

CROSS EXAM OF EXPERTS

(Sample Questions)

Challenge Credentials:

- You do not have a degree from an accredited university?
- You have not received any formal training in (state type of injury at issue in the case)?
- You are not a certified child abuse specialist?
- Your expertise is in (state current position) and not in child abuse?
- Your area of speciality does not treat (state type of injury in the case)?
- You are not a member of (state a relevant organization related to the type of injury in your case)?
- Are you familiar with (name a treatise, article or book that is relevant to the injury in your case)?
- Do you regard the (treatise, article or book) as one of authority in the field of child abuse?
- Do you agree with (read a passage from the treatise, article or book)?

Challenge Impartiality:

- You have been retained to provide your opinion in this case?
- You have a large amount of fees outstanding that will be paid after your testimony today?
- You testified in favor of (state opposing counsel or agency)?
- You agree with his/her position that child abuse has occurred non-accidentally?
- You have worked with opposing counsel/agency on child abuse cases in the past?
- You are a consultant on a multi-disciplinary team to assess whether child abuse is accidental or non-accidental?
- Opposing counsel/agency participates on this multi-disciplinary team?
- You have testified in the past in support of opposing counsel/agency?
- You have only been an expert for opposing counsel/agency?
- You have not been an expert for (the other side)?
- Your testimony has always opined that child abuse was non-accidental?

Challenge Positions:

- You have always testified that subdural hematoma is child abuse?

Challenge Omissions:

- You didn't test for (state type of test that is common for the injury at issue)?
- You didn't review (state data that was overlooked)?
- You didn't consider (state data that was overlooked)?
- You didn't meet with the injured child?
- You didn't meet the caretakers?
- You only reviewed information provided by opposing counsel?

Obtain Concessions/Challenge Assumptions:

- You agree that this injury could have been inflicted accidentally?
- Other conditions could have caused this injury?
- You agree that your opinion could change if more information was provided on the

circumstances leading up to the injury?

- Your opinion is only as good as the information you received?
- If any information was incorrect it could change the basis of your opinion?
- If any information was missing it could change the basis of your opinion?
- Isn't it possible that numerous factors could influence your opinion?

Intracranial Bleeding:

- This child fell a short distance?
- There were no fractures?
- There was no retinal hemorrhaging?
- There was no abusive bruises?

Fractures:

- The injury does not show any callus formation?
- Posterior parietal fractures are common in children under the age of two?
- There was no injury to the brain? This would indicate the fracture is not severe?
- No fracture, on it's own, can be used to diagnose child abuse?

Retinal Hemorrhages:

- Retinal hemorrhaging is indicative of child abuse? This assumption is not always valid?
- Retinal hemorrhaging from child abuse involves all layers of the retina?
- It is difficult to differentiate hemorrhages caused by accidental injury from those caused by abuse?
- Household accidental trauma could result in retinal hemorrhaging?

Subdural Hematoma/Shaken Baby Syndrome:

- Trivial head injury could cause subdural hematoma?
- Trivial head injury could cause retinal hemorrhaging?
- There are no long bone injuries?
- There are no spiral fractures?
- There are no skull fractures?
- There is no evidence of blunt trauma?
- There is no bruising?
- Subdural hematoma can occur from child birth?
- Subdural hematoma can occur from infants with external hydrocephalus?
- The relationship between retinal hemorrhaging and subdural hematoma remain unproven for shaken baby syndrome?

Evaluation of Child Abuse:

- The family has no history of child abuse?
- The family is an intact family?
- The family has good family support?
- The family has good social supports?
- The caretakers are emotionally stable?

- The child has not suffered any significant long term disabilities?
- The child is developmentally on track?
- The child presents as bonded to the parents?
- The family has been cooperative with the investigation?
- The family has followed up with treatment?
- The family is involved in services?