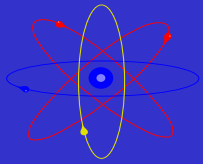


Tips For Being The Worst Litigation Expert You Can Be

Part I: The Report

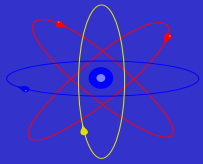
Presented by
Charles F. Rysavy, Esq.
McCarter & English, LLP



Radiation Injury Claims Joint Defense Group



- **McCarter & English, LLP**
- **National Counsel for RICJDG**
- **Membership - 80% of U.S.
commercial nuclear plants**
- **National strategy - claims defense**
- **Claims avoidance**
- **Litigation**

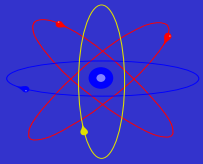


Tips For Being The Worst Litigation Expert You Can Be



**"If you must hold yourself up to
[others] as an object lesson, hold
yourself up as a warning and not
as an example."**

George Bernard Shaw

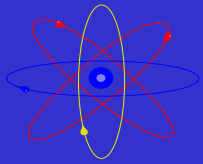


Tips For Being The Worst Litigation Expert You Can Be



**“It’s always good to remember that
God may have put you on this
earth solely to serve as a warning
to others.”**

Mother Rysavy

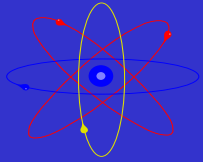


Tips For Being The Worst Litigation Expert You Can Be



Why Is This Topic Important to Dosimetrists?

DOSIMETRISTS ARE
DISPRAISED AND FINALLY
REPRESENTED ON THE
THE ENIGMA
BAD EXPERT LIST!

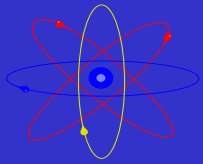


Tips For Being The Worst Litigation Expert You Can Be



LEARNING FROM THE WORST

- **Virtually all dosimetrists**
- **Excellent technical and academic credentials – top of their profession**
- **Highly recommended**

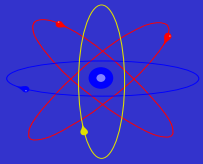


Tips For Being The Worst Litigation Expert You Can Be



LEARNING FROM THE WORST

- Normal in outward appearance
- No sign of demonic possession
- No indication of potential trouble of any kind



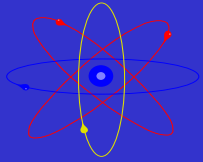
Tips For Being The Worst Litigation Expert You Can Be



But each one turned out to be

**THE EXPERT FROM
HECK!!!!!!**

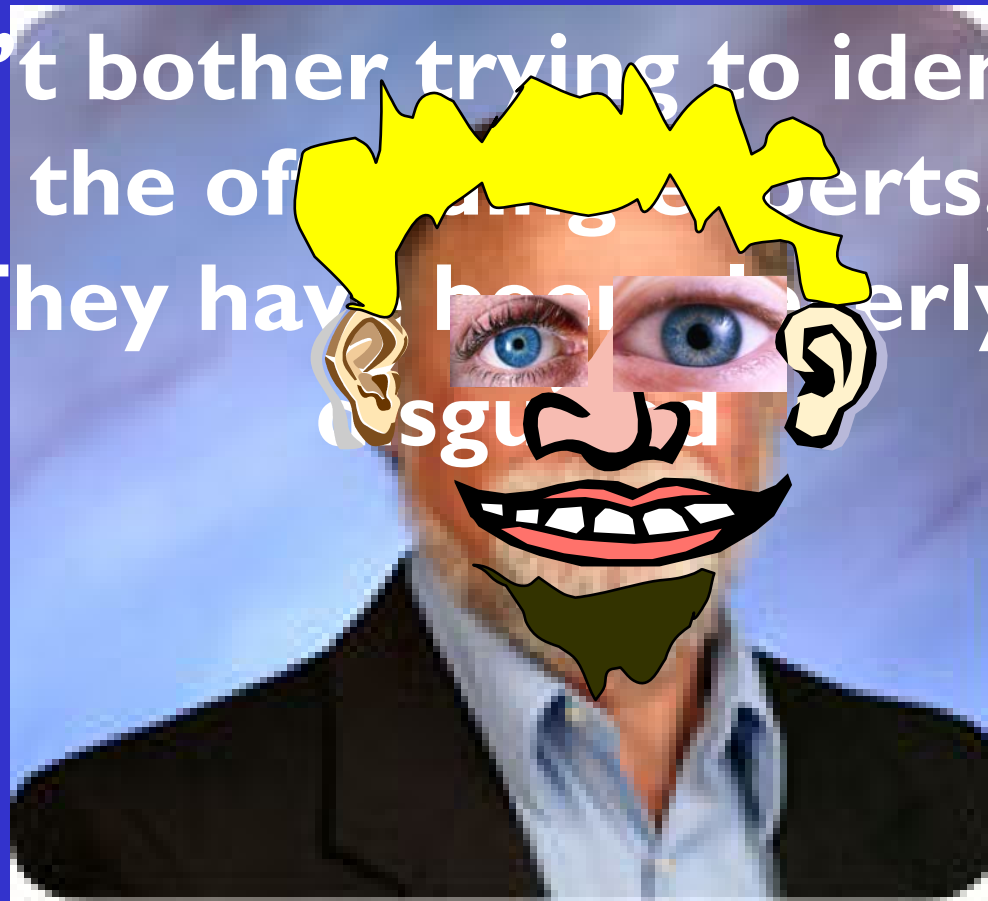


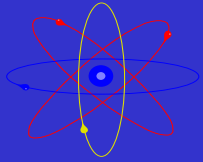


Tips For Being The Worst Litigation Expert You Can Be



Don't bother trying to identify
the offending experts,
They have heard the story
disgust



