



ASSSP Region VI Webinar Series

2 – Surviving a Deposition – April
3rd

3 – W, X, Y & Z. Opening Communication and
Mentorship Through Generational Differences –
May 1st

1 - Managing Your Risk Assessment Data – June 5th



Welcome!

- ☆ Each Webinar will be 50 min in length, with 10 Q&A.
 - ☆ Submit your question on the Chat.
- ☆ Attend all Three Webinars, receive 0.3 CEUs
(Sorry, no CEUs for attending just 1 or 2)
- ☆ We will send a survey after the webinar. Please let us know what you liked and what may need to improve.
- ☆ Copies of the slides will be placed on the Region VI ASSP Web site.

Thank you for participating!



Rules of Engagement

- ☆ Please mute your phone
- ☆ Use Chat for any questions
- ☆ Be respectful of other people's questions
- ☆ Give us feedback afterward

Guy Champion

Guy is a longtime member of ASSP, ever since Paul hired me in 1991 at ATEC. He owns two businesses, ENSAT Corporation with Bill Graves, and Sole Proprietor of Ctgroup Environmental. Along the way Colonel Champion retired from the US Army after 34 years and multiple combat tours as a Chemical and Biological Officer and later Intelligence Officer. These days he enjoys consulting, riding motorcycles, and boating in Annapolis, Maryland.

For comments or questions feel free to call 443-398-0955 or email guyc@ctgroupenvironmental.com

Learning Objectives

- ☆ How to organize files provided is critical and often they are sent in several formats and differing times.
- ☆ Creating a couple of different functioning timelines.
- ☆ Creating lists of individual and company names, places, key events
- ☆ Knowing what to commit to memory



Introduction and Context

- ☆ Confession, “I’m a recovering deposition failure”
- ☆ Context:
 - ☆ Discussing the process of getting to the deposition,
 - ☆ Talking with the attorney,
 - ☆ Making the right decision for you,
 - ☆ Managing Piles of documents and digesting information,
 - ☆ Forming convincing opinion and supporting it,
 - ☆ Surviving the opposing attorney and redirect questions,
 - ☆ Examples: The good, the bad, and the really ugly!
- ☆ Discussion

When does the Deposition Start?

- ☆ The minute you get the call and they say can you???
- ☆ Take notes of the call, date/time start and end, (limit)
- ☆ Ask who they represent Plaintiff or Defendant?
- ☆ Ask “what am I asked to prove or opine?”
- ☆ Now Sell yourself!!!!, brief questions:
 - ☆ Who gave you their name,
 - ☆ Why did they select you and what about your background?
 - ☆ Then demonstrate why you are passionate about that!!
- ❖ Tell them you’d like to review some documents and will get back to them to discuss your initial thoughts!

Making the right Decision for Me!

- ☆ Here is the tough part, after reading the documents, can you agree or disagree with the attorney's position.
- ☆ Does this position create an ethical or ideological dilemma for you (remember your oath!)
- ☆ Even if everything looks okay, are you're the best person to help and defend the argument?

Wow that is a lot of documents, What's my role here?

- ☆ Ask the direct question, how much or little involvement in the case is the attorney expecting, star witness or minor support role?
- ☆ Do the documents support what you are being ask to do?
- ☆ Do you need additional or different documents, Make a list to give attorney to request discovery.

Making sense of the information, then managing?

- ☆ Arrange the pile of unorganized documents into Plaintiff & Defense – some will be both
- ☆ Separate the statements from the depositions already taken, (depositions has clues in the back.)
- ☆ Look for organizational documents like policies, plans, manuals
- ☆ Most importantly ask for electron documents so you can search them faster.
- ☆ **HINT!** Everything you do is discoverable to the other side – careful how you take notes!

Tricks to help create the Story:

Mystery/Adventure/Who done it?

