁶ CHRISTOPHER W. MOORE, THE MEDIATION PROCESS: PRACTICAL STRATEGIES FOR RESOLVING CONFLICT 3 (2014); *see generally* BARRETT & BARRETT, *supra* note 10 (presenting the origins of and the centuries-long history of ADR, connecting ADR work of the twenty-first century with that of previous centuries).

¹⁷ MOORE, *supra* note 16, at 3.

¹⁸ BARRETT & BARRETT, *supra* note 10, at xii-xiii, xvi, xix.

¹⁹ MOORE, *supra* note 16, at 3.

²⁰ Schneider, *supra* note 14, at 115 (citing KIMBERLEE K. KOVACH, MEDIATION: PRINCIPLES AND PRACTICE 6 (1994)).

²¹ *Id.* at 116.

²² *Id.*; *see* STEVEN B. GOLDBERG ET AL., DISPUTE RESOLUTION: NEGOTIATION, MEDIATION, AND OTHER PROCESSES (1999) for an explanation of these other processes.

²³ MOORE, *supra* note 16, at 181-215 (Chapter 6: The Mediation Process: An Overview, detailing the process of mediation); *see generally* BARRETT & BARRETT, *supra* note 10 (for a historical overview of the development of ADR and current ADR practices).

²⁴ Schneider, *supra* note 14, at 116 (“Arbitration, on the other hand, is an adjudicatory process by which a third party decides the outcome of the dispute.”).

²⁵ *See* Gerben A. van Kleef & Stéphane Côté, *Emotional Dynamics in Conflict and Negotiation: Individual, Dyadic, and Group Processes*, 5 ANN. REV. ORGANIZATIONAL PSYCH. & ORGANIZATIONAL BEHAV. 437 (2018) (The article’s Introduction and first sentence reads “Conflict is an intrinsic part of life.”), <https://doi.org/10.1146/annurev-orgpsych-032117-104714>.

²⁶ See Cal Gutkin, *To diagnose, or not to diagnose: that is the question*, 55 CAN. FAM. PHYSICIAN, Mar. 2009, at 320, <https://pmc.ncbi.nlm.nih.gov/articles/PMC2654817/pdf/0550320.pdf>.

²⁷ See generally MOORE, *supra* note 16, at 106-168 (Chapter 2: Conflict Analysis, specifically regarding the “Circle of Conflict” at page 110 which identifies factors such as issues; needs; interests; options; understandings; agreements; the people or parties involved; their histories, relationships, and interactions; their emotions; their communications; the information available or unavailable that are relevant for resolving differences; the available procedures used by the parties to try to resolve the dispute; the parties’ possession and use of power and influence to influence outcomes; a range of structural factors that create limits or parameters in which a dispute may or can be resolved; and beliefs, values, and attitudes as areas where causes of conflict or opportunities for collaboration exist).

²⁸ Peter Reilly, *Teaching Law Students How to Feel: Using Negotiation Training to Increase Emotional Intelligence*, 21 NEG. J. 301 (2005).

²⁹ See MOORE, *supra* note 16, at 116, 153-58, 166-68 (discussing the drivers of conflict and the opportunities for collaboration).

³⁰ See *id.*

³¹ JURI D. KROPOTOV, FUNCTIONAL NEUROMARKERS FOR PSYCHIATRY 216-17 (2016).

³² See *id.*

³³ See Philipp Kanske & Ryan J. Murray, *The Neurobiological Bases of Understanding Others*, 134 CORTEX, 351-57 (2021).

³⁴ See James J. Gross et al., *Emotion Regulation in Intractable Conflicts*, 22 CURRENT DIRECTIONS PSYCHOL. SCI. 423 (2013).

³⁵ See *infra* Section III.

³⁶ See MOORE, *supra* note 16, at 116, 153-58, 166-68 (discussing the drivers of conflict and the opportunities for collaboration).

³⁷ *Id.* at 248.

³⁸ *Id.*

³⁹ *Id.* at 254-56 (listing the steps to active listening).

⁴⁰ *Id.*

⁴¹ *Id.* at 257-59.

⁴² *Id.* at 542-44.

