**PAL Defense Counsel Pre-Trial Report**

**(Prepared and sent 60 days before trial)**

**Claim #** Click here to enter text. **Adjuster** Click here to enter text.

**Date** Click here to enter a date. **Prepared by** Click here to enter text.

**Trial Date** Click here to enter a date. **Court** Click here to enter text.

The trial plan should be a succinct summary of the whole case. When it is read by Claims and insureds, there should be no doubt that Counsel has a total grasp of the facts, issues, witnesses, etc. The plan should convey that Counsel, in concert with his/her client, has a blueprint as to how the case will be presented at trial.

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| **Impact Reporting** | **Analysis** |
| Trial Strategy: | Has there been an agreement with Claims to put this case into Trial Strategy?  Click here to enter text. |
| Trial Plan Overview: | Facts of the case and how they will be presented at trial, including expected witnesses and testimony  Click here to enter text. |
| Liability: | Plaintiff’s theory of liability, including allegations against co-defendants  Click here to enter text.  Theory of defense and facts in support thereof, including applicable immunities  Click here to enter text.  Estimated % chance of verdict in favor of insured  Click here to enter text.  Estimated comparative negligence of parties  Click here to enter text. |
| Damages: | Personal injury: Describe injury, permanency claimed, pre-existing conditions and causal relationship of injury to accident. Include age, sex, marital status, occupation at time of loss, current occupation or disability status and IME results, if applicable.  Click here to enter text.  Alleged Medical Specials Click here to enter text.  Verified Yes  No  Alleged Future Medical Click here to enter text.  Alleged Lost Wages Click here to enter text.  Verified Yes  No  Alleged Future Income Loss Click here to enter text.  Can future damages be reduced to present value? Yes  No  Total special damages likely to be considered by jury Click here to enter text.  Range of general damages without discounting for liability  LOW VALUE Click here to enter text. LIKELY VALUE Click here to enter text. HIGH VALUE Click here to enter text.  Property damage and other non-personal injuries:  Click here to enter text.  \*Have punitive damages been pled? Yes  No  If yes, explain the threshold requirements, amount recoverable.  Click here to enter text.  Other damages  Click here to enter text.  Pre-judgment and post-judgment interest potential? If so, how calculated?  Click here to enter text.  Lien holders  Click here to enter text. |
| Assessment: | Venue: Click here to enter text. Jurisdiction: Click here to enter text.  Key strengths and weaknesses of the case. Include an assessment of the judge, opposing counsel, parties, key witnesses (include brief statement of favorable and unfavorable testimony including experts) and the venue (advantage or disadvantage to all parties/jury pool)  Click here to enter text.  Settlement status (last demand, last offers)  Click here to enter text.  Pre-trial motions, motions in limine and chances of success  Click here to enter text.  Pre-judgment interest? Yes  No  Calculation? Click here to enter text.  Post-judgment interest? Yes  No  Calculation? Click here to enter text.  Verdict potential (insured and all parties).  What is the maximum expected verdict, with interest? Click here to enter text.  What is the probable verdict, with interest? Click here to enter text.  Should a hi-lo be considered? Click here to enter text.  Statutory caps (if any) Click here to enter text.  Settlement potential and recommended strategy (if applicable)  Click here to enter text.  If multiple defendants are involved, can we and/or should we attempt to settle out? Click here to enter text.  What are your proposed jury instructions? Is plaintiff likely to agree? What will the jury see on the verdict form?  Click here to enter text. |
| Other: | Has the Insured/Defendant and/or Excess/Umbrella carrier been advised of all demands and offers? Their reactions? Duty owed to Excess/Umbrella carrier?  Click here to enter text.  Should an appeal be necessary, what are the rules of the court? Number of days to file Post-Trial Motions, number of days to appeal, potential costs of appeal, cost of appeal bond (or will available policy coverage be acceptable?)  Click here to enter text.  Other issues, concerns and comments  Click here to enter text. |
| Expense Estimate: | Updated expense estimate through trial. If the previous estimate is still applicable, there should be an affirmative statement to claims acknowledging that the previous budget is still viable.  Click here to enter text. |