

EXPERT TESTIMONY PRESENTATION

2014 CAS RATEMAKING AND PRODUCT
MANAGEMENT SEMINAR

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TYPES OF EXPERT TESTIMONY

- CIVIL PROCEEDINGS
- ADMINISTRATIVE PROCEEDINGS
- LEGISLATIVE TESTIMONY

TYPES of TESTIMONY

- DEPOSITIONS
- COURTROOM
- LEGISLATURES

PREPARATION

- TESTIMONY
- ALL PARTS OF THE FILING OR ISSUE
- LAWYER - LEGAL CRITERIA
- STATUTORY CRITERIA
- KNOWLEDGE OF OTHER PARTY'S POSITION OR POSITIONS

YOU AND YOUR LAWYER

- EDUCATE YOUR LAWYER
- LEARN THE LEGAL PROCEDURES
- ADMINISTRATIVE RULES
- JUDICIAL RULES
- LEGISLATIVE RULES
- ASSIST IN CROSS EXAMINATION

ASSIST IN CROSS EXAMINATION

- TAKE NOTES DURING DIRECT TESTIMONY OF OPPOSITION
- AREAS FOR CROSS EXAMINATION
- QUESTIONS
- EXPECTED ANSWERS
- YOUR LAWYER MUST BE ABLE TO UNDERSTAND

KEEP IT SIMPLE

- YOU MUST CONVINCe JURY, HEARING OFFICER, JUDGE OR RATING BOARD
- YOUR TARGET AUDIENCE IS GENERALLY NOT AN ACTUARY

BE AWARE

- BE AWARE OF LOCAL STATUTES, REGULATIONS AND CUSTOMS
- EACH JURISDICTION HAS UNIQUE LAWS
- SHOW THAT YOU CARE
- i.e. HAWAII VS. SOUTH CAROLINA
- FORMAL vs. SEMI-FORMAL SETTING

BE FLEXIBLE

- BE PREPARED FOR A NEGOTIATED SETTLEMENT OR RESULT
- POWER OF STIPULATIONS

REMAIN CALM

- DIRECT EXAMINATION
- CROSS EXAMINATION
- DON'T
 - GET ANGRY
 - LAUGH
 - CRY
- IF YOU DON'T KNOW, YOU DON'T KNOW

AVOID EXTREME POSITIONS

- RANGES OF PROJECTIONS
- DON'T USE THE EXTREMES OF THE RANGE

BE AWARE OF PUBLIC KNOWLEDGE AND PERCEPTIONS

- HAS CASE BEEN PUBLICIZED?
- WHO ARE THE PARTIES TO THE PROCEEDINGS?
- CONSUMERS
- CONSUMER ADVOCATES
- OPPOSING WITNESSES
- FRIENDLY WITNESSES

UNDERSTAND YOUR LIMITATIONS

- BURDEN OF PROOF
- NEGATIVE vs. POSITIVE POSITION
- RELATIVE POSITION
- STATE OFFICIAL OR INSURANCE COMPANY EMPLOYEE

TAKE THE OTHER SIDE

- LOOK FOR RATIONAL ARGUMENTS FOR THE OPPOSITION'S CASE
- LOOK FOR WAYS TO REFUTE THOSE RATIONAL ARGUMENTS
- DO NOT ATTACK PERSONALITIES
- CROSS EXAMINE YOURSELF
- PREPARE RESPONSES IN ADVANCE
- KNOW YOUR ADVERSARIES

Questions?

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