

ANATOMY OF A LAWSUIT

OUTLINE

1. Pre-filing considerations. (15 minutes)
 - A. Cost benefit analysis. Analyze estimated cost (legal fees and miscellaneous litigation expenses) vs. amount in dispute.
 - B. Evaluate risk. Perform realistic analysis as to chances of success.
 - C. Negotiations. "Posturing" can create problems down the line.

2. Initiating litigation (15 minutes)
 - A. Choosing the appropriate court in which to file.
 - B. First step-filing a "Complaint."
 - C. Contents of the Complaint.
 - D. Service on Defendant -service through clerk of courts.
 - E. Defendant's first obligation-file a written "Answer" within 28 days of service.

3. Discovery process (15 minutes)
 - A. Right to discovery allows each party to obtain relevant information from the other party, including documents.
 - B. Discovery includes depositions of parties and witnesses.
 - C. Extent of discovery. Another cost vs. benefit analysis.
 - D. Forces each party to "show its hand." No "surprises" in civil litigation.

4. Trial (15 minutes)
 - A. Jury or judge.
 - B. Decision - "Should we go to trial."
 - C. Serious negotiations by both sides.
 - D. Avoid trial if at all possible.