SUMMER 2018

LITIGATION PACKET CATALOG

VALUABLE PRACTICE TOOLS TO STREAMLINE YOUR CASE PREPARATION

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AAJ Exchange Litigation Packets

Litigation Packets are an essential legal resource for trial lawyers. They are particularly valuable for small firms and sole practitioners—offering the expertise of a large legal team.

Each Litigation Packet is unique and provides materials that allow you to simplify and improve your case preparation. They are organized by topic, such as Medical Negligence, Motor Vehicle, Nursing Home, and Products Liability.

Every AAJ Exchange Litigation Packet is available for download or on a searchable CD-ROM and offers valuable practice tools, such as: deposition transcripts and summaries, pleadings, sample complaints, case law, written discovery, trial transcripts, and tips and strategies from experienced AAJ plaintiff members.

AAJ members should also submit their documents to the AAJ Exchange. By contributing your depositions, pleadings, and other case documents, AAJ can build the most comprehensive and confidential plaintiff database in the country. Email contributions to docdrive@justice.org.

The AAJ Exchange is endowed by Robert A. Clifford.
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Electronic Discovery
[UPDATED January 2017; 1,384 pages]
- Discussion of types of electronically stored information (ESI), strategies for the review of electronic discovery, preservation and production of electronic evidence, online social networking sites, and the role of computer forensic experts
- Electronic discovery checklist
- How to preserve ESI and avoid spoliation, including sample preservation letters
- Rule 30(b)(6) deposition tactics and techniques, including sample requests for production of documents, notice of 30(b)(6) deposition motions, and orders
- Discussion of amendments to the Federal Rules of Civil Procedure
- Overview of case law on pivotal issues, such as cost shifting, spoliation, sanctions, and privilege
[Deposition summary accompanies each deposition transcript]

Electronic Medical Records
[UPDATED February 2016; 4,376 pages]
- Provides an overview of what is contained in an electronic medical record, how to request production to ensure a complete record, and how to use audit trails to assess record accuracy and completeness
- Requests for production, motions and briefs for production, interrogatories, HIPAA and HITECH information, sample medical record authorization forms and record request letters, sample audit trails, and court filings in cases involving failure to produce documents and alteration of medical records
- Depositions of defendant doctors, medical records administrators, and hospital information management employees
- AAJ Education speaker papers and Trial articles

ERISA Reimbursement Claims Survival Guide
[UPDATED May 2016; 1,820 pages]
- What plaintiff attorneys should know to protect their client and themselves when confronting ERISA reimbursement claims
- Addresses numerous issues: such as information to obtain at case intake, determining what your client owes, defenses and limitations on insurer recovery, ethical considerations, identifying ERISA plans, the meaning of “appropriate equitable relief,” preemption, insured versus self-funded plans, social security disability issues, and traditional equitable defenses
- Statutes and regulations, case law and case summaries, court documents, a sample letter, AAJ Education speaker papers, and more
- Case law includes pre- and post-Sereboff decisions, including McCutchen and Montanile

A Guide to the FOIA and Other Nontraditional Discovery Techniques
[UPDATED January 2011; 573 pages]
- Effective strategies to locate and use valuable information in a variety of types of cases, including product liability, personal injury, medical malpractice, and motor vehicle collisions
- Addresses how to gather information about people, businesses, insurance, and assets without the involvement of the defendant, including private and government websites, search engines, databases, government agencies, and trade and industry organizations
- Overview of the FOIA request process and other sources of federal and state materials
- Resources for literature and intellectual property searches, litigation history, foreign jurisdiction information, health care facilities and practitioner’s resources, and products, workplace, and transportation safety research
HIPAA and Its Privacy Rules [UPDATED June 2016; 2,314 pages]
- What plaintiff attorneys should know about HIPAA and protected health information to protect their clients
- AAJ Education speaker papers on common HIPAA issues, including filing privacy complaints, compliance, and enforcement
- HIPAA and HITECH authorizations and releases, letters to health providers, and compliance letters
- Court documents, including motions and memoranda, court decisions, protective orders, and privacy agreements
- Statutory and regulatory materials
- Department of Health and Human Services HIPAA materials and internet resources

Medicare and Medicaid Reimbursement Claims Survival Guide [UPDATED September 2017; 2,189 pages]
- What plaintiff attorneys should know to protect their clients and themselves when confronting Medicare and Medicaid reimbursement claims
- Detailed instructions addressing changes to the lien resolution and practical tips for streamlining the lien resolution process
- Addresses issues, such as information to obtain at case intake, determining what your client owes, future billings for past services, future benefits, mandatory reporting, settlement, allocation, resolving and negotiating the claim, waiver, where to put the funds, consequences for nonpayment, and ethical considerations
- Case law summaries, analysis, relevant statutes, and regulations for Medicare and Medicaid
- AAJ Education speaker papers and Trial articles

Preemption: A Changing Landscape [UPDATED April 2017; 4,373 pages]
- Addresses the changing landscape of federal preemption of state tort law claims in pharmaceutical (brand name and generic), medical device, auto safety, aviation, and railroad litigation
- Explores the implications of various regulatory agency rulemaking and attempts to preempt state tort law
- Briefs from a variety of cases arguing against defense motions for summary judgment on preemption grounds and orders from various jurisdictions denying federal preemption
- Information and articles on theories of liability, including innovator liability
- Discussion of Wyeth, Riegel, and Mensing decisions

Settlement Brochures [UPDATED January 2017; 875 pages]
- How to prepare an effective settlement brochure on any budget
- Checklists, outlines, and strategies for developing settlement brochures used for pre-litigation, mediation, and settlement negotiations
- Examples of written settlement brochures from motor vehicle, medical negligence, traumatic brain injury, spinal cord injury, birth trauma, and products liability cases
- Bonus DVD with two video settlement brochures from serious injury and wrongful death cases
- AAJ Education speaker papers and Trial articles on settlement strategies, damages, life care plans, vocational and experts

Running a Small Firm: Management from Start-up to Trial [UPDATED July 2016; 1,427 pages]
- Insight and advice for plaintiff attorneys operating or opening a small law office
- Addresses business formation, staff, technology in the modern law office, marketing and advertising, accounting, expanding your practice, ethics, and trial on a budget
- Sample forms and templates for fee agreements, accounting, business transactions, and client communications
- Sample employee manual
- AAJ Education speaker papers, Trial articles, and newsletter articles from leading sole practitioners and small firms around the country

Spoliation of Evidence [UPDATED February 2018; 3,083 pages]
- An overview of spoliation of evidence law including a state-by-state analysis of spoliation case law
- Sample preservation letters
- Over thirty court documents from medical negligence, automobile/trucking, civil rights/discrimination, and nursing home cases, including motions and memoranda for summary judgment, adverse inferences, and other discovery sanctions, appellate briefs, orders, and jury instructions
- Transcript of motions hearing for sanctions for spoliation of evidence
- Bibliography of law journal articles and AAJ Education speaker papers

Taking Depositions [UPDATED May 2017; 4,498 pages]
- Explores deposition techniques such as exhaustion, restating and summarizing, and boxing in
- Questioning adverse experts, including defense medical examiners and standard of care experts
- Discussion on the 30(b)(6) deposition and its role in your overall discovery plan
- Depositions and deposition outlines from several practice areas including auto, interstate trucking, insurance, nursing home, and medical malpractice
- Guidance for organizing depositions, video conferencing/telephone depositions, handling abusive tactics, and preparing your client for deposition
- How to use deposition psychology in eliciting answers

Top Verdicts of 2015: Opening Statements and Closing Arguments [July 2016; 2,931 pages]
- Opening statements and closing arguments from top verdicts of 2015 offer a unique view into what motivates a jury, providing insight no matter who your clients are, what your practice area is, or what your jurisdiction is
- All the featured verdicts were received by AAJ members
- Practice areas include motor vehicle collisions, products liability, pharmaceutical products liability, breach of contract, premises liability, and wrongful death
- Case summaries and AAJ Education speaker papers addressing openings and closings generally and in specific practice areas, such as medical malpractice, nursing homes, motor vehicle, employment law, and punitive damages

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Top Verdicts of 2016: Opening Statements and Closing Arguments

[July 2017; 3,616 pages]

- Opening statements and closing arguments from top verdicts of 2016 offer a unique view into what motivates a jury, providing insight no matter who your clients are, what your practice area is, or what your jurisdiction is
- All eleven of the featured verdicts were received by AAJ members
- Practice areas include motor vehicle, hotel premises liability, medical device products liability, auto products liability, sexual assault, wrongful death, and professional negligence
- Case summaries and AAJ Education speaker papers addressing openings and closings generally and in specific practice areas such as medical malpractice, nursing homes, motor vehicle, employment law, and punitive damages

School Bullying

[UPDATED May 2017; 2,200 pages]

- Overview of potential state and federal claims for bullying
- Contains Public Justice’s Bullying Litigation Primer and list of verdicts and settlements
- Sample complaints, orders, motions, demand letter, and useful case law
- Depositions of defendant school district employees, school policy experts, and defense suicide expert
- AAJ Education speaker papers, academic journal survey, and online resources

[Deposition summary accompanies each deposition transcript]

COMMERCIAL LAW / CONSUMER RIGHTS

Debt Collection

[UPDATED May 2013; 1,014 pages]

- Overview of the collection process from the initial demand to the satisfaction of a monetary judgment
- Sample case materials include complaints, responses to a motion for summary judgment, letters to debtors, payment plans, spreadsheets, and client communications
- Consumer Financial Protection Bureau publications on debt collection

Mandatory Arbitration

[UPDATED January 2016; 2,467 pages]

- Mandatory arbitration clauses are common in consumer, employment, insurance, nursing home, and assisted living contracts
- Memoranda in opposition to motions to compel arbitration, depositions, discovery requests, and appellate briefs
- Analysis of U.S. Supreme Court decisions including Concepcion and Italian Colors Restaurant
- National Arbitration Forum (NAF) corporate documents

DAMAGES

Affordable Care Act: Combating Defense Tactics to Limit Future Medical Expenses

[UPDATED October 2017; 1,491 pages]

- Defeat defense claims that the Affordable Care Act eliminated or severely reduced a plaintiff’s right to future medical damages
- Includes briefs addressing the collateral source rule and why evidence related to the ACA should be excluded and deposition testimony and motions to exclude expert opinions about the ACA
- Trial articles and other resources, including an overview of the ACA, a fifty-state survey of collateral source rules, and information on defense tactics to limit recovery of future medical expenses

Contact the AAJ Exchange for Top Verdict Litigation Packets from 2007–2014.

