

Chapter 2

Notes – 01/21/14

Flashcards -- brainscape – online

Fact Investigations

The law and the facts.

Fact finding is important.

Pre-suit is preparing for litigation.

You want both favorable and unfavorable facts. To make sure you have all the facts and you can be prepared.

The client is the biggest source of information.

The earlier you get the information the better.

What kind of case and the facts. Negligence duty, breach, cause and damages. Find evidence for each topic.

Structuring facts in litigation.

Facts come from five basic sources.

1. The client
2. Exhibits/documents
3. Witnesses
4. Experts
5. The opposing party

Anyone being represented has to be deposed.

What is most important, prioritized. Don't spend too much time on the little things.

Client Interviews – you want the client to be comfortable, it is your obligation to get the information, let them talk freely, clients will hold back negative information. If someone has shopped for attorneys, be informal but professional. Take notes. Tell them to bring any relevant documents, get a history.

Quantum study to figure out damages, Essens or Westlaw
Reconventional Demand is a Counterclaim

Westlaw People Map

Record or write down the interview.