



**George Porter**

# The Lawsuit Season

'Tis the season to be sued! This comes right after Christmas and Happy New Year and all lawyers know it. Most will clear their schedules in anticipation of the "season". Divorce is the most usual but the rest come right in behind. Something about the "Spirit of Christmas" makes people angry! Little things become big

things when people hear Christmas Carols of joy and love. "Peace on Earth, Good will toward Men" seems to drive some people insane and they call their attorneys right after the first of the year. And some of the attorneys call me. I really don't like any of this but it is a very good source of material for my courses and occasionally it is somewhat entertaining. I would like to point out that sometimes it is never profitable enough to compensate you for the enemies you will make. (Trust me on this one!)

Because suing is such a growth industry it might be worth an article exploring how you too can get in on the excitement! A basic understanding of humans is necessary here so let's start there. First of all every suite has two sides (usually) and both are right, just ask them. The problem is not to prove you are right as much as it is important to prove that the other side is wrong, misguided, motivated only by money, and mentally unstable. Any good lawyer will go for all four and will ever so gently encourage his expert witness (possibly you?) to back him up on this with irrefutable proof.

Another human problem is that the problem is almost never the problem. It may have started out that way but it has a way of evolving into a personal matter. Take for instance loose molding. The human suffering that has been caused by loose molding can not be measured on any known scale of misery; on either side I might add. While it may be true that two tiny brads will fix the problem for a complete cost of 1penny plus labor some homeowners would rather give up a vital organ than do it themselves. The brads morph into the most common source of lawyer wealth, "the principle." Without this concept 98 % of all suits in the industry would not be filed. It is not the brads, it is the fact that it is not the homeowners' job to put them in and his "principles" will not let him do it! Try to avoid these types of suits at all costs in your career as an expert witness because they will shorten your life and turn you into a mean person. In cases such as these do not ever, and I mean never, take the side of the homeowner! They will make you crazy, they will not pay your bill, and they will hate you in the end. This is a solemn guarantee; I have the scars to prove it.

Now that we have established that most home problems are really human problems cloaked in "principle" lets deal with "real problems." First of all in your new career as an expert witness you need to define what a "Real Problem?" is and a few other rules of thumb.

Ground rules:

#1 A real problem differs from an unsolvable problem in that you know what to do and can look good doing it. As an expert you should try to involve yourself with real problems only.

#2 Because of the guidelines of #1 you need money up front for an investigation. You have to know what you are up against and if this turns out to be an unsolvable problem (i. e. your clients fault) then you better have some bucks before you tell him the bad news.

#3 Don't expect a quick solution to any problem, ever. I have had suits last for 5 years with me holding all sorts of documentation. You might not think this means much but the volume of paper generated by one of these messes can weigh 200 lbs, seriously! Also you are expected to remember something you saw 5 years ago like it was yesterday, take loads of notes and pictures. Store them with the ton of other paper.

#4 Believe nothing you are told, only what you see. Sometimes people tell untruths or the truth as they see it, or only part of the truth. Hard to believe I know, but not everyone is like you and me.

#5 Always carry a briefcase, the bigger the better. Lawyers all have them and they weigh them down with mail order catalogues and phone books, you should do the same. You might include a HUD Code and an ANSI Code in there too, they probably won't be much good on the job but it looks so good to have government books.

#6 Never laugh when you look under a home! Also never be overheard saying, "what in the ---- were they thinking here?" These utterances will all be remembered as a deep indictment of something and one side or the other will want a full written explanation. The remaining side will be angry.

#7 Never agree with anybody on the day of inspection, just reply, "Hummm" This will limit confrontations on site and it actually makes you look more professional.

#8 In the ideal world, the one at fault should have lots of money. What is the good of suing a person with no money? Lawyers all know this and they need you to, "work with them on this."

#9 Never ask to use the homeowners bathroom unless they are your client, you could be included in the suite at a later date.

#10 Always pass out business cards to attorneys on all sides because any attorney will take any side of any case and down the road "hey, you never know!"

This should be enough to get you started in the wonderful world of expert witness. While some thrive in this environment but most soon return to the simplicity and peace of just stacking blocks, screwing anchors and the pleasant camaraderie of being yelled at by good friends under a home. A sense of humor is very necessary in both lines of work.

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