Voir Dire and Jury Selection

[UPDATED April 2015; 2,071 pages]

- Hundreds of sample voir dire questions on cases involving auto collision, products liability, medical negligence, insurance, toxic torts, employment rights, civil rights, nursing homes, business torts, and more, including sample questions on attitudes about hardship, lawsuits, damages, and burdens of proof
- Plaintiff-proposed voir dire questions for an array of cases, related motions, sample supplemental juror questionnaires, and a voir dire transcript
- General and subject-specific voir dire strategies, as well as techniques for expanding voir dire
- Discussion of peremptory strikes and challenges for cause, including questions and illustrative state cases

CIVIL RIGHTS

Police Misconduct

[UPDATED January 2017; 2,292 pages]

- Addresses police misconduct litigation and the unique challenges in handling a §1983 claim
- Provides case profiles on six cases involving fatalities and use of excessive force, and a case involving a wrongful police chase resulting in serious injury to a bystander
- Complaints, motions, interrogatories, pre-trial memorandum, order granting inclusion of inquest testimony, and summary judgment and motion in limine orders
- Deposition summaries and transcripts of plaintiff, police officers, supervisors, and review authority personnel
- AAJ Education speaker papers and Trial articles on case evaluation, discovery, obstacles, and general strategies on handling a police misconduct case
Burn Injury Cases
[UPDATED July 2014; 1,003 pages]
- Management of the issues unique to burn injury cases and how to document and present the full extent of burn injuries and associated damages
- Sample court documents, including complaints, interrogatories, requests for production, settlement and pre-trial memoranda, proposed voir dire and jury instructions, and oppositions to defense motions for bifurcation and exclusion of photographic evidence
- Reports by experts in safety, design, property management, transportation, human factors, and more
- Burn treatment guideline summary, overview of medical treatments, and glossary of medical terms
- AAJ Education speaker papers and Trial articles
[Deposition summary accompanies each deposition transcript]

Complex Regional Pain Syndrome/Reflex Sympathetic Dystrophy (CRPS/RSD)
[UPDATED September 2011; 1,144 pages]
- Strategies from AAJ members who have successfully pursued CRPS/RSD/causalgia cases
- Explores the diagnosis and treatment of CRPS/RSD and criteria for case selection and screening criteria for case selection and screening
- Discusses common defense approaches and how to combat them
- Profiles a case involving a woman who was diagnosed with CRPS type II after she experienced a nerve puncture during the insertion of an intravenous needle and a case involving a man diagnosed with CRPS after a crushed foot injury
- Complaint, answer, written discovery, expert reports, depositions of plaintiff and defense experts, and verdict information
- Contains AAJ Education speaker papers and internet resources
[Deposition summary accompanies each deposition transcript]

Damages: Using Opening Statements and Closing Arguments
[UPDATED September 2016; 2,522 pages]
- Addresses all aspects of damages including general principles of proving damages in the opening statement and closing argument, motivating jurors, and proving defendant’s bad conduct
- Focuses on crafting persuasive opening statements and closing arguments, utilizing storytelling and themes, creating structure, maintaining credibility, and persuading jurors
- Contains opening statement and closing argument transcripts from a variety of topic areas including birth injury, spinal cord injury, nursing home, pharmaceutical, products liability, motor vehicle, trucking, and highway defect

Life Care Plans
[UPDATED May 2016; 2,488 pages]
- Provides an overview of life care plans and addresses plan creation, evaluation of costs, life care plans for specific contexts, and defending a plan at trial
- Sample life care plans
- Depositions of life care planners and medical experts and an arbitration transcript of a cross-examination of a plaintiff expert
- AAJ Education speaker papers, presentations, and articles highlight strategies, potential pitfalls, and key considerations

Spinal Cord Injury
[UPDATED February 2015; 5,572 pages]
- Detailed template for use in understanding the medical ramifications of spinal cord injury, drafting settlement demands, and responding to discovery
- Depositions of life care planners, vocational rehabilitationists, economists, life expectancy experts, physical therapists, neurosurgeons, rehabilitation doctors, human factors experts, engineers, safety professionals, and biomechanical experts
- Sample life care plans and evaluations by economists, safety experts, human factors experts, psychiatrists, engineers, and independent medical examiners
- Sample complaints, interrogatories, motions for partial summary judgment, motions to admit similar incidents, and disclosures of expert witnesses
- Trial memorandums, opening statements and closing arguments, demonstrative evidence, and settlement considerations
[Deposition summary accompanies each deposition transcript]

Stevens-Johnson Syndrome
[December 2014; 2,294 pages]
- Stevens-Johnson Syndrome (SJS) and toxic epidermal necrolysis (TEN) are life-threatening conditions often caused by a reaction to a medication
- Complaints, discovery motions, deposition summaries and transcripts, trial transcripts, and a verdict from cases involving medical care providers and a drug manufacturer
- Public letter to the FDA regarding Children’s Motrin™ warning labels, the FDA’s response, and drug warning
- AAJ Education speaker papers on openings, closings, trying medical malpractice cases, deposing expert witnesses, and determining the breach of the standard of care
[Deposition summary accompanies each deposition transcript]

Traumatic Brain Injuries
[UPDATED June 2015; 3,994 pages]
- Explores the investigation, filing, discovery, common defenses, science and testing, and trial and settlement of cases involving traumatic brain injuries
- Addresses common issues in traumatic brain injury cases, including no loss-of-consciousness defense, malingering, negative results from diagnostic tests, neuropsychological testing, mild brain injury, and premorbid and comorbid conditions
- Examines evidentiary issues, including the exclusion of defense expert testimony, Fake Bad Scale testimony, and the admission of Diffusion Tensor Imaging (DTI) expert testimony
- Sample complaints, interrogatories, requests for production, and motions in limine
- Introduction to TBI and sports, including an overview of concussion litigation
- Depositions of neuropsychologists, neurologists, and life care planner as well as biomechanical engineer trial testimony
- Voir dire, opening statements, and closing arguments transcripts
- Bibliography of medical literature, AAJ Education speaker papers, and Trial articles
[Deposition summary accompanies each deposition transcript]
EMPLOYMENT RIGHTS

Employment Discrimination Law
[UPDATED March 2018; 2,094 pages]
• Resource for cases involving unfair workplace practices and employment decisions based on race, sex, age, religion, disability, sexual orientation, gender identity, or family medical history
• Contains complaints, summary judgment motions, and sample briefs
• Employment law statutes and U.S. Supreme Court case summaries outlining the changing role of a Rule 56 summary judgment motion and its application in employment rights cases
• AAJ Education speaker papers addressing voir dire in employment cases, case law review, Iqbal/Twombly implications, and practical considerations when filing an employment discrimination case

Fair Labor Standards Act (FLSA)
[UPDATED July 2012; 2,747 pages]
• Comprehensive resource for representing workers in wage and hour suits
• Addresses minimum wage violations, failure to pay overtime, failure to compensate for all hours worked, misclassification, and retaliation
• Detailed memorandum of all employee exemptions in the FLSA
• Sample complaints, interrogatories, requests for production, requests for admissions, motions for class certification, and more
• Depositions and outlines for CPA experts, 30(b)(6) corporate representatives, management, and the plaintiff
• Resources for calculating damages, jury instructions, settlement, appeal, past verdicts, and attorneys’ fees
[Deposition summary accompanies each deposition transcript]

Pregnancy Discrimination
[UPDATED January 2017; 1,246 pages]
• Detailed analysis of a pregnancy discrimination suit, including EEOC materials outlining pregnancy discrimination filing requirements, pregnancy-related protections, and statutory authorities
• Sample complaints, discovery requests, motions, discovery abuse briefing, jury instructions, motions, and mediation documents from several pregnancy discrimination cases
• Plaintiff’s deposition outlining termination from employment after supervisor learned of employee’s pregnancy
• Pregnancy discrimination statutes, AAJ Education speaker papers, Trial articles, and other secondary resources
[Deposition summary accompanies deposition transcript]