- ☆ Decide what kind of case this is for you, are there unknowns or are you asked to opine on given facts only?
- ☆ Always create a time line of events to help place things in order, you **WILL** be asked by the opposing to create weakness & doubt in your testimony.
- ☆ Form a story of the facts and run them through your mind of the key and supporting elements of the case, over and over (**again you will be asked your understanding**)

Re-assessing and Re-focusing your efforts

- ☆ Now that you have a foundation in which to speak to your attorney and you have created an opinion not just a supposition, call them.
- ☆ Ask again by restating their request of you, once agreed (it may have changed), you should let them know your initial opinion and thoughts.
- ☆ After they have finished responding give them your justification and supporting evidence.
- ☆ This is where you narrow down your efforts and re-strengthen your efforts and more evidence.

Supporting the “Supposition”

(notion, belief, suspicion, conjecture) Unsupported!!

- ☆ Remember your opinion counts, ONLY if you can support it from the facts(lol), the law, interpretations, and your experiences.
- ☆ Defending these is a different story and so you must have multiple examples, multiple case law or overlapping laws, and
- ☆ The more the better

Building a foundation in which to stand

- ☆ Remember you are the expert so focus on your area not the lawyers. Whether its OSHA, SDS information, or other guidelines
- ☆ Your experience only counts if you relate it to laws, professional standards of care, professional associations, etc.
- ☆ Remembering the facts (Perceptions of witnesses) and recalling them at correct times)
- ☆ Written Report or just a Deposition?

Convincing the Attorney of your belief/viewpoint/conviction **“OPINION!!!”**

- ☆ Be steadfast in your convictions,
- ☆ Demonstrate to your attorney why and importance of your support
- ☆ Bring examples you both can refer to.
- ☆ Explain the pro's and con's of your opinions
- ☆ **DON'T WAIVER**, attorney's get nervous and loose confidence in you.

Don't get confident, confused, led off your with Opposing Questions.

- ☆ Remember the goal of the opposing is to first find out what you know and what you believe in.
- ☆ Then the opposing finds weaknesses in your statements and ask you questions.
- ☆ Then they will attempt to counter your statements against their experts and confuse you or get you to waiver.

Re-direct, educate your attorney the weaknesses and give him supporting questions

- ☆ He's where your hard work pays off, educate your attorney with facts etc that they can use to redirect and restore some of the shortcomings exposed in your statements.
- ☆ Have them ask you re-affirming questions about your background and why your opinion is more factual than questing.
- ☆ Speak with confidence always.

The good, the bad, the really ugly examples. Nothing personal!

- ☆ Lead exposure and the welder of 6 weeks
- ☆ Pesticide and three part paper from China
- ☆ Third party Plumber in boiler room collapse.

Questions,
Discussion,
&
Comments

Resources to Help

- ★ Any Dictionary – grammar & correct word choice
- ★ “Writing and Defending your expert Report: Step-by-Step”
 - ★ Steven Babitsky, esq./James J. Mangraviti, Jr. ISBN: 1-892904-21-7
- ★ Testifying in Court: Guidelines and Maxim for the Expert Witness
 - Stanley L. Brodsky ISBN 13: 978-1-4338-1212-5
- ★ “Expert Witness Training” Profit from your Expertise
 - ★ Judd Robbins, ISBN: 978-1-928564-22-5
- ★ “The Expert Witness Handbook” Tips and Techniques for Litigation
 - Dan Poynter, ISBN: 1-56860-027-5
- ★ “Expert Testimony” A Guide for the Expert Witness & Lawyers who Examine
 - Steve Lubet & Elizabeth I. Boals ISBN: 978-1-60156-399-6



Remember



Thank You For Your Interest!

Questions?

Please get in touch with me at

Paul.esposito@starconsultants.net

410-218-8451

Visit Region 6 Web for a copy.

If you would like to present a webinar, please contact me.



AMERICAN SOCIETY OF
SAFETY PROFESSIONALS

Region VI