

Preparing Plaintiff Experts & Treating Physicians for Trial



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Reviewing the Science and/or Technical Issues with Your Expert or Treating Physician



Understanding
the Science



Preparing Plaintiff's Expert and
Treating Physician for Trial
starts.....

“Before their Depositions”



Expert Preparation

The Challenge
is to keep them focused on:

Litigation issues – Not Academics



Expert Preparation

- Experience Level
 - Experienced – pros/cons
 - Inexperienced – pros/cons



Expert Preparation

- General Consideration

1. Understanding Plaintiff's BOP:

- a. Testimony must be based on reasonable "probability" (not possibility).

2. Proving Causation:

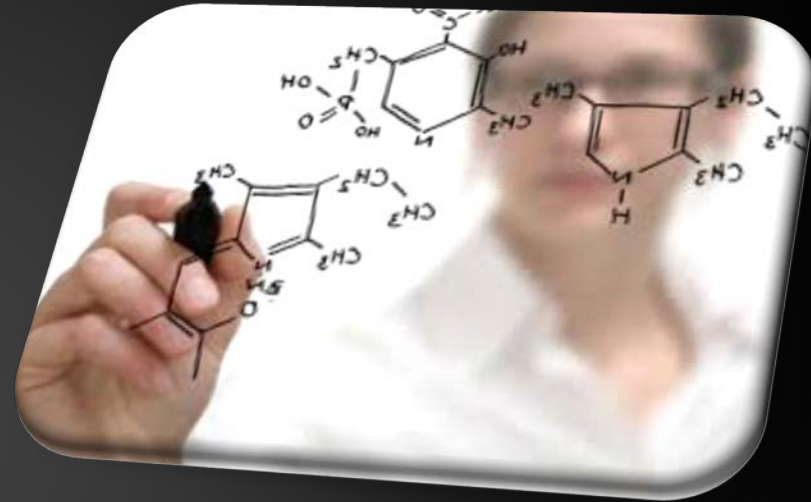
- a. General
- b. Specific



Expert Preparation

- Concessions:

- o Minor points are ok
- o Major points can't happen



- Dealing with Additional Variables:

- o Expert need time to evaluate additional variable that are not included in lawyer's questions.

Expert Preparation

- Knowledge of the records and/or facts of the case.
- Diffuse client problem areas
- Able to cite specific articles/studies to specific opinions
- Use of other experts to assist with expert education



Expert Preparation

- Cut-Off any angle that Defense may use:
 - Do a Background Check of your Expert;
 - Double-check Expert's credentials;
 - Review prior reports / testimony in similar cases;
 - Review prior reports / testimony in different cases;
 - Make sure relied upon sources are not "cherry-picked"



Treating Physicians



Possibly the most
important
witness in
your case!

Contacting Treating Physician

- Clearly communicate reason for meeting:
 - Claims against “manufacturer” (only)
 - Care and treatment from any physician not at issue
 - Treater is in the best position to give guidance on merits of case

Treating Physician

Deposition: Develop this testimony for potential Settlement purposes

Trial: Highlight strong points of deposition testimony



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