

Are Attorneys Selecting the Wrong Experts?

Attorneys are trained to identify the right expert for high-stakes litigation by examining a candidate's background, qualifications, experience and other factors. But in doing so, are some attorneys selecting the wrong experts? According to an interview between Robert Ambrogi and Aris K. Silzars, an expert and consultant in display technology, [attorneys should be cognizant of other factors](#) that contribute to the success of an expert during deposition or at trial. Having a pedigree is important, but an expert must also have the ability to reduce complex concepts to normal language," Silzars says. "An expert needs to be able to convey and clarify ideas so that judges, attorneys and jurors can all say, 'OK, now I get it.' The ability of an expert to teach the material in a manner that will translate into success is critical. Identifying this ability, or lack thereof, must be made at the outset. Attorneys may be attracted to the rock star qualifications of an expert, but if your expert cannot explain the material to a judge or jury then he is nothing more than a one man band. According to Silzars, additional factors must also be considered. Along with the ability to teach, an expert must also convey an image of sincerity and honesty. Highly trained experts sometimes come across as snobbish, even though they may not mean to, he notes. "You want to come across as forthright, you want a certain warmth." Additionally, attorneys must be sensitive to distinctions or nuances in fields of study. Utilizing an expert in a field that is "close enough" may not be good enough. The article notes: Silzars has seen cases where the expert has outstanding credentials, but in the wrong field. "I've seen experts brought in who had tremendous pedigrees but in the wrong area. They didn't know what they were talking about. It was easy to embarrass them in depositions." Ultimately, attorneys must remember to choose experts based on their ability to convey their expert knowledge to a judge or jury and not solely rely upon their bona fides. Selecting the right expert versus one that 'will do,' could mean the difference between winning and losing.