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Prepping Your Expert Witness for Testimony: A Checklist for Attorneys

- Ideally, there should be a prep-session 1-2 weeks before your Expert's testimony and then a shorter session the day before/early the day of testimony.
- Why prep the Expert who has testified numerous times? A: It's your case.
- Why prep the Expert who you've worked with before? A: It's a new case.

Prior to the preparation meeting

1. Share the Expert's report with the trial team, including the litigation consultant (if one)
2. Develop a list of your direct examination questions for the Expert
3. Develop a list of potential cross-examination questions for the Expert
4. Gather at least one past deposition transcript done by opposing counsel (if one is not already available in your present case).
5. List all the documents you gave the Expert to review for the case.
6. List everything you want to cover with the Expert during the preparation session.
7. Make a timeline of the case: when was the Expert first contacted, retained, sent materials, disclosed
8. Obtain jury instructions
9. Identify relevant legal standards you should share with the Expert
10. Have a list of general testimony tips for the Expert

During the preparation meeting

1. Cover the theme of the case
2. Cover the main weaknesses of the case
3. Identify the hardest questions the Expert will likely be asked
4. Ask the Expert about past cases they've been involved in that were similar to this case and what the differences are
5. Make sure the expert can recite their opinions cold
6. Tell the expert what to bring/what not to bring to testimony
7. See if your timeline of the case matches with that of the Expert
8. See if your list of reviewed documents matches with that of the Expert
9. Do a dry run: direct examination questions and anticipated cross-examination questions
10. Practice some anticipated hypothetical questions and assumptions the Expert may be asked