



# Tips From the Field: Selecting & Engaging With an Expert Witness

2025 Spring Forensics Institute

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**mazars**

# Today's Presenters



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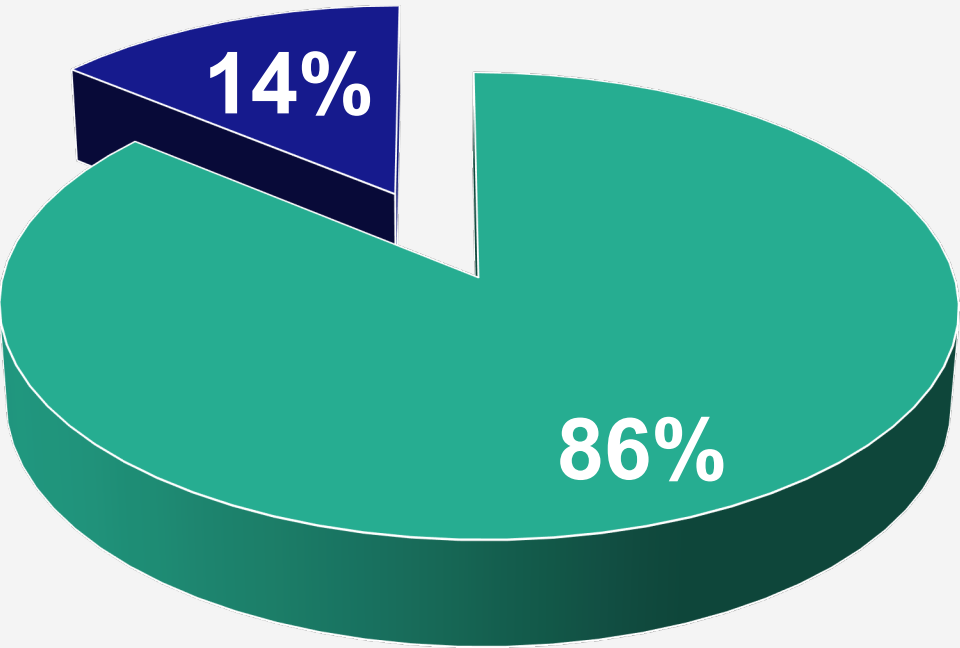
# Agenda



1. Selecting an Expert
2. Engaging the Expert
3. Working With the Expert
4. Cross Examining Experts

# Experts Appear in Large Percentage of Civil Cases

One survey stated experts appear in 86% of civil cases



# Hiring an Expert Who Is Well Suited for Your Case



Seasoned vs. novice expert considerations



Sophistication & importance of the issue



Storyteller vs. narrow technical



Jurisdiction State vs. Federal Court



Budget/exposure



Daubert Challenges



Willingness to train



Which technical area (same expertise as opposing expert?)

# Seasoned Expert vs. Novice

Steep learning curve



# Storyteller vs. Narrow Technical

Who can be my storyteller?



# Budget vs. Exposure

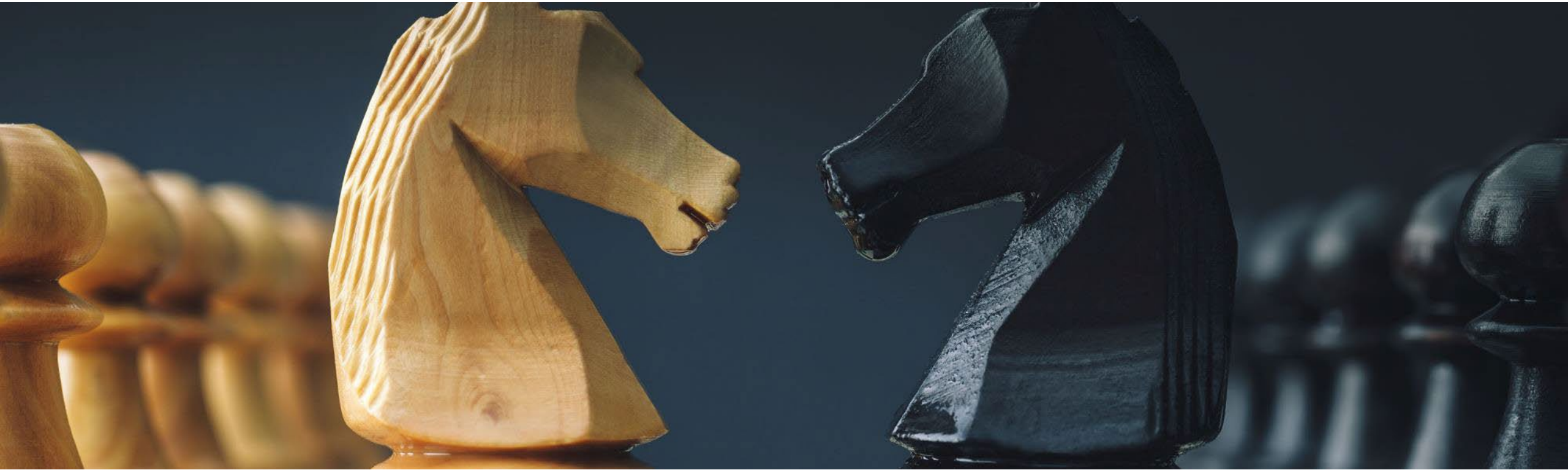


# Willingness to Train

Your time, effort, energy, & gray hair



# Importance of the Issue



# Important Expert Characteristics

Client's Perspective	Expert Characteristics	Jury's Perspective
1	Credentials	4
2	Expertise	3
3	Credibility	2
4	Objectivity	1

