

Expert Witness New Client Interview Checklist

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Expert Witnesses can expect to be “interviewed” by an attorney during his/her initial call about a new potential case.

The experts who are prepared to ask key questions of the attorney will:

- Stand a better chance of being retained *and*
- Obtain crucial information they can use to determine if they should accept the new assignment

CHECKLIST

1. What kind of a case is this?

Practice point: Just obtain a general description, i.e., product liability defective ladder and do not accept confidential information that could potentially conflict you out if the other side calls to retain you.

2. Who are the parties?

Practice point: This will enable you to do a conflict check to make sure you do not have a conflict of interest.

3. Where is or where will the case be filed?

Practice point: You will want to know if the case will be filed in state or federal court. In addition, you will want to know in which state the litigation will take place.

4. What deadlines should you be aware of?

Practice point: You will want to know the deadline for designation of expert witnesses and for submission of the experts report.

5. What is the issue(s) that you will be asked to address?

Practice point: You will want to determine if you are qualified to opine on these issues and are comfortable that your qualifications, experience and expertise are a good match for the issue(s) at hand.

6. How much is in dispute?

Practice point: This will enable you to get a rough idea of the overall litigation budget and resources counsel will be utilizing to litigate the case.

7. How many pages of documents will you be sent for your review?

Practice point: This will enable you to estimate your retainer. The more voluminous the materials you will be sent, the higher your retainer will likely be.

8. Have the other experts been selected yet and if so, who are they?

Practice point: Knowing who you might be working with and the experts retained by opposing counsel may be helpful for you in determining if you are a good fit for the case at hand.

9. Will a report and/or a deposition likely to be requested?

Practice point: You will want to know if counsel will ask for a report, a rebuttal report or no report at all. Knowing whether your deposition will likely be taken is helpful as well.

10. What has counsel's experience been with these types of cases?

Practice point: You will want to “gently” determine how much experience counsel has had litigating and trying this particular type of cases. Counsel with little or no relevant experience will likely require more assistance.

11. Where did you get my name?

Practice point: Tracking referrals helps experts determine which marketing techniques are working.

CONCLUSION

Expert Witnesses will want to ask counsel precise, informed questions during their initial call interview.