Sex Discrimination and Sexual Harassment
[UPDATED January 2017; 2,884 pages]
• Provides an overview of the administrative remedies, procedural issues, tolling, case theories, and common defenses
• Sample court documents include complaints, requests for production, interrogatories, trial briefs, motions in limine, summary judgment briefs, jury instructions, and EEOC communications
• Opening statements and closing arguments from a sexual harassment case and a gender discrimination and retaliation case
• Resources for handling attacks on the plaintiff’s character and sexual history
• Relevant statutes, case law, and AAJ Education speaker papers providing tactics and tips for litigating employment discrimination cases

INSURANCE

Allstate Automobile Claims
[UPDATED June 2015; 3,868 pages]
• Explores investigation, negotiation, discovery, and theories of liability
• Analysis of general claims handling of automobile bodily injury claims at Allstate including Claims Core Process Redesign (CCPR), MIST, Colossus, UM and UIM claims, Special Investigative Unit, and Allstate’s incentives programs
• Sample court documents including complaints, requests for production, motions, oppositions, and orders regarding protective orders, motions for sanctions against Allstate, and depositions of numerous Allstate employees and exhibits
• Explores bad faith and other theories of liability
[Deposition summary accompanies each deposition transcript]

Bad Faith in Homeowners Insurance Claims
[UPDATED June 2013; 2,619 pages]
• Comprehensive resource for bad faith suits stemming from failures of insurance companies to investigate and resolve homeowners or property insurance claims in a fair and timely manner
• Sample complaints, interrogatories, requests for production, motions, and briefs
• Depositions of engineer and fire investigator expert witnesses, corporate representatives, and insurance company employees
• Checklists for causes of action, depositions questions for claims adjusters and supervisors, and requests for production
• AAJ Education speaker papers and Trial articles offering advice and insight for discovery, depositions, protective orders, damages, and expert testimony
[Deposition summary accompanies each deposition transcript]

Defense Medical Examiner: Defusing the Testimony
[UPDATED February 2016; 2,339 pages]
• Guide to investigating the defense medical examiner prior to deposition, opposing or limiting the defense medical examination, motions to videotape and attend exam, compelling discovery of examiner’s financial information, disqualifying the examiner, and the potential liability of the examiners for medical negligence
• Depositions of several defense medical examiners from different specialties—including neurology, neuropsychology, orthopedics, radiology, and rehabilitation—illustrating how to exclude or neutralize the testimony and expose bias
• Sample interrogatories, requests for production, motions to videotape and attend DME, and motions to compel production
[Deposition summary accompanies each deposition transcript]

Flood Insurance Claims
[UPDATED October 2017; 3,518 pages]
• Guide to filing a claim, including analysis of the National Flood Insurance Act, National Flood Insurance Program, and Write-Your-Own policies and related statutes, regulations, and case law
• Sample complaints, interrogatories, requests for production, expert disclosures, and motions
• Form complaints for residences, condos, and community building general property
• Depositions of insurance company adjusters, cost of repairs experts, structural engineer, and insurance company corporate representative
• National Flood Insurance Program resources and manuals
[Deposition summary accompanies each deposition transcript]
**Hurricane Claims**  
*UPDATED October 2017; 2,164 pages*
- Explores investigation and filing, discovery, common insurer tactics, common plaintiff motions, and flood versus wind damage
- Contains client questionnaire, sample complaints, statutes and regulations, interrogatories, requests for production, motion to compel appraisal, motion for entry of judgment, plaintiff’s motion for summary judgment, motions in limine, motions in opposition, and expert depositions
- Overview of flood claims, including National Flood Insurance Program, policy exclusions and coverage, adjusters, statute of limitations, appraisal, appeal, and more

**Litigating the First Party Bad Faith Insurance Claim**  
*UPDATED January 2015; 2,065 pages*
- Guide to litigating first party bad faith insurance claims whether based on property, disability, workers’ compensation, health, or accident policies including UM and UIM claims
- Depositions of claims adjusters, claims supervisor, insurance company medical director, corporate designee, and defense experts
- Complaints, motions to compel, interrogatories, requests for production, requests for admission, and responses to motions for summary judgment
- Checklists for causes of action, deposition questions for claims adjusters and supervisors, and requests for production

**State Farm Automobile Claims**  
*UPDATED July 2015; 2,616 pages*
- Addresses State Farm claims handling procedures, including claims files, common defenses, bodily injury claims, medical claims, and uninsured and underinsured motorist claims
- Sample complaints, requests for production, motions, oppositions, and order, depositions of numerous State Farm employees, and appellate briefs
- Case materials from underinsured motorist claim, no fault bodily injury payment, and malicious prosecution cases
- Explores bad faith and other theories of liability, common defenses to payment, and punitive damages issues

**MEDICAL DEVICES AND PHARMACEUTICALS**

**Benicar®**  
*September 2015; 702 pages*
- Popular blood pressure medications, including Benicar®, Benicar HCT®, Azor®, and Tribenzor®, have been linked to severe intestinal issues known as sprue-like enteropathy
- Sprue-like enteropathy mimics the symptoms of celiac disease and is characterized by chronic diarrhea, significant weight loss, nausea, and overall malnutrition
- Resources include a sample complaint, case screening information, and information on the MDL
- AAJ Education speaker papers and drug information from the FDA

**da Vinci® Robotic Surgery**  
*UPDATED July 2014; 680 pages*
- An overview of litigation regarding Intuitive Surgical’s da Vinci® robots, including both medical malpractice and product liability claims
- Case screening documents
- Sample products liability and medical malpractice complaints
- New information on FDA recalls of product parts
- Deposition transcripts and summaries of robotic surgery physician defense experts
- AAJ Education speaker papers, medical journal survey, and FDA materials

**Essure®**  
*UPDATED February 2017; 676 pages*
- Resources for attorneys investigating and pursuing cases for injuries caused by the permanently implanted birth control device Essure
- Essure has been linked to chronic pelvic pain, device migration and organ perforation, ectopic pregnancy, and other side effects
- Includes a sample complaint, case screening information, and information on the MDL
- AAJ Education speaker papers and drug information from the FDA

**NEW UPDATE! Hernia Mesh**  
*UPDATED December 2017; 3,783 pages*
- Provides an overview of litigation surrounding injuries caused by hernia mesh products, such as pain, adhesions, obstructions, mesh migration, infection, and hernia recurrence
- Includes case screening information and an injury questionnaire
- Court documents include complaints, fact sheets, profile forms, case management orders, and science day materials
- FDA materials include warning letters, recall notices, and 510(k) premarket notifications of products currently under investigation
- AAJ Education speaker papers and Trial articles discussing hernia mesh products and mass tort litigation

**NEW UPDATE! Inferior Vena Cava (IVC) Filters**  
*UPDATED April 2018; 3,800 pages*
- Provides an overview of litigation surrounding IVC Filters and problems relating to migration, detachment, perforation, and fracture of the Bard, Cook, and Cordis® IVC Filter
- FDA materials and a discussion of 510(k) premarket notification and Class II medical devices
- Information on the MDL, including complaints, transfer orders, case management orders, plaintiff fact sheets, and more
- Trial transcripts of opening statements, direct examination, and cross-examination
Mirena® IUD Perforation and Migration
[UPDATED October 2017; 1,059 pages]
- Mirena, a T-shaped IUD prescribed to prevent pregnancy, has been linked to several complications including uterus perforation and device migration into the abdominal cavity
- Sample client intake questionnaire and sample federal and state complaints
- Information on the MDL and state court actions
- Product information from the FDA
- AAJ Education speaker papers with information on the litigation, case selection, and possible defenses, and a survey of relevant medical journal articles

Mirena® IUD Pseudotumor Cerebri
[November 2017; 534 pages]
- Mirena, a T-shaped IUD prescribed to prevent pregnancy, has been linked to idiopathic intracranial hypertension, or pseudotumor cerebri (PTC)
- Information and documents related to the MDL, including sample complaints
- Product information from the FDA
- AAJ Education speaker papers with information on Mirena pseudotumor cerebri litigation and how to manage mass torts

COMING SOON! Opioids
Contact the AAJ Exchange at exchange@justice.org to be added to the waitlist.

