

PROPOSED DOTD LEGAL SEMINAR AGENDA

I. THE LITIGATION PROCESS - GENERALLY

A. WHY IS DOTD SUED?

1. DOTD'S LEGAL DUTY

2. TYPICAL AREAS OF DOTD TORT LITIGATION

- a. DESIGN**
- b. MAINTENANCE**
- c. CONSTRUCTION**
- d. TRAFFIC ENGINEERING**
- e. PLANNING/HIGHWAY SAFETY/RAILROAD CROSSINGS**

B. THE PLAYERS

1. PARTIES

- a. PLAINTIFF**
- b. DEFENDANT**

2. ATTORNEYS

- a. ATTORNEY GENERAL**
- b. CONTRACT ATTORNEY**
- c. WORKING WITH THE LAWYER**

3. JUDGES/JURIES

4. WITNESSES

- a. FACT WITNESSES**
- b. EXPERT WITNESSES**
- c. SUBPOENAS**

C. CHRONOLOGY OF TYPICAL LAWSUIT AGAINST DOTD

D. Q & A

II. INVESTIGATION AND DISCOVERY

A. PRESUIT PUBLIC INFORMATION REQUESTS

B. WRITTEN DISCOVERY

- 1. INTERROGATORIES**
- 2. REQUESTS FOR PRODUCTION OF DOCUMENTS**
- 3. REQUESTS FOR ADMISSIONS**

C. WHAT IS DISCOVERABLE?

1. PRIVILEGES

- a. 23 USC 409**
- b. Attorney-Client Privilege**
- c. Other privileges**

3. ELECTRONIC DOCUMENTS

- a. Email**

D. GATHERING THE INFORMATION

- 1. WHO DOES THE RESEARCH/WORK**
- 2. WHERE TO LOOK?**
- 3. COMMONLY REQUESTED DOTD DOCUMENTS**

E. Q & A

III. DEPOSITIONS

A. "NOTHING BUT THE TRUTH, GIVING A DEPOSITION IN A CIVIL CASE" DVD

B. DO'S & DON'T'S

C. Q & A

IV. MOTION AND TRIAL TESTIMONY

A. PRETRIAL MOTIONS

- 1. MOTIONS FOR SUMMARY JUDGMENT - AFFIDAVITS**
- 2. MOTIONS REQUIRING COURT TESTIMONY**

- a. DISCOVERY MOTIONS**
- b. MOTIONS IN LIMINE/FOR PROTECTIVE ORDER**

B. TRIAL

- 1. PRETRIAL PREPARATION**
- 2. COURTROOM PROCEDURE**
- 3. RULES OF EVIDENCE**
- 4. PRACTICAL TESTIMONY SKILLS**
- 5. SCENARIOS/EXAMPLES**

C. Q & A