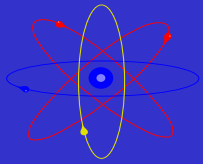


# Tips For Being The Worst Litigation Expert You Can Be

## Part I: The Report

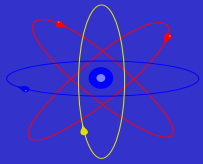
Presented by  
**Charles F. Rysavy, Esq.**  
**McCarter & English, LLP**



# **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**

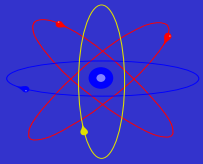


# Tips For Being The Worst Litigation Expert You Can Be



**"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**

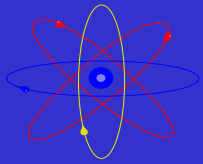


# Tips For Being The Worst Litigation Expert You Can Be



**“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**

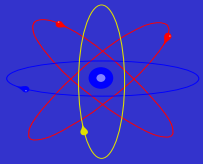


# Tips For Being The Worst Litigation Expert You Can Be



Why Is This Topic Important to Dosimetrists?

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

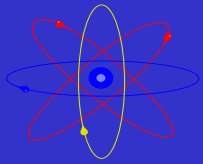


# Tips For Being The Worst Litigation Expert You Can Be



## LEARNING FROM THE WORST

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

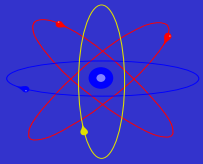


# Tips For Being The Worst Litigation Expert You Can Be



## LEARNING FROM THE WORST

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



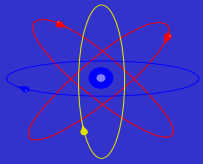
# Tips For Being The Worst Litigation Expert You Can Be