Pharmaceutical Products Liability Cases and the FDA
[UPDATED February 2016; 3,157 pages]
- Provides plaintiff attorneys with the tools to pursue pharmaceutical products liability cases and addresses important issues relating to the FDA and drug companies
- Overview of the FDA prescription drug approval, post-market surveillance procedures and their inherent flaws, and the symbiotic relationship between the FDA and the drug industry
- Pharmaceutical marketing tactics, including the use of drug reps and ghostwritten medical literature, and the effect on the learned intermediary doctrine
- Pharmacology and epidemiology and their role in proving causation
- Preemption issues and cases, including Wyeth, Mensing, and Riegel
- Sample complaints, client intake and evaluation forms, written discovery, and briefs

Risperdal®
[February 2015; 1,898 pages]
- Risperdal, an atypical (second generation) antipsychotic originally approved for the treatment of schizophrenia and Bipolar I disorder in adults but marketed off-label to children and adolescents, can increase prolactin levels and cause irreversible gynecomastia
- Includes case screening criteria, a sample complaint, and an overview of litigation
- AAJ Education speaker papers, product information from the FDA, and a survey of medical journal articles

Talcum Powder
[UPDATED January 2018; 1,635 pages]
- Provides an overview of litigation surrounding talc and its link to ovarian cancer
- Overview, case screening information, and materials from pending MDL and state court litigations
- Court documents include complaints, transfer orders, case management orders, and plaintiff fact sheets
- AAJ papers and articles addressing the dangers of talcum powder

Taxotere®
[UPDATED February 2018; 1,643 pages]
- Provides an overview of litigation surrounding Taxotere, a chemotherapy drug known to cause permanent hair loss
- Overview, client intake information, and MDL materials
- FDA labeling information
- AAJ Education speaker papers and articles addressing Taxotere and its risks

Testosterone Therapy
[UPDATED July 2017; 4,289 pages]
- Explains the science and litigation theories around exogenous testosterone, which has been aggressively marketed to men who feel tired, depressed, or have low sex drive because of “Low T”
- Sample client screening and case intake
- Sample complaint and information on the MDL
- Recent studies link this treatment to increased risk of stroke, pulmonary embolism, myocardial infarction, and deep vein thrombosis
- Product information from the FDA, bibliography of medical journal articles, and several AAJ Education speaker papers

Transvaginal/Pelvic Mesh
[July 2016; 2,241 pages]
- Addresses litigation surrounding transvaginal mesh, a medical device used during urogynecological surgeries for correction of pelvic organ prolapse (POP) and stress urinary incontinence (SUI)
- Injuries include infection, pelvic pain, scarring, urinary pain, hardening of mesh, vaginal pain, extrusion of mesh, injury to nearby organs, erosion of mesh, sexual difficulty, shrinkage of mesh, disfigurement, bleeding, mesh removal, granuloma formation, and corrective surgery
- Sample client intake documents and questionnaire
- Sample complaint and information on state cases and MDLs
- Discussion of 510(k) premarket notification and Class II medical device
- AAJ Education speaker papers, medical journal survey, and FDA materials

Zofran®
[UPDATED July 2017; 3,079 pages]
- Resources for investigating and filing cases for birth defects caused by Zofran, an anti-nausea medication approved for the treatment of chemotherapy related nausea but prescribed off label to pregnant women for the treatment of morning sickness and hyperemesis gravidarum
- Zofran has been linked to congenital heart defects, including atrial septal defect (ASD) and ventricular septal defect (VSD), cleft lip, and cleft palate
- Includes a sample complaint and case screening information
- AAJ Education speaker papers, product information from the FDA, and a bibliography of related medical journal articles
Birth Injury: Cerebral Palsy and Intrapartum Hypoxia
[UPDATED March 2011; 2,085 pages]
• Addresses issues common to cerebral palsy cases, including causation, improper monitoring and assessment, failure of physicians and nurses to act on nonreassuring fetal heart rate patterns, failure to perform a cesarean section, placental pathology, neuroradiology, and chain of command
• Sample court documents include complaints, interrogatories, requests for production, and motions to suppress the testimony of expert witnesses
• Explores the science, investigation, ACOG publications, common defenses, discovery, trial, settlement, and how to establish causation
• Depositions of obstetricians, nursing expert, infectious disease specialist, neonatologist, pediatric neurologist, maternal-fetal specialist, and defense life expectancy experts
• AAJ Education speaker papers and extensive medical glossary
[Deposition summary accompanies each deposition transcript]

Birth Injury Cases: Failure to Diagnose Preeclampsia
[September 2014; 2,850 pages]
• Explains eclampsia, preeclampsia, severe preeclampsia, and failure to diagnose or properly treat by doctors and medical professionals
• Complaints from several cases, discovery motions, as well as trial testimony transcript of a treating doctor
• Depositions of defendant doctors and nurses, obstetrics and maternal-fetal medicine experts
• Overview of ACOG guidelines, bibliography of medical journal articles, and AAJ Education speaker papers

Birth Injury Cases: Pitocin®
[UPDATED March 2013; 3,924 pages]
• Explores labor induction methods and injuries to both mother and infant
• Discussion of Pitocin administration and other common labor induction methods
• Addresses ACOG publications and common defenses
• Depositions of treating physicians, hospital staff, and expert witnesses from several cases
• Sample complaints, discovery requests, and mediation brief
• Transcripts of opening statement, closing argument, and expert testimony
• AAJ Education speaker papers, medical glossary, internet resources, and medical journal survey
[Deposition summary accompanies each deposition transcript]

Birth Injury Cases: Shoulder Dystocia
[UPDATED June 2015; 2,481 pages]
• Addresses substantive medical and legal issues that arise in shoulder dystocia cases including natural forces of labor defense
• Identifies criteria for case selection and screening, discusses risk factors, and addresses common defenses
• Depositions of plaintiff and defense expert witnesses regarding brachial plexus injury and Erb’s palsy
• Sample court documents, including complaints, Daubert motions, and orders regarding maternal forces
• AAJ Education speaker papers, national guidelines regarding shoulder dystocia and childbirth procedures, and other secondary resources
[Deposition summary accompanies each deposition transcript]

Failure to Conduct a Proper Differential Diagnosis
[UPDATED January 2017; 3,365 pages]
• Strategies from AAJ members who have successfully pursued differential diagnosis cases
• Court documents, opening statements and closing arguments, and trial testimony
• Depositions of defendants and experts from differential diagnosis cases, including a brain abscess case
• AAJ Education speaker papers providing an overview of differential diagnosis in medical negligence cases, including how a physician must formulate a differential diagnosis, prioritization of differential diagnoses, eliminating diagnostic candidates, common sources of error in formulating a differential diagnosis, using differential diagnosis to prove causation, and a survey of journal articles
[Deposition summary accompanies each deposition transcript]

Failure to Diagnose Breast Cancer
[UPDATED June 2015; 1,958 pages]
• Explores complex issues of causation, standards of care, loss of chance for a cure, staging, doubling-time, life expectancy, and overall case-handling strategies and techniques
• Addresses screening and diagnostic mammography
• Sample complaints, requests for production, expert disclosures, and interrogatories
• Depositions of obstetricians/gynecologists, surgeons, radiologists, dermatologist, oncologists, and nurse practitioner
[Deposition summary accompanies each deposition transcript]

Failure to Diagnose in the Emergency Room
[UPDATED October 2015; 4,597 pages]
• Examines the failure of emergency room physicians and staff to diagnose and treat medical emergencies, including myocardial infarction, pneumonia, aneurism, appendicitis, pulmonary embolism, and spinal epidural abscess, resulting in catastrophic injuries and deaths
• Sample court documents include complaints and interrogatories
• Depositions of defendant emergency physicians, defendant consulting physician, triage nurses, treating nurses, trauma surgeons, emergency medicine experts, and nursing experts
• Trial testimony from a defendant physician and emergency medicine experts
• AAJ Education speaker papers, Trial articles, compartment syndrome bibliography, and an overview of conditional immunity and the trend towards a heightened standard of proof
[Deposition summary accompanies each deposition transcript]

Failure to Diagnose a Pulmonary Embolism
[UPDATED May 2015; 2,840 pages]
• Sample complaints, written discovery, expert reports, and pre-trial statement
• Depositions of plaintiff and defense expert witnesses including family physicians, emergency department physicians, diagnostic radiologist, vascular surgeon, and cardiovascular specialist regarding adequacy of treatment, standards of care, and diagnostic testing
• Depositions of defendant doctors focused on emergency room standard of care for detection of a pulmonary embolism, Medical Review Panel witnesses regarding deviation from standard of care, and plaintiff and defense administrative experts regarding hospital policy and procedure
• Opening statements and closing arguments from failure to diagnose pulmonary embolism cases
[Deposition summary accompanies each deposition transcript]
Failure to Diagnose Stroke
[UPDATED July 2015; 3,126 pages]
- Examines the failure of emergency medicine physicians, hospitalists, neurologists, and radiologists to diagnose and treat stroke
- Addresses issues common to failure to diagnose stroke cases, including causation, failure to evaluate and treat, failure to recognize an emergent condition, failure to order the proper diagnostic tests, failure to read and/or interpret imaging studies, failure to communicate, failure to obtain a timely consultation, and failure to monitor
- Sample court documents include complaints, discovery requests, expert disclosures, and a mediation submission
- Depositions of emergency medicine physicians, hospitalists, neurologists, radiologists, interventional radiologist, neuroradiologists, MRI technologists, plaintiff experts, and more
- AAJ Education speaker papers and Trial articles

[Deposition summary accompanies each deposition transcript]

Failure to Timely Diagnose and/or Treat Cauda Equina Syndrome
[UPDATED January 2018; 3,161 pages]
- Examines standard of care and causation issues surrounding the diagnosis and treatment of cauda equina syndrome
- Numerous court documents include pleadings, motions to dismiss and oppositions, motions for summary judgment and oppositions, motions to compel, expert designations, oppositions to motions to strike expert affidavits, motions in limine, and pretrial statements
- Depositions of plaintiff and defense expert neurologists, neurosurgeons, neuroradiologist, emergency medicine physicians, registered nurses, physician's assistant, nurse manager, hospital administrators, hospital representative, and radiology operations administrator, as well as depositions of plaintiffs and defendant doctors
- AAJ Education speaker papers on spinal cord injury and imaging tests and a bibliography of medical journal articles

