

## **FIRE INVESTIGATIONS AND THOSE NASTY LITIGATION SITUATIONS**

From time to time safety professionals are asked to serve as expert witnesses in a litigation support role. Expert witnesses are permitted to provide opinions at trial, where fact witnesses are not. The presentation describes a fire protection model for providing litigation support. Many portions of the model are directly applicable to safety professionals providing litigation support for safety-related law suits.

A site investigation is nearly always required. Prior to the site visit, an agreement between the client or attorney and the investigator is required. Typical scopes include: Review case materials, visit the site, document the site, review the evidence, provide research, analyze the data collected, compare the information collected to codes, standards, and manuals, and prepare opinions. The agreement should also cover hourly rates, how expenses will be invoiced, and if a deposit is required.

The site visit will require a systematic approach to assure that all applicable data is collected. The scene should be diagrammed, dimensioned, and photographed. Evidence should be tagged, bagged, collected, and stored. The fire protection model uses NFPA 921, Guide for Fire and Explosion Investigations. Safety litigation support would involve similar methods.

After the site visit, the investigator analyzes the information collected and prepares opinions. The opinions are often presented in a report. The investigator is then questioned at a deposition before presenting the opinions at trial.

Litigation support is more of an art than a science, although scientific methods are used in the analysis. Several reference texts are available to assist with the litigation support process.

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