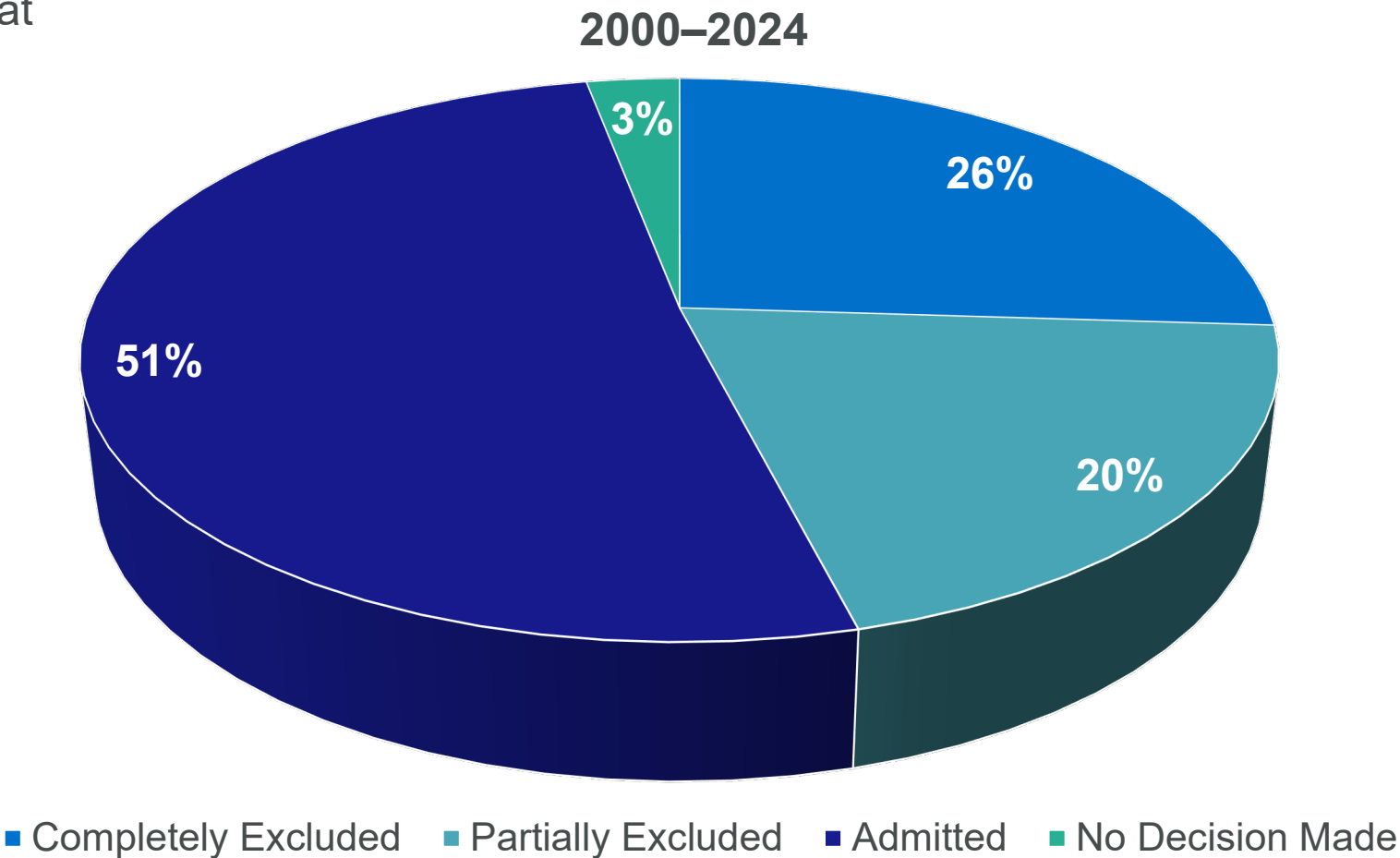


# Jurisdiction: State or Federal Court



# Daubert Challenges

- Number increasing, success rates flat
- Who survives?
- Top reason for exclusion?



# Which Technical Area?

- Accountant vs. Economist
- Medical specialty (Medical Malpractice example)
- Don't necessarily follow what the opposing attorney does



# Engaging the Expert

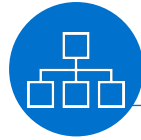
- Watch out for “standard” engagement language
- Define the scope
- Some standard directions (communication, report, deadlines, documents)



# 16 Golden Rules of Working With Experts



Start early



Resist over control



Discuss before writing



Seek good ideas, not advocacy – a sound, well-reasoned opinion



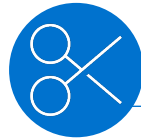
Check in periodically



Solicit ideas about the opposing expert



Avoid assignment to inexperienced associate



Fire the “yes” man

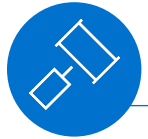
# 16 Golden Rules of Working With Experts



Manage the file



Control email communications



Challenge your expert on soft areas



Position your expert to defeat Daubert challenges



Don't allow your expert to be complacent



Over prepare for the deposition



Confirm they are ready to advocate for the opinion



Help the expert improve communication

# How to Look Good on Direct

- Understand the expert's nuances
- Control the narrative
- Distill, distill, distill
- Visual aids
- Practice how “that person” is coming across



# Attack the Assumptions!

1. Figure out all the assumptions
2. Figure out which assumptions matter the most
3. Demonstrate the impact of a changed assumption
4. Prove the expert has little or no support for the assumption
5. Discuss evidence that undermines the assumption
6. Attack the expert as unqualified to evaluate the validity of the assumption



# The Neutralizer

“You would agree that reasonable experts can disagree?”





# Questions?

# Thank You!

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## Forvis Mazars

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