

## EXERCISE

### SELECTING AN EXPERT

#### *Background*

You're on a litigation team defending a client from several lawsuits. The lawsuits are based on your client's alleged negligence in handling a viral outbreak at one of its food-processing facilities.

You've just started discovery, and your team is thinking about hiring experts. You've been tasked with searching for a public-health expert who can opine that your client was doing everything they could at the time to contain and prevent spread of the outbreak.

You've now got a short list of three possible experts that you could retain. One is a professional expert whose entire job is testifying in lawsuits. Another has some experience in high-profile cases but still works as a public-health official for a smaller town. And your last option is a recently retired public-health official for a major city, who has never testified as an expert.

You're planning to interview each of them this week.

#### *Instructions*

Come prepared to discuss these questions:

- What are the pros of each candidate, based on their litigation experience?
- What are the cons of each candidate, based on their litigation experience?
- What are some questions might you ask them at their interviews? What will you be trying to assess?
- For the candidates that have litigation experience, what will you ask them about their prior work?
- What are some things to pay attention to during the interview to assess how the candidates will present to a jury?