

Litigation Assessment

Date First Prepared: _____

Last Updated: _____

SUMMARY:

Claimant Name:	Venue:
In-house Attorney:	Docket No.:
Outside Attorneys Assigned [<i>Firm, Lead Attorney</i>]:	Date Filed [<i>Including Amendment Dates</i>]:
Decision Tree Attached?	
Mediation Candidate?	Judge [<i>Arbitration panel in the case of arbitration</i>]:
Budget Amount:	Opposing Counsel:
Budget Attached?	Settlement Value:

Is there anything that makes this case special or unusual?

From Management's perspective? _____
From the business unit's perspective? _____

From the Law Department's perspective? ____
From a public relations perspective? _____

THE TEAM:

Inside Counsel:

Business Unit Responsible _____

Outside Counsel:

Business Unit Contact _____

THE CLAIM:

A. Description of Matter:

B. Type of Case:

- | | | |
|-------------------------------------|--|--|
| <input type="checkbox"/> Antitrust | <input type="checkbox"/> Securities | <input type="checkbox"/> Environmental |
| <input type="checkbox"/> Contract | <input type="checkbox"/> Product Liability | |
| <input type="checkbox"/> Employment | <input type="checkbox"/> General Tort | |

C. Named Defendants:

- | | | |
|-------------------------------------|------------------------------------|----------------------------------|
| <input type="checkbox"/> Parent | <input type="checkbox"/> Officers | <input type="checkbox"/> Vendors |
| <input type="checkbox"/> Subsidiary | <input type="checkbox"/> Directors | |
| Which one? _____ | <input type="checkbox"/> Customers | |

D. Key Issues:

[Identify, with specificity, the critical (outcome determinative) issues in the case]:

RISK MANAGEMENT:

A. All or Any Parties of Claim Insured? ____ Yes ____ No
• Who made the decision? _____

B. If yes, have all potentially applicable policies been located? ____ Yes ____ No

C. If no, who is responsible for locating all potentially applicable policies? _____

D. Has notice been sent to all carriers potentially on the risk? ____ Yes ____ No
• Who sent notice? _____
• On what date? _____

E. Carrier response to notice _____

F. Reporting requirement: _____

OUR ADVERSARY:

A. Do we have an on-going business relationship with our adversary? ____ Yes ____ No

If yes, what is the annual amount? _____
(Anything over \$_____ requires business approval of case strategy.

B. Is our adversary a person _____ or corporation _____?

If a corporation, what is its annual revenue?

C. Opposing Counsel: _____
Reputation? _____

D. Inside Contact Identified: _____

Key issues [*Identify, with specificity, the key (outcome determination) issues in the case*]:

Case Evaluation:

1. Provide an assessment of each of the allegations and alleged damages. Assessment should address, for example, likelihood of success, including percentages. Any decision-tree or similar analysis should be incorporated into the plan.
2. Assess opposing counsel.
3. Assess venue.
4. What is the settlement value of the case?
5. What is the worst possible risk to the Company (90% certainty)?

Overall Disposition Strategy:

[Provide a brief statement of the overall disposition strategy for the matter. This should include a brief statement of what the primary objective is, i.e., trying, settling or dismissing the case, and the timetable to reach the primary objective.]

Mediation required by Contract? _____
Arbitration Clause? _____

Detail Strategy:

1. **Discovery Objectives:** *[Describe the objective of each phase during discovery, and within each phase where appropriate (e.g., individual to be deposed).]*

2. **Anticipated Discovery Problems:** *[Describe]*

3. **Electronic Discovery Issues:**

4. **Motions:**

[a. Explain, for each motion anticipated, the objective, the discovery necessary, the schedule and the effect of the motion on the overall strategy.

b. Explain anticipated motions by opposition and strategy for responding.]

5. **Experts:**

[a. Describe each expert needed in the litigation, for which issues and, if possible, recommend specific individuals.

b. Describe types of anticipated experts for opposition.]

6. **Trial:**

[a. Describe the strategy for proceeding to trial, the likely phases of the trial, and the schedule.

b. Assess the likelihood of trial.]

7. **Settlement, Mediation or Other ADR:** *[Virtually all cases resolve. Explain settlement strategy, including assessment of likelihood of settlement, and the strategy for positioning case for settlement.]*

- Does contract at issue require mediation? ____ Yes ____ No

If yes, attaché relevant provision.

Attorneys on the Case:

[For each attorney on the case, attach the attorney's bio and indicate here each attorney's role in the case. Lawyers who are not listed here are not permitted to bill time to this matter without [CLIENT'S] consent.]

APPROVED:

SUBMITTED BY:

[CLIENT]

Name

Lead Outside Attorney:

Date:_____

Modifications noted:

Date:_____

[CLIENT]

Lead Outside Attorney

Litigation Assessment

(Repetitive Litigation Addendum)

How many similar cases have been filed against [CLIENT]? _____

What is the Company's settlement history with this type of case?

Average settlement _____

High settlement _____

Low settlement _____

What is the average number of days from filing to resolution? _____

Has [CLIENT] litigated claims against the plaintiff's lawyer before? _____

If yes, provide information regarding the nature of claims litigated and settlement history:

Are there any special facts that make this case unusual?