[Deposition summary accompanies each deposition transcript]

Federal Tort Claims Act: Medical Negligence Cases
[UPDATED December 2017; 5,875 pages]
- Administrative claims materials include tort litigation manuals and handbooks from federal agencies and the military, federal agency regulations and procedures for settling claims, a FOIA checklist, and a sample Standard Form 95, as well as the full statutory text of the Federal Tort Claims Act
- Court documents, including complaints, interrogatories, requests for production, motions to limit testimony, briefs, and proposed findings of fact and conclusions of law from medical negligence cases
- Depositions of treating physicians and expert witnesses from medical malpractice claims against military hospitals
- Settlement and verdict charts for medical malpractice cases, summary of loss of consortium verdicts, and opinions and judgments against the United States
- AAJ Education speaker papers provide tips and advice for specific practice areas, administrative settlements, proving damages, and common defenses

[Deposition summary accompanies each deposition transcript]

Fetal Distress Signs and Failure to Timely Perform a Cesarean Section
[UPDATED June 2016; 1,238 pages]
- Case profile involving catastrophically injured infant where the physician failed to perform a timely C-section
- Addresses screening birth injury cases, signs of fetal distress, fetal monitoring tracings and mistakes, ACOG defenses, and lack of communication between treating physician and hospital staff
- Complaint, opening statement, closing argument, depositions of plaintiff and defense experts, and verdict information
- AAJ Education speaker papers, Trial articles, and national guidelines on fetal distress, induction of labor, C-sections, and preeclampsia

[Deposition summary accompanies each deposition transcript]

Hospital-Acquired Infections
[UPDATED May 2016; 1,783 pages]
- Explores patient safety and infection control procedures in the hospital setting
- Sample complaints in hospital-acquired surgical infection and meningitis cases
- Discovery request and expert disclosures
- Depositions of defense witnesses in a hospital-acquired infection case
- Summaries of national guidelines

Informed Consent
[UPDATED October 2015; 2,291 pages]
- Explores informed consent issues in medical negligence cases and focuses on affirmatively pleading lack of informed consent, as well as defending against alleged informed consent in negligence actions
- State-by-state informed consent statutes and case law
- Complaints and bills of particulars pleading lack of informed consent
- Motions in limine and memoranda moving to exclude evidence of informed consent in negligence actions
- Written discovery requests, sample interrogatories, and deposition outline for defendant
- Depositions and trial excerpts, including voir dire, opening statements, testimony from plaintiff, defendant, and expert witnesses, closing arguments, jury instructions, and verdict from a case tried solely on the issue of informed consent
- AAJ Education speaker papers providing an overview of informed consent law in medical negligence cases

[Deposition summary accompanies each deposition transcript]

Life Expectancy and Neurological Injury: Defense Experts
[UPDATED January 2012; 4,155 pages]
- Following a catastrophic injury, defendants try to limit damages owed to a plaintiff through expert testimony claiming that future medical expenses should be reduced because the plaintiff's life expectancy has been reduced
- Deposition transcripts from three notorious reduced life expectancy defense experts and reports drafted by these experts
- Sample motions, briefs, and court opinions where defense expert testimony was excluded under Daubert and sample requests for production and motions to compel production of the data underlying expert opinions
Litigating Gastric Bypass Cases
[UPDATED January 2012; 2,182 pages]
- Sample complaints, interrogatories, requests for production, requests for admission, and motion for summary judgment and opposition
- Depositions of defendant doctors, plaintiff experts, and defense medical examiner
- Deposition outline for a bariatric surgeon
- Medical journal survey, clinical practice guideline summaries, and internet resources
  [Deposition summary accompanies each deposition transcript]

Nursing Errors in Hospitals
[UPDATED January 2015; 2,241 pages]
- Explores issues of case investigation, filing, pretrial, discovery, trial, and post-trial, including hospital liability, physician liability, res ipsa loquitur, and standard of care
- Sample complaint, interrogatories, requests for admissions, requests for production, and appellate briefs
- Checklists including common defenses, documents to request, and deposition questions for nurses and nurse experts
- Depositions of treating nurse, nurse supervisor, nurse expert, and Chief Nursing Officer
- Trial testimony of treating nurse, nurse expert, and treating doctor
- Case materials address issues of failure to monitor, improper performance of treatment, negligent administration of medication, and failure to communicate
  [Deposition summary accompanies each deposition transcript]

Perforated and Nicked Bowels
[UPDATED December 2013; 3,113 pages]
- Addresses the legal and medical issues that arise in cases involving failure to diagnose and treat perforated and nicked bowel injuries
- Sample complaints, interrogatories, expert designations, motion for protective order to limit defendant's experts, notice of intent to introduce a medical treatise into evidence, and a joint pre-trial memorandum
- Depositions of defendant doctors, plaintiff and defendant surgical experts, infectious disease consultants, diagnostic radiologist, microbiologist, nurses, and treating physicians
- AAJ Education speaker papers and Trial articles providing an overview of perforated bowel injuries, postoperative infections, case evaluation, and hospital liability
  [Deposition summary accompanies each deposition transcript]

Pharmacy and Pharmacist Liability
[UPDATED May 2014; 2,469 pages]
- Discussion of traditional pharmacy and pharmacist liability and the trend of broadening liability
- Sample court documents from cases involving the failure to dispense the proper medication and the failure to warn of contraindication between two medications
- Sample complaints, requests for admission, interrogatories, and requests for production
- Depositions of plaintiffs' pharmacy and toxicology experts, as well as depositions of pharmacists, certified pharmacy technician, and corporate representative
- Plaintiff's opposition brief to defendant's motion for summary judgment in a contraindication case
- AAJ Education speaker papers, Trial articles, and other secondary sources, including legal and pharmaceutical publications
  [Deposition summary accompanies each deposition transcript]

Preparing and Trying the Cardiovascular Case
[UPDATED May 2013; 3,034 pages]
- Addresses issues common to cardiovascular disease cases, including causation, standard of care, statute of limitations, and damages
- Explores several theories of liability, including failure to recognize signs and symptoms of aortic dissection, cardiovascular disease, and heart attack; failure to initiate proper treatment; failure to provide proper medications; failure to order proper tests; failure to interpret chest films correctly; and failure to communicate findings and make appropriate radiological recommendations
- Sample complaints, interrogatories, and motions
- Depositions of defendants and plaintiff and defense expert witnesses, including internists, critical care physicians, cardiologists, radiologists, and cardiothoracic surgeons
- Trial transcripts of expert testimony, opening statements, and closing arguments
  [Deposition summary accompanies each deposition transcript]

Surgical Negligence: Retained Towels and Sponges
[UPDATED June 2017; 1,760 pages]
- Focuses on cases involving significant injuries as a result of a surgical towel or sponge being left in the abdomen following surgery
- Key documents that focus on surgical and nursing standards of care regarding surgical count procedures and causation
- Sample complaints, interrogatories, requests for admissions, and requests for production of documents
- Plaintiff and defense motions for summary judgment and reply Memoranda
- Plaintiff's response to defendant hospital's memorandum for in camera inspection of peer review documents
- Jury instructions on foreign object counting and res ipsa loquitur
- Plaintiff's closing argument transcript
- Depositions of several defense and plaintiff expert witnesses and defendants
- AAJ Education speaker papers outlining the players in operating room negligence and apportionment of liability, verdicts and settlements, medical glossary of terms, and abbreviated medical journal survey
  [Deposition summary accompanies each deposition transcript]

Vaginal Operative Delivery: Vacuum Extraction and Forceps
[UPDATED June 2012; 1,233 pages]
- Explores the science, investigation, filing, common defenses, discovery, settlement, and causation for birth injuries stemming from vaginal operative deliveries
- Sample court documents include complaints and settlement summaries
- Deposition summaries and transcripts from a defense expert obstetrician, defense expert radiologist, nurse expert, treating physicians, and defendant family medicine physicians and obstetricians
- Provides information on the FDA warnings, guidelines, an adverse event report, and a user manual for a vacuum extractor
- AAJ Education speaker papers and Trial articles discussing vaginal operative delivery, associated injuries, common defenses, and tips and strategies for litigating traumatic birth cases, as well as a medical journal survey and a medical glossary
  [Deposition summary accompanies each deposition transcript]
MOTOR VEHICLE / AUTOMOBILE PRODUCTS LIABILITY

Bicycle Crashes [UPDATED June 2016; 2,666 pages]
- Provides an overview of three types of bicycle crash cases including bicycle versus motor vehicle, dooring, and improper roadway design
- Sample complaints, motions, interrogatories, requests for production, transcripts of openings and closings, and settlement letters from across jurisdictions and circumstances
- Sample police and crash reconstruction reports
- Depositions of plaintiff bicyclists, defendant motorists, expert crash reconstructionists, medical experts, loss of earning experts, crash witnesses, and a police officer
- AAJ Education speaker papers and reports from the National Highway Traffic Safety Administration, Department of Transportation, Institute of Transportation Engineers, and a list of bicyclist organizations by state

[Deposition summary accompanies each deposition transcript]

