

## Experts - Be Wary of What You Post Online

Experts in almost any field sometimes need assistance in determining the best method and means to present a point or to support it in a report.

The Internet is a fabulous source of information, with blogs, Twitter, Facebook and specialty discussion boards for almost any subject or field of expertise you can imagine. However, if you want to keep something private, don't post it on the Internet, as the world will have access to it. As an expert, virtually everything you write or post becomes a discoverable record available to anyone with the vigor and persistence to find it.

An inherent problem with experts seeking opinion or advice from other experts on a discussion board or blog is that it is discoverable. When an expert seeks advice in these types of forums it is available to almost anyone including, of course, the opposing counsel in the case the expert is working on.

Recently I followed a discussion wherein an expert was seeking opinions on how to best present a complex testing method in his report to a jury. Several experts responded, each with his or her advice and opinion. However, as the discussion progressed, it became a debate on the types of testing methods and the accuracy of each, the point of the original question (how to best present and explain the expert's findings) quickly getting lost. The ramification of these experts publicizing their opinions on the testing methods – possibly being used against them in their future cases – was ignored.

A good policy is to keep any questions and queries to other experts private. You can call experts you know. You can even look up experts on the Internet and call them. You will find that most are willing to extend professional courtesy to you by sharing their experience on the question at hand. But do not use email, as it is discoverable as well.

Overzealous attorneys will look to discredit experts for even the most innocent discussions. They will take a discussion out of context and twist it around in an attempt to score a few unearned, unjust points with the jury. Experts need to be aware of this and be prepared to address and justify any exchanges/dialogues/discourse on the matter. (Also note that, in some cases, you must not under any circumstances discuss cases with anyone other than your staff.)

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