

Differences Between Consulting and Testifying Experts

| Services Provided by Legal Nurse Consultants (LNCs) | Consulting Expert | Testifying Expert |
|--|-------------------------------------|---|
| 1. Screen or investigate medical malpractice cases for Merit | Yes | Yes |
| 2. Define the applicable Standards of Care | Yes <i>(For all disciplines)</i> | Nursing only |
| 3. Define deviations from & adherences to the applicable Standards of Care | Yes <i>(For all disciplines)</i> | Nursing only |
| 4. Assess the damages/injuries (<i>pathophysiology, extent of injuries, prognosis, etc.</i>) | Yes | Nursing only |
| 5. Identify factors that caused or contributed to the alleged damages/injuries (<i>Including preexisting conditions, lifestyle, work habits, etc.</i>) | Yes | Nursing only |
| 6. Summarize medical records | Yes | Yes |
| 7. Organize medical records | Yes | Yes |
| 8. Identify & recommend potential defendants | Yes | Yes |
| 9. Conduct literature search & integrate standards/guidelines into the case analysis | Yes | Only to support testimony |
| 10. Research publications by experts for either side | Yes | Yes |
| 11. Identify & review medical records, hospital policies/procedures, & other essential documents | Yes | Yes |
| 12. Expand attorney's medical library | Yes | Yes |
| 13. Interview clients, key witnesses and experts | Yes | No <i>(Except subsequent treating providers, life care planners)</i> |
| 14. Consult with health care providers | Yes | Rare |
| 15. Identify types of testifying experts needed | Yes | Yes |
| 16. Locate expert witnesses | Yes | Less Common |
| 17. Analyze and compare expert witness reports | Yes | Yes |
| 18. Draft letters for attorney to potential testifying experts to request their involvement in the case | Yes | No |
| 19. Serve as liaison between the attorney and health care providers, testifying experts, parties, witnesses & other consultants and service providers | Yes | Rare |
| 20. Assist in preparing Interrogatories | Yes | Verbally only |
| 21. Review & draft responses to various legal documents & correspondence under the attorney's signature at the attorney's request (<i>Including medical authorizations, complaints or petitions, interrogatories, requests for production, briefs or memos for review panels, arbitration and mediation hearings, & trial notebooks</i>) | Yes | Review-yes; Drafting-verbally only |
| 22. Assist in exhibit preparation | Yes | Yes |
| 23. Assist in preparing deposition questions | Yes | Verbally only |
| 24. Review, analyze & summarize depositions, including past testimony | Yes | Yes |
| 25. When relevant, attend depositions, trials, review panels, arbitration & mediation hearings | Yes | Only the LNC's own deposition |
| 26. Help prepare witnesses & experts for deposition & trial | Yes | No |
| 27. Develop written reports for use as study tools by the attorney | Yes | Brief reports only-not study tools |
| 28. Coordinate independent medical exams, accompany patient to IME and/or site in on exam | Yes | Yes |
| 29. Develop life care plans projecting a catastrophically injured individual's future needs for medical, nursing & ancillary treatment, equipment, supplies & modifications to the home. | Rare | Yes |