

Becoming an Effective Expert Witness

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What is an expert witness?

Am I qualified to be an expert witness?

How do I become an expert witness?

What are the keys to being an effective
expert witness?

What is an expert witness?

Fact Witness or Expert Witness

Am I qualified to be an
expert witness?

Training, Education or Experience

Training, Education or
Experience

Current Practice, Specialty,
License

Informal Standards

Informal Standards

Lawsuits are unpleasant affairs

Informal Standards

Lawsuits are unpleasant affairs

Opposing attorney interaction

Informal Standards

Lawsuits are unpleasant affairs

Opposing attorney interaction

Embellishing your opinion

Informal Standards

Lawsuits are unpleasant affairs

Opposing attorney interaction

Embellishing your opinion

Plaintiff or defense expert?

How do I become an
expert witness?

Formal Standards

Formal Standards

Credentials

Formal Standards

Credentials

Marketing

The Initial Attorney Interaction

The Initial Attorney Interaction

You are the doctor,
the attorney is the lawyer.

The Initial Attorney Interaction

You are the doctor,
the attorney is the lawyer.
What role are you playing?

The Initial Attorney Interaction

You are the doctor,
the attorney is the lawyer.

What role are you playing?

What does the lawyer want from you?

The Initial Attorney Interaction

You are the doctor,
the attorney is the lawyer.

What role are you playing?

What does the lawyer want from you?

How will you be paid?

Medical Negligence/Malpractice

Medical Negligence/Malpractice

“Mal” means “Bad”

Medical Negligence/Malpractice

“Mal” means “Bad”

Failing to deliver the
standard of care

The Standard of Care

The best available option in any
given situation

The Standard of Care

Determined when the care was delivered

The Standard of Care

Determined when the care was delivered

Not the same as the “gold standard”

The Standard of Care

Determined when the care was delivered

Not the same as the “gold standard”

The role of location

The Standard of Care

Determined when the care was delivered

Not the same as the “gold standard”

The role of location

The role of physician specialty

The Standard of Care

Determined when the care was delivered

Not the same as the “gold standard”

The role of location

The role of physician specialty

Managing conflicts in the literature

Importance of Words

The “standard of care” is not a
figure of speech

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figure of speech

“To a reasonable degree of
medical certainty”

Importance of Words

The “standard of care” is not a
figure of speech

“To a reasonable degree of
medical certainty”

Avoid brutal comments

Evaluating Mistakes

Evaluating Mistakes

Focus on the care, not the outcome

Evaluating Mistakes

Focus on the care, not the outcome

A mal-result does not prove malpractice

Causation

Causation

Must be proven by plaintiff

Causation

Must be proven by plaintiff

Would proper care have improved the outcome?

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