

Confidential Legal Work Product

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

SIX MONTH CASE ASSESSMENT

CAPTION OF CASE:

CLIENT:

JDC# AND PARISH:

Suit#

JUDGE:

DATE OF OCCURRENCE:

FILED:

SERVED:

ORM#

ADJUSTER:

OFFICE/SECTION:

BILLING ATTORNEY:

Telephone Number:

CONTRACT ATTORNEY:

(If different from billing attorney)

PLAINTIFF'S ATTORNEYS:

CO-DEFENDANTS:

CO-DEFENDANT'S ATTORNEYS:

THIRD PARTY DEFENDANTS:

THIRD PARTY DEFENDANTS' ATTORNEYS:

DATE PREPARED:

- I. FACTS (alleged/established/inferred):
(Describe information developed, since last report, via discovery and investigation.)
- II. CRITICAL DATES
- III. STATUS OF PLEADINGS
 - A. DESCRIBE (Briefly) PLEADINGS TO DATE BY ALL PARTIES
 - B. DISPOSITIVE MOTIONS ANTICIPATED TO BE FILED BY ANY PARTY

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- C. DISCOVERY MOTIONS ANTICIPATED TO BE FILED
- D. OTHER MOTIONS ANTICIPATED
- IV. DISCOVERY OBTAINED TO DATE
 - A. DEPOSITIONS
(Provide summary of significant testimony, assessment of credibility of witness, effect of testimony on outcome of case)
 - B. WRITTEN DISCOVERY
 - C. DOCUMENTS: (Provide brief summary of significant documents produced by any party to date)
 - D. INSPECTIONS
 - E. OTHER
- V. LAW APPLICABLE
 - A. PLAINTIFF'S BURDEN OF PROOF FOR EACH CAUSE OF ACTION AND/OR THEORY OF RECOVERY:
(Describe plaintiff's evidence, via combination of witnesses, documents, and/or experts in support of each and every element, each cause of action or theory of recovery.)
 - B. DEFENSES
 - 1. LEGAL (i.e., statutory immunity, lack of legal duty, etc.)
 - 2. FACTUAL (i.e., no evidence of defect, eye witnesses fail to support claim, treating physicians do not support causation of injury)
 - 3. COMPARATIVE FAULT
(Describe evidence that supports affirmative defense of fault of plaintiff, co-defendants, third party defendants, unnamed third parties)
 - C. COMPARATIVE LIABILITY
(Describe evidence produced or provided by any co-defendant or third party defendant that is adverse to State's exposure/liability.)
 - D. CONTRIBUTION OR INDEMNITY CLAIM
- VI. EVALUATION OF LIABILITY (all parties):
(Provide analysis and include opinion of plaintiff's chance of recovery by percentage fault assessed to State, all co-defendants and any unnamed third party)
- VII. EVALUATION OF DAMAGES (all parties):
 - A. List each element of damage claimed and whether the element is recoverable under applicable law, and describe evidence to support same.
 - B. Describe evidence developed to contradict plaintiff's damage claims.

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VIII. QUANTUM

A. Medical Specials

- 1. To Date \$
- 2. Future \$
- 3. Life Care \$
- 4. Other \$

TOTAL MEDICAL \$

B. Lost Wages

- 1. Past \$
 - 2. Future \$
- TOTAL WAGE CLAIM \$

C. General \$
(list each element claimed)

D. Other \$

TOTAL QUANTUM \$

E. Liens
Medicare \$
Other \$

IX. PLAN OF ACTION: STATUS OF INVESTIGATION AND DISCOVERY

A. COMPLETED

B. ADDITIONAL DISCOVERY NEEDED
(List each task separately, and identify person responsible for its completion)

C. RETENTION OF EXPERTS
(List each type of expert needed or field of expertise required, and whether such has been retained. If not yet retained, list suggested experts.)

X. WITNESSES – FACT AND EXPERTS
(list name, title, address and statement of anticipated testimony)

- A. PLAINTIFF:
- B. CLIENT:
- C. CO-DEFENDANT'S:
- D. THIRD PARTY DEFENDANT'S:
- E. IME, Identify by name, specialty and opinion

XI. EXHIBITS

A. PLAINTIFF

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- B. STATE
 - C. CO-DEFENDANT
 - D. THIRD PARTY DEFENDANT
- XII. TRIAL V. SETTLEMENT
- A. CONSIDERATIONS
 - 1. Precedent
 - 2. Philosophy of Venue (discuss potential jury pool and presiding judge)
 - 3. Timing
 - 4. Structured Settlement
 - 5. ADR/Mediation
 - 6. Other
- XIV. UPDATED DEFENSE BUDGET: CONTRACT ATTORNEYS MUST SUBMIT BUDGET THROUGH TRIALNET UTILIZING UTBMS LITIGATION CODES
- XV. Maximum Judgment Value \$_____

Reason for increase in defense budget:

Signature

INSTRUCTIONS TO TRIAL COUNSEL FOR SUBMISSION OF SIX MONTH CASE ASSESSMENT REPORT FORM:

This form is due **180 DAYS** from the date of acceptance of the contract.

Information developed since submission of the Initial Case Assessment (60 day report) is to be reported on this form. ORM will not pay attorneys' fees submitted for Six Month Case Assessment reports that are simply a regurgitation of the 60 day report or verbatim replication of information contained in correspondence. It is not acceptable to respond "Don't Know."

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 BUDGET ESTIMATES BECOME INACCURATE, TRIAL COUNSEL MUST PROVIDE UPDATED ESTIMATES TO THE ADJUSTER THROUGH TRIALNET UTILIZING UTBMS LITIGATION CODES.

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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.

ORM: NOT FOR USE DURING MEDICAL REVIEW PANEL PROCEEDINGS. USE ONLY FOR MEDICAL MALPRACTICE CLAIMS IN SUIT STATUS.