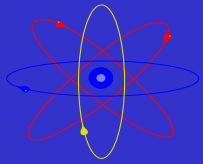


Tips For Being The Worst Litigation Expert You Can Be



Rule #1

**Forget why you were hired
(it's the lawsuit, stupid)**

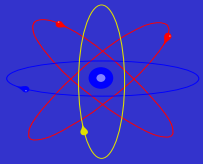


Tips For Being The Worst Litigation Expert You Can Be



Rule #1 (a)

**Forget that a litigation report
is not a graduate school
lecture, peer-reviewed
literature or intellectual
discourse**

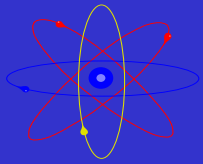


Tips For Being The Worst Litigation Expert You Can Be



Rule #2

**Insist that you know better
than the lawyer what the judge
or jury is capable of
understanding and will find
convincing**

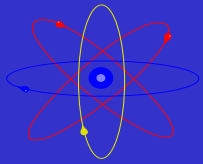


Tips For Being The Worst Litigation Expert You Can Be



Rule #2(a)

Write an excessively long and technical report that only the best minds in your profession could understand

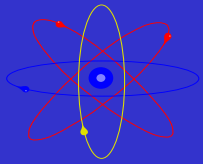


Tips For Being The Worst Litigation Expert You Can Be



Rule #3

Insist that using “your own exact words” is a matter of professional ethics

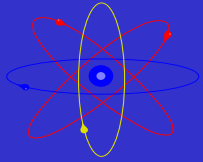


Tips For Being The Worst Litigation Expert You Can Be



Rule #3(a)

**Refuse to use language required
by the governing law because
it's not “your own exact
words”**

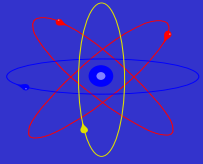


Tips For Being The Worst Litigation Expert You Can Be



Rule #3(b)

Hold your report hostage to
the lawyer agreeing to let you
write it “your way”

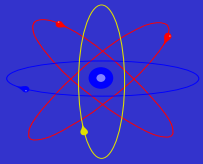


Tips For Being The Worst Litigation Expert You Can Be



Rule #4

**Insist on writing
the perfect report**

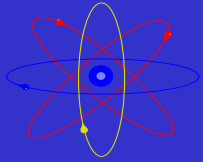


Tips For Being The Worst Litigation Expert You Can Be



Rule #4

Insist on writing
YOUR idea of
the perfect report

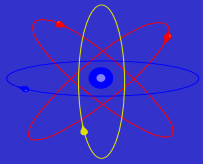


Tips For Being The Worst Litigation Expert You Can Be



Rule #5

Be inflexible on fees

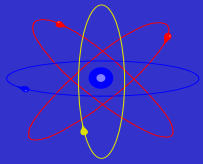


Tips For Being The Worst Litigation Expert You Can Be



Rule #5(a)-(c)

- (a) Hound accounts payable**
- (b) Begin charging interest at 31 days**
- (c) Hold your report hostage to
payment of your fees**

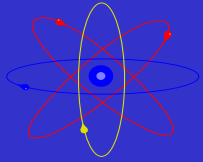


Tips For Being The Worst Litigation Expert You Can Be



Rule #6

**Believe that the entire case
rests on your shoulders / fail to
understand your role in the
case**

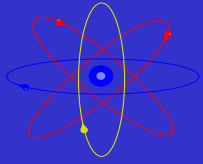


Tips For Being The Worst Litigation Expert You Can Be



Rule #7

Be hopelessly inattentive

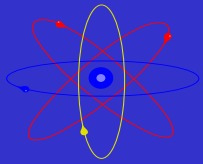


Tips For Being The Worst Litigation Expert You Can Be



Rule #7(a) – (z)

- (a) Fail to return phone calls
- (b) Don't complete your report on time
- (c) Neglect to make requested changes
- (d) Make it clear that other things in your schedule take priority
- (e) Become unavailable for weeks or at critical times
- (f) Call the attorney's office # when he asks you to call his cell #, and vice versa
- (g) Over-commit yourself
- (h) Promise what you can't deliver

