

CHECKLIST

Early Case Assessment Checklist

A structured first-pass review of posture, claims, evidence, economics, discovery, and unknowns.

FEDERAL CIVIL LITIGATION EDITION

Use at intake, after a material pleading or order, and before committing to a discovery or settlement strategy.

PART 1

Matter identity and decision frame

Matter / client	
Court / jurisdiction	
Case number	
Assessment date	
Prepared by	
Decision in front of us	

- [] Define the client's objective in operational terms, including timing, cost, publicity, business continuity, and non-monetary outcomes.
- [] Name the current procedural posture and the next event that can materially change the matter.
- [] Confirm the controlling forum, jurisdiction, service, venue, limitations, and removal issues with matter-specific research.
- [] List every current order, local rule, standing order, and agreed deadline that controls the work.

PART 2

Claims, defenses, and remedies

- [] Decompose each claim and affirmative defense into its required propositions under controlling law.
- [] Identify pleading defects, threshold issues, burdens, presumptions, and available defenses.
- [] Separate liability propositions from causation, damages, remedy, and collection/enforcement questions.
- [] For each proposition, mark current support as observed, asserted, inferred, disputed, unknown, or not applicable.
- [] Record the best competing theory rather than only the preferred case narrative.

Claim / defense	Required proposition	Current status	Best source	Gap / owner

PART 3

Facts, evidence, and credibility

- [] Build a dated event chronology from source records before writing the narrative.
- [] Identify each material witness, what the person directly knows, and where memory or incentive may be contested.
- [] Map documents, ESI, physical evidence, testimony, admissions, and expert proof to the proposition they support.
- [] Record contradictions, missing links, authenticity issues, hearsay/admissibility questions, and privilege limits.
- [] Identify evidence held by third parties and the lead time needed to preserve or obtain it.

PART 4

Preservation and discovery

- [] Identify the preservation trigger and record the decision date and basis.
- [] Name custodians, systems, devices, collaboration tools, cloud stores, backup/legacy sources, and relevant date ranges.
- [] Suspend relevant auto-delete, rotation, device replacement, and account-closure processes.
- [] Prepare the Rule 26(f) agenda: scope, proportionality, ESI sources, form of production, privilege, phasing, experts, and disputes.
- [] Tie every proposed discovery step to a claim proposition, defense, damages input, or ranked unknown.

PART 5

Economics and decision paths

Dimension	Current estimate	Assumptions / source	Sensitivity / trigger
Recoverable damages / exposure			
Fees and disbursements			
Business interruption			
Insurance / indemnity			
Collectability / enforcement			
Time to milestone			

PART 6

Unknowns and next actions

Question	Decision it could change	Fastest reliable source	Owner	Due

Action	Why now	Dependency	Owner	Due

GOVERNANCE

Assessment sign-off

Recommended line	
Material assumptions	
Alternative / dissent	
Reviewer	
Review date	
Revisit trigger	

DECISION INTEGRITY

Assumption and dissent register

Assumption / alternative	Support	What would change it	Owner	Review date

REFERENCE NOTES

Sources, scope, and use

These tools organize litigation work; they do not state the law for a particular case. Federal rules are a starting point only. Always check the controlling substantive law, local rules, standing orders, scheduling order, protective orders, and matter-specific facts.

1. Federal Rules of Civil Procedure, effective Dec. 1, 2025

<https://www.uscourts.gov/sites/default/files/document/federal-rules-of-civil-procedure.pdf>

2. Federal Judicial Center, Civil Litigation Management Manual, 2d ed.

<https://www.fjc.gov/sites/default/files/2012/CivLit2D.pdf>

3. Federal Judicial Center, Manual for Complex Litigation, Fourth

https://www.fjc.gov/sites/default/files/materials/30/Manual%20for%20Complex%20Litigation_Fourth%20Edition_Third%20Printing_2020.pdf

4. U.S. District Court, E.D. La., ESI Discovery Guidelines

<https://www.laed.uscourts.gov/sites/default/files/pdfs/north/E-discoveryGuidelines.pdf>

Juricratic treats every conclusion as something that should remain tied to its source, assumptions, status, and review history. Use the same discipline in every report you produce.

EDUCATIONAL USE ONLY

This publication is general educational information, not legal advice, and does not create an attorney-client relationship. The checklists are not exhaustive. Facts, law, court orders, ethical duties, privilege, confidentiality, and preservation obligations vary by matter and jurisdiction.