

TO: CLAIMS MANAGEMENT

The California Expert Witness Guide published by the CEB (Continuing Education of the Bar) recommends early retention of experts for the following reasons.

§7.5 Advantages of Early Retention of Experts (pages 145-147)

1. **EVALUATING CLAIMS AND DEFENSES** - give defense counsel ammunition for a motion for summary judgment or a lower settlement figure.
2. **SELECTING THEORY OF LIABILITY, OR DEFENSE** - formulate a defense in accord with the scientific principles as well as the requisite legal elements.
3. **EDUCATING THE LAWYER** - help counsel quickly acquire a highly selective education on a technical subject.
4. **CONVEYING INFORMATION ABOUT OTHER SIMILAR CASES** - advise counsel of past or pending cases involving the same issues.
5. **SUGGESTING OTHER EXPERTS** - suggest other experts who may be helpful in related areas of expertise.
6. **IDENTIFYING OTHER EXPERTS** - know the "competition" working for the opposition.
7. **EXAMINING TANGIBLE EVIDENCE AND PHYSICAL LOCATIONS** - examine the real evidence connected with the case.
8. **IDENTIFYING POTENTIAL DEFENDANTS OR CROSS-DEFENDANTS** - determine if all potentially blameworthy defendants are named, so if necessary, counsel can amend the complaint.
9. **PREPARING DISCOVERY REQUESTS** - assist in drafting interrogatories, document production requests, and requests for admissions to pinpoint areas of inquiry and help counsel determine what is relevant to the case.
10. **PREPARING WITNESSES** - assist in preparing witnesses by predicting likely areas of inquiry and anticipating sensitive areas. (Experts can be deadly in helping depose the opposition's expert.)
11. **RESPONDING TO DISCOVERY REQUESTS** - assist in responding to interrogatories and other discovery requests.