What advice would you give a young lawyer who is preparing to work with experts for the first time?

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Working with experts for the first time can be daunting. Here are some tips to consider as your case progresses from its initial phases through trial:

**Expert Selection.** Cases can be won or lost based on expert witness input and performance, so selecting the right expert is a critical step in any case. Select an expert with whom you can develop a rapport. You must be able to trust and have confidence in your expert’s skill set and calculations.

**Early Involvement.** Involve your expert early on. Meet with the expert as soon as possible to discuss the case theory, evaluate discovery status, and determine what the expert needs from discovery. Use this early time with your expert to understand financial aspects and damage theories in order to build the best damages approach given the facts of the case.

**Depositions.** Devote adequate time and thought to depositions. Leverage your expert to help you identify and understand weaknesses in the opposing damage claim and how you can attack those weaknesses. To the extent you are able, have someone with an accounting/finance background present at the opposing expert’s deposition to help you probe and expose the weaknesses. Time preparing with your expert is time well spent; good preparation will allow you to avoid harmful missteps and maximize benefits from the opponent’s deposition.

**Trial.** For trial preparation, draft the direct testimony as a script of Q&A’s that you and your expert will practice. This ensures your expert knows exactly what you will ask and you know exactly how your expert will answer. Review your expert’s deposition transcript and discuss anticipated cross-examination questions to understand potential areas of attack and how to respond. This will also help you build a plan to address any areas of concern on redirect. Keep in mind that an expert can be an invaluable asset who makes you look good as long as that expert can communicate information in a way that can be commonly understood. Finally, use your expert to help you identify the best areas for cross examination of the opposing expert and the best way to frame those topics.

For a deeper discussion, please contact:

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The first publication of this article is attributed to the American Bar Association’s Litigation Section Spring/Summer 2017 Edition of The Women Advocate Newsletter.