

**Carter Holt Harvey**

**EARLY CASE ASSESSMENT CHECKLIST**

<b>Matter Name:</b>		
<b>Responsible In-house Counsel:</b>		<b>CHH MIN:</b>
<b>Responsible External Counsel:</b>		<b>CHH MIN:</b>
<b>Date:</b>		
<b>Has a legal hold been issued</b>	<b>YES/NO</b>	<b>Comment:</b>
<b>Are there insurance implications</b>	<b>YES/NO</b>	<b>Comment:</b>

<b>ISSUES FOR CONSIDERATION</b>
<b>Brief outline of the issue:</b>

**Background**

What is our theory of the case:	
What evidence supports our theory: <ul style="list-style-type: none"> <li>• Identify key facts:</li> <li>• Identify key legal issues (elements of the cause of action):</li> </ul>	
What evidence supports their theory: <ul style="list-style-type: none"> <li>• Identify key facts:</li> <li>• Identify key legal issues (elements of the cause of action):</li> </ul>	
Identify key witnesses:	
Identify key documents:	

**Investigation**

Identify key witnesses:	
Identify key documents:	
Identify possible experts:	
What further investigation is necessary:	
Who should do the investigation:	

**SWOT**

What is the range of possible outcomes (taking into account CHH objectives)?	
What are the key determinants of each outcome?	
What is the SWOT (Strengths,	

Weaknesses, Opportunities, and Threats) for CHH, and for the other side?	
In the context of the SWOT analysis, what are the preliminary prospects of each likely outcome?	
What work will be necessary in relation to pursuing each of these outcomes?	

**Risk Assessment**

Assessment of liability (%)	Our best case chance %	Our worst case chance %
Assessment of damages (\$)	Our best case	Our worst case
Assessment of other parties legal / expert costs:	Minimum	Maximum
Assessment of our likely legal / expert costs:	Minimum	Maximum

**Other relevant factors?**

(list any)

**Suggested strategy**

What is the suggested strategy?	
Based on current unknowns / uncertainties - what factors / developments would trigger a need to reassess this strategy?	

**Other recommendations**

1. Could this case be settled now? Why or why not?
2. If we were to attempt to settle, how much should we offer (minimum / maximum)? When? Why?
3. What can we do to drive early resolution of this claim (ADR, meeting, summary judgment, settlement offer, etc.)?
4. What settlement authority do you recommend?
5. Overall, how do you recommend we proceed?

**Broader Context**

1. What changes to our operating procedures should be made, in light of the issues raised here?
2. What training should be undertaken in the business to minimise the potential for issues like these arising?