

CE's Lines of Attack vs. the Scientific Merits(?) of AE's 3 Categories of Claims:

This rule produces a valid answer if its necessary (or sufficient) factors can be established.

scientific rule (unanimity vs. debate among experts)	the data-input-	thru an assumption
experiential rule (reliable verification vs. AE's "truSt me")	particulars that are	or AE's hands-on
non-expert rule (not deserving the "cloak of expertise")	plugged into the rule	determination

This rule's necessary (or sufficient) factors are established in this instance.

"hard science" rules "soft science" rules conclusively; probably; or plausibly

Therefore, this rule* produces a valid answer in this instance.

conclusive (hard to refute: 80+ to 100%) correct answer	} as the result of AE's weighing process: assessing the individual & collective importance of all established X factors, adjusted by the proper offset for all established (or used in CE's hypo Q) Y factors.
probable (more likely than not: 50+ to 80%) correct answer	
plausible (worthy of consideration re being the) correct answer	

*Standard – Formula – Definition – Statistic – 2 Generalizations – Causation – Mutual Exclusivity – Values – Probably-a-Duck

CE's Areas of Attack vs. AE's Pedestal

- Curriculum Vitae • Marketing to Attys
- Conducting the Forensic Business
- Prior Opinions: Reports & Testimony
- Relationship with OA & Party
- Time & Billing Records • Investigation
- Investigative Notes • Report-Making
- Evaluation of CE's Expert & Opinions
- Depo Performance (obstructionism?)

Every Expert's Pedestal Code of Conduct

- adhere to the highest standards re the CV
- remain open-minded from beginning to very end
- maintain an arm's-length relationship w/OA *et al*
- thoroughly gather all info, whomever it favors
- "triple-check" all analyses; no double-standard!!
- strictly confine opinions to area(s) of expertise
- make clear, full, timely disclosures of all findings
- conscientiously document all investigative work
- scrupulously & timely document fees & costs
- forthrightly answer CE's depo & trial Qs

RULE

Opinion

X FACTORS

[Cause – Effect – Comparison – Measurement – Insufficient Information]

Y FACTORS

The certain establishment (maximum abstract importance) of **X_i** would (conclusively: 80+ to 100%; probably: 50+ to 80%; or plausibly) support AEO.

X_i is (conclusively; probably; or plausibly) established in this instance.

X_i assumed by AE, based on info from one or more of six sources:

- presumptively authoritative: person/org. with history of reliable info-gathering
- independent *ad hoc*: a just-happened-by, unrelated-to-any-party observer
- non-expert common knowledge (CE's Q: Any plausible alternatives to **X_i**?)
- AE's first-hand, un-common experiences (Q: Proof of AE's database?)
- OA *et al* (Q: Did a servile AE embrace OA's suspect **X_i** ... no Qs asked?)
- a party or ally of party (family; friend; a business contact; or a social contact)

– a source's potential flaws: misperception; misunderstanding; error in using a means; memory error; inconsistency (a source gave 2 versions of **X_i**; or info from a 2nd source contradicted **X_i**); motive to deceive; & means's inherent risk of error

X_i determined by AE thru expert means: special training & experience required

- AE's adherence to the means's protocol (Q: Proof of AE's adherence?)
- means's inherent risk of error (Q: Rate of false positives / negatives & proof?)
- AE's error rate using the means (Q: Proof of AE's past & current skill level?)
- authority for the means used (Q: Did AE use best available tool or method?)

X_i determined by AE thru non-expert means (same Qs, except authority & sp. training)

Therefore, **X_i** (conclusively: >80%; probably: >50%; or plausibly) supports AEO.

#1. **Y_i** is irrelevant to the correct application of this rule.

(CE's Q: Always irrelevant; or for some reason irrelevant in this instance?)

#2. The certain establishment of **Y_i** would disfavor AEO.

maximum abstract importance less likely; <50%; implausible; or impossible

However, **Y_i** is not established in this instance; it was ...

- certainly ruled out.
 - implausible, but can't be ruled out.
 - improbable. (Q: AE's database re <50%?)
 - plausible, but less likely than a contrary **X** factor.
 - 50/50; thus not probable; thus not established
- [Assumption or determination thru expert or non-expert means? Same attacks vs. AE's **X_i** claims are useful vs. AE's **Y_i** claims. CE **must!** pose hypos that posit **Y_i**'s establishment.]

[Q: In applying "what's established" criteria or assigning a "quantum" of weight to a factor, did AE use a double standard to promote OA's **Xs** & undermine CE's **Ys**?]

Therefore, in this instance, **Y_i** does not disfavor AEO.

#3. **Y_i** is relevant; is established in this instance; & does disfavor AEO but **Y_i**'s inferior weight – compared to the collective weight of all established **X** factors – means my opinion is superior to any contrary expert opinion (even after I belatedly increased **Y_i**'s weight, as I "explained" in my cross-X).

[Q: Did AE volunteer these concessions – as an "independent finder of scientific facts & truths, regardless of where those findings lead"? If cross-exam pressure was needed, CE argues: "AE is integrity-deficient!" and/or "AE is expertise-deficient!"]