# The Scientist and Engineer in Court

Michael D. Bradley

# **Scientist And Engineer In Court Water Resources Monograph Series**

J. D. Istok

#### **Scientist And Engineer In Court Water Resources Monograph Series:**

The Scientist and Engineer in Court Michael D. Bradley, 1983 Published by the American Geophysical Union as part of the Water Resources Monograph Series Volume 8 The gavel goes down the witness is called and sworn in Will you tell the truth the whole truth and nothing but the truth so help you God Every court day scientists and engineers take this oath yet few know the duties of an expert witness and fewer still know the procedures in a lawsuit Unprepared for the courtroom they watch a drama unfold without benefit of the plot Ball 1975 Courtrooms swirl with costume and ceremony Jury judge and spectators assume roles audience director trier of the facts And the lawyers Lawyers are the key dramatis personae Protagonist and antagonist confront one another as lawyers argue their clients cases in the courtroom They object endlessly They cross examine opposing witnesses mercilessly They speak an opaque jargon of laches remittitur and stare decisis They speak Latin ab initio in pari causa lex loci actus They speak old French estoppel fee simple voire dire And they speak law speak abuse of discretion clearly erroneous malice aforethought Mellinkoff 1963 They call contrary versions of the same story true They plead for understanding and compassion They mix independent variables called facts and a dependent variable called law into an argumentative gruel for court consumption. Then it is over and the judge delivers his or her opinion One lawyer calls it the decision of the decade a magnificent example of benign reasoned law The other darkly threatens to appeal all the way to the Supreme Court if necessary to relieve an onerous and oppressive injustice All of this is fascinating theatre but to the unprepared scientist or engineer the drama has none of the charm and all of the clarity of a Japanese Noh Forensic Engineering ,1991 The Atom and the Fault Richard L. Meehan, 1984 With wit and thoughtful play compassion Richard Meehan presents one of the most perplexing of contemporary moral predicaments one that arises in every attempt to assess potentially hazardous technologies He focuses on the longrunning controversy over suspected earthquake faults near the nation s first corporately owned nuclear test reactor at Vallecitos California and uses this account of the politics of expertise to probe the nature of scientific truth and its relationship to the determination of public safety At Vallecitos Meehan points out the opinions of the experts were radically divided Where one group saw clear and ominous evidence of an earthquake fault in trenches dug at this showpiece site others saw only the mark of an ancient landslide How did these experts arrive at their opinions Were they simply representing corporate as opposed to environmentalist points of view And how are the public regulatory agencies charged with deciding such issues supposed to balance these seemingly irreconcilable opinions The Atom and the Faultexplores these crucial questions as the issue of the earthquake safety of nuclear power plants continues to grow into a struggle encompassing government regulatory bodies public utilities private industry engineers geologists and citizen activists It paints candid portraits of the principal expert players clarifies the difficult and often delicate interplay of honesty and loyalties among them and lucidly explains the technical issues and viewpoints involved As a professional participant in several environmental controversies in which so called scientific facts

were represented by opposing points of view Meehan is uniquely qualified to tell this tale He is a consultant to industry government agencies and law firms specializing in forecasting and damage assessment related to earthquakes and land failures and an adjunct professor in the Values Technology Science and Society program at Stanford University His first book Getting Sued and Other Tales of the Engineering Life was published by The MIT Press in 1981 The Scientist and **Engineer in Court** Michael D. Bradley, 1991-01-08 Published by the American Geophysical Union as part of the Water Resources Monograph Series Volume 8 The gavel goes down the witness is called and sworn in Will you tell the truth the whole truth and nothing but the truth so help you God Every court day scientists and engineers take this oath yet few know the duties of an expert witness and fewer still know the procedures in a lawsuit Unprepared for the courtroom they watch a drama unfold without benefit of the plot Ball 1975 Courtrooms swirl with costume and ceremony Jury judge and spectators assume roles audience director trier of the facts And the lawyers Lawyers are the key dramatis personae Protagonist and antagonist confront one another as lawyers argue their clients cases in the courtroom They object endlessly They cross examine opposing witnesses mercilessly They speak an opaque jargon of laches remittitur and stare decisis They speak Latin ab initio in pari causa lex loci actus They speak old French estoppel fee simple voire dire And they speak law speak abuse of discretion clearly erroneous malice aforethought Mellinkoff 1963 They call contrary versions of the same story true They plead for understanding and compassion They mix independent variables called facts and a dependent variable called law into an argumentative gruel for court consumption Then it s over and the judge delivers his or her opinion One lawyer calls it the decision of the decade a magnificent example of benign reasoned law The other darkly threatens to appeal all the way to the Supreme Court if necessary to relieve an onerous and oppressive injustice All of this is fascinating theatre but to the unprepared scientist or engineer the drama has none of the charm and all of the clarity of a Japanese Noh play Law Books and Serials in Print ,1995 The Scientist and Engineer in Court Michael D. Bradley, 1991-01-08 Published by the American Geophysical Union as part of the Water Resources Monograph Series Volume 8 The gavel goes down the witness is called and sworn in Will you tell the truth the whole truth and nothing but the truth so help you God Every court day scientists and engineers take this oath yet few know the duties of an expert witness and fewer still know the procedures in a lawsuit Unprepared for the courtroom they watch a drama unfold without benefit of the plot Ball 1975 Courtrooms swirl with costume and ceremony Jury judge and spectators assume roles audience director trier of the facts And the lawyers Lawyers are the key dramatis personae Protagonist and antagonist confront one another as lawyers argue their clients cases in the courtroom They object endlessly They cross examine opposing witnesses mercilessly They speak an opaque jargon of laches remittitur and stare decisis They speak Latin ab initio in pari causa lex loci actus They speak old French estoppel fee simple voire dire And they speak law speak abuse of discretion clearly erroneous malice aforethought Mellinkoff 1963 They call contrary versions of the same story true They plead for understanding and compassion They mix independent variables

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