

Scenario 1: Attorney (D) and Support Staff (I)

Characters:

Arlene Mad Dog Darrow:

“Cha-tay” Cathay Peoplepleaser

Scene:

Chatty at her desk, computer open, typing wildly, trash can overflowing, coffee cups litter the desk and floor. Arlene sitting on opposite side of stage, in her desk, on the phone.

Narrator:

The firm has just been retained by Drone Home and a firm-wide e-mail was sent to key staff with a synopsis of the matter. Mad Dog wants to get an ex parte temporary injunction to prevent disclosure of safety issues by Nano Nanny

Arlene: (says into the phone): Yes sir, we’ll get that motion filed today and I’ll personally make sure we have a judge take a look at it by the end of the day. (hangs up phone – loudly speaks across the room) CHA-TAY.

Thought Bubble: <To Do List: File Motion, Get it Heard >

Chatty: (Hears her name and smiles. Gets up immediately and starts walking to Arlene’s office. Is almost there, turns around and goes to get a pen/pad. Walks back towards Arlene’s office). Yes sir, how are you today? I hope you had a great weekend! (Smiles)

Thought Bubble: <He had that big trial last week so I hope he enjoyed some time off>

Arlene: (direct, not really even looking at her) We’re filing an emergency motion for injunctive relief today – ex parte. I need you to find out the procedural issues with that. Does the judge require a hearing? Do the rules require a hearing? Is the judge in today? Figure out how I get that motion in front of a judge, any judge TODAY.

Thought Bubble: <If a judge doesn't see it today, we'll lose our advantage>

Cha-tay: *(smiling and enthusiastic)* Absolutely, I'd be happy to. I actually know Judge Mill's JA – we went to high school together. She was my study partner for calculus. We really hated that class (laughs). Did you take calculus in High School? Wasn't it terrible?

Thought Bubble: <I'm sure that knowing the JA personally will help me get this information quicker. This is great news for him. >

Arlene: Calc...what? Cha-tay I swear I don't know what you ramble about half of the time. I don't have time for this. GO!

Thought Bubble: <We're on a deadline and she's talking about high school??>

Cha-tay: Oh, ok. Sorry. *(leaves quickly)*

Thought Bubble: <Oh man, he seems angry...did I say the wrong thing? Maybe he hated calculus. I don't think he really likes me much...I wonder if he's going to fire me.>

****About half an hour later** Chatty approaches Arlene who is in deep in discussion with two fellow attorneys.*

Cha-tay: *(approaches)* Ma'am! *(Excitedly)* Great news – I contacted the JA know from High School....

****Arelene doesn't even look at Cha-tay, just holds her hand up in an impatient "hold on" gesture....quickly finishes discussion with colleagues****

Arlene: What is it?

Cha-tay: Yes! So, *(Excitedly)* Great news – I contacted the JA know from High School but she was out sick and won't be back until next week. Terrible right? But then I remembered that I participated in a charity event with a lady whose next door neighbor is Judge Adkins JA! I sent her a quick text and I

was able to get a hold of her and find out the procedure for getting an ex parte motion before the a judge as soon as possible! (smiles broadly)

Thought Bubble: <Clearly when he sees all the work I put into getting this information for her, and how my personal relationships benefitted the end goal, she'll value my role in this firm! >

Arlene: (waves hands around) ANNNNDDDD???? Can't you see I'm in the middle of something Cha-tay - I don't need a Charles Dickens' style explanation of everything you do? Did you set it for hearing, yes or no? It is as simple as that! Why do you have to make everything so complicated?

Thought Bubble: <I don't have time for this, I need a new assistant.>

Cha-tay: (looks like she was just slapped – says quietly), yes ma'am...the hearing is at 4pm today. (walks away dejected).

Thought Bubble: <She hates me, I need a new job.>

Scenario 1: Take 2

Arlene: (says into the phone): Yes sir, we'll get that motion filed today and I'll personally make sure we have a judge take a look at it by the end of the day. (hangs up phone – loudly speaks across the room) CHA-TAY.

Chatty: (Hears her name and smiles. Gets up immediately and starts walking to Arlene's office. Is almost there, turns around and goes to get a pen/pad. Walks back towards Arlene's office). Yes ma'am, how are you today? I hope you had a great weekend! (Smiles)

Arlene: (direct, not really even looking at her) Thanks, I hope you did, too. Listen, I need your help. We're filing an emergency motion for injunctive relief today – ex parte. I need you to find out the procedural issues with that. Does the judge require a hearing? Do the rules require a hearing? Is the judge in today? Figure out how I get that motion in front of a judge, any judge TODAY.

Cha-tay: (*smiling and enthusiastic*) Absolutely, I'd be happy to. I think I have some connections at the court that might help. I'll get right on it.

****About half an hour later** Cha-tay approaches Arlene who is in deep in discussion with two fellow attorneys.*

Cha-tay: (makes herself visible) Ms. Darrow, when you have a moment. (Waits).