⁴³ See *id.*

⁴⁴ *Id.* at 251-53 (“Different kinds of nonverbal communication—eye contact (or lack thereof); facial gestures and positioning of the head or body; restraint or active use and movement of arms, hands, fingers, or legs; closeness, distance, or touching—may all communicate how an intermediary or party thinks or feels about their connection with each other or topics under discussion.”)

⁴⁵ *Id.* at 251-52 (“Nonverbal communication is highly culture specific. For example, members of different cultures may like and accept or dislike and reject direct or indirect eye contact, and may also have diverse facial expressions with different meanings. This may especially be true between men and women or people of different ages, status, rank, and so forth.”); Walter A. Wright, *Cultural Issues in Mediation: A Practical Guide to Individualist and Collectivist Paradigms*, MEDIATE (Jan. 8, 2000), <https://www.attorney-mediators.org/Resources/Documents/Cultural%20Issues%20In%20Mediation%20-%20A%20Practical%20Guide%20to%20Individualist%20and%20Collectivist%20Paradigms.pdf>.

⁴⁶ MOORE, *supra* note 16, at 261.

⁴⁷ MODEL RULES OF PROF. CONDUCT R. 5.3(B), 5.5(a) (AM. BAR. ASS’N 2025); see also *infra* Section VI.

⁴⁸ Jesse R. Bacalis, *There is a Better Way to Negotiate*, MICH. B.J., July 1996, at 678-79.

⁴⁹ *Id.*

⁵⁰ *Id.* at 679 (emphasis in original).

⁵¹ Maria Kantzavelos, *Handling Confrontational Clients*, 100 ILL. B.J. 636 (2012).

⁵² Bill Eddy, *Calming Upset People with EAR*, in *24th Annual Advanced Alternative Dispute Resolution* ch. 2, at 17-21 (State Bar of Tex. 2026).

⁵³ *Id.*

⁵⁴ Kantzavelos, *supra* note 51, at 640.

⁵⁵ *Id.*; Bill Eddy, *How to Write a BIFF Response*, in *24th Annual Advanced Alternative Dispute Resolution* ch. 2, at 23-24 (State Bar of Tex. 2026).

⁵⁶ Upon satisfactory completion of the Texas State ADR course, by attending at least forty hours of class and completion of all course requirements with a grade of “B” or higher, the student earns a mediation certificate which satisfies the state of Texas’s required qualifications for the appointment as an impartial third-party. TEX. CIV. PRAC. &

REM. CODE § 154.052(a). Be sure to check a state's requirements for a mediation certificate before any ADR course design and implementation.

⁵⁷ See Texas State Legal Studies Program Mediation Certificate Elective, <https://www.polisci.txst.edu/graduate-programs/master-of-arts-in-legal-studies/prospective-students/certificates/mediation.html> (last visited July 27, 2026).

⁵⁸ See generally Regina Stuart & Sharon Yamen, *Yes, and . . . the Classroom: Using Improvisation to Prepare Paralegals for the Profession and Improve Student Engagement*, J. PARALEGAL EDUC. & PRAC. 1(1) at 41-47 (2025)(describing pedagogical techniques on improvisation in paralegal education).

⁵⁹ See Jay M. Zitter, Annotation, *What Constitutes Unauthorized Practice of Law by Paralegal*, 109 A.L.R.5th 275 (2003).

⁶⁰ MODEL RULES OF PROF. CONDUCT R. 5.3(B), 5.5(a) (AM. BAR. ASS'N 2025); see also *infra* Section VI.

⁶¹ Stephen A. Rosenbaum, *The Juris Doctor Is In: Making Room at Law School for Paraprofessional Partners*, 75 TENN. L. REV. 315, 330 (2008)(arguing a paraprofessional curriculum at a shared law school should not mirror a conventional paralegal certification program, but rather should add to standard doctrinal courses, focusing on skills and traits such as ADR); see, e.g., Debra J. Monke, *What to Know Before Your Firm Hires a Legal Assistant: Why Paralegal Certificate Counts*, 41 TENN. B.J. 22, 23-24, 36 (describing curriculum topics required for standard and advanced certification by a national paralegal association). One paralegal institute coordinator observed: "Even among paralegal educators, there's a great deal of debate about just exactly what we should be teaching paralegal students . . ." Lori Tripoli, *How To Find and Groom the Practiced-and Practical-Paralegal*, 3 Of Counsel 12, 12 (2007) (quoting Pam Bailey, program coordinator of the Duquesne University Paralegal Institute).