But each one turned out to be

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

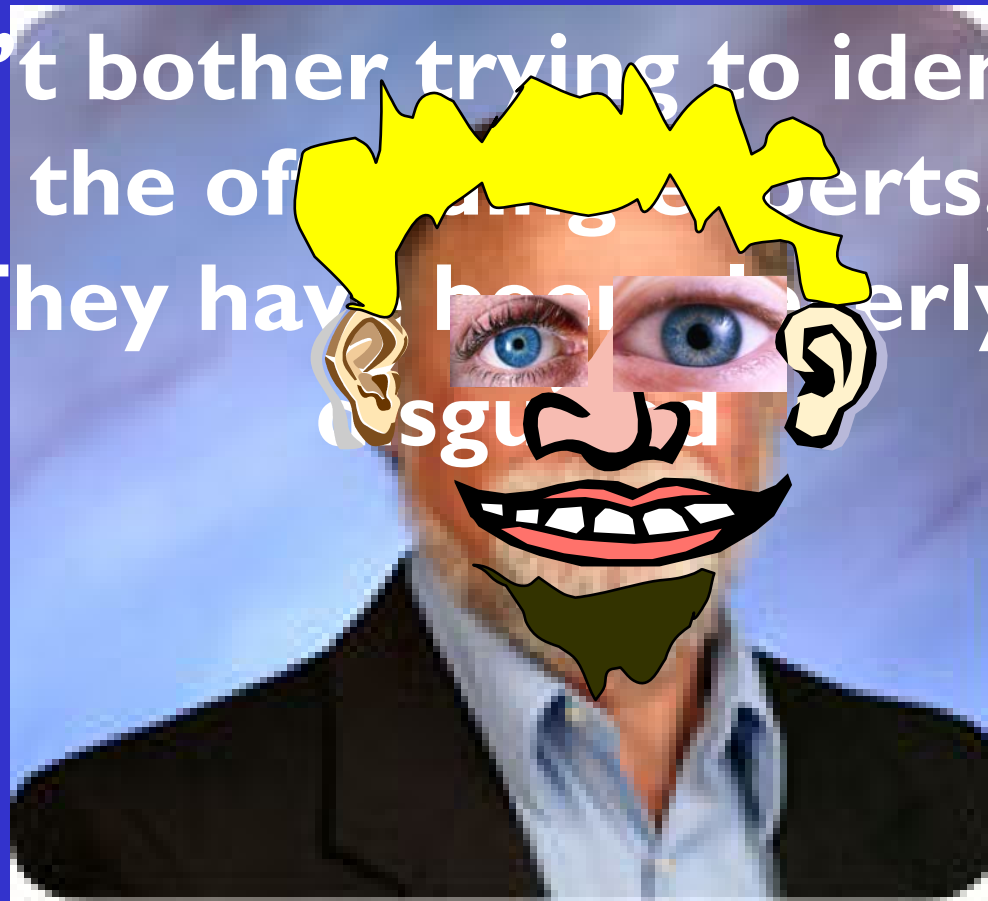


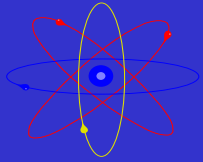


# Tips For Being The Worst Litigation Expert You Can Be



Don't bother trying to identify  
the offending experts,  
They have been properly  
disputed



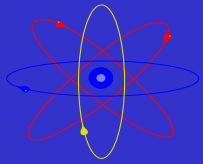


# Tips For Being The Worst Litigation Expert You Can Be



## Rule #1

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

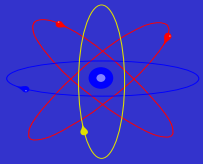


# Tips For Being The Worst Litigation Expert You Can Be



## Rule #1 (a)

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

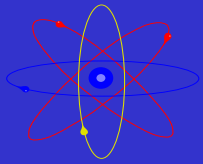


# Tips For Being The Worst Litigation Expert You Can Be



## Rule #2

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

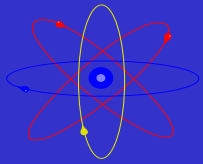


# Tips For Being The Worst Litigation Expert You Can Be



## Rule #2(a)

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

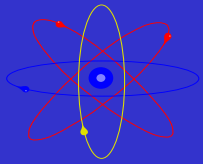


# Tips For Being The Worst Litigation Expert You Can Be



## Rule #3

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

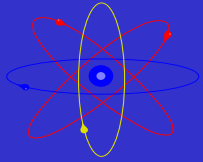


# Tips For Being The Worst Litigation Expert You Can Be



## Rule #3(a)

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

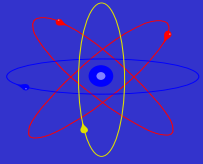


# Tips For Being The Worst Litigation Expert You Can Be



## Rule #3(b)

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

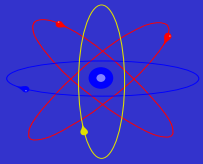


# Tips For Being The Worst Litigation Expert You Can Be



## Rule #4

**Insist on writing  
the perfect report**

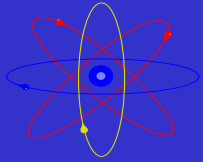


# Tips For Being The Worst Litigation Expert You Can Be



## Rule #4

Insist on writing  
**YOUR** idea of  
the perfect report

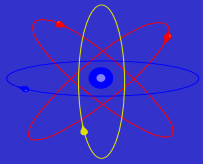


# Tips For Being The Worst Litigation Expert You Can Be



## Rule #5

**Be inflexible on fees**

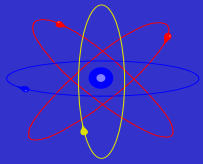


# Tips For Being The Worst Litigation Expert You Can Be



## 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**

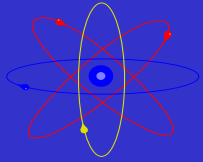


# Tips For Being The Worst Litigation Expert You Can Be



## Rule #6

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

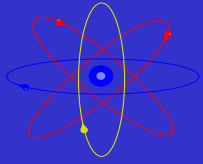


# Tips For Being The Worst Litigation Expert You Can Be



## Rule #7

**Be hopelessly inattentive**

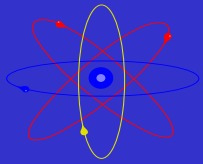


# Tips For Being The Worst Litigation Expert You Can Be



## 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

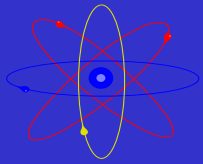


# Tips For Being The Worst Litigation Expert You Can Be



## Rule #8

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

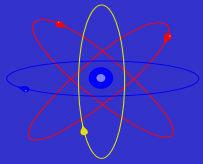


# Tips For Being The Worst Litigation Expert You Can Be



## Rule #9

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



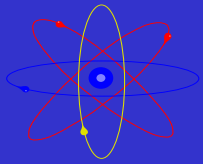
# Tips For Being The Worst Litigation Expert You Can Be



