



ADR SERVICES, INC. PRESENTS

**SUPERCHARGING AND
MAXIMIZING SETTLEMENTS**

**UNLEASHING THE POWER OF EXPERT
COLLABORATION AND EXPERT INSIGHTS IN
MEDIATION AND BEYOND**

**\$0
COST**

**June 15, 2023
12 PM - 1PM**

**1HR
MCLE**

1. How and when to use expert testimony in mediations.
2. What kinds of experts to retain in accident cases?
 - a. Less is more
 - b. Treaters, video depositions
 - c. CCP 2025.620
 - d. Is it a disputed liability case?
 - i. Accident reconstruction
 - ii. Human factor
 - iii. Rarely have biomechanical
 - e. Working up medical damages
 - f. Let the other side know ahead of time the economics
 - g. If it is only damages:
 - i. Treaters
 - ii. Life care planners
3. What type of opinions does an expert give in accident cases? (TBI, Spinal Chord)



4. How to guard against expert attacks?
 - a. Think trial backwards
 - b. Consider if you are comfortable with the expert testifying at trial
 - c. Consider geography (look, think, talk like the jury)
 - d. There is an “A” list of experts
 - e. Consider the client’s bottom line
 - f. Use experts and consultants instead
5. What to consider when retaining an expert?
 - a. Cost benefit analysis
 - b. Is liability disputed?
6. Does it matter when an expert is retained in the course of a case?
 - a. Sometimes, retaining an expert early is not necessary
 - b. For the right case, it can shape discovery
 - c. Having an expert early can ‘force’ a settlement
7. What information does an expert like to have or need to render an opinion?
 - a. Everything
 - b. Complete medical records
 - c. The more complete the records, the more powerful the opinion
8. Tools for preparing for a mediation:
 - a. Medical records
 - b. Comfortable use of terminology
 - c. EvenUP, CaseText
 - d. Use of Artificial Intelligence
 - e. Time Benefit Analysis
 - f. Leverage technology
 - g. Personally review medical records/surgery reports.
9. When and what to provide to the mediator:
 - a. Mediation brief well in advance
 - b. Educate opposing counsel
 - c. Communicate early with opposing counsel
 - d. Use of Timeline is super effective
 - e. List of similar verdicts
 - f. Weaponize your mediator
 - g. Provide settlement figures
10. What information to give the expert
11. Technology makes it easier to OCR records and search keywords
12. No substitute for combing through records
13. Timing of mediation in the perspective of the expert:
 - a. Early!
 - i. Opinions may carry more weight.
 - ii. May point out things that attorneys may not know
 - b. Causation is their life: P’s and Q’s
 - c. Always looking for justification scientifically
 - d. However, later stages in litigation allow for more information to come from opposing expert
14. At mediation, what strategies are most effective in presenting expert opinions?
 - a. Never a good idea to have a retained expert attend a mediation
 - b. You can have them as consultants instead – have them on standby
 - c. If deposition testimony is available it can be useful



15. Challenges:
 - a. Expert: no real challenges. Experts are there to represent the truth
 - b. Medical records is the holy bible
 - c. Not being prepared. Client preparation/expectation. “Mediation in a mediation”
16. Timing: When to reveal information at a mediation?
 - a. If it is going to move the needle
 - b. If the parties are too far apart, no point in sharing
 - c. Mediation can be used as an educational tool – an investment
 - d. Standard practice? You know when you know.
17. Battle of the Experts:
 - a. Credentials
 - b. Background
 - c. History
 - d. When receiving different positions/opinions, call expert
 - e. If it is not new information, ask for opinion to a reasonable medical probability
 - f. Get all the facts and medical records to the expert
 - g. Make sure that the patient is credible
18. Undesignated experts
 - a. Most cost effective
 - b. Use at mediation: MRI, facts
19. Asking opposing counsel to pay for experts:
 - a. Only when deliberate delay tactics are used
 - b. Realistically never going to move the needle for the adjuster
 - c. Might work on 998 costs
 - d. Consider when plaintiff made the demand
 - e. Powerful negotiation tool
20. Closing remarks:
 - a. Educate the other side – well in advance. Calendar 30 days.
 - b. Don’t waste everyone’s time
 - c. Get in the right time with the right information



Speakers



Azadeh Farin, MD, FAANS, FACS

Dr. Azadeh Farin is a fellowship-trained and board-certified neurosurgeon at FARINeuroSurgery, with experience in a wide range of neurosurgical procedures. She provides expert care in Los Angeles and Orange counties to patients in and around Long Beach, Palos Verdes, Rolling Hills, Hermosa, Manhattan Beach, Redondo Beach, Huntington Beach and Torrance, CA. Dr. Farin is proud to be among only 200 female neurosurgeons in the United States.

In 2010, Dr. Farin won the Avicenna Award of Excellence. She has guest reviewed for the journal Neurosurgery and consulted for Grey's Anatomy. She was recently granted a full patent by the US Patent and Trademark Office for her spinal device invention. Dr. Farin has published several dozen manuscripts, articles, and book chapters.

<https://www.farineurology.com/about>



Stacie Feldman Hausner, Esq.

Stacie Feldman Hausner, Esq. has extensive litigation experience having represented both plaintiffs and defendants in a general civil litigation practice. She has received an LLM degree in Dispute Resolution from the Straus Institute of Dispute Resolution at Pepperdine School of Law, and now teaches "Mediation" as an Adjunct Faculty Member there. She has gained vast and broad experience as a mediator in private practice and as a mediator for the West Division of the Los Angeles Superior Court, the

Department of Fair Employment and Housing, the Department for Consumer and Business Affairs, and the Center for Conflict Resolution. Ms. Hausner also spends time lecturing to attorneys and law firms about optimizing settlement and negotiation results. She specializes in business, employment, real estate, construction defect and personal injury mediations.

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Robert Simon, Esq.

It did not take Robert Simon long to go solo. He launched his own practice at 29, and by age 40, he was voted Trial Lawyer of the Year by his peers in San Diego, Los Angeles, Orange County, and the State of California. That law firm was the Simon Law Group, aka Justice Team, known for discovering and mentoring talented young lawyers, Robert took things to the next level by founding Justice HQ in 2020. He is at the forefront of innovation and efficiency, and is always known to be a good hang. Get your whiskey and soft pretzels ready - here is Robert Simon!

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