

**Attorney – Client Communication
Privileged, Confidential, and Exempt from
Disclosure under applicable law. Contains
material prepared by counsel and may
include advice of counsel.**

DOJ/ORM REQUEST FOR SETTLEMENT AUTHORITY

Caption of Case:
JDC and Docket Number:

**TRIAL DATE:
OTHER CRITICAL DATES:**

ORM #:
MRP# (if applicable):

**EVENT WHICH
PROMPTS REPORT:**
(see instructions at end of form)

Client:

Adjuster:
Telephone No.

Defense Counsel:
Telephone No.

Type of Case:
Date Submitted:

Plaintiffs:

Plaintiff Attorney:
Assessment of Attorney:

Co-Defendant(s):
Name:

Attorney:
Assessment of Attorney:

Judge's Name:
Parish/City:
Assessment of Judge and Venue:

JURY: (Yes or No)
Assessment of Venue:

Plaintiff's Demand:

Requested Settlement Authority:

DRL Approved Authority:

ORM Approved Authority:

- I. **Facts:**
- II. **Summary of:**
 - A. **Pleadings filed** (including rulings on dispositive motions and/or exceptions, and the affect on ultimate trial of this case)
 - B. **Discovery completed**
- III. **Current Stage in the Proceeding** (also note deadlines in any applicable case management schedule)
- IV. **Incidental Actions**
- V. **Evaluation of Liability** (discuss theories of recovery, facts, law and jurisprudence)
 - A. **State's exposure**
 - B. **Exposure of all other parties/persons**
(Describe comparative fault of plaintiff, co-defendants, unnamed third parties and evidence to support same.)
- VI. **Experts (Both Medical and Non-Medical):**
 - A. **Plaintiff's Experts**

Name:

Specialty:

Short summary of opinion:
 - B. **Client's Experts**

Name:

Specialty:

Short summary of opinion:
 - C. **Co-defendant's Experts**

Name:

Specialty:

Short summary of opinion:
- VII. **Pretrial Motions and Evidentiary Issues:** (list each motion you anticipate being filed before trial, including motions in limine and Daubert motions, and indicate any evidentiary problems that may affect the outcome of the case)
- VIII. **Other Procedural Matters Affecting Outcome of Case**

IX. Strengths and Weaknesses of a Trial of this Matter

X. Damages: (Describe each element of plaintiff's damage claim and the evidence to support or contradict same, including but not limited to opinions of treating physicians and IME. If multiple plaintiffs, list claims of each separately. Provide information regarding treatment of injuries)

A. Itemization of medical expenses

B. Itemization of other special damages (including loss of earnings)

C. Other damages sought or claims asserted

XI. Quantum Analysis: (discuss jurisprudence on range of awards for damages/claims asserted by plaintiff)

XII. Liens Asserted and Amounts Thereof:

XIII. Range of Verdict if Case is Tried:

XIV. Recommendations of Defense Counsel and Reasons Therefor:

Submitted: _____
(Type Name)

Date:

Section Chief Comments: _____

Approved: _____ Date: _____
Section Chief

Adjuster Comments: _____

Approved: _____ Date: _____
(Type Name)

Office of Risk Management Comments (supervisor/manager/administrator) if applicable:

Approved: _____ Date: _____
(Type Name)

Senior Counsel to the Attorney General's Comments (Up to \$999,999):

Approved: _____ Date: _____

JOHN W. SINQUEFIELD
SENIOR COUNSEL TO THE ATTORNEY GENERAL

Attorney General's Comments (Over \$1,000,000)

Approved: _____ Date: _____

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

INSTRUCTIONS TO BILLING ATTORNEY FOR SUBMISSION OF RSA:

1. INITIAL RSA

Submission of the INITIAL RSA is triggered by one of the following events, and is due within the applicable time frame set forth below:

(a) IMMEDIATE NOTICE—RECEIPT OF OFFER OF JUDGMENT

Billing Attorney shall **immediately** notify the adjuster upon receipt of an Offer of Judgment from the Plaintiff or a co-defendant, and shall submit a completed RSA as soon as possible to the Adjuster, the appropriate Section Chief, and the Deputy Director of Litigation.

(b) TEN DAY DEADLINE

Billing Attorney shall submit completed RSA form within **10 days** (unless otherwise specified) of the occurrence of any of these other events:

- Receipt of settlement offer from Plaintiff
- Receipt of request to mediate/arbitrate from any party
- Receipt of Notice of Status Conference to set trial date
- Counsel's determination that liability is certain and/or settlement is advisable
- Settlement activity on the part of any co-defendant
- Receipt of instructions from ORM adjuster to make an offer of judgment to plaintiff. (Prior written approval of DOJ required before offer may be extended.)
- Any significant or unusual event which changes the evaluation of the State's exposure
- Receipt of request from adjuster

(c) THIRTY DAY DEADLINE

Billing Attorney shall submit completed RSA form at least **30 days** (or as soon as practicable) prior to any **status conference** at which it may be **reasonably anticipated that settlement will be discussed by the Trial Judge or his designee**

2. SUPPLEMENTAL RSA'S

Billing Attorney shall submit a SUPPLEMENTAL RSA when (1) there is a significant change in counsel's evaluation of liability and/or quantum as reported in the previous RSA or (2) when requested by the Adjuster. It is recommended that any new information or new evaluation be set forth in **boldface type** on the Supplemental RSA form.

3. PRE-TRIAL REPORT RSA---DUE 60 DAYS PRIOR TO TRIAL

Unless otherwise instructed by the Adjuster, the RSA form is to be used for preparation of a Pre-Trial Report, and it is due at least 60 days prior to trial.

When a trial is continued, an updated Pre-Trial Report RSA shall be submitted (unless instructed otherwise by the adjuster) at least 60 days prior to the new trial date and it must include a description of any

significant developments, including pre-trial rulings that bear on the assessment of liability or damages, a re-cap of settlement discussions, and any other new information that affects resolution of the case.

Billing Attorney shall mail, fax or email the completed RSA to the adjuster and the appropriate Section Chief at the Department of Justice and email a copy to the DOJ Deputy Director at LitDir@ag.state.la.us .