Dram Shop Liability [UPDATED July 2013; 1,430 pages]
- Addresses investigation, filing, the science, preservation of evidence, discovery, statutory and common law considerations, trial, and appellate issues
- Sample court documents include complaints, interrogatories, requests for production, proposed voir dire, and appellate briefs
- Depositions and trial transcripts, including opening statements, closing arguments, and witness examinations
- AAJ Education speaker papers and Trial articles

[Deposition summary accompanies each deposition transcript]

Evaluating the Auto Product Liability Case [UPDATED January 2016; 1,578 pages]
- Addresses the evaluation of motor vehicle collision cases and their potential for product liability defect claims against manufacturers
- Includes cases involving rollovers, seatbelt failure, door latch defects, and frontal crashworthiness
- Sample complaints, interrogatories, opening statement, closing argument, and deposition transcripts and summaries
- AAJ Education speaker papers and Trial articles
- Federal Motor Vehicle Safety Standards and Regulations
- National Highway Traffic Safety Administration crash data materials and a list of pertinent Internet resources

[Deposition summary accompanies each deposition transcript]

Interstate Trucking: Cross-Examining the Trucking Company’s Safety Director and Driver [UPDATED June 2013; 935 pages]
- Deposition outlines for defendant trucking company’s safety director and defendant truck driver
- Depositions and trial transcripts of defendant trucking companies’ safety directors and defendant drivers addressing the issues of trucking companies’ organizational structure and operations, crash procedures and policies, driver hiring procedure, and familiarity with the Federal Motor Carrier Safety Regulations (FMCSRs)
- Notice to take deposition of defendant truck driver
- AAJ Education speaker papers on trucking deposition strategies and issues specific to deposing and cross-examining defendant trucking company’s safety director and defendant driver

[Deposition summary accompanies each deposition transcript]

Interstate Trucking: Defense Expert Deposition Collection [UPDATED January 2014; 931 pages]
- General deposition outlines for defense trucking expert and defense crash reconstruction expert
- Depositions of human factors experts, VORAD system expert, driver hiring and safety expert, and three crash reconstruction experts
- AAJ Education speaker papers on trucking deposition strategies, issues specific to deposing adverse and lay witnesses, and innovative discovery techniques

[Deposition summary accompanies each deposition transcript]

Interstate Trucking: Independent Contractor Defense [UPDATED December 2012; 578 pages]
- Discussion and guidance regarding how to overcome the independent contractor defense including statutory employee doctrine and nondelegable duty
- Sample plaintiff motion for partial summary judgment, briefs opposing defense motion for summary judgment, trial brief, and appellate briefs
- Information on how to use discovery and jury instructions to establish and strengthen liability
- AAJ Education speaker papers

[Deposition summary accompanies each deposition transcript]

Interstate Trucking: Negligent Hiring [December 2015; 1,357 pages]
- Provides resources useful for members investigating and litigating negligent hiring, retention, and supervision of truck drivers
- Sample court documents, including complaints, discovery requests, and deposition summaries and transcripts
- Deposition outlines for safety director, defense trucking expert, and crash reconstruction experts
- AAJ Education speaker papers that provide discovery and trial strategies and tips on how to argue damages and tackle an interstate trucking case from start to finish

[Deposition summary accompanies each deposition transcript]
Interstate Trucking: Opening Statements and Closing Arguments [UPDATED June 2015; 1,826 pages]
- Opening statements, closing arguments, and rebuttals from top trucking verdicts provide a view into trial strategies and what motivates a jury
- Chart of trucking verdicts and settlements, including brief case summaries and verdict and settlement information
- AAJ Education speaker papers provide strategies to plan a successful opening statement and closing argument, argue damages, and tackle a trucking case from start to finish

Interstate Trucking: Regulations, Discovery, and Damages [June 2014; 3,085 pages]
- Discussion, guidance, and up-to-date rules and regulations including hours-of-service rule, cargo securement rule, alcohol and drug regulations, cell phone restrictions, and texting ban
- Sample court documents and litigation materials including complaints and answers, discovery requests and responses, preservation letters, and pretrial and trial documents
- Depositions addressing truck collision warning systems and communication systems
- Deposition outlines for defense trucking and crash reconstruction experts
- AAJ Education speaker papers addressing the Federal Motor Carrier Safety Regulations and CSA 2010, causes of action, discovery, crash reconstruction, damages, and trial techniques

Interstate Trucking: Spoliation of Evidence [UPDATED January 2012; 375 pages]
- Alteration or destruction of evidence can have disastrous consequences for plaintiff attorneys litigating trucking cases
- Sample preservation letters and temporary restraining orders
- Deposition outline and questions to establish spoliation of evidence
- Sample request to inspect vehicle, request for jury view, two motions in limine with a federal circuit-by-circuit analysis and state-by-state analysis of spoliation law, briefs, and memorandum orders
- Federal Motor Carrier Safety Regulation regarding preservation of records and Internet resources
- AAJ Education speaker papers and Trial articles

Interstate Trucking: Using 30(b)(6) and Other Deposition Strategies [UPDATED June 2013; 675 pages]
- Deposition outlines and deposition and trial transcripts for defendant trucking company’s 30(b)(6) corporate representative, CEO/President, and Dispatch/Operations employee
- Notices of deposition of defendant trucking company’s 30(b)(6) corporate representatives and other court documents
- AAJ Education speaker papers regarding taking depositions of defendant trucking company’s 30(b)(6) corporate representatives and other company employees

Low Speed Impact Cases [UPDATED February 2017; 1,783 pages]
- Explores key issues in assessing and trying low speed impact (MIST) cases, including case and client creditability; using medical literature to prove damages, discovery, expert testimony, voir dire, cross-examination of defense medical examiners, crash reconstructionists, and proving damages to the jury
- Depositions of biomechanists, neurologist, clinical psychologist, and neuropsychologist as well as a deposition outline for defendant driver and client deposition checklist
- Sample court documents, including interrogatories and requests for production, motions to strike testimony of defense experts, orders excluding defense expert’s testimony, pretrial memorandum, and appellate brief challenging admission of expert testimony
- AAJ Education speaker papers

Motorcycle Crashes [March 2014; 1,264 pages]
- Includes sample complaints, discovery requests, motions in limine, motions to strike affirmative defenses, motions for summary judgment, a mediation statement, post-trial motions, and opening statements
- Depositions of defense expert crash reconstructionist, neuropsychologist, vocational evaluator, and defendant driver
- Advice and examples of voir dire useful for uncovering and addressing potential juror bias
- Addresses common hurdles including no helmet and road rage accusations and includes motions useful to combat the admission of prejudicial claims
- AAJ Education speaker papers and other resources focused on motorcycle rider safety, injuries, defense experts, and an overview of products liability claims

Pedestrian and Motor Vehicle Collisions [December 2016; 1,663 pages]
- Provides an overview of common issues in pedestrian collision cases involving motor vehicles and public transit vehicles
- Includes complaints, trial briefs, motions, requests for production, and transcripts of witness testimony
- Contains deposition transcripts and summaries of plaintiff and defense expert witnesses specializing in forensic highway engineering, traffic engineering, and orthopedic surgery
- AAJ Education speaker papers, presentations, and articles highlight strategies, potential pitfalls, and key investigatory techniques
Preparing a Motor Vehicle Collision Case
[UPDATED August 2013; 2,178 pages]

- Fundamentals of litigating motor vehicle cases from client interview to trial
- Addresses issues such as determining a client's insurance coverage, working with insurance adjusters, case cost control, potential crashworthiness, experts, demonstrative evidence, and negotiating a settlement
- Sample complaints, interrogatories, requests for production, motions in limine, and plaintiff's partial motion for summary judgement on issue of liability in rear-end collision
- Depositions of defendant driver, defense medical expert, defense crash reconstructionist, biomechanical engineer, and physical medicine and rehabilitation specialist
- Strategies for handling defense medical experts, crash reconstructionists, biomechanical engineers, defense medical examiners, jury selection, opening statements, and closing arguments

[Deposition summary accompanies each deposition transcript]

Roadway Design and Maintenance
[October 2016; 3,004 pages]

- Features cases involving potholes, washed-out roads, inadequate signage, eroded shoulders, icy surfaces, and other unsafe roadway conditions and improperly designed crosswalks and off-ramps
- Includes complaints, trial briefs, motions, interrogatories, requests for production, and transcripts of witness testimony
- Contains deposition transcripts and summaries of plaintiff and defense expert witnesses specializing in collision reconstruction, traffic engineering, and roadway design
- AAJ Education speaker papers and Trial articles provide an overview of common issues in roadway design and maintenance cases and highlight strategies and potential pitfalls

[Deposition summary accompanies each deposition transcript]

Seat Belt Defects
[UPDATED October 2015; 3,474 pages]

- Court documents including complaints, discovery, motions, memoranda and briefs, and opinions and orders from several seat belt defect cases addressing defective seat belt buckles and seat belt retractors
- Depositions of mechanical engineers, crash reconstructionists, pathologists, biomechanical experts, restraint system experts, and defense corporate witnesses
- Trial testimony and documents, including opening statements, closing arguments and rebuttal, jury instructions, and jury questionnaire
- AAJ Education speaker papers and Trial articles on handling seat belt defect cases, related verdicts and settlements, Federal Motor Vehicle Safety Standards and National Highway Traffic Safety Administration materials, and a glossary of terms often used in seat belt defect litigation

