Revised 07/01/19

Effective 07/01/19

**SF-2 6 MONTH CA**

|  |
| --- |
| **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**

**Instructions:**

* This report is due one hundred eighty (**180) DAYS** from the date of acceptance of the contract, or Assignment to LP/DOJ staff attorney.
* This form is to be used for all matters except Workers’ Compensation matters in OWC court.
* The defense budget must be submitted in accordance with Section XIV.
* Team meetings in pre-litigation matters and cases which are only being monitored for attorney’s fees, shall be at the discretion of the DOJ Section Chief and ORM Manager.
* If the estimates in Sections XIV and XV become inaccurate, Counsel must provide updated estimates to the Adjuster.
* Contract counsel shall submit the completed form to the Adjuster via Acuity and electronically, to the Section Chief at the applicable email address listed below:
* LP/DOJ staff attorney shall submit the completed form, along with the Budget Summary Form (Attachment D, form SF-4), to the Adjuster and to the appropriate Section Chief electronically, at the applicable email address below; or, to the Regional Office Chief, if LP/DOJ attorney is housed in a Regional Office. The Regional Office Chief shall transmit the form to the appropriate Section Chief electronically, at the applicable email listed below:

[CivilRightsSectionChief@ag.louisiana.gov](mailto:CivilRightsSectionChief@ag.louisiana.gov)

[GeneralLiabilitySectionChief@ag.louisiana.gov](mailto:GeneralLiabilitySectionChief@ag.louisiana.gov)

[MedicalMalpracticeSectionChief@ag.louisiana.gov](mailto:MedicalMalpracticeSectionChief@ag.louisiana.gov)

[RoadHazardSectionChief@ag.louisiana.gov](mailto:RoadHazardSectionChief@ag.louisiana.gov)

TransportationSectionChief@ag.louisiana.gov

[WorkersCompSectionChief@ag.louisiana.gov](mailto:WorkersCompSectionChief@ag.louisiana.gov)



**High Exposure Case: \_\_\_\_\_Y \_\_\_\_\_N (As defined in Part XV of this Form)**

CAPTION OF CASE:

CLIENT:

JDC NUMBER AND PARISH: Suit Number: JUDGE:

DATE OF OCCURRENCE: FILED: SERVED:

ORM Number: ADJUSTER:

TPA Number (if applicable):

MRP Number (if applicable):

OFFICE/SECTION:

BILLING ATTORNEY:

Telephone Number:

CONTRACT ATTORNEY:

(If different from billing attorney)

PLAINTIFF ATTORNEY(S):

CO-DEFENDANT(S):

CO-DEFENDANT ATTORNEY(S):

THIRD-PARTY DEFENDANT(S):

THIRD-PARTY DEFENDANT ATTORNEY(S):

DATE PREPARED:

DATE OF TEAM MEETING:

(Within the first 90 days of assignment or as soon as practicable thereafter, but no later than 30 days prior to the due date of the SF-2).

1. FACTS (alleged/established/inferred):

(Describe information developed, since last report, via discovery and investigation)

II. CRITICAL DATES

1. STATUS OF PLEADINGS

A. DESCRIBE (Briefly) PLEADINGS TO DATE BY ALL PARTIES

B. DISPOSITIVE MOTIONS ANTICIPATED TO BE FILED BY ANY PARTY

1. DISCOVERY MOTIONS ANTICIPATED TO BE FILED
2. OTHER MOTIONS ANTICIPATED
3. 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)

1. 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)

1. 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

* 1. Describe evidence developed to contradict plaintiff’s damage claims

1. QUANTUM
2. Medical Specials

1. To Date $

2. Future $

3. Life Care $

4. Other $

TOTAL MEDICAL $

1. Lost Wages

1. Past $

2. Future $

TOTAL WAGE CLAIM $

1. General $

(List each element claimed)

1. Other $

(List separately)

TOTAL QUANTUM $

1. Liens

Medicare $

Medicaid $

La. Office of

Group Benefits $

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

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 an updated budget through Acuity utilizing UTBMS litigation codes. LP/DOJ Staff Attorneys must submit a budget utilizing the specified budget summary form.

If applicable, reason for increase in defense budget:

XV. Maximum Judgment Value $

***Note:*** When evaluating this claim, you will need to determine whether this is a **High Exposure** **case**. A high exposure case is defined as a case where the plaintiff(s) potential recovery is in excess of one million ($1,000,000.00) dollars, **inclusive of** interest, costs, attorney’s fees and consideration of comparative fault.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature