

SUMMER 2022

LITIGATION PACKET CATALOG

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AAJ'S LITIGATION PACKETS cover a wide range of topics and are a valuable resource for new lawyers and veteran litigators alike. Each Litigation Packet is unique and combines sample materials created by AAJ attorneys, legal scholarship from AAJ Education and TRIAL® Magazine, deposition and trial transcripts, relevant case law and statutes, and more to create a comprehensive resource for AAJ members looking to streamline their case preparation. Choose from more than 120 existing Packets or reach out to us with ideas for more.

Who Can Benefit?

Litigation Packets are available exclusively to AAJ members and are intended as a useful resource for all attorneys regardless of the scope of their practice or level of experience, including:

- **New lawyers** starting their careers and looking to learn from examples developed by top litigators
- **Experienced attorneys** confronting new issues at any stage of litigation and fine tuning their trial advocacy skills
- **Sole practitioners** taking on large corporations, keeping up with emerging trends, or facing changing laws in their practice area
- **All trial lawyers** looking to expand their practice or quickly get up to speed on a new area of law



What is included?

- **Sample Case Materials** – Consult complaints and pleadings, motions, discovery requests, preservation letters, deposition outlines, proposed and final court orders, and more prepared by AAJ members in the course of litigation to inform your case preparation and save valuable time.
- **Transcripts** – Analyze techniques and arguments used by leading trial lawyers to effectively share their clients' stories, connect with juries, and refute defense experts. Deposition summaries prepared by AAJ Exchange attorneys are a useful tool as you prepare your own questions.
- **Legal Scholarship** – Learn from AAJ Education speaker papers and CLE materials, TRIAL® magazine articles, Section Blog posts, and other publications on critical issues related to the packet to gain a clearer understanding of recent trends and best practices.
- **Statutes, Regulations, and Case Law** – Review state and federal laws, agency rulemakings, rules of civil procedure, and relevant case law through 50-state surveys, agency publications, and case summaries compiled and developed by AAJ Exchange attorneys.
- **Product Research** – Save time getting up to speed on dangerous products, drugs, and devices with manuals, package inserts, labels, and regulatory approval documentation as well as data from federal agency error and incident reporting systems.

How Can You Help?

If you have materials to contribute, the AAJ Exchange wants to hear from you! Please submit pleadings, transcripts, and other court documents to docdrive@justice.org.



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CASE PREPARATION



Practice Management

- The Trial Lawyer Guidebook
- Running a Small Firm: Management from Start-Up to Trial

Data & Discovery

NEW UPDATE! Electronic Discovery

Pages: 882 | Updated: April 2022

Navigate the complexities of preserving, producing, and collecting electronically stored information (ESI), with valuable guidance and materials related to the Federal Rules of Civil Procedure, social media, and technology.

- Sample requests for production, court-ordered ESI protocols, and tips for Rule 30(b)(6) depositions
- Articles related to preservation and production of ESI, social media evidence, ethics in eDiscovery, predictive coding, and computer forensics

Related Litigation Packets

- A Guide to the FOIA and Other Nontraditional Discovery Techniques
- Protective Orders: Combating Secrecy
- Spoliation of Evidence

Medical Records

NEW UPDATE! Affordable Access to Electronic Medical Records

Pages: 1,978 | Updated: April 2022

Understand the *Ciox Health, LLC v. Azar* ruling's impact on the HITECH Act's 3rd-party directive, the HIPAA Privacy Rule's patient rate, and information blocking.

- Sample litigation materials and records requests
- Pleadings, motions, briefs, and orders from the *Ciox* case
- Articles related to accessing client EMR, the *Ciox* decision, and subsequent regulatory developments

Related Litigation Packets

- Audit Trails: Navigating the Data
- Electronic Medical Records
- HIPAA and Its Privacy Rules

Litigation Strategy

- ERISA Reimbursement Claims Survival Guide
- Medicare and Medicaid Reimbursement Claims Survival Guide
- **NEW UPDATE!** Personal Jurisdiction
- Precluding Prejudicial Client Information
- Preemption: A Changing Landscape
- Settlement Brochures

Depositions

NEW UPDATE! Remote Depositions

Pages: 1,231 | Updated: April 2022

Gain valuable strategies and tips for preparing and conducting remote depositions from your home or office.

