

Table of Contents

Section One:

The Expert Witness In An Adversarial System	1
Codes and Standards and Product Liability Litigation	4
An End To Lawsuits?	8
The Full Package: Selecting Defense Counsel	11
Drugs, Tires and Elevators	13
A-B-Cs of Depositions: An Insider’s Views, Part One	16
A-B-Cs of Depositions: An Insider’s Views, Part Two	19
A-B-Cs of Depositions: An Insider’s Views, Part Three.	22
A-B-Cs of Depositions: An Insider’s Views, Part Four	25
Eyeball To Eyeball. . . To Eyeball	28
What To Expect From a Jury	30
“Minor” Injuries and “Risk Analysis”	32
The Jury System, Juries and Jury Verdicts.	34
More on Product Liability Verdicts	37
Jury Consultants: What They Do – What You Get For Your Money	40
We’re Going To Appeal!	43
What Words Cost.	47
Decisions, Decisions, Decisions	50
The Summer Hunting Season	53
Nightmare in the Jury Room	56
Much Ado About Something	59
Are You Nervous?	62
How Are We Doing, Revisited	65
Two Cups of Coffee	68
Award Trends in Elevator and Escalator Cases	71
A New Song From the Supremes	74
Another Form of Strict Liability.	77
Wishful Thinking	80
More on Mistakes	83
The Lyrics Are Good – But Where’s the Music?.	85
Catching Up	88
More From Jury Verdicts Research.	91
“Figures Never Lie . . .”	94
Dotting Some Is, Crossing Some Ts.	98
A Healthy Ego? Not Exactly	101
The Parts of the Sum	104
Who Are They? Where’d They Come From? How’d They Get Here? Part One	107
Who Are They? Where’d They Come From? How’d They Get Here? Part Two	109
Stereotyping and Social Pressure.	112
Who Are They? Where’d They Come From? How’d They Get Here? Part Three.	115
From A TO Z: Experts and Consultants	118
From A TO Z: More About Expert Witnesses.	120
From A TO Z: Working With an Expert	122
From A TO Z: Some Final Thoughts	125
Making and Keeping Secrets: Part One.	128
Making and Keeping Secrets: Part Two.	130
Bits and Pieces	133
Eyewitnesses: Believing Their Own Eyes	135
Numbers: Crunching Them Damages: Splitting Them Torts: Reforming Them	137
Crunch, Crunch, Crunch, Part 1	140
Crunch, Crunch, Crunch, Conclusion	142

Lawyers	146
Clearing My Desk	148
Geography Lessons	150
Contracts 101	153
More On Contracts	156
Walking the Walk	159
Did I Mean to Say That?	162
Warranties and Worrying About <i>Res Ipsa</i>	165
Establishing Justice Promoting the General Welfare, Securing the Blessings of Liberty	169
Expert Witnesses: Their Reports	172
Expert Witnesses: Got an Opinion?	175
Expert Witnesses: Here's How It Works . . . Sometimes	178
Relationships – 1	181
Litigation Under A Microscope	184
Another Look	187
More on Jury Verdicts: Comparisons, Punitive Damages, and Where the Money Is	190
When What We Know Collides With the Real World	193
Reading for Pleasure? Not Exactly	196

Section Two:

“Things Are Seldom What They Seem, Skim Milk Masquerades As Cream” (From Gilbert and Sullivan’s “H.M.S. Pinafore”)	200
A Simple Case	203
Two Ways to Try a Case	206
Going Down	209
Details, Details, Details	213
Rubber Stamp or Micro-Manage	216
A Big Mess!	219
Key Decisions and Key Players	222
No Right, No Wrong	228
Makes You Wanna Scream	230
Accidents Happen	233
Doing What’s Right	236
Looking For the Truth	239
Upside Down	242
Spotting Issues – Solving Problems	244
Brush Away Those Tears Conclusion	250
Back to Florida: A Sow’s Ear	253
A Walking Dog: Part One	256
A Walking Dog: Part Two	258
School Days	261
The Whole Truth and Nothing But the Truth	264
Another Free Fall: Eyewitnesses: Part Two	267
Elementary, My Dear Watson: Eyewitnesses: Part Three	269
Looking for the Truth	272
A Sunless Sky, A Dark Horizon	275
From Nothing to Chaos	278
Can This Case Be Lost?	281
Anatomy of a Settlement	284
More Than the Facts	287
Who Holds the Bag?	290
Who Holds The Bag? – Conclusion	292
In the Beginning	295
Comparisons	298

A Win is a Win	301
The Good News and the Bad News: Part One.....	304
The Good News and the Bad News: Part Two	307
No More Good News, No More Bad News	310
Speaking Truth to Power: Part One.....	313
Speaking Truth to Power: Part Two.....	316
Read – Understand – Then Sign	319
Warning A Sophisticated User	322
The Plaintiff's Case: Strike One	325
The Mechanic and the Supervisor Testify: Strike Two	328
Strikeout	331
Game's Over	334
Here's What I Think	337