⁶² MODEL RULES OF PROF. CONDUCT R. 5.3(B), 5.5(a) (AM. BAR. ASS'N 2025); see also *infra* Section VI.

⁶³ See *infra* Section IV.

⁶⁴ Nadyne B. Weismann, *There Is Life After the Law Firm!*, MONT. LAW., Aug. 2002, at 20 ("I have not worked as a traditional 'paralegal or legal assistant' for about six years, but I continue to use my training and experiences in my new profession as a mediator. I still work with attorneys and the court — but in a non-adversarial capacity.").

⁶⁵ See generally *Measuring the Merit of ADR*, ALTS. HIGH COST LITIG., July-Aug. 1996 (reporting a paralegal was trained in to gather necessary information and handled consultations and negotiations with customers); see Dana H. Freyer, *Integrating ADR: A Matter of Legal Practice*, DISP. RESOL. J., Apr.-Sept. 1996, at 47; Kenneth L. Jacobs, *How to Implement an "Appropriate Dispute Resolution" Program in your Litigation Department*, 76 MICH. BAR J. 76, 156 (1997).

⁶⁶ Garza, *supra* note 12, at 87.

⁶⁷ Jillian Boone, *The one question every mentor, coach and boss should be asking*, ABA (Feb. 27, 2029, 9:32 A.M.), <https://www.abajournal.com/voice/article/the-one-question-every-mentor-coach-and-boss-should-be-asking>.

⁶⁸ See TEX. CIV. PRAC. & REM. CODE § 154.052(b) ("To qualify for an appointment as an impartial third party under this subchapter in a dispute relating to the parent-child relationship, a person must complete the training required by Subsection (a) [40 hours] and an additional 24 hours of training in the fields of family dynamics, child development, and family law, including a minimum of four hours of family violence dynamics training developed in consultation with a statewide family violence advocacy organization.").

⁶⁹ But see Bill Eddy, *De-Escalating High Conflict Individuals*, in *24th Annual Advanced Alternative Dispute Resolution* ch. 2, at 5-16 (State Bar of Tex. 2026).

⁷⁰ Gutkin, *supra* note 26.

⁷¹ See *supra* Section II.

⁷² MODEL RULES OF PROF. CONDUCT R. 1.1(8) (AM. BAR. ASS'N 2025); ABA Comm. On Ethics & Pro. Resp., Formal Op. 512 (2024) (specifically addressing competence, confidentiality, communication, independent professional judgment, and supervision in the use of generative AI tools).

⁷³ MODEL RULES OF PROF. CONDUCT R. 1.1(8) (AM. BAR. ASS'N 2025); see also Garza, *supra* note 12, at 90-91.

⁷⁴ MODEL RULES OF PROF. CONDUCT R. 1.6 (AM. BAR. ASS'N 2025).

⁷⁵ MODEL RULES OF PROF. CONDUCT R. 5.1, 5.3(c)(1)-(2) (AM. BAR. ASS'N 2025).

⁷⁶ ALVIN K. BENSON, *History of the Paralegal Profession* (2022).

⁷⁷ MODEL RULES OF PROF. CONDUCT R. 1.4 (AM. BAR. ASS'N 2025).

KEYWORDS: ALTERNATIVE DISPUTE RESOLUTION; ADR; DISPUTE RESOLUTION; CONFLICT RESOLUTION COMMUNICATION; COMMUNICATION SKILLS; PEDAGOGY; ETHICS; ETHICAL RULES; ETHICS OF AI; ARTIFICIAL INTELLIGENCE; GENERATIVE ARTIFICIAL INTELLIGENCE; AI; GEN AI; PARALEGAL EDUCATOR; PARALEGAL EDUCATION; PARALEGAL PRACTICE.