- Sample case materials related to scheduling and conducting remote depositions
- A detailed survey of statutes, orders, and rules of civil procedure permitting the remote administration of oaths via videoconference platforms from all 50 states and D.C.
- Articles on witness preparation, successful remote questioning of deponents, combating defense obstruction tactics, and using deposition recordings effectively at trial

Related Litigation Packets

- Admissibility of Expert Testimony: *Daubert*, *Frye*, and Other Standards
- Defense Medical Examiner: Defusing the Testimony
- Discovery Strategy: Effective Use of Rules 30(b)(2), 30(b)(6), and 34
- Interstate Trucking: Defense Expert Deposition Collection
- Taking Depositions



TRIAL ADVOCACY



NEW! Top Verdicts of 2021: Opening Statements and Closing Arguments

Pages: 3,188 | Created: June 2022

Each year, the AAJ Exchange publishes a collection of opening statement and closing argument transcripts and case summaries from many of the highest jury trial verdicts obtained by AAJ members to offer a unique and exclusive view into the factors that motivate jury decision-making. The Top Verdicts of 2021 Litigation Packet features cases from a wide variety of practice areas, case types, and jurisdictions, such as motor vehicle and trucking collisions, medical negligence, toxic exposure, intentional torts, workplace safety, and negligent training claims.

This year's esteemed Top Verdicts contributors include:

- Arnold & Itkin
- Ashby Thelen Lowry
- Chandler McNulty, LLP
- Claggett & Sykes Law Firm
- Clark Fountain La Vista Prather & Littky-Rubin
- Dordick Law Corporation
- Eric Fong Law
- Friedman Rubin PLLP
- Frost Law Firm PC
- Hendy Johnson Vaughn Emery, PSC
- Meiowitz & Wasserberg LLP
- Nettles Morris Law Firm
- Pajcic & Pajcic
- Savage, Turner, Pinckney, Savage, & Sprouse
- Sorrels Law

Proving Damages

NEW UPDATE! Damages: Using Opening Statements and Closing Arguments

Pages: 2,435 | Updated: October 2021

Addresses all aspects of proving compensatory and punitive damages at trial, including general principles of storytelling during opening statement and closing argument, establishing defendant's bad conduct, and motivating jurors to award your client the damages they deserve.

- Opening statement and closing argument transcripts from a variety of case types, including defective medical device, medical malpractice, nuisance, pharmaceutical and asbestos products liability, sexual assault, and wrongful death cases
- AAJ Education speaker papers and *Trial* articles on presenting your client's case, such as structuring your opening, crafting persuasive themes, helping jurors empathize with your client's injuries, and establishing effective anchors in your closing

Related Litigation Packets

- Burn Injury Cases
- Complex Regional Pain Syndrome/Reflex Sympathetic Dystrophy
- Failure to Timely Diagnose and/or Treat Cauda Equina Syndrome
- Life Care Plans
- Spinal Cord Injury
- Stevens-Johnson Syndrome
- Traumatic Brain Injury

Related Litigation Packets

- Top Verdicts of 2020: Opening Statements and Closing Arguments
- Top Verdicts of 2019: Opening Statements and Closing Arguments
- Top Verdicts of 2018: Opening Statements and Closing Arguments
- Details on 2008-2017 Top Verdicts Litigation Packets are available online
- Effective Motions in Limine
- Precluding Prejudicial Client Information
- Voir Dire and Jury Selection



CIVIL RIGHTS



NEW UPDATE! Police Misconduct

Pages: 4,246 | Updated: October 2021

Seek justice for victims through civil remedies for police misconduct, including Section 1983 claims against state actors, *Monell* claims against municipalities, and *Bivens* actions against federal officers.

- Profiles cases involving fatal police shootings, negligent hiring resulting in excessive use of force, false arrest, excessive or wrongful tasing, retaliation against protesters, wrongful police chases, and bystanders injured during a police pursuit
- Sample pleadings, discovery requests, motions, opening statements, and closing arguments, as well as summaries and transcripts of depositions of plaintiffs, defendant officers, supervisors, and other witnesses

NEW! Sexual Assault: Civil Remedies for Survivors

Pages: 934 | Updated: June 2022

Hold perpetrators and 3rd parties accountable for sexual assault with an overview of legal remedies available under state and federal law and a comprehensive survey of state statutes of limitation for bringing sexual assault and child sex abuse actions.

- Sample complaints, discovery requests and interrogatories, protective orders, and motions from exemplary cases litigated by AAJ members
- Vital AAJ publications on trauma-informed intake and client preparation, case evaluation, and third-party liability issues, discovery, and common defense tactics

Related Litigation Packets

- NEW UPDATE! Prisoner Neglect and Abuse
- School Bullying
- Sexual Assault: School and University Liability

Employment Rights

- Employment Discrimination Law
- Fair Labor Standards Act (FLSA)
- Pregnancy Discrimination
- NEW UPDATE! Sex Discrimination and Sexual Harassment

INSURANCE



- Allstate Automobile Claims
- Bad Faith in Homeowners Insurance Claims
- Defense Medical Examiner: Defusing the Testimony
- Flood Insurance Claims
- Hurricane Claims
- Litigating the First Party Bad Faith Insurance Claim
- State Farm Automobile Claims



MEDICAL NEGLIGENCE



Audit Trails: Navigating the Data

Pages: 3,446 | Updated: February 2020

Audit trails, often included in your client's electronic health records, can provide critical evidence about delays, omissions, who had access to health information, and changes to records. Understand these unique data sets, discovery production standards, and duties imposed on healthcare providers to be sure you receive the complete production of audit trails.

