

Successful Defense of Radiation Litigation



This one-day course is designed to promote a thorough understanding of radiation litigation. Actual testimony will be reviewed and legal defense techniques will be the focus.

Which types of documentation are most important in the areas of personnel exposure, plant and environmental surveys, employees/contractor training and operational procedures? What are the legal implications (for corporations and individuals) of various degrees of non-compliance?

What role does the probability of causation play in an effective claims defense? What methods do attorneys for the plaintiff use to obtain favorable settlements when scientific evidence is not in their favor? This course will answer many questions you have on nuclear liability and provide individuals and corporations with the knowledge necessary to avoid costly liability claims defense and settlements.

Course Topics

Basic Legal Concepts

- Hypothetical Scenario
- Challenge of Radiation Lawsuit
- Sources of Law and How Law is Made
- Common Law
- Developing the Law
- Importance of Creating Good Rules of Law in Radiation Litigation
- Risk of Lawsuit
- The Price Anderson Amendments Act
- Courts Must Interpret Meaning of Statutes
- Commonly Asserted Theories of Liability
 - Negligence
 - Strict Liability
- How Cases Proceed to Trial
- Motion For Summary Judgment
- Daubert Hearing
- Trial
- Plaintiff's Strategy
- Defendant's Strategy

Legal Issues and Developments in Radiation Litigation

- The Burning Issues in Radiation Litigation
- How Much Radiation Can a Worker Receive?
- ALARA as a Standard of Care
 - Silkwood (1979)
- Final Rule, 91 FR 8162
- Devastating Results
- The Federal Dose Limits As the Standard of Care

- The O'Conner Doctrine
- Dose Limits vs. ALARA
- McCafferty vs. Centerior Services
- Compensable Injury
- Adequate Proof of Causation
- Special Employer Defense

How to Avoid Getting Sued, The Importance of Record Keeping, and How to Win If you Do Get Sued

- Cases Filed
 - Lessons Learned
- Relationship Between Dose and Lawsuits
- Plaintiff's Strategy
- How to Avoid Litigation
 - Good Relational Skills
 - Documentation
 - Develop Standardized Procedures and Policies
- Develop Plan and Strategy
- Don't Settle Invalid Cases
- What To Do If You Are Sued

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THE AMERICAN ACADEMY OF HEALTH PHYSICS (AAHP) HAS AWARDED THIS COURSE 32 CONTINUING EDUCATION CREDITS.
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FOR FURTHER INFORMATION OR ASSISTANCE, PLEASE CONTACT:

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