

EXERCISE

TAKING AN EXPERT DEPOSITION

Background

You're on a litigation team defending a company in a products liability lawsuit. The plaintiffs have alleged that your client's product, a specialty dandruff shampoo, caused cancer. To be successful, the plaintiffs must prove that the shampoo caused the plaintiffs' cancer. One of the experts on the plaintiffs' side, Dr. Arjun Singh, has opined to that causation.

Dr. Singh is a cancer specialist at a prominent hospital. However, you know that he primarily teaches at a local medical college and is not actively involved in researching the causes of cancer. By contrast, the expert that you've retained on the issue of causation specializes in researching the causes of these cancers, including from personal hygiene products.

You haven't been able to confirm it, but you don't think that Dr. Singh considered a recent research study that linked these types of cancers to environmental factors in rendering his opinion. You're also aware that Dr. Singh has been retained routinely by plaintiffs and never by defendants in similar products liability lawsuits.

You're responsible for taking Dr. Singh's deposition.

Instructions

Come prepared to discuss these questions:

- In what ways can you challenge Dr. Singh at the deposition?
- What strategic factors should you consider when deciding what points to cover at the deposition?