[Deposition summary accompanies each deposition transcript]

Assisted Living Facilities
[UPDATED February 2015; 2,137 pages]

- Explores key issues in assessing and trying assisted living facilities (ALF) cases
- Sample court documents include complaints, motions related to discovery of financial information, and a mediation statement, as well as a deposition and voir dire outline
- Depositions of assisted living facilities staff including facility administrators, director of finances, and medical technicians
- Fifty-state survey of assisted living facility regulations
- AAJ Education speaker papers and Trial articles addressing ALFs generally, piercing the corporate veil, major defenses, facility employees, and common issues representing elderly clients

[Deposition summary accompanies each deposition transcript]

Bed Rail Entrapment
[UPDATED January 2011; 1,331 pages]

- Profiles wrongful death actions where the decedents were killed as a result of bed rail entrapment at hospitals and long-term care facilities
- Sample court documents, including complaints, interrogatories, requests for production, requests for admissions, trial briefs, and a motion for summary judgment
- Includes details on the physical apparatus of bed rails, the bed manufacturer's responsibility for design, and related products liability issues
- Depositions of geriatric medicine experts, director of nursing, and state investigator as well as depositions of key bed manufacturer employees, including Director of Regulatory Affairs, Design Engineer, Account Executive, and Field Representative
- Opening statement and closing argument transcripts and transcripts from the direct and cross-examination of geriatric medicine experts
- FDA materials, including safety alert, bed safety guide, and clinical guidance assessment, and AAJ Education speaker papers

[Deposition summary accompanies each deposition transcript]

ManorCare and Inadequate Staffing, Spoliation of Evidence, and Corporate Disregard
[September 2007; 4,125 pages]

- Case profile of a New Mexico ManorCare case detailing ManorCare’s corporate disregard for residents seen through record documentation, inadequate staffing, and spoliation of evidence
- Complaint, pre-trial motions, and transcripts of opening statement, closing argument, and rebuttal
- Deposition testimony illustrating ManorCare’s cover-up of resident death, including depositions of ManorCare Vice Presidents, Assistant Vice President of Clinical Services, Regional Director, Administrator, Director of Nursing, Assistant Directors of Nursing, Director of Medical Records, plaintiff medical expert, defense medical expert, treating LPNs, and treating CNAs
- Explores issues of selecting a jury in a nursing home case and includes the voir dire transcript from this groundbreaking case

[Deposition summary accompanies each deposition transcript]
Nursing Home Litigation: Developing the Facts through Depositions
[UPDATED May 2013; 5,447 pages]
• Well-planned depositions are critical when investigating and establishing the facts of nursing home cases and developing key concepts, including corporate structure and oversight, facility policies and procedures, and record keeping practices
• Reviewing nursing home litigation: checklists of common defenses, documents, and deposition strategies in your next case
• Deposition outlines and transcripts for most facility employees and corporate managers
• 30(b)(6) deposition notices, outlines, and transcripts
• AAJ Education speaker papers with tactics for litigating against nursing home employees

Nursing Home Litigation: Inadequate Staffing
[UPDATED November 2016; 4,013 pages]
• Resources for members investigating and litigating against a skilled nursing facility for failing to provide adequate staff in compliance with state and federal regulations
• Sample complaints, interrogatories, requests for production, requests for admissions, motions in limine, and a jury questionnaire
• Depositions of plaintiff and defense nursing home regulation and staffing experts, a nursing home medical director, and a director of nursing
• Transcripts of opening statements and closing arguments from one of the largest nursing home verdicts and the complete trial transcript from an inadequate staffing jury trial
• AAJ Education speaker papers and a fifty-state survey of nursing home staffing requirements

Nursing Home Litigation: Negligent Hiring
[UPDATED December 2017; 1,783 pages]
• Provides resources useful for members investigating and litigating negligent hiring, retention, and supervision of nursing home employees
• Sample court documents include complaints, interrogatories, and requests for production
• 30(b)(6) depositions of facility administrator, facility and regional human resources directors, and director of operations
• Depositions of a facility’s director of nursing and regional director of operations
• AAJ Education speaker papers with tactics for litigating against nursing homes and navigating the nuances of negligent hiring cases

Nursing Home Litigation: Nursing Errors
[UPDATED February 2012; 1,022 pages]
• Explores issues of case investigation, filing, pretrial, discovery, and trial
• Sample court documents include complaint, interrogatories, and notice of deposition for corporate representative with request for production of documents
• Depositions of nursing experts and facility employees, including administrator, director of nursing, shift supervisor, RN, and LPN
• Checklists of common defenses, documents, and deposition questions for the nursing experts
• Addresses improper assessment, care planning, and charting, failure to communicate with physicians, and violations of the standard of care pursuant to OBRA, ANA standards, and the Nurse Practice Act

Nursing Home Litigation: Opening Statements and Closing Arguments
[UPDATED December 2013; 2,033 pages]
• Opening statements and closing arguments from some of the top nursing home verdicts provide a unique view into trial strategies and what motivates a jury
• Cases address common claims including pressure sores, inadequate staffing, malnutrition, dehydration, abuse by staff, and medication errors
• Tactics and strategies for overcoming common hurdles in nursing home cases, including preexisting conditions, life expectancy, spoliation, and a plaintiff resident who remains in the defendant facility
• Additional case materials include case summaries, complaints, judgments, and verdict forms
• AAJ Education speaker papers addressing openings and closing generally, nursing home cases specifically, and even punitive damages

Nursing Home Litigation: Regulations, Discovery, and Damages
[UPDATED October 2016; 3,186 pages]
• Discussion, guidance, and up-to-date statutes and regulations governing nursing homes, including federal statutes and regulations, a fifty-state survey of nursing home regulations, and a state-by-state analysis of the staff-to-patient ratios
• Sample complaints, interrogatories, requests for production, motions in limine, trial and appellate briefs, and a supplemental juror questionnaire
• Deposition outlines for a nursing home administrator and director of nursing and depositions of nurses and certified nursing assistants
• AAJ Education speaker papers and Trial articles addressing damages, arbitration agreements, Medicare liens, piercing the corporate veil, and specific resident care issues

Nursing Home Litigation: Resident Falls
[November 2013; 1,688 pages]
• Falls and complications from falls, including hip fractures and head injuries, are leading causes of death for elderly individuals; nursing homes should recognize and react with appropriate interventions to reduce the risk of falls and related injuries and improve resident safety
• Sample complaints, discovery requests, motions in limine, trial memorandum, and a voir dire questionnaire
• Deposition outline and depositions of nursing home administrator, director of nursing, charge nurses, and a nursing expert
• Trial transcripts of opening statements and closing arguments from two recent cases
• AAJ Education speaker papers and other related resources

Nursing Home Litigation: Sexual Abuse
[October 2015; 1,992 pages]
• Provides resources for members investigating and litigating sexual assault cases against nursing home and assisted living facilities
• Sample court documents include complaints, interrogatories, and requests for production
• 30(b)(6) depositions of facility’s administrator, depositions of facility and regional human resources directors, and director of operations
• Additional materials include AAJ Education speaker papers with tactics and tips for litigating against nursing homes and issues representing the elderly

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PREMISES LIABILITY

Pressure Sores
[UPDATED January 2014; 3,111 pages]
- What plaintiff attorneys should know when handling a pressure sore case in the nursing home or rehabilitation hospital setting and how to overcome common defenses
- Sample complaints and discovery requests
- Depositions of treating physicians and nurses, expert geriatricians, and registered nurses examining standards of care and pressure sore development
- Rehabilitation hospital documents include complaints, pleadings, and expert depositions transcripts
- Addresses pressure sore staging and use of the Braden Scale
- Explores federal regulations and CMS Survey Enforcement Process
- Discussion about dealing with clinical practice guidelines and surveys
- AAJ Education speaker papers, Trial articles, and national guidelines summaries
[Deposition summary accompanies each deposition transcript]

Dog Bite Litigation
[UPDATED December 2010; 879 pages]
- State-by-state overview of dog bite statutes and laws
- Court documents, including complaints, briefs, written discovery requests, summary judgment documents, judgment notwithstanding the verdict motions, and motion for new trial documents
- Opening statement, closing argument, jury instructions, and special verdict form
- General deposition outline for the defendant in a dog bite case
- Verdict and settlement information and similar matters
- AAJ Education speaker paper and Trial articles
- Dog bite and attack statistics and CDC materials
[Deposition summary accompanies each deposition transcript]

Falling Merchandise in Big-Box Stores
[January 2014; 4,551 pages]
- Provides an overview of falling merchandise cases from big-box stores such as Wal-Mart, Home Depot, and Costco
- Includes discovery documents, motions and briefs, and trial exhibits
- Depositions of Wal-Mart and Home Depot employees, including store managers, executives, and claims managers
- Trial transcript of plaintiff’s closing argument in a case against Costco
- Premises liability codes and standards, store training and safety manuals, and AAJ Education speaker paper

