

Example of an Expert Direct (Child Welfare Case)

Introduction:

- *Please tell us your name.*
- *What is your profession?*
- *What kind of doctor are you?*
- *What is a pediatric neurologist?*

Foreshadow:

- *Why are you here today?*
- *Are you prepared to give that opinion?*
- *Before I ask you for that, let's discuss your qualifications to give such an opinion.*
(This is a Head Note)

Qualify the Expert:

- *Please tell us what education you have had.*
- *What type of specific training have you had in pediatrics?*
- *What type of specific training have you had in neurology?*
- *Do you hold any licenses? What licenses?*
- *Do you hold any certifications or specializations?*
 - *Please explain what that means.*
- *What is your experience in medicine generally?*
- *What is your experience in pediatric neurology specifically?*
 - *Fellowship? Internships?*
- *Doctor, please tell us what teaching experience you have.*
- *Have you ever been published?*
 - *Please explain.*

- *Were those publications “peer reviewed?”*
- *Please explain what “peer review” means.*
- *Have you ever testified as an expert witness before?*
 - *How many times?*
 - *What type of expert were you?*
 - *What percentage of that testimony was for plaintiff/defendant?*
- *Hiring and compensation (Maybe)*

Tender the expert (This is not required under CA rules, but its persuasive—think of appeal)

- *Your honor, I tender Dr. Carlsbad as an expert in the fields of medicine and pediatric neurology.*
 - *“Tender Specificity” can be persuasive; Carlsbad is more than just a Doctor*
 - *Court asks for objection*
 - *Opposing counsel may voir dire*
 - *Voir dire limited to foundation, not conclusions*
 - *Tendering is not required in CA courts, but it helps clarify for everyone.*
 - *Could be persuasive to a jury*
 - *But you can ask your opinion questions without tendering.*

Opinion

- *Do you have an opinion as to the cause of the injuries to Ravi Kundalina?*
- *What is that opinion?*
- *Do you hold this opinion to a reasonable degree of medical certainty?*
 - *Why?*

Factual Basis

- *What information did you use to reach this conclusion?*
- *Why?*

- *Is this typical/generally accepted?*

Identify/Qualify the Process (only need to qualify if process is novel)

- *What scientific process did you use to reach your conclusions?*
- *Why?*
- *Is this typical/generally accepted?*
 - *If not, qualify the process (why does it work?)*

Persuasive Opinion

- *Why did you conclude as you did?*
- *Please explain.*
- *Please demonstrate.*
 - *Please show us using the diagram/exhibit.*

Attack the Other Side's Expert

- *What about Dr. Diaz's opinion?*
 - *Read it to the witness*
- *Is that opinion correct?*
- *Why is Dr. Diaz wrong?*
- *Why is his opinion flawed?*