

## **The Unsung Hero: Why Expert Witness Testimony Matters in Commercial Construction Accidents that occur in Southern California**

By: Dr. Dick Bridy, CEO of DBI Group, Inc.

The towering cranes and bustling activity on a commercial construction site can be a marvel of modern engineering. However, beneath the surface lurks a constant threat – the potential for accidents. When these accidents occur, the path to securing fair compensation can be fraught with complexities. That's where the often-underrated role of an expert witness comes into play.

While conviction is crucial, critical thinking is essential. A balanced approach with a willingness to consider alternative opinions, methods, and data is key. Inevitably, as an expert often confronted with opposing views in a deposition under vigorous cross-examination, this challenge must be met.

### **A Maze of Regulations and Standards**

Commercial construction sites are an intricate web of regulations, safety protocols, and industry standards. Accidents can arise from a multitude of factors – supervisory negligence, building and electrical code violations, unsafe working environment, lack of training and certification, faulty equipment, improper use of materials, deviations from safety plans, or even communication breakdowns between different crews. For a judge or jury unfamiliar with the nuances of construction practices, deciphering the cause of the accident and assigning blame can be a daunting task.

For instance, one personal injury case involving an electrocution required that the expert witness have working knowledge on the safety legislation of California Building Code, Title 24, Part 2 (California Building Code (CBC)), Part 3 (California Electrical Code), NFPA 70, and National Electrical Code (NEC), the benchmark for safe electrical design, installation, and inspection. In these kinds of complex and grave cases, it can be instrumental to possess expert testimony experience on The Occupational Safety and Health Administration (OSHA) in order to be able to evaluate best practices, standards of practice, standards of care. It is critically important to know the industry standards for property ownership, and fiduciary duties assumed by Property Managers for all types of commercial real estate .

## **Where to Start**

When an employee is injured on a construction site, notification is sent immediately to the Division of Occupational Safety and Health (DOSH) to conduct an investigation that includes an inspection in accordance with applicable sections of the California Labor Code, Title 8 Safety Orders and Division Policy and Procedures potential code violations are noted and investigated.

The inspector will compare the "As Built" drawings prepared by the architect and for major redevelopment, the electrical engineer. The inspector will be well versed in the safety and building requirements of California Building Code, Title 24, Part 2 (California Building Code (CBC)), Part 3 (California Electrical Code), NFPA 70, and National Electrical Code (NEC). If an injury is encountered by any on-site worker, a series of protocols is undertaken to treat the injured worker and a causal investigation commences at the local and state levels. The investigation usually entails a series of physical and mechanical tests that measure, photograph and video the site of the incident as part of the forensic evidence process.

The expert will have access to all findings of the investigation to include the building plans, code violations; contractor protocols before during and after the incident, construction contracts, line-item bids and more. From this information, the expert will formulate a conclusion and present an opinion in the form of a detailed report.

## **Case in Point**

In one of the high-profile cases where the construction worker was electrocuted and gravely injured, the electrical and the building maintenance engineers inspected and evaluated all conditions on the property to see if it complied with building or health and safety, codes. We then provided opinions on whether certain conditions on the property meet Cal-OSHA safety standards of care and best practices in addition to conducting a thorough investigation as to whether the property owner made physical improvements to the property without obtaining the required building permits. Upon completion of the forensic discovery, a report was compiled that included our expert conclusions and opinion.

## **Illuminating the Cause**

Experienced expert witnesses often can function as a bridge between the technical complexities of construction and the legal system. There are only a handful of highly qualified professionals, with decades of experience in specific construction disciplines, can meticulously analyze the accident scene, witness statements, and project documentation.

Their expertise empowers them to:

- **Reconstruct the Accident Sequence:** Experts can meticulously recreate the chain of events leading to the accident, pinpointing the specific actions or omissions that caused the injury.
- **Interpret Industry Standards:** They can explain the relevant safety regulations and industry best practices that should have been followed, highlighting any deviations that contributed to the accident.
- **Analyze Causation:** By drawing on their deep understanding of construction methods and materials, experts can establish a clear link between the negligence and the resulting injuries.

## **Beyond Blame: Expert Testimony Shapes Outcomes**

The impact of expert witness testimony extends beyond simply assigning blame. Medical expert testimony can provide insights crucial in determining the extent of damages, the long-term impact of injuries, and the potential for future medical needs. This information can be vital in negotiating fair settlements or presenting a compelling case in court. The electrical engineer expert, in the case of an electrocution or shock will provide the causal elements such as code violations or improper wiring identification that led to the injury.

## **Investing in Justice: The Value of Expert Representation**

In the aftermath of a construction accident, the injured party is often left grappling with medical bills, lost wages, and emotional distress. Securing the services of qualified expert witnesses is an investment in securing the compensation they deserve. Their clear and compelling testimony can make a world of difference in achieving a just outcome.

Don't underestimate the power of expert witness testimony. In the complex world of commercial construction accidents, it can be the key to unlocking the truth and obtaining the justice that is deserved.

## About the Author

### Dr. Dick Bridy, CEO of [DBI Group](#)

Based in San Diego, Dr. Bridy has developed, redeveloped and entitled dozens of commercial properties in southern California for his own account and as a real state executive over the past 45 years. As the Owner/Developer and an OSHA expert witnesses, the risk management process is a primary obligation to ensure the safety of the construction workers, employees and invitees to the property. Property ownership analysis of workplace conditions, identifying safety violations, providing guidance on compliance issues, and understanding complex OSHA regulations are the hallmarks of risk mitigation. In the development arena, he has successfully negotiated dozens of construction projects, entitlement, financial and partnership agreements for his own properties and his clientele. He primarily serves as an expert witness in the State of California.