

## The Reverse Reptile Theory

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### 1) What is Reverse Reptile Strategy?

A trial Technique used by Plaintiff's attorneys to convince jurors that they are the only ones whose actions can and should prevent catastrophic harm and injuries to them and their loved ones.

**Goal:** To frame each case in a way to shift each juror's brain into **survival mode** when he/she decides a case.

### 2) The Reptile at Work

- Fear/Danger Based Strategy
- General "Rules" of the Road
- Defendants "Rules" Violations
- Not a Focus on a Single Past Injury: On-Going Danger to the Entire Community
- Not One Past Wrong: Reach a Conclusion that makes the Community Safer from Many On-Going Risks

### 3) When to use Reverse Reptile Theory

When the facts allow you to place the majority of the blame on the Plaintiff, the co-defendant, or the empty chair.

When the safety rule violations of the plaintiff, co-defendant or empty chair often involve:

- Non-compliance with medical instructions,
- Misuse of product,
- Reckless or careless behavior or decision making, or
- Non-Adherence to company policies or procedures

### 4) The Type of Cases Appropriate for Reverse Reptile

- Medical Malpractice
- Products Liability
- Trucking and Transportation
- Premises
- Construction Matters

### 5) Reverse Reptiling of the Plaintiff's (or co-defendant's) Expert

**Example:** "Would you agree that it is a good thing for a company to actively implement safety regulations?"

- Ask questions that are effective and easy to understand, and
- Encourage answers such as 'yes,' 'true,' or 'I agree.'

### 6) Reverse Reptiling of the Plaintiff's (or co-defendant's) Witness

**Example:** "Would you agree that the worker knows what he is lifting before he lifts it?"

- Use simple, straightforward to show how the plaintiff (or co-defendant) was not safe and how they ignored the hazard.
- The questions will invoke:
  - Confirmation Bias,
  - Anchoring Bias,
  - Cognitive Dissonance, or
  - Hypocrisy Paradigm

### 7) Defense should avoid using Reverse Reptile Theory when the matters involve:

- Injuries from known surgical complications;
- Death from known surgical complications;
- birth Injuries;
- Injuries to children or adolescences (maybe-poor supervision by minor's parent or caregiver may allow for it).