

1. Finding out when I have been called to appear in court is of key importance. If I have been called early in the trial, the more likely it is that I will actually be called to testify and the more important my testimony seems to be. If I have been scheduled to appear toward the end of the trial, the less likely it is that I will actually be called. If I cannot get the lawyer to commit to when he might call me, I can use the strategy of discussing having him serve a subpoena to me so that I will know for certain.

2. Have I been subpoenaed to court?

Yes No

3. If no, have I contacted the lawyer to ask to be subpoenaed?

Yes No

4. Have I been requested to appear in court?

Yes No

5. When have I been subpoenaed/requested to appear?

Day: _____

Time: _____

Location: _____

6. Is the court time definitive or is there a chance that it could be bumped? Several cases are scheduled for the same day, so many will settle in advance. As you get closer to the date, the lawyer will have some idea if his or her case has been bumped or has been assigned a definitive date.

Definitive: _____

Yes No

7. Finding out who has called me and who all the players are is of prime importance.

8. What is the name of the lawyer who has called me, his/her company, and location?

What is his position, plaintiff or defense? _____

Did I work for him in service delivery? _____

If no, who was the referral source (name, position, and location)? _____

9. What is the name of the lawyer on the other side, his/her company, and location?

What is his/her position, plaintiff or defense? _____

Did I work for him/her in service delivery? _____

Yes No

10. Has the referral source changed since the original referral was made?

If yes, state names of all referral sources, the date when the referral changed, and the reason why. _____

Yes No

Original referral source _____

Current referral source _____

When did the source change? _____

Why? _____

Figure 10.1 My to-do's for court preparation.

11. What is the style of the lawyer who has called me?

12. Finding out why I have been called to appear is also of key importance. If I am being called by my referral source, why is he or she doing this? What is his or her strategy?

Strategy:

13. If I am being called by opposing counsel, I need to know why I am being called. I need to ask my referral source to find out if it is because of my report or because of my experience. If someone from their side has critiqued my report, what areas of my report is counsel opposed to?

Who critiqued my report? State name and position:

14. What are the hot spots in my report that I need to be conscious of as outlined by counsel(s)?

15. Reread my report in light of the hot spots identified by counsel.

Yes

No

16. Ensure that the following items are clear in my report:

a. Date of referral and a statement of service required are included.

Yes

No

b. All medical reports are listed.

Yes

No

c. All medical reports have been carefully reviewed.

Yes

No

d. If differing opinions are cited, list opinions and pages referenced in my report.

I need to be clear as to how I have dealt with these differing opinions.

Opinion 1:

Page number:

Opinion 2:

Page number

e. Videotapes referenced if applicable.

Yes

No

f. Dates, locations, and names of all present during visits with client are noted.

Yes

No

g. Professional qualifications are stated.

Yes

No

List any changes since the first report.

h. My assessments are clear and I understand how and why I used them.

Yes

No

List assessments that were not done and reasons why:

Figure 10.1 (Continued) My to-do's for court preparation.

i. The assumptions underpinning my opinion are clear.	Yes	No
j. List any medical diagnoses or prognoses used and give medical report reference:		
k. Complete an accurate history (any changes since my report?)	Yes	No
l. My professional opinion is clearly and objectively stated.	Yes	No
m. There are at least two (preferably three) costs for each item that has been researched.	Yes	No
n. All references researched are listed.	Yes	No
Note: Any questions that have been answered in the negative are potential hot spots and could be brought out in cross-examination.		
17. Ask the referral source if any new medical information has come in on the file since my final report was written.		
If yes, ask for approval to review and do an addendum report.	Yes	No
18. If anything has changed in my opinion, ask for a pproval to do an Addendum (remember I cannot change my original report.)	Yes	No
19. Update curriculum vitae and ensure referral source has updated copy.	Yes	No
20. Set up an appointment with the lawyer calling me to prepare.	Yes	No
Note: This should be scheduled for very close to the appearance date in case the file settles.		
21. Prepare my file.	Yes	No
a. Create an index or table of contents for material.	Yes	No
b. Tab the file according to the index or table of contents.	Yes	No
c. Ensure that dates, times, and length of consultations, are clear and available.	Yes	No
d. Ensure that material is listed in chronological order from most recent to oldest.	Yes	No
e. Ensure that documentation is clean.	Yes	No
f. Ensure that there is a letter of referral.	Yes	No
g. Ensure that there is a signed release of information from client.	Yes	No
h. Ensure that there is no accounting material in the clinical file.	Yes	No
i. Ensure that there is no misfiled information.	Yes	No
j. Ensure that videotapes/pictures (if they exist) are part of file	Yes	No
k. Ensure that there are curriculum vitae for the other health care professionals.	Yes	No
22. Ensure that the master file is tabbed, indexed, and in the same order as the working file.	Yes	No

Figure 10.1 (*Continued*) My to-do's for court preparation.