

Mastering the Medical Expert Witness

From Retention to Verdict

A Course on Expert Testimony at the Intersection of Medicine and Law

Saturday, October 10, 2026

10:00 am – 4:00 pm Eastern (7:00 am – 1:00 pm Pacific)

Live online via Zoom

About This Conference

The expert witness occupies a position that is both unique and demanding: the medical professional is asked to translate the genuine uncertainties of clinical medicine into testimony that can withstand the adversarial rigor of cross-examination. The role rewards neither clinical mastery nor legal fluency alone, but the rarer discipline of holding both at once — articulating a defensible scientific opinion while navigating the rules of evidence, the strategies of opposing counsel, and the ethical duties owed simultaneously to one's profession and to the court.

This one-day conference is built for that discipline. Tracing the full arc of an engagement — from the first call of retention through the verdict — it moves deliberately through the moments where credibility is made or lost: the duties and conflicts that attach the instant an expert is retained; the evidentiary gatekeeping of Daubert, Frye, and the newly amended Rule 702; the written report that frames causation to a reasonable degree of certainty; and the deposition and cross-examination where a reputation is tested in real time. Faculty drawn from both medicine and law pair clinical judgment with courtroom strategy, offering not abstract principle but the practical, hard-won craft of the effective expert.

Whether you are weighing your first engagement or have testified for decades, the program is designed to sharpen the judgment that separates a merely qualified witness from a genuinely persuasive one — and to do so in a way that advances both your medical and your legal education.

Who Should Attend

ACLM members and guests who are considering expert-witness work or who currently serve as expert witnesses and wish to deepen their knowledge and effectiveness. Most attendees hold advanced degrees in medicine and law; sessions assume a sophisticated audience while remaining accessible to those new to the field.

Program at a Glance

Time (EDT)	Time (PDT)	Session	Faculty
10:00 – 10:10	7:00 – 7:10	Welcome and Opening Remarks	Conference Chair
10:10 – 10:55	7:10 – 7:55	Lecture 1 · The Expert's Mandate: Duties, Professional Responsibility & Ethics	Tim Paterick
10:55 – 11:40	7:55 – 8:40	Lecture 2 · Getting In and Staying In: Daubert, Frye & the Amended FRE 702	Sandy Sanbar
11:40 – 11:50	8:40 – 8:50	Break	
11:50 – 12:35	8:50 – 9:35	Lecture 3 · The Engagement Framework: Retainers, Conflicts & Discoverability	Kimberly Rockwell

12:35 – 1:05	9:35 – 10:05	Lunch Break	
1:05 – 1:50	10:05 – 10:50	Lecture 4 · The Rule 26 Report: Disclosure, Causation & Medical Certainty	Jack Snyder
1:50 – 2:35	10:50 – 11:35	Lecture 5 · The Discovery Deposition: Strategy, Traps & Protecting the Record	Jeffrey Segal
2:35 – 2:45	11:35 – 11:45	Break	
2:45 – 3:30	11:45 – 12:30	Lecture 6 · Direct & Cross-Examination at Trial: Foundations & Impeachment	Archie Rich
3:30 – 3:55	12:30 – 12:55	Closing Panel & Q&A: Bias, Exclusion & Professional Liability	All faculty
3:55 – 4:00	12:55 – 1:00	Adjournment and CME/CLE Evaluation	

Session Descriptions and Learning Objectives

Lecture 1 — The Expert’s Mandate: Legal Duties, Professional Responsibility, and Ethical Obligations of the Medical Expert Witness

The frame for the day. The expert’s overriding duty to the truth versus advocacy for the retaining party; the professional-responsibility and conflict rules that govern experts; the line between fact and opinion testimony; and the ethical obligations shared across the medical and legal professions.

Learning objectives — after this session, participants will be able to:

- Apply the legal and ethical duties an expert owes to the court, counsel, and the truth, and distinguish them from partisan advocacy.
- Identify the professional-responsibility and conflict-of-interest rules governing expert engagements (CLE) and the parallel medical-ethics obligations (CME).
- Differentiate fact testimony from opinion testimony and the foundation that qualifies a witness as an expert.

