

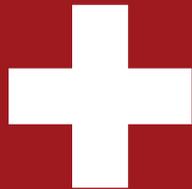


**Saponaro, Inc.**  
Assisting Trial Lawyers Since 1974



# Working with Medical Experts

5 tips for expert witness success.

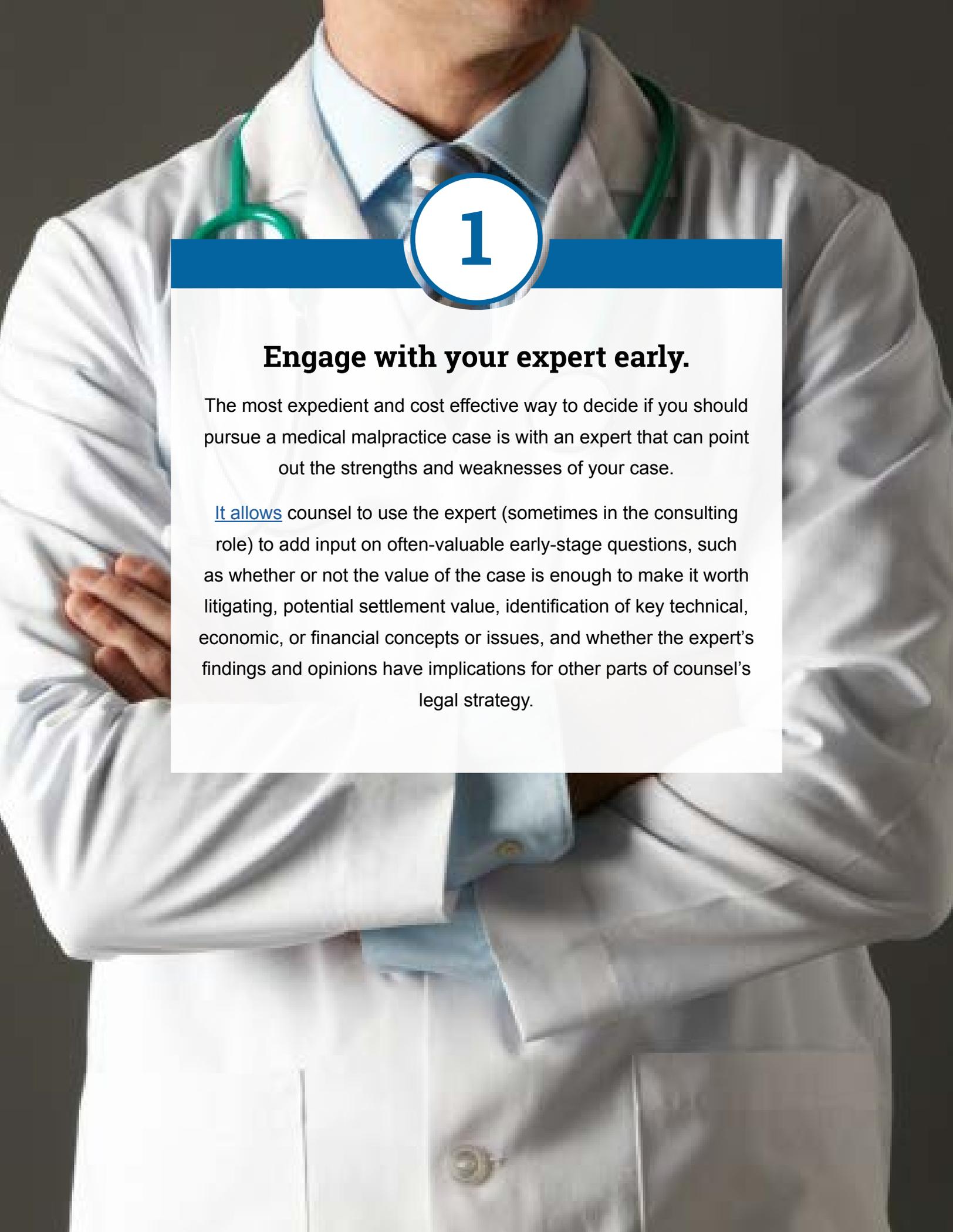


## **Best Practices for Working with Medical Experts**

As an attorney, you understand the importance of hiring the right expert witness to help support your case. Having the right expert on the stand is critical in proving the merits of your case.

With over 40 years of assisting attorneys nationwide, Saponaro, Inc. can provide you with credible and highly qualified expert witnesses.

In our effort to continually assist our clients with well prepared expert witnesses, Saponaro, Inc. presents  
5 Tips on Working with a Medical Expert.