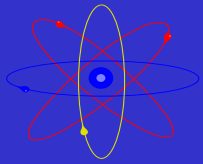


Tips For Being The Worst Litigation Expert You Can Be



Rule #8

**Continually emphasize that you
are available to straighten out
the client's HP program right
after the trial**

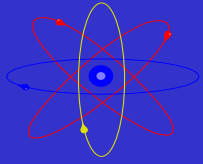


Tips For Being The Worst Litigation Expert You Can Be



Rule #9

Realize that, once you are at
the point in the process where
you can commit most of these
heinous sins,



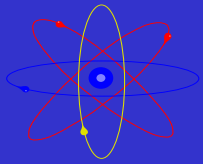
Tips For Being The Worst Litigation Expert You Can Be



Rule #9

The client and the lawyer are
over a barrel

AND CANNOT FIRE YOU

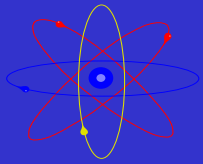


Tips For Being The Worst Litigation Expert You Can Be



Rule #10

Repeat Rules 1 – 9 as
frequently as possible in your
first case

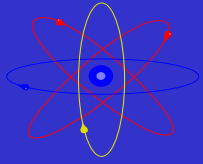


Tips For Being The Worst Litigation Expert You Can Be



How not to make the list

**Understand your role, and the
purpose of your expert report,
in the case**

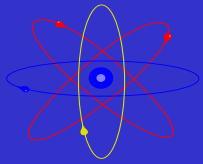


Tips For Being The Worst Litigation Expert You Can Be



How not to make the list

Understand that a lawsuit is
different from every other
professional experience

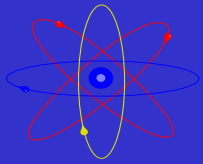


Tips For Being The Worst Litigation Expert You Can Be



How not to make the list

Understand that the lawyer
and his client
are your clients!

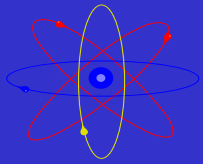


Tips For Being The Worst Litigation Expert You Can Be



How not to make the list

Understand what it means to
serve your clients

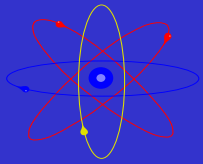


Tips For Being The Worst Litigation Expert You Can Be



How not to make the list

Understand that, if you are
unable or unwilling to give your
clients what they need,
you have no purpose in the case

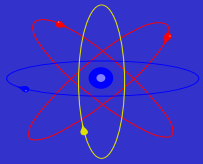


Tips For Being The Worst Litigation Expert You Can Be



How not to make the list

Understand that, just as you
are an expert in dosimetry, the
lawyer is an expert in
conveying information for the
purpose of winning a lawsuit

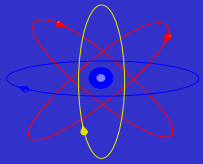


Tips For Being The Worst Litigation Expert You Can Be



How not to make the list

**Understand that the lawyer
may suggest changes to your
report for sound tactical
reasons that you may not
immediately appreciate**

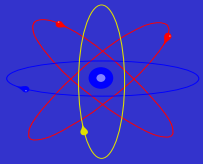


Tips For Being The Worst Litigation Expert You Can Be



How not to make the list

**Have pride of authorship, but
know when to agree to editing
suggestions**

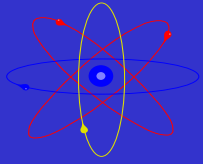


Tips For Being The Worst Litigation Expert You Can Be



How not to make the list

Check your **ego** at the door

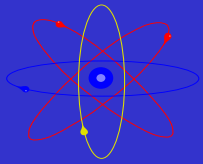


Tips For Being The Worst Litigation Expert You Can Be



How not to make the list

**Never compromise your
ethics**

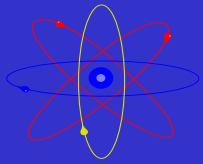


Tips For Being The Worst Litigation Expert You Can Be



How not to make the list

... but recognize that accepting the lawyer's suggestions on grammar, verbiage and inflection, where they do not change your opinion, does not have ethical implications

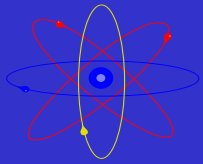


Tips For Being The Worst Litigation Expert You Can Be



How not to make the list

**Recognize that the lawyer
probably writes better than
you do (it's what we do for a
living, after all)**

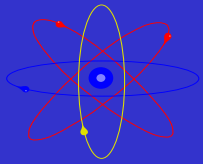


Tips For Being The Worst Litigation Expert You Can Be



How not to make the list

**Don't overreach in your
expertise or your opinions**

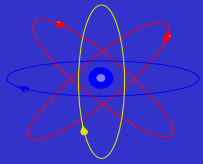


Tips For Being The Worst Litigation Expert You Can Be



How not to make the list

If the lawyer asks for a report
of a certain length and written
at a certain level,
give it to him!

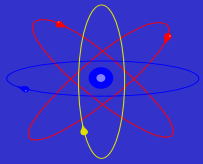


Tips For Being The Worst Litigation Expert You Can Be



How not to make the list

**Be attentive, courteous and
professional**



Tips For Being The Worst Litigation Expert You Can Be



TUNE IN NEXT TIME FOR:

PART TWO
THE DEPOSITION!!!

McCarter & English, LLP