- Sample court filings, deposition transcripts, audit trails, and software policy and procedure manuals
- Guidance and navigating client authorization, including HIPAA and HITECH information, sample medical record authorization forms and record request letters

Perforated and Nicked Bowels

Pages: 4,553 | Updated: July 2021

Grasp the intricate legal and medical issues that arise in cases involving failure to properly diagnose and treat perforated and nicked bowel injuries

- Sample case materials, including complaints, written interrogatories, expert designations, and motions
- Depositions of defendant doctors, plaintiff and defense surgical experts, infectious disease consultants, diagnostic radiologist, microbiologist, nurses, and treating physicians

Related Litigation Packets

- **NEW UPDATE!** Affordable Access to Electronic Medical Records
- Electronic Medical Records
- Failure to Conduct a Proper Differential Diagnosis
- Failure to Diagnose Breast Cancer
- Failure to Diagnose in the Emergency Room
- Failure to Diagnose a Pulmonary Embolism
- Failure to Diagnose Stroke
- Failure to Timely Diagnose and/or Treat Cauda Equina Syndrome
- Federal Tort Claims Act Medical Negligence Cases
- Surgical Negligence: Retained Towel and Sponges
- Preparing and Trying the Cardiovascular Case

Hospital & Pharmacy Liability

- Hospital-Acquired Infections
- Informed Consent
- Nursing Errors in Hospitals
- Pharmacy and Pharmacist Liability

Nursing Homes

➤ **NEW UPDATE!** Nursing Homes: Regulations, Discovery, and Damages

Pages: 3,186 | Updated: July 2022

Delineates the essential state and federal statutes and regulations governing nursing homes, including a state-by-state analysis of required staff-to-patient ratios.

- Sample complaints, interrogatories, requests for production, motions in limine, trial and appellate briefs, and juror questionnaires
- Exemplary outlines, summaries, and transcripts for deposing nursing home administrators, nurses, and certified nursing assistants

Related Litigation Packets

- Assisted Living Facilities
- Bed Rail Entrapment
- Nursing Homes: Developing the Facts Through Depositions
- Nursing Homes: Inadequate Staffing
- Nursing Homes: Negligent Hiring
- Nursing Homes: Nursing Errors
- Nursing Homes: Opening Statements and Closing Arguments
- Pressure Sores

Birth Injuries

Birth Injury: Shoulder Dystocia and Brachial Plexus

Pages: 2,073 | Updated: May 2019

Addresses the substantive medical and legal issues that arise in shoulder dystocia and brachial plexus cases and identifies criteria for case selection and screening, discusses risk factors, and addresses common defenses.

- Sample complaints and *Daubert* motions and orders regarding maternal forces theory
- Deposition transcripts and summaries of plaintiff and defense expert witnesses regarding brachial plexus injury and Erb's palsy

Related Litigation Packets

- Birth Injury: Cerebral Palsy and Intrapartum Hypoxia
- Birth Injury: Failure to Diagnose Preeclampsia
- Birth Injury: Pitocin®
- Fetal Distress Signs and Failure to Timely Perform a Cesarean Section
- Life Expectancy and Neurological Injury: Defense Experts
- Vaginal Operative Delivery: Vacuum Extraction and Forceps

MOTOR VEHICLE 

➤ **NEW! Crash Reconstruction Experts**
 Pages: 1,200 | Created: July 2022
 Offers guidance on depositions, direct- and cross-examination, and the use of demonstratives at trial to help you get the most out of your expert, effectively cross-examine defense experts, and successfully bring your motor vehicle collision case to life.

➤ **NEW! Human Factors Experts**
 Pages: 1,100 | Created: July 2022
 Assists AAJ plaintiff attorneys who retain or cross-examine human factors experts in their cases through sample litigation materials and transcripts from exemplary cases utilizing human factors experts.

Preparing a Motor Vehicle Collision Case
 Pages: 5,831 | Updated: July 2021
 Addresses issues related to investigation of claims and defenses, insurance coverage, discovery plans, expert reports and testimony, settlement tools, jury selection, and case presentation strategies in cases involving commercial and non-commercial automobile, bus, and truck crashes.

