

(6) INSIGHT SEGMENT 8

(7) Q Welcome back. We're here at the Sweeney
(8) Studios. I'm with Dr. Nick King. He's a board
(9) certified neurologist, who practices medicine and
(10) also law. He helps with medical malpractice cases
(11) at the Sweeney Law Firm. Today we want to talk
(12) about the role of expert witnesses in medical
(13) malpractice cases because they certainly play an
(14) essential role. So tell me what, what their role is
(15) in these cases.

(16) A So in the State of Indiana, you need to
(17) have an expert witness in order to take a case
(18) forward as a plaintiff. We have a, we do have a
(19) panel process that we, we participate in before a
(20) case goes to court, and if the plaintiff wins that
(21) panel, then those doctors that sat on the panel can
(22) actually serve as expert witnesses. But sometimes
(23) those panel members either say that there's no
(24) malpractice or they're not that confident that there
(25) is, and we still want to move forward with a case in

(1) court, then we have to have an expert witness on our
(2) behalf, on our client's behalf, saying that there
(3) was malpractice in order to even move a case forward
(4) in the court system. So it's extremely important to
(5) have expert witnesses.

(6) **Q So do attorneys hire these expert**
(7) **witnesses to come and speak or testify for clients?**

(8) A Right, so both sides typically do, the
(9) plaintiffs and the defense. We definitely have a
(10) network of expert witnesses that we have, at Sweeney
(11) Law Firm, that we've used before. We're constantly
(12) getting new expert witnesses. We try out certain
(13) expert witnesses. We interview them --

(14) **Q Uh-huh.**

(15) A -- to see, you know, what they say about
(16) our cases. We will often actually hire an expert
(17) witness to review a case for us and, if we don't
(18) like what they've said, if we, if we don't think
(19) that they're the best expert witness, we'll actually
(20) go out and find another expert witness to serve on
(21) our client's behalf.

(22) **Q I would think that the fact that you're a**
(23) **practicing physician, you're a practicing**
(24) **neurologist, really helps you in being able to find**
(25) **the most qualified medical experts for these cases.**

(1) A Right, so as I said, often, if we, if we
(2) go and interview an expert witness and have them
(3) look at our case and they give us their take on the
(4) case and they say, "This is what I think was
(5) malpractice," and if it's something that we don't
(6) really feel like fits the case very well, especially
(7) me, in my practice, having practiced for 15 years in
(8) medicine, if I don't think that that's going to,
(9) that angle that they're taking --

(10) Q Uh-huh.

(11) A -- is something that's really going to
(12) help the case, then we will definitely pick a
(13) different expert witness, and I feel like knowing
(14) the law, and having practiced medicine for 15 years,
(15) definitely helps me to kind of pick the best expert
(16) witnesses for our clients.

(17) Q Makes sense. And, also, I would think
(18) that medical background, then, also comes into play,
(19) when it comes time to question the defendant's
(20) medical expert.

(21) A Yeah, so that's --

(22) Q They don't like to see you stand up, do
(23) they?

(24) A That's the most fun I have. The defense
(25) witnesses don't always know that I'm a physician,

(1) but sometimes they do. And when they do, that's
(2) when I have a lot of fun because, you know, I can, I
(3) can see, sometimes if a defense expert knows that
(4) there's malpractice, but they know how to word
(5) something to make it sound like it's not
(6) malpractice, they think they can kind of skirt the
(7) issue and maybe work around the question a little
(8) bit, kind of like a politician. But they, I can see
(9) through that because I know the medicine.

(10) **Q Yes.**

(11) A And so if they say something that I can
(12) tell they're not really answering the question I'm
(13) asking or if they're giving me some fluff, then I
(14) can redirect my questions and I can really make them
(15) answer the questions point blank in order to, to
(16) call them out, essentially.

(17) **Q Well, I'm just saying that if I had a**
(18) **medical malpractice case, I would want the medical,**
(19) **the, the team with the medical expert on my team.**
(20) **That just makes sense to me. So if you feel like**
(21) **you've been the victim of medical malpractice, it**
(22) **makes sense to call Sweeney Law Firm. Let them have**
(23) **a consultation with you and work through your case**
(24) **and see if that is the case. They'd love to talk to**
(25) **you. All you have to do is give them a call or**

- (1) check them out online, sweeneylawfirm.com. We'll be
- (2) right back.