

## Trigger Happy

By Audrey Priolo, Litigation Review Attorney

Get the fundamentals down and the level of everything you do will rise. – Michael Jordan

Whether you are a seasoned legal veteran or a new to the game, it is always a good idea to go back to the basics and remember the fundamental principles behind legal calendaring. For new legal professionals, fundamentals are the cornerstone and must be mastered before digging deeper into the nuances. For the more experienced, it is easy to forget the underlying lessons we started with, so it is crucial to revisit basics. Arguably, the most important fundamental lesson in legal calendaring is knowing your trigger. A trigger is the action that sets any legal calculation into action. For example, look at FRCP Rule 33 – Interrogatories to Parties. FRCP 33(b)(2) says,

(2) Time to Respond. The responding party must serve its answers and any objections within 30 days after being served with the interrogatories. A shorter or longer time may be stipulated to under Rule 29 or be ordered by the court.

The trigger in FRCP 33(b)(2) is service of the interrogatories. This is the zero date where the calculation will be derived. While this is a simple theory, this is the step where many docketing professionals go wrong, especially when the docketer is dealing with multiple jurisdictions nationwide. Each jurisdiction has its own rules regarding triggers. Some like to use service, others use filing, entry, and occasionally the date received. Step one must be identifying the trigger. If the wrong trigger is selected, none of the other details will matter, because the zero date is incorrect making all derivative calculations incorrect. Ensure you have the proper trigger to safeguard your calculation by building on a firm foundation and not quicksand. The better you understand triggers the happier you will be with your docketing results.

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