Lecture 2 — Getting In and Staying In: Admissibility of Expert Medical Testimony under Daubert, Frye, and the 2023 Amendments to FRE 702

The evidentiary architecture that decides whether an opinion reaches the jury. The Daubert reliability framework and Kumho Tire, the Frye “general acceptance” test, a map of which standard governs where, and the December 1, 2023 amendments to Federal Rule of Evidence 702 — which clarified that the proponent must establish admissibility by a preponderance of the evidence and that an opinion must reflect a reliable application of methods to the facts.

Learning objectives — after this session, participants will be able to:

- Compare the Daubert and Frye standards and determine which governs in a given federal or state forum (CLE — evidence).
- Explain the 2023 amendments to FRE 702 and the proponent’s burden to establish reliability by a preponderance of the evidence (CLE).
- Structure medical opinions and their factual basis to withstand a motion to exclude (CME and CLE).

Lecture 3 — The Engagement Framework: Retainer Agreements, Conflicts of Interest, Compensation Disclosure, and Discoverability of Expert Communications

The legal scaffolding of an expert engagement. Retainer and engagement agreements and their key terms; screening and documenting conflicts of interest; the rules governing disclosure of expert compensation; and which communications between counsel and expert are protected as work product versus discoverable — including the Rule 26 protections for draft reports and most attorney-expert communications. Closes with risk management and malpractice/liability avoidance for the expert.

Learning objectives — after this session, participants will be able to:

- Draft engagement terms, scope, and fee arrangements consistent with the applicable rules (CLE — law-practice management).
- Recognize and document conflicts of interest before accepting an engagement (CLE professional responsibility; CME).
- Distinguish protected from discoverable expert communications and apply the rules on compensation disclosure.

Lecture 4 — The Rule 26 Report: Disclosure Requirements, Causation Standards, and Opinions to a Reasonable Degree of Medical Certainty

The written opinion, where most cases are won or lost. The disclosure requirements of Federal Rule of Civil Procedure 26(a)(2) and state analogues, a systematic method for reviewing medical records and source materials, the framing of legal causation (but-for and substantial-factor) alongside medical causation, and expressing opinions to the requisite “reasonable degree of medical certainty.” Plus the report deficiencies that most often invite exclusion.

Learning objectives — after this session, participants will be able to:

- Satisfy the Rule 26 expert-disclosure requirements and avoid report deficiencies that invite exclusion (CLE — civil procedure).
- Apply a systematic method for reviewing medical records and source materials (CME).
- Articulate causation to the requisite legal and medical standard of certainty (CME and CLE).

Lecture 5 — The Discovery Deposition: Evidentiary Strategy, Impeachment Traps, and Protecting the Record

Where opposing counsel builds the case to exclude or impeach. Deposition preparation and strategy, the rules of evidence and procedure that shape the questioning, recognizing and neutralizing impeachment traps — compound hypotheticals, the learned-treatise doctrine, and prior inconsistent statements — and keeping testimony consistent with the disclosed report.

Learning objectives — after this session, participants will be able to:

- Prepare for a discovery deposition within the governing procedural and evidentiary rules (CLE).
- Recognize and neutralize impeachment techniques and questioning traps (CLE and CME).
- Deliver clear, defensible answers that protect the report and the record.

Lecture 6 — Direct and Cross-Examination at Trial: Evidentiary Foundations, Demonstratives, and Withstanding Impeachment

Bringing the opinion to life in the courtroom. Laying the evidentiary foundation for opinions and demonstrative exhibits, translating complex medicine into persuasive, jury-accessible testimony (in person and via remote/Zoom testimony), and maintaining credibility under aggressive cross-examination and impeachment.

Learning objectives — after this session, participants will be able to:

- Lay the evidentiary foundation for opinion testimony and demonstrative exhibits (CLE — evidence and trial practice).
- Communicate complex medical concepts persuasively to a lay jury (CME).
- Maintain composure and credibility under cross-examination and impeachment.

Closing Panel & Q&A — Bias, Exclusion, and Professional Liability: Safeguarding Credibility and Avoiding Sanctions

All faculty convene for an interactive panel and audience Q&A on the leading causes of exclusion, impeachment, and expert liability; managing the “hired gun” perception and safeguarding objectivity; sanctions and professional-responsibility exposure; and practical next steps for the budding and the seasoned expert.

Learning objectives — after this session, participants will be able to:

- Identify the leading causes of expert exclusion, impeachment, and professional liability (CLE and CME).

- Apply safeguards that preserve objectivity, credibility, and compliance with professional-responsibility obligations.

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