

# ANATOMY OF LITIGATING A CLAIM

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the do's and please don'ts of litigation





# HOUSTON, WE HAVE A PROBLEM

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how do we spot an issue at the workplace?



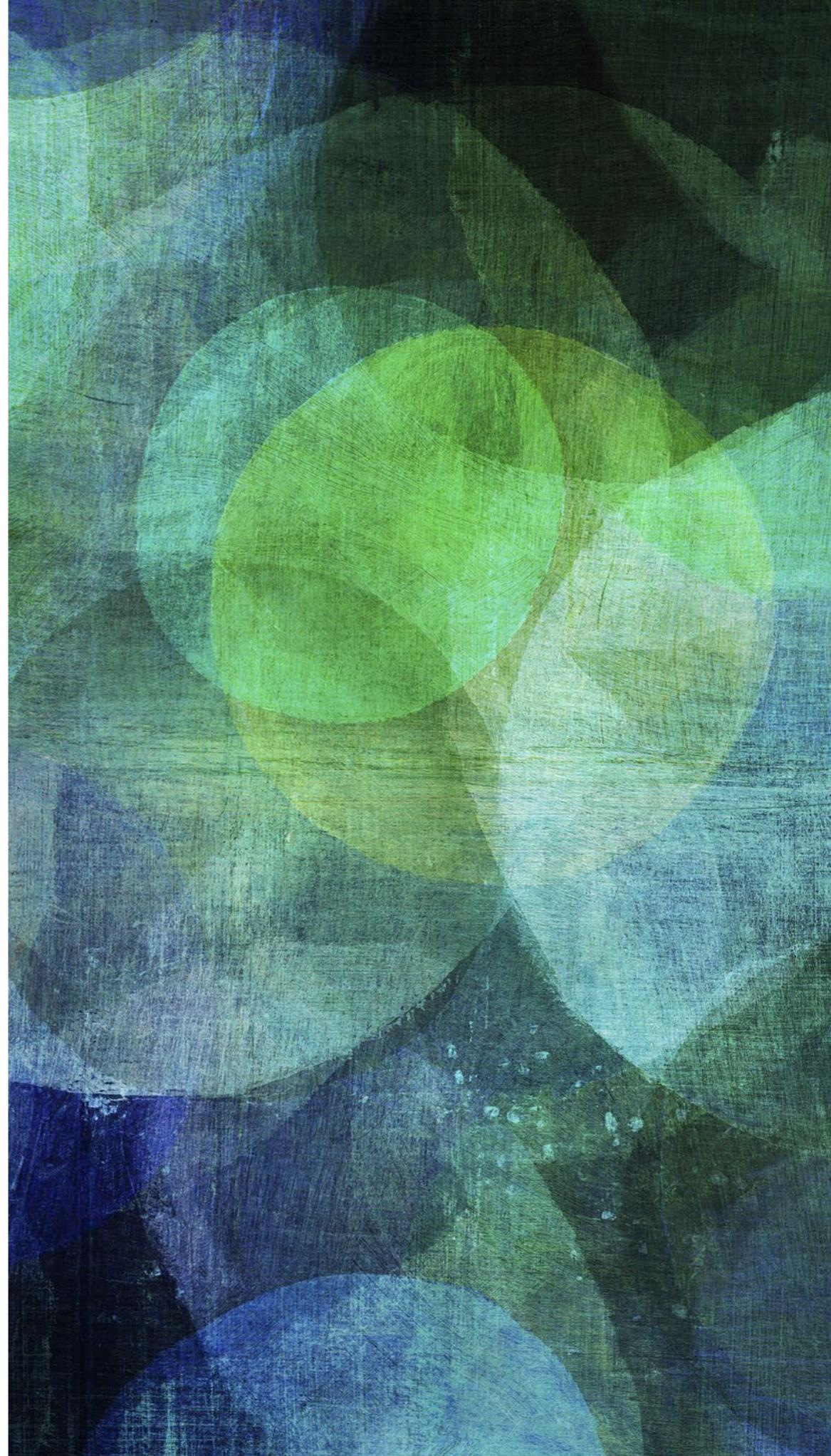
# AN OUNCE OF PREVENTION IS WORTH.....

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- ▶ Handbooks
- ▶ Policies
- ▶ Training

BE PROACTIVE

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Early and Often





# HOW CAN I HELP?

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- Be aware of rumblings in the workplace
- Investigate, investigate, investigate
- Document, document, document
- Have annual policy reviews
- Call upon your board attorney for guidance
- Schedule special trainings
- Make sure your sheriff and police are training as needed
- Sexual harassment training crucial



## WHAT IS MY LAWYER THINKING?

- .....
- ▶ the best offense is a good defense?
  - ▶ we are thinking of immunity first for individuals - qualified immunity
  - ▶ Monell arguments for the entity



# SHOW ME THE EVIDENCE!

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- ▶ we will want to see every email, text, and shred of paper associated with the file
- ▶ we will want to talk to every person associated with the issue
- ▶ why?
- ▶ the other side will eventually want all of this information too
- ▶ the more we know, the better off you are in terms of strategy
- ▶ in federal court we have to disclose these documents quickly
- ▶ qualified immunity motions



# WHAT'S NEXT

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- ▶ after site visit we answer lawsuit if filed
- ▶ State court - deadlines loose
- ▶ Federal court - strict schedule
- ▶ litigation begins: discovery, deposition and motion practice
- ▶ settlement?



# DISCOVERY

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- ▶ interrogatories
- ▶ request for production of documents
- ▶ requests for admissions
- ▶ depositions
- ▶ standard v. 30b6
- ▶ what is a 30b6?
- ▶ why is it important?



# MOTION PRACTICE

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- ▶ motion to dismiss
- ▶ lack of jurisdiction
- ▶ improper service
- ▶ improper party
- ▶ motion for summary judgment -  
the meat of the claim
- ▶ everything we do is leading up to  
this motion



# TRIAL

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- ▶ they still happen
- ▶ what we need from you
- ▶ Monroe County example - multiple re-sets
- ▶ be patient