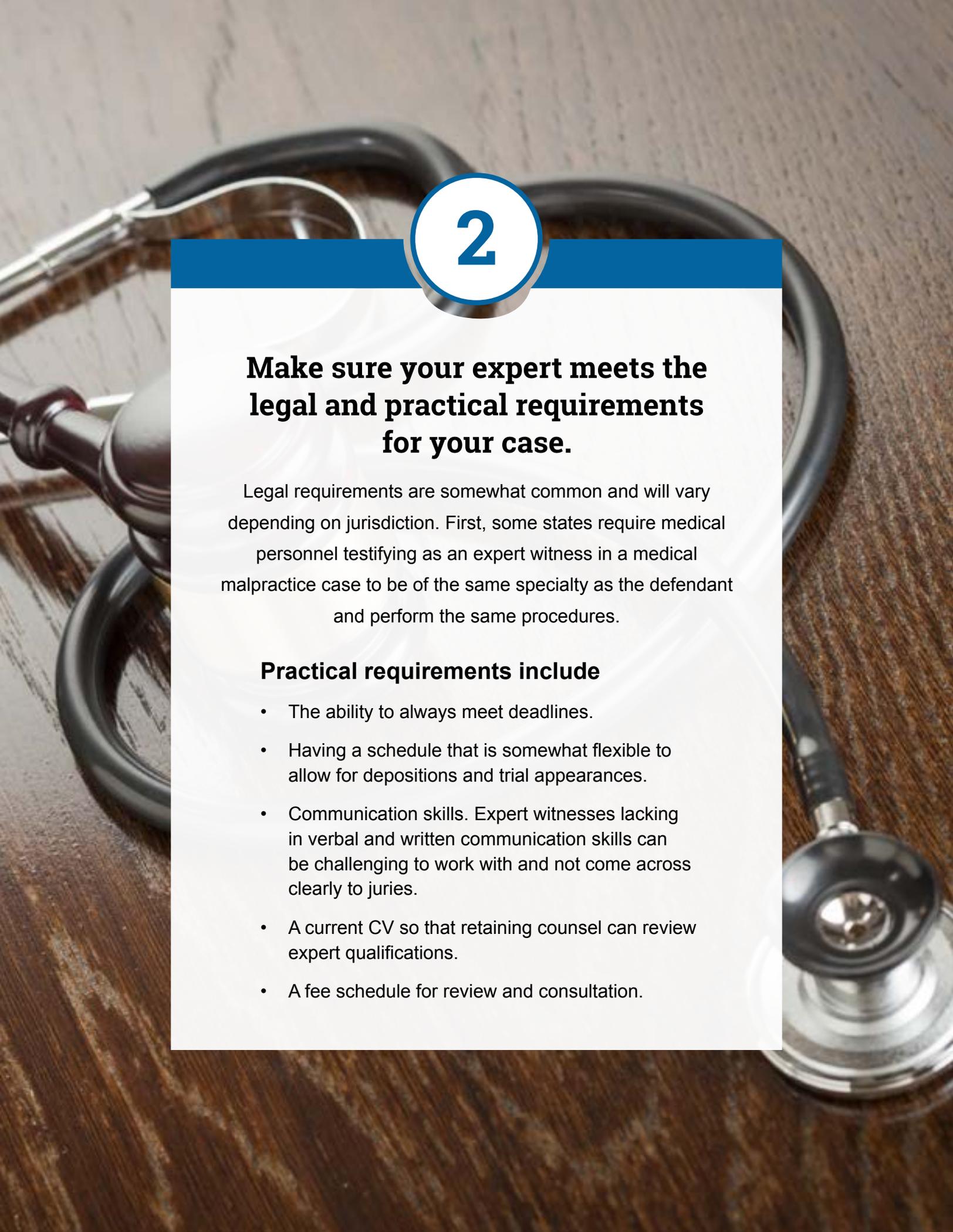


# 1

## **Engage with your expert early.**

The most expedient and cost effective way to decide if you should pursue a medical malpractice case is with an expert that can point out the strengths and weaknesses of your case.

It allows counsel to use the expert (sometimes in the consulting role) to add input on often-valuable early-stage questions, such as whether or not the value of the case is enough to make it worth litigating, potential settlement value, identification of key technical, economic, or financial concepts or issues, and whether the expert's findings and opinions have implications for other parts of counsel's legal strategy.



## 2

### **Make sure your expert meets the legal and practical requirements for your case.**

Legal requirements are somewhat common and will vary depending on jurisdiction. First, some states require medical personnel testifying as an expert witness in a medical malpractice case to be of the same specialty as the defendant and perform the same procedures.

