

Shayla smith



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BUSTER**

Summer Swimming Incident Shayla Smith stayed a few nights of summer vacation with her friend, Tamara, whose Mom and Dad, Bob and Susan Tuttle, took Shayla and their daughter, Tamara, camping. Shayla's mom was happy for the break, as Shayla is dyslexic, and that has caused her to have a difficult time at school. Consequently, she acts out, and is a handful for her single mom! The campground is small, but has a fun mini-golf game, hiking trails, and has a pool, but no diving board, and no lifeguard; it is a sand-bottom pool, fed by an artesian well, so it is clean, but murky.

The owners, Owen and Dolly Jones, who own and operate the campground, don't have any security on the premises because they are a 'mom and pop' operation, and the campers all come back year after year. The sign out front says, "Everyone's family at the O & D Family Campground!" Tamara's family was looking for a summer spot to which they can return year after year, so they gave the O & D a try this year. The first morning after arriving, the two 10 year-old girls hit the pool at about 9:30, even though it is not supposed to open for another half hour, according to the sign at the entrance.

Tamara dove into the pool, and said, "Ow! It's shallow here, but it is warm! Come on in!" Shayla yelled, "What?" and dove in right next to Tamara, but she hit bottom and broke her arm. Tamara saved her from drowning by pulling her to the side of the pool, and then helping her out to the bank. They call out for Tamara's parents, who came out and immediately called the ambulance. Owen and Dolly returned from breakfast in town, and rushed into the pool area before the ambulance even arrived.

Tamara's mom wondered why the pool was not marked as shallow on that end, but Dolly says they put up the signs every morning when they get ready to officially open the pool, plus the pool is sand bottom and relatively soft anyway. Shayla's family wants to sue Tamara's parents for negligent supervision, as well as the campground for negligence. Writing Assignment 1: Post-Interview Memorandum This week, you should be working on your Post-Interview Memorandum. In most cases, paralegals are responsible for dictating memoranda to clients' files that summarize information obtained during interviews.

Depending on a particular firm's preference, the summary may be in narrative or outline form. Post-interview memoranda should be prepared immediately after an interview, when details and notes remain familiar and fresh in your mind. There are typically five parts to a memorandum: (1) preamble, (2) description of the client's problem (Issue); (3) evaluation of the client; (4) discussion of the relevant facts; (5) conclusions and recommendations about the case. You will be writing a post-interview memorandum and submitting it in Unit 3.

The memo will be based primarily on the facts given in the fact scenario (first introduced in Unit 1) and on your own impression of the case. Additionally, you will "interview" Shayla and her mom, Mary Smith, in the Unit 2 seminar. Your instructor will play the roles of the witnesses. If you believe you will need additional facts, you should create a section in the memo that describes the other information you will need. See the sample post-interview memorandum below, as well as the description that follows it.

Also see the Sample Interview Summary based on your initial interview of Mary Smith, Shayla's mom. The seminar "interview" will be your initial meeting with Shayla and your follow-up interview of Mary. Client Evaluation (Preamble): Evaluation of Mary Smith Date: 6-1-2008 [Put Issue here] Client Impression: Mary Smith is the mother of the injured child, Shayla. She is Caucasian, weighs approximately 150 lbs. , and is 5'2". She has a full head of dark brown hair worn at shoulder length.

Mary is a secretary in a small insurance agency and is dressed professionally in a black suit. Mary was cooperative during the interview and was very responsive to my questions. However, she did not bring in any documentation though we had requested her medical bills, etc. Mary repeatedly asked me how long the case would take and mentioned her "large bills" from Shayla's accident several times. Mary is a single mother, and Shayla's father is not really in the picture and provides no financial support for Shayla's care. Mary does not have any kind of insurance.

I found Mary to be a nice-looking woman though a bit frazzled. She was articulate but talked a little loudly. I think she would make a good impression on a judge or jury, but she is a little anxious to "score the big one" for Shayla's injuries. [Put Facts Here] Fact Questions: Where is the campground located? Who was supervising Shayla and Tamara? What is the layout of the pool? How deep and large is it? Were there any signs around the pool? Is there a lifeguard on duty? Have there been previous incidences at this campground pool?

I am not sure Mary and Shayla have a viable case, as more investigation is needed. Recommend that we do the following fact development: More

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contact with client regarding bills and treatment Interviews with all witnesses, including ambulance personnel Obtain information about the campground, the pool, and any warning signs Obtain all medical records [put short conclusion here] Submit your paper to the Dropbox by the end of Unit 3. For additional help, view Power Point Presentation on legal memoranda below.