



2016

## Peters v. Denver

Thomas Jay (J). Leach

*University of the Pacific, McGeorge School of Law*

Cary Bricker

*McGeorge School of Law, University of the Pacific*

Follow this and additional works at: <https://scholarlycommons.pacific.edu/facultyteaching>

---

### Recommended Citation

Leach, Thomas Jay (J). and Bricker, Cary, "Peters v. Denver" (2016). *McGeorge School of Law Teaching Materials*. 23.  
<https://scholarlycommons.pacific.edu/facultyteaching/23>

This Book is brought to you for free and open access by the McGeorge School of Law Faculty Scholarship at Scholarly Commons. It has been accepted for inclusion in McGeorge School of Law Teaching Materials by an authorized administrator of Scholarly Commons. For more information, please contact [mgibney@pacific.edu](mailto:mgibney@pacific.edu).

PETERS V. DENVER



# PETERS V. DENVER

**Thomas J. Leach**

Pacific McGeorge School of Law

**Cary A. Bricker**

Pacific McGeorge School of Law

© 2016 by the National Institute for Trial Advocacy

All rights reserved. No part of this work may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying and recording, or by any information storage or retrieval system without the prior written approval of the National Institute for Trial Advocacy unless such copying is expressly permitted by federal copyright law.

Law students who purchase this NITA publication as part of their class materials and attendees of NITA-sponsored CLE programs are granted a limited license to reproduce, enlarge, and electronically or physically display, in their classrooms or other educational settings, any exhibits or text contained. However, sharing one legally purchased copy of the publication among several members of a class team is prohibited under this license. Each individual is required to purchase his or her own copy of this publication. See 17 U.S.C. § 106.

Address inquiries to:

Reprint Permission

National Institute for Trial Advocacy

1685 38th Street, Suite 200

Boulder, CO 80301-2735

Phone: (800) 225-6482

Fax: (720) 890-7069

Email: [permissions@nita.org](mailto:permissions@nita.org)

ISBN 978-1-601-56-571-6

eISBN 978-1-601-56-572-3

FBA 1571

Printed in the United States of America

# CONTENTS

<b>CASE SUMMARY</b> .....	<b>1</b>
<b>STIPULATIONS / PROCEDURES</b> .....	<b>3</b>
<b>WITNESS LIST</b> .....	<b>5</b>
<b>COMPLAINT FOR PROFESSIONAL NEGLIGENCE</b> .....	<b>7</b>
<b>ANSWER</b> .....	<b>9</b>
<b>DEPOSITIONS</b>	
Deposition of Paul Peters .....	13
Deposition of D. C. Denver .....	19
Deposition of Foster Morrison .....	27
<b>EXPERT REPORT OF P. G. PEARSON</b> .....	<b>29</b>
<b>EXPERT REPORT OF DAVID DOLAN</b> .....	<b>33</b>
<b>EXHIBITS:</b>	
Exhibit 1—Representation Agreement & Joint Representation Waiver .....	39
Exhibit 2—Transcript of Joint Representation Waiver Colloquy .....	43
Exhibit 3—Telephone Message Slip .....	45
Exhibit 4—Transcript of Audio Recording of January 23 Telephone Call .....	47
Exhibit 5—Denver’s Notes .....	49
Exhibit 6—Curriculum Vitae of P.G. Pearson .....	51
Exhibit 7—Curriculum Vitae of David Dolan .....	53
Exhibit 8—Arrest and Conviction Record of Paul Peters .....	55
Exhibit 9—Arrest and Conviction Record of Carl Chastis .....	57
<b>FINAL JURY INSTRUCTIONS</b> .....	<b>59</b>
<b>VERDICT FORM</b> .....	<b>63</b>
<b>APPENDICES</b>	
APPENDIX A: Excerpts from NITA Rules of Professional Conduct .....	67
APPENDIX B: Legal Addendum .....	73