- Sample complaints, interrogatories and requests for production of documents, motions in limine, motions for summary judgment, and trial transcripts of opening statements, witness testimony, and closing arguments
- Deposition summaries and transcripts of defendant drivers, corporate representatives, and accident reconstruction, biomedical engineering, safety and compliance, and medical experts

Related Litigation Packets

- Allstate Automobile Claims
- Bicycle Crashes
- Dram Shop Liability
- Federal Tort Claims Act: Motor Vehicle and Premises Liability Cases
- Low Speed Impact Cases
- Roadway Design and Maintenance
- State Farm Automobile Claims

Trucking

Road Rage: Taking on the Aggressive Commercial Driver
 Pages: 4,523 | Updated: March 2021
 Provides valuable tips, strategies, and resources for bringing hostile, combative, and aggressive commercial drivers to justice in cases resulting in serious injury or death.

- Sample pleadings, discovery requests, trial transcripts, and post-trial motions and briefs
- Deposition summaries and transcripts of defendant drivers, corporate representatives, and expert witnesses in crash reconstruction and commercial motor vehicle safety and compliance

Related Litigation Packets

- Interstate Trucking: Cross-Examining the Trucking Company's Safety Director and Driver
- Interstate Trucking: Defense Expert Deposition Collection
- Interstate Trucking: Independent Contractor Defense
- Interstate Trucking: Opening Statements and Closing Arguments
- Interstate Trucking: Regulations, Discovery, and Damages
- Interstate Trucking: Spoliation of Evidence
- Interstate Trucking: Using 30(b)(6) and Other Deposition Strategies



PREMISES LIABILITY



NEW UPDATE! Dog Bite Injury

Pages: 1,201 | Updated: January 2022

Essential tools and strategies for plaintiff attorneys litigating cases on behalf of dog bite victims and their families.

- State laws and statutes of limitation for holding dog owners and third parties liable for your client's damages
- Sample pleadings, discovery requests and interrogatories, motions for summary judgment, and trial transcripts

Wal-Mart Stores, Inc: Slip and Fall

Pages: 2,609 | Updated: January 2019

Resources and guidance for navigating the unique challenges of litigating against Wal-Mart in cases involving slips and trips at retail outlets.

- Transcripts from depositions and trial testimony of Wal-Mart employees, opening statements and closing arguments, and sample interrogatories
- Corporate risk management policies and manuals, employee manuals, and training programs obtained through discovery in slip-and-fall cases brought against Wal-Mart

Related Litigation Packets

- Dram Shop Liability
- Falling Merchandise in Big-Box Stores
- Federal Tort Claims Act: Motor Vehicle and Premises Liability Cases
- NEW! Human Factors Experts
- Parking Lots: Inadequate Security
- Parking Lots: Inadequate Maintenance and Design
- Premises Security Liability: Apartment Complexes
- Slip and Fall: Restaurants
- Slip and Fall: Grocery Stores
- Wal-Mart Stores, Inc: Discovery Abuse

PRODUCTS LIABILITY



- Explosion Cases
- Litigating Claims Against Foreign Manufacturers: China
- Pharmaceutical Products Liability Cases and the FDA
- Preparing a Consumer Products Liability Case

Automobiles

- Evaluating the Auto Product Liability Case
- NEW! Human Factors Experts
- Seat Belt Defects

Mass Torts

NEW! CPAP and BiPAP Sleep Apnea Machines

Pages: 272 | Updated: July 2022

Philips CPAP and BiPAP machine design caused toxic carcinogens and foam to be released directly into users' airways. As a result of injuries from these dangerous devices, cases have been filed around the country.

- Case screening information, sample complaints, and information on the MDL
- Product information and recall notices, as well as FDA safety communications and related scientific studies

JUUL®

Pages: 3,571 | Updated: December 2020

Provides an overview of the litigation surrounding JUUL® e-cigarettes' illegal and misleading marketing and sales practices, including messaging targeting and exploiting children and young adults

- Case screening criteria, sample complaints, a survey of medical literature
- FDA press releases and letters to retailers, manufacturers, importers, and distributors

Related Litigation Packets

- Hernia Mesh
- Inferior Vena Cava (IVC) Filters
- Talcum Powder: Ovarian Cancer
- Roundup® Herbicide



The AAJ Exchange would like to thank the following AAJ members for sharing their insight, advice, and case materials to develop new and update existing Litigation Packets

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How can I contribute to the AAJ Exchange?

Contributing to upcoming AAJ Litigation Packets is easy! You can share depositions transcripts, briefs, and other helpful documents with your fellow trial lawyers by emailing docdrive@justice.org.

If you have an idea for a new Litigation Packet that would help your practice, email exchange@justice.org.





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