



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
- Negligence
- Applicability of Standard of Care
- Joint and Several Liability
- Dangerous and Defective Conditions (Definition)
- Design Immunity (Legal Definition)
- Notice
- Subsequent Remedial Measures
- Handling Public Information Requests

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 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
- Depositions on MSJ declarations
- What About Allegations of Dangerous Conditions?
- Subsequent Remedial Measures
- Records Management
- Making the Best Use of the Evidence
- 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
- Maintenance Employees as Witnesses to Collisions
- 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
- Interrogatories
- Responding to Form and Special Interrogatories
- Persons Most Knowledgeable (PMKs)
- Types of Witnesses and Differences
- The Different Roles of Percipient versus Expert Witnesses
- Settlements, Trials, Summary Judgements, and other Resolution
- How the Deposition Process Works
- Preparing for Depositions
- Answering Questions During Depositions
- Objections During Depositions
- What to Bring to Depositions
- Video Taping of Depositions
- Reviewing Deposition Transcripts

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

- Case examples with Personal Involvement
- 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
- 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 Case Studies