

## Session Outline

### Defending The Top Manager: Age, Sex, and Disability

- the Risk Manager and the Defense Lawyer working together
- the mutually supportive roles of the public agency risk manager and trial counsel in defending against claims of discrimination and wrongful termination, based on age, sexual orientation and harassment, and psychiatric disability

#### I. Process

- A. Analysis of the Claim – Facts and Legal Issues
- B. Attack the Pleadings (or not)
- C. Attack the Core Evidence
  - analysis and disclosure
  - timing and method of disclosure
- D. Attack the Damages
  - investigation and disclosure
- E. Resolution
  - Settlement – Mediation - Trial

#### II. The Client (the Risk Manager)

- A. Manage the Process
  - facilitate interviews with key personnel
  - alert the lawyer to minefields (factual, political, procedural, historical)
  - try to single-assign a client contact
- B. Take investigation seriously
  - Take discovery seriously
  - You (your staff) can do a lot of the work – control legal expense
- C. Take mediation seriously
  - bias toward accepting claimant's selection
  - understand the mediator's job
  - realistically set your own expectations
- D. At trial
  - participation – assistance - attendance