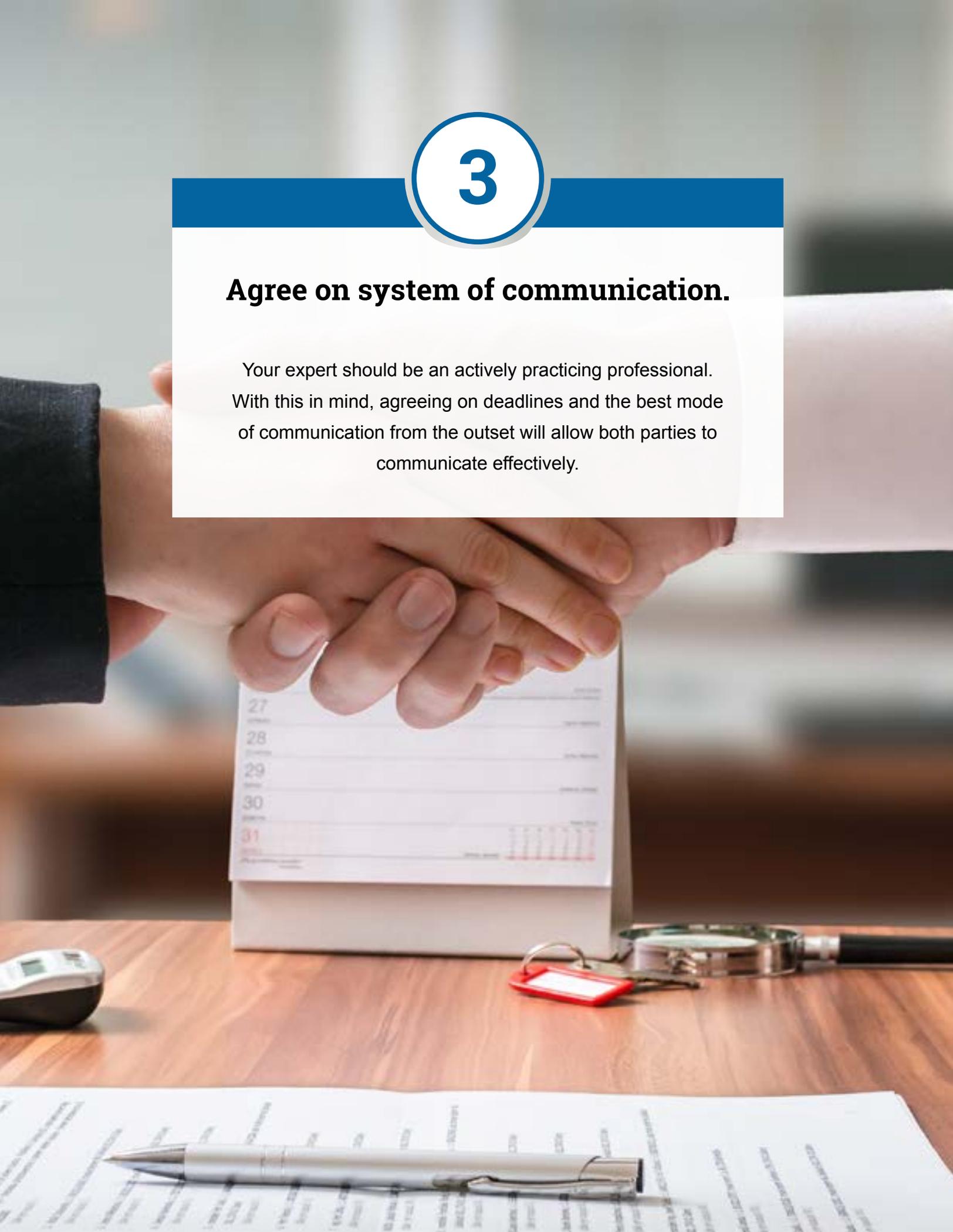
#### **Practical requirements include**

- The ability to always meet deadlines.
- Having a schedule that is somewhat flexible to allow for depositions and trial appearances.
- Communication skills. Expert witnesses lacking in verbal and written communication skills can be challenging to work with and not come across clearly to juries.
- A current CV so that retaining counsel can review expert qualifications.
- A fee schedule for review and consultation.

