



Meeting the Challenges of Transportation Liability and Risk Management (TE-56)

COURSE OUTLINE

Day 1

Module 1: Understanding the Tort Litigation Process (2 hours) Rock Miller

- Basis for Legal Action
- California vs Other States
- Legal Process for Filing a Lawsuit
- Public versus Personal Liability
- Applicability of Standard of Care
- Joint and Several Liability
- Dangerous and Defective Conditions (Definition)
- Government Code on Dangerous Condition of Public Property
- Consequences of Failure to Provide Traffic Regulatory Controls
- Government Code on Subsequent Remedial Measures
- Government Code on Design Immunity
- Design Immunity Case Examples
- Exemptions from Liability
- Government Code on Liability of Public Entities
- Notice, Actual and Constructive
- Inspection Systems
- Liability of Public Employees

Day 2

Module 2: How Defense Strategies Work (2 hours) Nazir Lalani

- Legal Basis for Defense (Design Immunity)
- Design Immunity Defense – Does it Work?
- Design Immunity Defense – Does it Work?
- Design Documentation Current Practices
- Where do Context Sensitive Designs Fit In?
- Mitigation Measures for Design Exceptions
- Motions for Summary Judgement (MSJs)
- Preparing Declarations for MSJs
- Opposition to MSJs and Depositions on MSJ declarations
- Subsequent Remedial Measures
- Records Management
- Making the Best Use of the Evidence



Day 2

Module 2: How Defense Strategies Work (2 hours) Nazir Lalani (continued)

- What About The Role of Law Enforcement?
- Problems Public Records Requests Generate
- Voir Dire Tactics Used on Public Agency Employees
- Risk Management in Maintenance and Operations
- What About Allegations of Dangerous Conditions?
- Lessons Learned from Case Studies

Day 3

Module 3A: Tracing the Claims Process and Becoming a More Effective Witness during Depositions (60 minutes) Rock Miller

- How the Whole Process May Unfold
- Evidence and Discovery
- Responding to Public Information Requests
- Interrogatories and Responses
- Types of Witnesses and Differences
- Persons Most Knowledgeable (PMKs)
- The Different Roles of Percipient versus Expert Witnesses
- Maintenance Employees as Witnesses to Collisions
- Settlements, Trials, Summary Judgements, and other Resolution
- How the Deposition Process Works
- Preparing for Depositions and What to Bring to Depositions
- Answering Questions During Depositions and How to Handle Objections
- Video Taping of Depositions and Reviewing Deposition Transcripts
- Preparation for Trial and Trial Dates
- Objections During Testimony
- How to Handle Cross Examinations
- Interacting with the Jury

Module 3B: Lessons Learned from Case Studies (60 minutes) Rock Miller

- Case examples from Personal Experience
- Precedent California Cases heard by Appeals or Supreme Court



Day 4

Module 4: *Making the Most of Your Role as a Witness (2 hours) Nazir Lalani*

- Reliance on Pretrial Discovery
- The Role of Deposition Testimony During Trials
- How to Deal with Abusive Attorneys
- Written Reports
- Percipient Effective Witness – Do they Matter?
- Lessons Learned from being an Expert Effective Witness
- Developing Effective Working Relationships with Attorneys
- What Are Request for Admissions?
- Pretrial Settlements and Pretrial Motions
- Why Do Cases Go to Trial?
- Objections During Testimony Deposition and Trial Testimony
- Lessons Learned from Trials and Dealing with the Media
- Jury Decision Appeals to Appellate Court Justices
- Mistrials – What Can Happen
- Biggest Mistakes made By Defendants and Plaintiffs
- Lessons Learned from Cases - Those that Settle and Those that Don't