

Best Practices
for Litigation and Trial Testimony

ABVE 2020 VIRTUAL CONFERENCE
2:00 P.M. – 3:15 P.M.

1

Speakers

- Marko Crespo, Esq. – Bleakley Baval Denman & Grace – Email: mcrespo@bbdglaw.com
- Scott Marshall, Esq. – Haddad & Associates – Email: scott@flapersonalinjury.com
- Michael Bradford, Esq. – Marshall Dennehey – Email: MJBradford@MDWCG.com

2

Retaining an Expert

- Accurate and up to date Curriculum Vitae (CV)
- Retained v. Not Retained
- Draft a retainer agreement
- Determine whether fees charged are consistent with others in the community

3

Define Role in Case

- Consulting Expert v. Testifying Expert
- Conference with Expert/Discuss theory of case
- Retained by Defense or by Plaintiff/Claimant
- Be weary of communications between Expert and Attorney
- Determine whether a written report is required
- Does anticipated testimony match narrative of case?

4

Evidence

- What documents are to be reviewed
 - Medical records
 - Deposition transcripts
 - Vocational documents
- Be familiar with work restrictions
- Be aware of causation, e.g. body parts related/unrelated to injury/accident.

5

Testimony

- Testimony in deposition v. Testimony at trial
- Don't make a script
- "I don't know" is OK
- Be aware of hypothetical questions
- Daubert v. Frye Standard
- Be consistent in your testimony

6

.....

Conclusion

- Questions
- Examples of cases involving Experts
