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RECENT NEWS FROM THE ARBITRATION FRONT:  
WHAT ARE THE COURTS (AND ARBITRATORS) THINKING?  
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*This column contains short blurbs on court cases, awards, and articles of interest that are candidates for coverage in the Securities Arbitration Alert ("SAA"), and the Securities Online Litigation Alert ("SOLA"), publications of the Securities Arbitration Commentator. It offers no analysis or evaluation; items are listed in chrono order. Also, although some items don't necessarily relate to financial services arbitration, we think they might be of interest to SER members. Readers may click on the links for more information.*

**Cross-Examination of Experts** (Oct. 31): "The cross-examination of **expert witnesses** is one of the most challenging aspects of advocacy in international arbitration. When executed effectively, it is possible not only to neutralise the evidence of the opposing party's **expert witness**, but also advance your own case theory in powerful ways. As with all witness examination, this requires complete mastery of the case file, careful preparation and a disciplined questioning technique."

**Exxon's Expert Witness Knocks N.Y.'s "Circular" Trial Claims** (Nov. 6): "Exxon Mobil Corp.'s **expert witness** -- a Harvard Law School professor -- challenged New York's claim in a securities-fraud trial that investors lost as much as \$1.6 billion after authorities accused the company of hiding the financial risks of climate change, calling the argument 'a tad circular'. Allen Ferrell, who's also a senior consultant at Compass Lexecon, said it was somewhat convenient for an authority to cite news about its own fraud investigation as the cause of a company's losses.

**Lawyer in Laconia Medical Malpractice Case Accused of Improper Contact with Witness** (Nov. 10): "A Superior Court judge is being asked to strip a Michigan lawyer of his ability to serve as co-counsel in a high-stakes medical malpractice case surrounding the birth of a baby.... [opposing counsel] accused the plaintiff's attorney, Brian J. McKeen, of having improper contact with an **expert witness** hired by the defense and claimed the high-profile medical malpractice attorney bullied witnesses when questioning them at depositions in advance of trial, which is presently scheduled to begin in March.... According to Meyer, McKeen approached a physician that the defense had hired as an **expert** and in effect challenged him by questioning whether he was going to testify that there was a genetic component to the birth injuries alleged by the plaintiff."

**Crime Lab Report - New Book Calls For Expert Witnesses To Work Directly For Judges** (Nov. 18): "Having testified as an **expert witness** over 100 times in criminal trials, almost all of which were related to violent crimes, I can't tell you often I dreamed of being able to work directly with a judge or her/his court to make sure my **expert** opinion was both understood and subjected to a reasonable degree of scrutiny. Instead, like all **expert witnesses** working in the United States, I had no choice but to be 'on a side,' which gives the unmistakable appearance of partiality."

**Oft-quoted Money Laundering Expert is Himself Charged with the Crime** (Nov. 19): “A University of Miami professor often quoted by journalists as an **expert** on money laundering, drug trafficking and corruption in South America is facing federal money laundering charges. Prosecutors charged 73-year-old Bruce Bagley of Coral Gables, Florida, in an indictment unsealed Monday according to a [press release](#).”

**Duane Morris and Northern California Innocence Project Celebrate Reversal Of A Wrongful Conviction** (Nov. 20): “The San Francisco office hosted a reception to celebrate Karla Baday's release from prison after serving 17 years for a crime that she did not commit.... Working alongside the Northern California Innocence Project, Duane Morris attorneys, Andrew Our client, who spoke little English, was profoundly hampered in her defense by the appointment of an attorney who failed to cross-examine the prosecution's witness, call available defense witnesses, challenge the unqualified prosecution **expert witness**, and consult or present any experts in support of the client.”

**FINRA Board Meets December 4-5. Arbitration Fee Increases are on the Agenda** (Dec. 2): FINRA’s [Board of Governors](#) will be meeting **December 4-5**. Just as we went to press, FINRA posted the [Agenda](#), containing this show-stopper: “The Finance, Operations and Technology Committee will review proposed amendments to the Codes of Arbitration Procedures to increase certain arbitration fees...” As usual, the description is somewhat cryptic, so the specific fees being increased and by what amount will have to await the post-meeting memo and press release.

*(There were no awards published on the FINRA Website last month containing the keyword “expert”)*