

Dysfunctional Cooperative Assessments and How to Survive Them

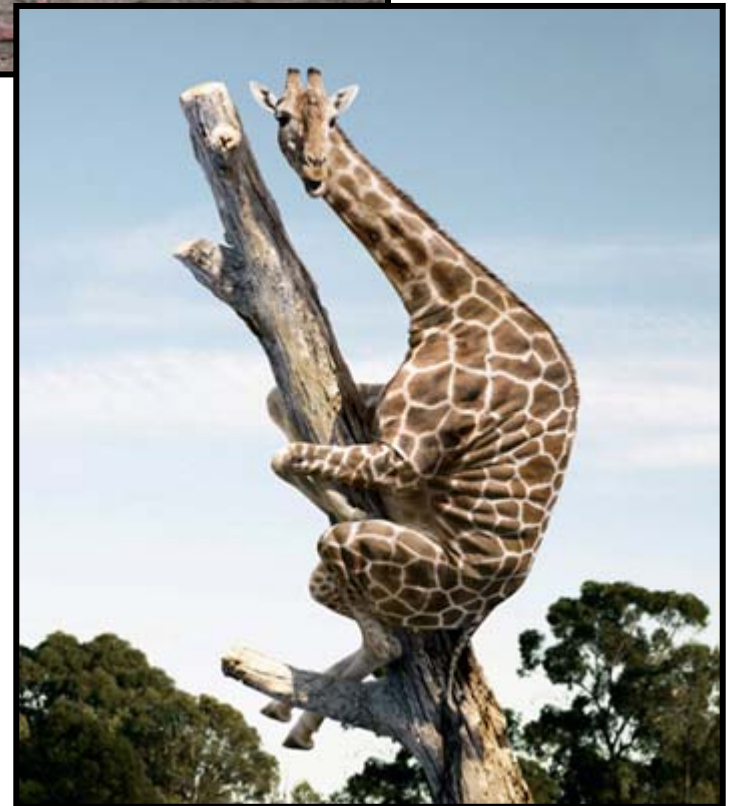
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Outline

1. Problems

2. Solutions



The Razzle-Dazzle

- RP consultants offer to do it all
- sophisticated models
- technical vocabulary
- wow the hill-billies
- SCAT control

SOLUTIONS

- keep in control
- if the RP does anything, check it!
- use trusted experts if you need them
- write your own DARP



The Passive Aggressive Assessment

- failure to sign or abide by MOU
- constant delays
- cagey behavior
 - nothing in print
 - won't work on any joint products; only want to comment
 - won't agree to any preliminary assumptions along the way
- secret studies they bring up late and insist you consider

SOLUTIONS

- drive the train and control the tempo
- create a workplan and stick to it
- give deadlines for comment
- cry foul over secret studies and don't engage them
- avoid stand-alone reports that become battle-grounds— get the data and write to the DARP



Sleeping with the Enemy

- taking care of the RP's feelings
- putting off public inquiries
- keeping everything “draft” forever
- treating the RP as our only constituent



SOLUTIONS

- create an outreach team
- involve the public via meetings, regular fact sheets on the NRDA, etc.
- reach out to special interest groups, key agencies, politicians, etc.
- let the RP know they are not the only entity we are addressing; we are also accountable to the public, the media, and politicians

Filters

- no direct access to the RP
- no RP member at the table
- outside counsel with outside consultants

SOLUTIONS

- demand an RP member to be actively involved at regular meetings
- involve their insurer or ITOPF or any other RP-related entity as soon as possible
- seek to engage the insurer or payer as soon as possible



Synchronized Posturing

- dueling ppts in front of attorneys
- \$50,000 meetings
- no progress between meetings
- a battle of legal threats

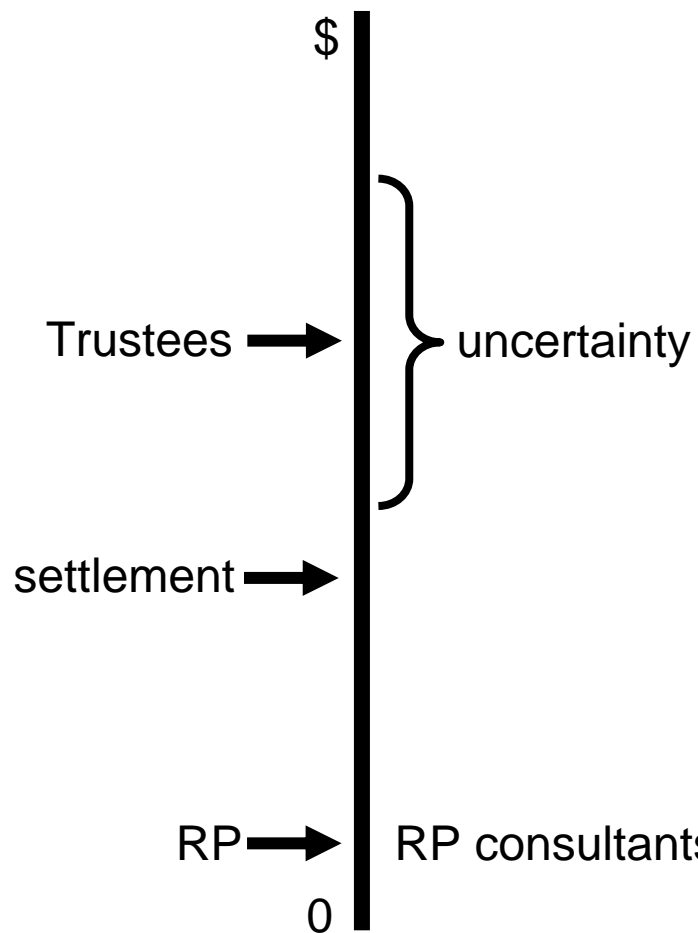
SOLUTIONS

- insist that the technical groups meet and have authority to make progress between large group meetings
- persist in trying to communicate among the technical representatives
- focus on restoration options as well as the injury side



Cooperation Blowback

- RP consultants need to save face



SOLUTIONS

- speak directly to the RP attorneys and impress upon them that their “experts” are misleading them
- demonstrate their lies with evidence of the truth; make them question their experts

Crowd Control

- inappropriate studies
- provincial attitudes
- poor coordination
- new faces at the table



SOLUTIONS

- organization: create multi-trustee teams for each resource; create a case management team; create group leads with clear channels of communication; meet regularly
- track the progress of the case thru meeting notes that are distributed to all
- develop a workplan and use it to keep each group focused and organized toward a common end
- develop a realistic estimate of the size of the claim



Solutions Summary

- keep in control; check the RP's work; the buck stops with the Trustees
- create a workplan and follow it
- keep the public informed
- speak to the RP's "man behind the curtain"
- keep the techies engaged in injury quantification and restoration planning
- demonstrate the truth
- keep the trustees well-organized
- know the general size of your claim