# 3

## **Agree on system of communication.**

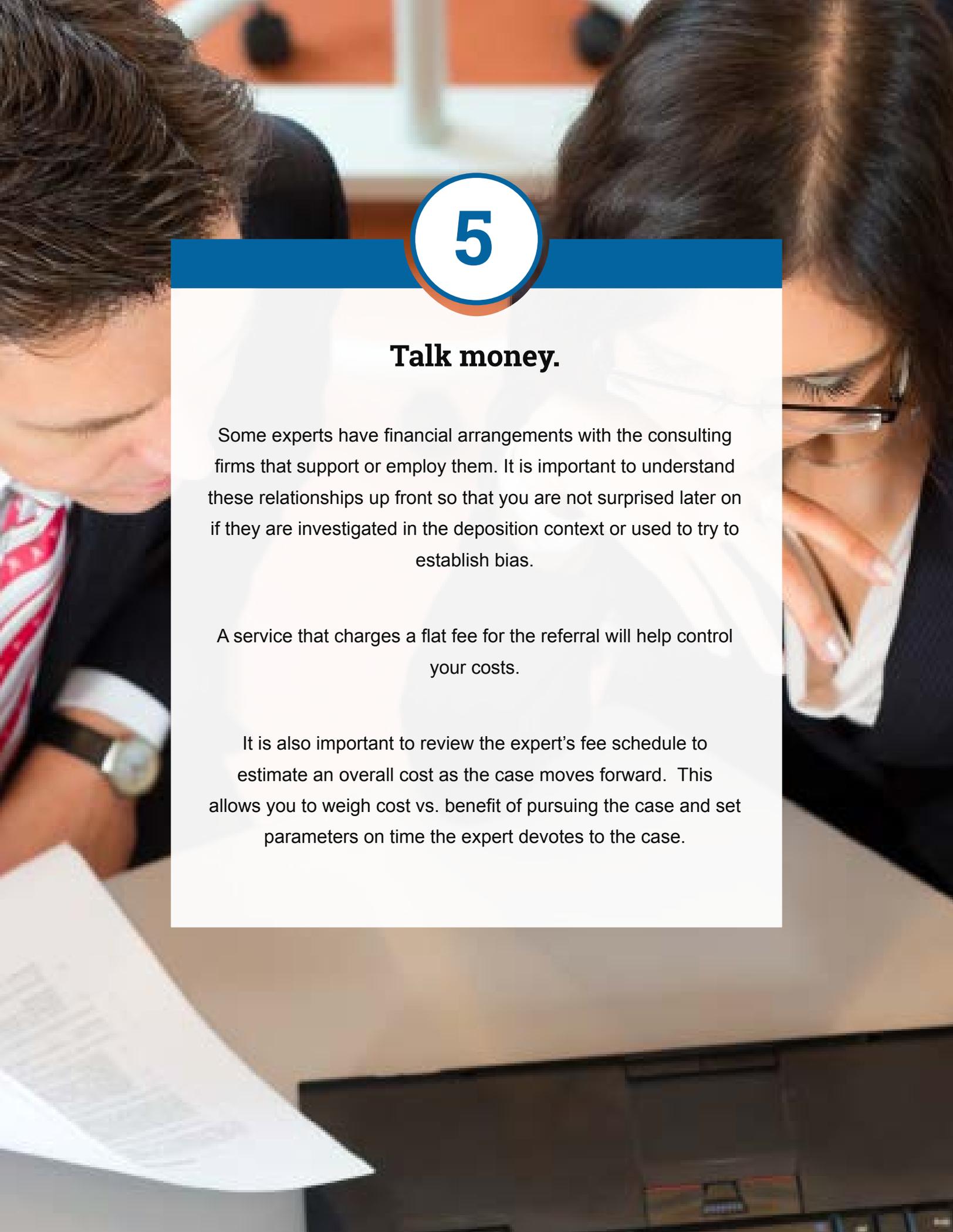
Your expert should be an actively practicing professional. With this in mind, agreeing on deadlines and the best mode of communication from the outset will allow both parties to communicate effectively.



# 4

## **Develop a winning strategy.**

Expert advice can be critical in making the most of fact discovery, as experts can be invaluable in framing discovery requests, identifying productive issues to investigate in depositions, and even identifying the right personnel to depose.



# 5

## **Talk money.**

Some experts have financial arrangements with the consulting firms that support or employ them. It is important to understand these relationships up front so that you are not surprised later on if they are investigated in the deposition context or used to try to establish bias.

A service that charges a flat fee for the referral will help control your costs.

It is also important to review the expert's fee schedule to estimate an overall cost as the case moves forward. This allows you to weigh cost vs. benefit of pursuing the case and set parameters on time the expert devotes to the case.

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