

## **Expert Witness Standard of Care:**

A Hollywood, California personal injury attorney sued his own technical expert witness as providing fraudulent services. I was called in to provide expert witness testimony regarding the standard of care of expert witnesses. The attorney had had a high-profile case against the Ford Motor Company in which his client had been killed in a Ford van during a frontal collision. The door opened, allowing his client, the belted driver, to be partially ejected and interact with the moving roadway. Hollywood attorney hired local Mechanical Engineer to opine that the door was defective. This was Mechanical Engineer's very first door case, but he felt qualified and claimed expertise. He had no substantive industry experience, performed no sophisticated analysis, and conducted no exemplar testing. However, in his report, he indicated that his "expert engineering opinion" to "a reasonable degree of engineering certainty" was that the Ford van door was defective. Mechanical Engineer never determined a mechanism of failure in the frontal crash that caused the latch to disengage from the striker. Based upon his lack of thorough understanding of the issues and details of the case, Mechanical Engineer did very poorly in his deposition. Under tough examination by the Ford attorney, he admitted to not being a door expert, and retracted his opinion that the door did not pass the technical requirements of the pertinent federal standard FMVSS-206, *Door Locks and Door Retention Components*. After that deposition, the case was untenable, as causation of injury could not be assigned to a defective product. Hollywood Attorney had to settle for a considerably diminished sum, even though there was extensive evidence that the door, in fact, was defective. I analyzed Mechanical Engineer's performance and concluded that it was unethical; it was unreasonable for him to claim expertise in an area which he later admitted that he was unqualified. His analysis of the crash and the door were superficial, and his opinions could not withstand scrutiny. In this case I rendered no opinion about the underlying litigation or door failure, merely about Mechanical Engineer's performance. I wrote a report, was deposed, and attended mediation. Mechanical Engineer's insurance company settled the case for an undisclosed sum of money.