Federal Tort Claims Act: Motor Vehicle and Premises Liability Cases
[UPDATED December 2017; 3,576 pages]
- Administrative claims materials include tort litigation manuals and handbooks from federal agencies and the military, federal agency regulations and procedures for settling claims, a FOIA checklist, and a sample Standard Form 95, as well as the full statutory text of the Federal Tort Claims Act
- Court documents, including complaints, discovery documents, and proposed findings of fact and conclusions of law from motor vehicle and premises liability cases
- Trial testimony and depositions of government and plaintiff witnesses from a premises liability case
- Settlement and verdict chart for vehicle collisions and a summary of loss of consortium awards
- AAJ Education speaker papers provide tips and advice for specific practice areas, administrative settlements, proving damages, and common defenses
[Deposition summary accompanies each deposition transcript]

Inadequate Security: Parking Lots
[June 2017; 1,996 pages]
- Provides an overview of inadequate security in parking lots and explores the relevant legal theories and the legal issues in parking lot premises security litigation
- Addresses case screening and investigating a premises security case, voir dire, apportionment of fault, establishing a duty, admissibility of expert testimony, and using commercial defendant’s policies and procedures
- Sample court documents, including complaints, requests for production of documents, and interrogatories
- Depositions of defense employees and expert witnesses and transcripts of opening statements, plaintiff and defense expert witness examinations, and closing argument
- AAJ Education speaker papers and an overview of industry standards and guidelines
[Deposition summary accompanies each deposition transcript]

Parking Lots: Inadequate Maintenance and Design
[March 2017; 1,025 pages]
- Explores the relevant legal theories and critical issues a plaintiff attorney should consider when representing clients injured in poorly maintained or designed parking lots
- Sample complaints, requests for production of documents, and interrogatories
- Depositions of defense employees and expert witnesses
- AAJ Education speaker papers addressing case screening and investigating a premises security case, voir dire, apportionment of fault, establishing a duty, and admissibility of expert testimony
Premises Security Liability: Apartment Complexes  
[UPDATED June 2017; 2,767 pages]
- Addresses case screening and investigating a premises security case, voir dire, apportionment of fault, establishing a duty, admissibility of expert testimony, and using commercial defendant’s policies and procedures
- Sample complaints, requests for production of documents, and interrogatories
- Depositions of defense employees and expert witnesses and transcripts of opening statements, plaintiff and defense expert witness examinations, and closing arguments
- AAJ Education speaker papers, recent verdicts and settlements, and an overview of industry standards and guidelines
  [Deposition summary accompanies each deposition transcript]

Slip and Fall: Fast Food Restaurant  
[July 2012; 2,175 pages]
- Case profile of a slip and fall incident at a national fast food chain
- Includes complaint, interrogatories and responses, requests for and responses to inspection and production of documents, expert witness disclosures, motions in limine, and mediation and settlement statements
- Depositions of plaintiff, witnesses, treating doctors and psychiatrist, defense experts in neurology and chronic pain management, and plaintiff expert in safety and retail operations
- Trial transcripts of witnesses, treating pediatrician, and defense expert in neurology
- Documents outlining restaurant policies and procedures
- Premises liability codes and standards and AAJ Education speaker papers on handling slip and fall cases
  [Deposition summary accompanies each deposition transcript]

Slip and Fall: Restaurants  
[December 2014; 1,099 pages]
- Focuses on slip and fall cases in both local establishments and national franchises
- Includes sample complaints, interrogatories, request for production of documents, and responses to motions for summary judgment
- Documents outlining restaurant policies and procedures
- Deposition summaries and outlines of restaurant managers, servers, and owners
- Premises liability codes and standards and AAJ Education speaker papers on handling slip and fall cases
  [Deposition summary accompanies each deposition transcript]

Slip and Fall and Discovery Abuse: Grocery Stores  
[UPDATED April 2013; 1,060 pages]
- Features materials from three slip and fall cases at a national grocery chain, including complaints, interrogatories, request for production of documents, and requests for admissions
- Discovery abuse materials include motion for sanctions, plaintiff’s brief in support of motions, and orders for sanctions for discovery abuse
- Outline for store manager deposition and depositions of three store managers
- Documents outlining the store policies for two national grocery chains
- Premises liability codes and standards and AAJ Education speaker papers on handling slip and fall cases
  [Deposition summary accompanies each deposition transcript]

Toxic Mold  
[UPDATED February 2011; 1,791 pages]
- Addresses both personal injury and property damage claims involving toxic mold in apartments, single-family homes, and schools
- Court documents include complaints, discovery requests, motions, and briefs against property developers and management companies, construction companies, insurance companies, contractors, building materials suppliers, school district and school board, and homeowners’ association
- Resources for claims involving inadequate maintenance, faulty construction/design for defective siding, vapor barriers, windows and EIF systems, bad grading, and water infiltration/damage
- Discussion of potential defendants, causes of action, and defenses, including causation and failure to meet burden of proof and comparative fault
- AAJ Education speaker papers, Trial articles, and CDC and EPA reports addressing the state of the science, proving neurotoxic and cognitive injuries, defenses including causation and comparative fault, insurance coverage, and remediation
  [Deposition summary accompanies each deposition transcript]

Wal-Mart Stores, Inc.: Discovery Abuse  
[UPDATED November 2012; 1,281 pages]
- Sample preservation letters, motion for sanctions, trial transcript, appellate briefs on issue of spoliation of evidence and motion for new trial, and hearing transcripts
- Depositions of Claims Management, Inc. employees and Wal-Mart supervisors
- Opinions establishing Wal-Mart’s status as a discovery abuse “repeat offender”
- Charts listing sanctionable conduct, sanctions imposed, and judicial comments
  [Deposition summary accompanies each deposition transcript]
PRODUCTS LIABILITY

Explosion Cases
[UPDATED June 2017; 4,309 pages]
- Profiles cases involving an oil heater, hot water heater, breaker panel, plastic gasoline container, hydrocarbon refinery, propane tank, and natural gas line
- Reports by experts in engineering, safety, human factors, design and operations, neuropsychiatry, life care planning, and more
- Depositions of engineers, engineering consultants, plant employees, petroleum and safety consultant, psychiatrist, and a surgeon from a burn unit
- Court documents include complaints, interrogatories, requests for production, designation of expert witnesses, verdict forms, opposition to defendant’s motion for judgment notwithstanding the verdict, and opposition to defendant’s motion for new trial
- Transcripts of opening statements and closing arguments
- Additional resources include outlines for deposing defense experts in engineering, presenting burn injuries and non-economic damages to the jury, and using demonstrative evidence

Litigating Claims against Foreign Manufacturers: China
[UPDATED June 2010; 1,171 pages]
- Addresses service of process, venue and forum, jurisdiction, the discovery process, and enforcing judgments against foreign manufacturers, including checklist, rules, statutes, State Department documents, and case law
- Documents specific to litigating claims against Chinese manufacturers including governing laws, treaties, and conventions, court documents, sample letters rogatory (method of obtaining judicial assistance from abroad), emails between Chinese manufacturer and distributor establishing punitive damages claim, and tips and strategies
- Court documents including complaints, motion to dismiss for lack of personal jurisdiction, brief regarding letters rogatory, letters rogatory, written discovery requests, and deposition of defendant importer
- Information regarding federal legislation and hearing testimony on the Foreign Manufacturers Legal Accountability Act
- AAJ Education speaker papers and Trial articles addressing general claims against foreign manufacturers and claims specifically against China

Preparing a Consumer Products Liability Case
[April 2016; 2,103 pages]
- Fundamentals of litigating consumer product cases from client interview to trial
- Addresses issues such as selecting and screening a case, manufacturer and importer liability, and negotiating a settlement
- Court documents, including sample complaints, interrogatories, requests for production, and sample voir dire questions
- Strategies for handling defense experts, including engineers, medical experts, and the defense medical examiner
- Jury selection, opening statements, and closing arguments
- AAJ Education speaker papers and Trial articles

Tasers: Unsafe and Lethal
[UPDATED February 2015; 4,420 pages]
- Injuries and deaths caused by Taser electronic control devices (ECDs) have resulted in suits against both Taser International, Inc. and the cities and municipalities where these devices are used
- Complaints from five cases alleging injuries and wrongful death from Taser products and the use of excessive force and civil rights violations
- Sample discovery documents, motions and memoranda, depositions and trial transcripts from the first successful verdict against Taser International and the first products liability suit settled by Taser International
- Depositions of key Taser International employees, including the CEO and Founder, Vice President of Research and Development, Vice President of Training, Director of Technical Programs, and a regional manager, as well as expert witnesses in emergency medicine, electrophysiology, electrical engineering, and pathology
- Bibliography of related studies, AAJ Education speaker papers, and Trial articles

RAILROAD

Federal Employers’ Liability Act (FELA)
[May 2013; 1,837 pages]
- Federal Employers’ Liability Act (FELA) provides remedies for railroad employees hurt or killed on the job and differs significantly from state worker’s compensation laws
- Featured cases address railroad employees permanently injured and killed while on the job
- Sample court documents include complaints, interrogatories, requests for production, motions, responses to defense motions, and a trial brief
- Depositions of railroad employees and management, treating physicians, family, and a plaintiff
- Also includes a glossary of railroad crafts, information on railroad safety policies and procedures, and AAJ Education speaker papers addressing discovery considerations, defenses and defense tactics, settlement, and whistle blowing
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