****Arelene looks at Cha-tay and nods,....quickly finishes discussion with colleagues****

Arlene: Do you have some good news for me Cha-tay?

Cha-tay: (approaches) (Excitedly) Great news – it took a bit more work than you'd expect, but I've got your hearing set for today at 4:00pm before Judge Adkins. As soon as your motion is ready, I'll be happy to file it and send a courtesy copy to his JA, Anita.

Arlene: Why Judge Adkins? Wouldn't it be before Judge Mills?

Cha-tay: Normally yes, but he is in the middle of a two-week products liability trial involving self-lacing sneakers. Our best bet for getting it in front of a judge today was with Judge Adkins.

Arlene: Fine. (turns to colleagues, resumes conversation)– *Cha-tay starts to walk away*) (Arlene pauses, turns to Cha-tay) Good work Cha-tay, efficient as ever. (Turns to colleagues) - how the heck does she manage to do that?

Cha-tay: (huge smile...exits the room).

Scenario 2: Attorney (D) and Associate (S)

Characters:

Arlene Mad Dog Darrow:

Donnie B. Goode:

Scene:

Donnie is sitting at his desk which is nice and orderly, typing on his computer. Mad Dog walks in abruptly and begins speaking before he has even had a chance to look up. As soon as he notices she is there, he grabs a legal pad, stands up, and starts taking notes on what she is telling him.

Narrator:

The firm has just been retained by Drone Home and a firm-wide e-mail was sent to key staff with a synopsis of the matter. Mad Dog wants to get an ex parte temporary injunction to prevent disclosure of safety issues by Nano Nanny

Scenario 2: Take 1

Arlene: So, those turncoats of our client's firm are threatening to play dirty with our client's safety record if we go to court. I need you to draft an *ex parte* motion for injunctive relief – we need some kind of gag order here. We can't let them litigate this case in the media. That would be disastrous, and it would certainly screw us when it comes time for jury selection. The sooner we can get this done, the better. The injunction will set some clear boundaries for them and let them know we're not playing games. (*Turns to walk out of the room*)

Thought bubble: <Ok, that's done. Now let me focus on negotiation strategy.>

Donnie: Absolutely, I'm happy to help. I'll get right on it.

First thought bubble: <Wait...does she want a memo? Or a draft motion? I wonder if "gag order" is just slang or a term of art.>

After Arlene walks out:

Thought bubble: <Wow, that's not much to go on. Let me research it thoroughly to ensure we cover all our bases.>

Narrator:

Later that afternoon – at 4:35pm to be exact:

Donnie: Ma'am, I've been doing some research on the assignment you gave me. I'm a bit hesitant to begin drafting the motion itself because there seems to be a distinction between cases involving injunctions in the setting of

domestic violence cases and other civil injunctions seen primarily in business relationships. I'm also having a difficult time finding a proposed "gag" order to include with the motion. I've used several types of keywords in my research but I haven't found a single order at any level with the words "gag" in the title. I checked under "Order Establishing Gag", "Order Gagging Defendants", "Order to Gag" and nothing came up. Do you have some time to review this with me so I can make sure we are on the same page before I continue?

Thought bubble: < She didn't give me any details about what she wanted, so I need to clarify and make sure I'm doing what's most helpful.>

Arlene: (*stares at Donie, mouth agape*)? "Gag" order? Wait...you haven't even started drafting the Motion? Good grief, it's almost the end of the day! If we don't get this filed today, Nano Nanny is going to go live and our clients will lose the ability to keep this quiet. This would be devastating to the case!

Thought bubble: <My reputation would be ruined>

Donnie: I'm so sorry, I really want to produce quality work for you, and I just wanted to make sure I was focusing on the exact type of injunctive relief you wanted.

Thought bubble: < Oh, man, let me see how I can fix this. I'll stay late to get it done. My kids don't need to eat, right?>

Arlene: THIS NEEDED TO BE DONE YESTERDAY. WHY ARE YOU STILL STANDING HERE? GO! DO IT!

Thought bubble: < *&\$%&*!!>

Donnie: Silently turns and quickly walks away.

<Thought bubble: I feel like I'm going to throw up. Okay, just breathe. Center yourself. Don't cry.>

DISCUSSION : Kristine, Peg, Laura

Scenario 2: Take 2

Arlene: So, those turncoats of our client's firm are threatening to play dirty with our client's safety record if we go to court. I need you to draft an *ex parte* motion for injunctive relief – we need some kind of gag order here.

Donnie: Absolutely, I'm happy to help. When do you need it by?

Arlene: Time is of the essence – we need to file it by the end of the day or we risk Nano-Nanny launching and our opportunity to keep this quiet goes up in flames.

Donnie: Got it. This will be my first motion for injunctive relief but I know I can do it. Can you point me in the right direction for research so I can get it done quickly?

Arlene: We handled a case last year for another client Insta-Cheese where we filed a similar motion. Ask my assistant to pull up the case file for you; it should be enough to get you started.

Donnie: Excellent, would you like me to also include a proposed order?

