



ANATOMY OF LITIGATING A CLAIM

the do's and please don'ts of litigation



HOUSTON, WE HAVE A PROBLEM

how do we spot an issue at the workplace?

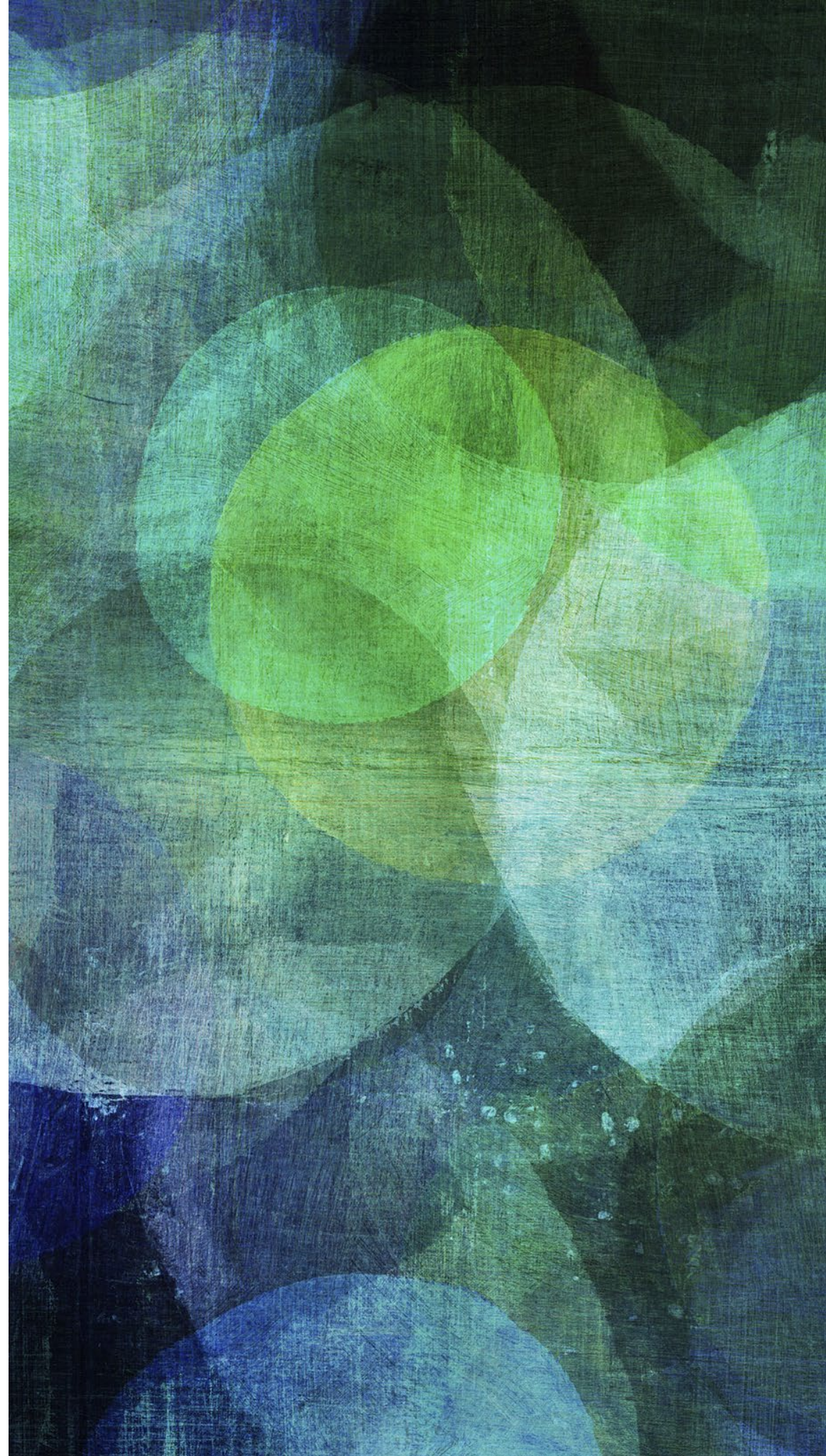


AN OUNCE OF PREVENTION IS WORTH.....

- ▶ Handbooks
- ▶ Policies
- ▶ Training

BE PROACTIVE

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?

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- 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

- 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

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



MOTION PRACTICE

- 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

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