

Confidential Legal Work Product

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Effective 07/01/10

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

INITIAL CASE ASSESSMENT FORM

PLAINTIFFS:

COURT:

DOCKET NO:

VS

DEFENDANTS:

DIVISION:

JUDGE:

PARISH:

DATE SUIT FILED:

DATE SUIT SERVED:

ORM NUMBER:

ORM ADJUSTER:

OFFICE/SECTION:

BILLING ATTORNEY:

Telephone Number:

CONTRACT ATTORNEY:

(If different from billing attorney)

CONTRACT ATTORNEY INFORMATION:

FIRM NAME:

TAX ID NO:

ADDRESS:

STATE VENDOR NO:

SUITE:

TRIAL ATTORNEY:

CITY, STATE & ZIP:

NAME:

P.O. BOX CITY, STATE & ZIP:

BAR ROLL NO:

SOCIAL SECURITY NO:

PHONE:

DATE OF ADMISSION TO PRACTICE:

EMAIL:

STATE ENTITIES:

DEPARTMENT/AGENCY

EMPLOYEE, OFFICER OR OFFICIAL

TITLE OR POSITION

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PLAINTIFF'S ATTORNEYS:

CO-DEFENDANTS:

CO-DEFENDANT'S ATTORNEYS:

THIRD PARTY DEFENDANTS:

THIRD PARTY DEFENDANTS' ATTORNEYS:

DATE PREPARED:

- I. FACTS (alleged/established/inferred):
 - A. Plaintiff's Claims:
 - B. Accident Report/Investigative File:
 - C. Any other source of information:
- II. PLAINTIFF'S CAUSES OF ACTION AND/OR THEORIES OF RECOVERY:
- III. STATUTORY DEFENSES OR CASES ON POINT
(A very brief [1 hour or less] review of pertinent statutes and cases is permitted to assist in development theory of defense which in turn will assist in development of plan of action)
- IV. CRITICAL DATES:
 - A. Answer Due:
 - B. Other:
- V. RESPONSIVE PLEADINGS:
 - A. Exceptions:
(list each exception separately, with brief description of basis for same)
 1. If applicable has plaintiff exhausted administrative remedies, MRP, ARP etc.
 - B. Jury Request approved by ORM:
 - C. Jury Request plead in conformity with CCP 893 and CCP 1731 (Y or N):
 - D. Signed order obtained for jury bond exemption or suspension in conformity with R.S. 13:4521, R.S. 13:4581 and R.S. 13:5112 (Y or N):
 - E. Affirmative Defenses plead:
 - F. Comparative Fault plead:
 - G. Claim for Contribution or Indemnity:
- VI. INITIAL EVALUATION OF LIABILITY (all parties):
(describe each party's exposure in separate paragraph)

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- VII. **DAMAGES** (alleged/established/inferred):
(List each element of damage claimed in the Petition, whether it is allowable under law, and whether there is evidence to support it.)
- Medicare Lien \$
- Other Lien \$
- VIII. **INITIAL MOTIONS:**
(list each Motion separately, with brief description of _____ for same)
- IX. **PLAN OF ACTION: INVESTIGATION AND DISCOVERY**
(List each task anticipated, needed and/or required to develop defense of case; and where applicable, designate whether task has been accomplished):
- A. **By ORM:**
- B. **By Agency/individual defendant:**
(list contact information where available)
- C. **By Trial Counsel:**
(CAs applicable provide name(s), description of document which separate defense of claim and type of discovery request)
1. Interviews/Documents from Client/Witness/Investigating Agent:
 2. Written Discovery:
 3. Depositions:
 - a. Plaintiffs:
 - b. Client:
 - c. Co-Defendants:
 - d. Fact/Eye Witnesses:
 - e. Agency Policy/Procedure Witnesses:
 - f. Treating health care providers:
 - g. Non-medical Experts:
 4. Inspections:
 5. Analysis of client/agency documents for privilege
 6. Document Production to plaintiff/co-defendants:
- X. **EXPERTS**
- A. Identify by specialty the type of non-medical expert(s) needed to defend case; and advise whether in-house versus private expert(s) are appropriate
- B. IME, identify specialty:
- XI. **ORM RESOURCES:**
(Identify ORM resources that will assist in preparation of defense of case)

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XII. INITIAL DEFENSE BUDGET: CONTRACT ATTORNEYS MUST SUBMIT BUDGET THROUGH TRIAL NET UTILIZING UTBMS LITIGATION CODES

XIII. Maximum Judgment Value \$_____

Six Month Case Assessment Form Due:_____

Signature

=====

INSTRUCTIONS TO TRIAL COUNSEL FOR SUBMISSION OF INITIAL CASE ASSESSMENT FORM:

The Initial Case Assessment is due **60 DAYS** from the date of acceptance of the contract.

It is recognized that trial counsel will not have sufficient information to complete many sections of this form at this early stage of the litigation. However, the form is designed to provoke thought and analysis of the defense of the case and the development of a plan of action to be discussed and agreed upon with the ORM Adjuster.

The analysis and description of Plaintiff's Causes of Action and/or Theories of Recovery are critical to the proper preparation of the defense in every case. It provides a road map for the types of witnesses and the documents that are needed. It should also be used to identify claims for which there is no basis in law and/or fact, and after consultation with the ORM adjuster, motions for partial summary judgment and/or dismissal should be filed accordingly.

THE DEFENSE BUDGET IS PARTICULARLY CRITICAL TO ORM, WHICH RECOGNIZES THAT ANY FIGURES ADVANCED ARE SIMPLY ESTIMATES AND WILL IN NO WAY RESTRICT THE EFFECTIVE DEFENSE OF THE CASE.

AT SUCH TIME AS THE ESTIMATES BECOME INACCURATE, TRIAL COUNSEL MUST PROVIDE UPDATED ESTIMATES TO THE ADJUSTER WITH A DESCRIPTION OF THE DEVELOPMENTS WHICH REQUIRE A REVISION TO THE INITIAL ESTIMATE. BUDGETS MUST BE SUBMITTED THROUGH TRIALNET UTILIZING UTBMS LITIGATION CODES.

TRIAL COUNSEL SHALL SUBMIT THE COMPLETED FORM TO THE ORM ADJUSTER VIA TRIALNET AND EMAIL OR FAX THE COMPLETED FORM TO THE APPROPRIATE SECTION CHIEF AT THE DEPARTMENT OF JUSTICE AND TO THE DOJ DEPUTY DIRECTOR AT LitDir@ag.state.la.us.

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