Arlene: No, we can let the court rule and offer to draft an order based on the Court's specific findings of fact. Make sense? Can I answer any questions for you?

Donnie: Let me make sure I understand exactly what the assignment is. I'm to research and draft a motion for injunctive relief by 5pm today. I'll pull up the Insta-Cheese file to look at a previous motion. No proposed order is needed, but we may draft one upon the court's request. Did I get that right?

Arlene: Exactly right.

Donnie: Thanks, I'm on it.

Narrator:

Later in the afternoon

Donnie: Here you go. I've included two versions, one that includes a more thorough discussion of the applicable case law, another that is more concise and to the point.

Arlene: (Reviews documents) Great job, and with plenty of time to spare. Why don't you come with me to the hearing on this and co-counsel the case with me?

DISCUSSION : Kristine, Peg, Laura

Scenario 3: Attorney (D) and Opposing Counsel (C)

Characters:

Arlene Mad Dog Darrow: Tania Alavi

Nicholas “Nitpick” Bader Ginsberg for Nano-Nanny: Jim Sullivan

Mediator: Mile. Di’lyeefective: Leonard Ireland

Scene:

The mediator is sitting with his head on a desk, snoring loudly. A clock on the desk reads 4:47am. Mad Dog and Nitpick are to the side of the desk speaking directly to one another.

Narrator:

Mediation has been going on for almost 20 hours. The mediator has succumbed to exhaustion but Mad Dog and counsel for Nano-Nanny, Nick “Nitpick” Bader Ginsberg have been working amongst themselves to come to an agreement.

Scenario 3: Take 1

Arlene: (loudly) So, Drone Home will drop its claim for injunctive relief if Nano Nanny agrees to include the phrase “Proudly and probably safely made with Drone Home mini-drone technology” on its packaging.

Thought Bubble: <Let’s finish this.>

Nitpick: (deliberatively) I think my client will agree, but we’ll need to discuss and agree upon the placement, the typography, the font size, the font color and whether we also need to include a safety warning about Drone-Home’s technology.

Thought Bubble: <Hmm. What about confidentiality? And are there potential copyright issues?>

Arlene: (getting up in Nitpick’s personal space) Look, we can hammer those out later, let’s just agree on the deal. Why are you even bringing that up now?

Thought bubble: <Get it done. Get it done. Get it done.>

Nitpick: (taking a step back, and getting hackles up) Are you crazy? We can't agree to a settlement without knowing exactly what is expected of Nano-Nanny! Why are you trying to get me to violate my ethical duty to my client?

Thought bubble: <The devil is always in the details>

Arlene: (angry now) Are you calling me unethical? Those are just minor technicalities. No wonder Nano Nanny had to steal Drone Home's employees and tech – nobody there can get anything done, not even their lawyer!

Thought bubble: <Keep control of this, we're so close.>

Nitpick: (also angry) Are you calling me ineffective? I represent my client meticulously! Just because Nano Nanny doesn't run off half-cocked and maim their test subjects doesn't mean they don't get anything done!

Thought bubble: <She can't be serious right now.>

Arlene: Just agree to the deal already! We both know you're going to eventually, so just do it now, or Drone Home walks.

Thought bubble: <Clearly he'll recognize my authority here.>

Nitpick: I'll never agree to some half-baked idea of a settlement. We're done here.

Thought bubble: <No way some half-a\$@#d deal is going to have my name anywhere near it!>

Both storm out.

*****DISCUSSION*** : Kristine, Peg, Laura**

Scenario 3: Take 2

Arlene: (loudly) So, Drone Home will drop its claim for injunctive relief if Nano Nanny agrees to include the phrase “Proudly and probably safely made with Drone Home mini-drone technology” on its packaging.

Nitpick: (deliberatively) I think my client will agree, but we’ll need to discuss and agree upon the placement, the typography, the font size, the font color and whether we also need to include a safety warning about Drone Home’s technology.

Arlene: I’m sure we can work those details later, as long as we agree on the broad strokes now.

Nitpick: I understand your point, but these are important issues that could impact my client’s sales and marketing and they need to be dealt with before we can finalize the agreement. Let’s take a few minutes and go over them, so we can be sure we’re on the same page.

Arlene: I don’t think it’s really necessary at this time, but I don’t want to throw out the settlement over it. It’s almost 5:00am. How about we agree to the material terms and we can reserve the right to additional negotiations on these details. If we need to utilize the mediator (both of them look over and the mediator snores loudly) we can, but how about you just provide me with your client’s suggestions on how the packaging would look?

Nitpick: Ok – as long as we can reduce it to writing that we’ll continue to negotiate some of these smaller details, I think we can come to an agreement on the material issues tonight. I think my client has already mocked up a couple of possibilities for the packaging so I can send them over tomorrow afternoon.

Arlene and Nitpick high five.

Mediator: (Gets up, stretches, says) Well, I'm glad I was able to get that resolved for you folks.

DISCUSSION : Kristine, Peg, Laura