

Finding the Right Experts – And Getting the Most Benefit From Them

CHOPIN WAGAR RICHARD & KUTCHER, LLP

CASE STUDY

“In what I do, if you don’t have the right expert witness, you’re in a heap of trouble.”

CHIP WAGAR
Partner
Chopin Wagar Richard & Kutcher, LLP

THE IMPORTANCE OF THE RIGHT EXPERT

An entire case can hinge on having the right expert witness. Chip Wagar has seen it many times. Mr. Wagar has been practicing civil litigation for more than three decades and is a founding partner of Chopin Wagar Richard & Kutcher in Metairie, Louisiana. He has been named one of “New Orleans 50 Leaders in Law” by *New Orleans CityBusiness*.

Particularly for medical malpractice and product liability, “these cases depend heavily on expert advice and testimony,” says Mr. Wagar.

WHEN AND HOW TO LEVERAGE YOUR EXPERT WITNESS

Finding the right expert, however, isn’t enough by itself. For Chip Wagar, it’s only the first of many steps where the expert can play a pivotal role in the outcome of the case.

Using the Expert as Your Consultant

Expert witnesses are most often visible at trial, providing expert testimony. But Mr. Wagar relies extensively on experts throughout every aspect of a case from beginning to end. For him, the process begins immediately after his initial meeting with a prospective client.

“Nothing is more important than case selection,” says Mr. Wagar, “particularly when working as a plaintiff attorney.” Deciding which cases to accept and which to decline sets the stage for his workload, his calendar, and his ability to meet the needs of his clients. When evaluating a prospective client, Mr. Wagar seeks no less than two expert opinions – one from a screening physician, and the second from a specialist in the medical field involved.



“The earlier you get your expert involved in a case, the better off you are,” he maintains. “It enhances your chances of a successful outcome and helps avoid huge potential problems later on. It avoids wasting my time and the client’s time. Whether working with a plaintiff or a defendant, I typically get experts involved from Day One. The right expert can provide technical insights into issues that, as a lawyer, I may not even think to pursue initially. And those details often turn out to be keys that can break the case one way or the other.”

Together, the attorney and the expert he selects evaluate the case and brainstorm ideas on case strategy, working together to develop the most favorable case to present at trial. In one recent case, an expert pointed out early in the evaluation that the medical procedures used resulted in multiple errors, rather than a single error. “The value of the case immediately doubled,” says Mr. Wagar. “If I had waited until later in the case to bring in an expert, it easily could have been too late to pursue the higher level of damages.”

The available information typically increases as a case progresses and discovery proceeds. New issues and new circumstances can arise unexpectedly. “As a case unfolds, things change sometimes to the point where you even have to tear up your original plan. Having an expert riding sidecar with you throughout the process is an enormous advantage. The expert can evaluate new information as it comes in and advise on how it impacts the case.”



THOMSON REUTERS™

Using Thomson Reuters Expert Witness Services as Your Consultant on Experts

Searching for someone who is qualified to testify in court is only the start. Chip Wagar has an extensive list of additional qualities that he looks for in the experts he hires. The expert has to be available, accessible, and collaborative by nature. “Many experts know their subject matter well,” says Mr. Wagar. “But far fewer can take that technical knowledge and make it readily understandable to both jurors and to myself and help me bridge the critical medical issues with the legal issues involved.”

Mr. Wagar says that not all experts are easy to work with, or willing to take the time to brainstorm and strategize the best approach to a case.

Thomson Reuters Expert Witness Services, he says, goes the extra mile to deliver experts who are both qualified and have the intangible qualities that are critical.

“They’ll tell me the pros and cons of each expert, and go over their attributes. A lot of services can find an expert and give you their CV.

Thomson Reuters Expert Witness Services is exceptionally thorough and responsive to what I need.”

FINDING THE RIGHT EXPERT MEANS USING THE RIGHT SERVICE

Many attorneys are reluctant to use a referral service because of the cost, Mr. Wagar believes. Or they may have previously had negative experiences with a service. Or they may think that all expert services are the same.

“Using an expert referral service is a cost of doing business,” says Mr. Wagar. “And sometimes people overlook the value that the right service brings to the table. **I would not hesitate to recommend Thomson Reuters Expert Witness Services, and I don’t know of any other service that I would recommend.** Not using the right service is a mistake. A lot of medical malpractice cases are lost because counsel didn’t get the right expert witness.”

THINGS THEY DON’T TEACH YOU IN LAW SCHOOL

Mr. Wagar says he’s not surprised that he often sees opposing counsel failing to find the right expert, or not using their expert properly. When he isn’t handling cases throughout the Gulf Coast or across the nation, he teaches trial advocacy with the National Institute of Trial Advocacy, as well as at the Tulane and LSU law schools. He notes that finding and utilizing the right experts is a skill that’s not often taught to young lawyers.

“It’s something that’s usually not covered in law school,” he says. “Most young lawyers are still struggling with the basics, such as proper cross-examination techniques, as they move into trial advocacy. At most, they are given a few brief ‘ABCs’ about how to present an expert in court. Effective use of expert witnesses should be taught as one of the keys to case preparation.

“Without that knowledge or instruction, they may not even know what questions to ask for identifying the best possible expert and then getting the most out of them.”

That’s where using the dedicated specialists at Thomson Reuters Expert Witness Services to provide experts can make all the difference in the outcome of a case.

THE DIFFERENCE MAKER

Working with Thomson Reuters Expert Witness Services, Chip Wagar puts considerable focus into selecting experts. He says the reason why is abundantly clear and comes from more than 30 years of hard-won experience and considerable success in trying cases.

“In what I do, if you don’t have the right expert witness, you’re in a heap of trouble.”



CHIP WAGAR | Partner, Chopin Wagar Richard & Kutcher, LLP

Chip Wagar is a managing partner at Chopin Wagar Richard & Kutcher, LLP. He has been engaged in a civil litigation practice for more than three decades in Louisiana, Texas and the Gulf Coast area. Today, Chip has a national, multistate practice in products liability and medical malpractice. He has been recognized as a preeminent trial lawyer by his peers, numerous organizations and media. Recently, Chip was named a Super Lawyer by Super Lawyers 2012-2013.

To learn more about Thomson Reuters Expert Witness Services visit us at TRexpertwitness.com or call 1-888-784-3978.