

Expert Witnesses: Finding the Perfect Match

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RULE 26

(D) Trial-Preparation Protection for Communications Between a Party's Attorney and Expert Witnesses. Rule 26(b)(3) and Rule 26(b)(4)(A) protect communications between the party's attorney and any witness designated as an expert, regardless of the form of the communication, including draft reports, except to the extent that the communications:

- (i) relate to compensation for the expert's study or testimony;
- (ii) Identify facts or data that the party's attorney provided and that the expert considered in forming the opinions to be expressed; or
- (iii) Identify assumptions that the party's attorney provided and that the expert relied on in forming the opinions to be expressed.



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RULE 702

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if the proponent demonstrates to the court that it is more likely than not that:

- (a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;
- (b) the testimony is based on sufficient facts or data;
- (c) The testimony is the product of reliable principles and methods; and
- (d) Expert's opinion reflects a reliable application of the principles and methods to the facts of the case.



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Thank You



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