## Rule #9

The client and the lawyer are  
over a barrel

**AND CANNOT FIRE YOU**

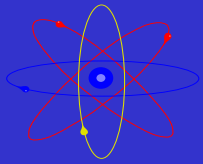


# Tips For Being The Worst Litigation Expert You Can Be



## Rule #10

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

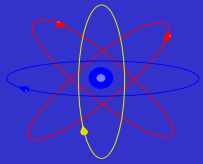


# Tips For Being The Worst Litigation Expert You Can Be



## How not to make the list

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

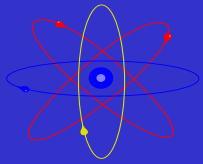


# Tips For Being The Worst Litigation Expert You Can Be



## How not to make the list

Understand that a lawsuit is  
different from every other  
professional experience

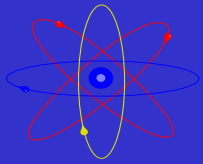


# Tips For Being The Worst Litigation Expert You Can Be



## How not to make the list

Understand that the lawyer  
and his client  
**are your clients!**

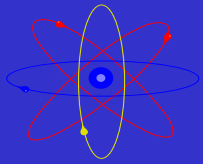


# Tips For Being The Worst Litigation Expert You Can Be



## How not to make the list

Understand what it means to  
**serve your clients**

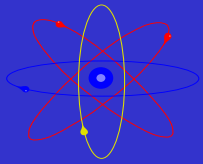


# Tips For Being The Worst Litigation Expert You Can Be



## 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

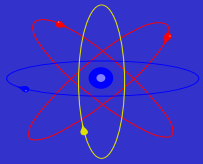


# Tips For Being The Worst Litigation Expert You Can Be



## 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

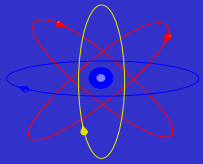


# Tips For Being The Worst Litigation Expert You Can Be



## 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**

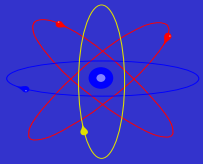


# Tips For Being The Worst Litigation Expert You Can Be



## How not to make the list

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

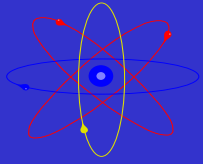


# Tips For Being The Worst Litigation Expert You Can Be



## How not to make the list

Check your **ego** at the door

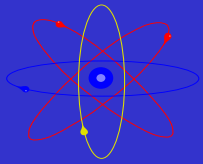


# Tips For Being The Worst Litigation Expert You Can Be



## How not to make the list

**Never compromise your  
ethics**

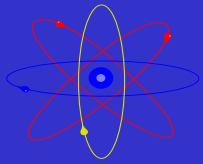


# Tips For Being The Worst Litigation Expert You Can Be



## 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

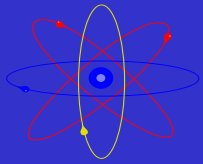


# Tips For Being The Worst Litigation Expert You Can Be



## 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)**

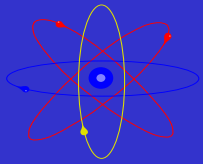


# Tips For Being The Worst Litigation Expert You Can Be



## How not to make the list

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

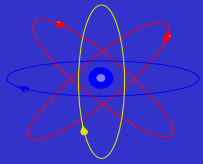


# Tips For Being The Worst Litigation Expert You Can Be



## 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!**

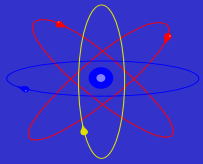


# Tips For Being The Worst Litigation Expert You Can Be



## 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