

Index

ABUSER PROFILES AND SYNDROMES

Psychological testimony, § 2:6

ACCIDENT RECONSTRUCTION

Motor Vehicle Accidents, this index

Sufficiency of facts and data underlying expert testimony, § 2:10

Testing by expert witness, § 2:12

ACCOUNTANTS

Commercial Disputes, this index

ADMISSIBILITY

Appeal and review, § 3:1

Bases of opinion, permissible, § 2:8

Battered person syndrome, § 2:6

Child sexual abuse accommodation syndrome, § 2:6

Continuances, § 4:6

Daubert standard, § 13:1

Expert opinion goes too far, expressions of confidence in opinion given, § 3:11

Inadmissible evidence, expert's reliance upon to form opinion, presumptions,
§ 1:7

Presumptions, § 1:7

Proper method of analyzing admissibility under current Georgia Evidence Code,
§ 2:1

State of mind, § 2:3

Testing, § 2:11

Three-part inquiry for, § 2:2

AFFIDAVITS IN PROFESSIONAL MALPRACTICE ACTIONS

Generally, §§ 4:1 to 4:5

Defendants included, § 4:2

Medical malpractice, generally, § 8:15

Procedural issues, § 4:4

Summary judgment, § 4:5

Time for filing, § 4:4

When required, § 4:3

AIR BAGS

Products liability, § 5:5

ALIMONY

Valuation of assets, § 12:1

ALTERNATIVE DESIGN EVIDENCE

Product liability, § 5:3

THE ADMISSIBILITY OF EXPERT TESTIMONY IN GEORGIA

ANIMAL TESTING

Toxic tort cases, §§ 3:9, 6:5

ANTITRUST CASES

Helpfulness of expert testimony, §§ 11:11, 11:12

APPEAL AND REVIEW

Generally, § 4:10

Admissibility of expert testimony, § 3:1

Qualifications of expert witnesses, § 3:2

ARCHITECTS

Negligent design actions, § 7:5

ASBESTOS

Toxic Torts, this index

ATTORNEY EFFECTIVENESS

Ineffective assistance of counsel, § 13:13

ATTORNEY MALPRACTICE

Generally, § 8:17

ATTORNEY-CLIENT PRIVILEGE

Generally, §§ 2:13, 14:4

BATTERED PERSON SYNDROME

Admissibility of expert testimony, § 2:6

BLOODSTAIN

Pattern analysis expert testimony, § 13:5

BREACH OF CONTRACT

Helpfulness of expert testimony, § 11:12

BUILDING CODES

Real property actions, § 7:3

BUSINESS ASSOCIATE AGREEMENTS

Privacy and confidentiality, § 14:2

BUSINESS-RELATED DISPUTES

Commercial Disputes, this index

CAUSATION

Medical malpractice, §§ 8:15, 10:1

Motor vehicle accidents, § 10:1

Personal injury cases, § 10:1

Product liability, § 5:5

Toxic torts, §§ 6:1, 10:1

CHEMICALS

Toxic Torts, this index

CHILD SEXUAL ABUSE ACCOMMODATION SYNDROME

Admissibility of expert testimony, § 2:6

INDEX

CHILD SUPPORT

Valuation of assets, § 12:1

CLOSELY HELD COMPANIES

Valuation of assets, § 12:1

COMMERCIAL DISPUTES

Generally, §§ 11:1 to 11:12

Application to facts of case, § 11:8

“Dueling experts,” § 11:9

Helpfulness of expert testimony, §§ 11:10 to 11:12

Methodology of experts

generally, § 11:5

application to facts of case, § 11:8

“dueling experts,” § 11:9

reliable principles and methods, § 11:7

sufficient facts or data, § 11:6

Overview, § 11:1

Qualifications of expert witnesses, § 11:4

Reliable principles and methods, § 11:7

Sufficient facts or data, § 11:6

Tort reform brings enhanced scrutiny of expert testimony, 2007, § 11:2

2013 Georgia rules, § 11:3

COMMERCIAL MOTOR CARRIERS

Motor vehicle accidents, § 9:9

COMPETENCY OF WITNESSES

Affidavits in professional malpractice actions, § 4:3

COMPUTATIONAL FLOW DYNAMICS

Reliable principles and methods, § 11:7

COMPUTER SOFTWARE

Qualifications of expert witnesses, § 11:4

CONCEPT SURVEY

Reliable principles and methods, § 11:7

CONFIDENTIALITY

Privacy and Confidentiality, this index

CONSISTENCY OF ASSOCIATION

Toxic torts, § 6:4

CONTINUANCES

Admissibility of expert testimony, § 4:6

CORPORATE GOVERNANCE

Helpfulness of expert testimony, § 11:11

COURT-APPOINTED EXPERTS

Criminal cases, § 13:12

THE ADMISSIBILITY OF EXPERT TESTIMONY IN GEORGIA

CREDIBILITY OF WITNESSES

Psychological testimony, § 2:7

CRIMINAL CASES

Bloodstain pattern analysis expert testimony, § 13:5

Court-appointed experts, § 13:12

Expert testimony in criminal cases, § 13:1

Experts

 court-appointed experts, § 13:12

 indigent defendants, court-appointed experts, § 13:12

 pre-trial discovery, § 13:11

 sequestration of, § 13:14

Fingerprint comparison, § 13:8

Gang profiling expert testimony, § 13:4

Indigent defendants, court-appointed experts, § 13:12

Ineffective assistance of counsel, § 13:13

Polygraph evidence, § 13:7

Psychiatrists and psychologists, testimony, § 13:3

Sequestration of experts, § 13:14

Shaken baby syndrome, § 13:6

Testifying witness

 expert witness, § 13:2

 hybrid, § 13:2

 lay witness, § 13:2

CROSS-EXAMINATION OF EXPERTS

Generally, § 8:16

DAMAGES

Future damages, § 10:4

Motor vehicle accidents, §§ 9:6 to 9:9

Property, damage to, § 7:1

Punitive damages, § 9:9

DAUBERT

Expert testimony must comply with U.S. Constitutional Law, § 13:1

DAUBERT v. MERRELL DOW

Historical overview of federal law, § 1:3

Rule 702: O.C.G.A. 016724-7-702, Georgia's adoption on, § 1:9

Toxic torts, § 6:1

DEADLINES

Timing of expert disclosures, § 4:8

DEFINITIONS

Experts, § 1:1

Medical standard of care, § 8:10

Toxic torts, § 6:1

DEPOSITIONS

Virtual Depositions, this index

INDEX

DESIGN

- Product Liability, this index
- Real property actions, negligent design and construction, §§ 7:5 to 7:7
- Roadway design and maintenance standards, motor vehicle accidents, § 9:2

DIFFERENTIAL DIAGNOSIS

- Toxic torts, § 6:7

DIRECTED VERDICT

- Challenging expert testimony via motion, § 4:9

DOMESTIC RELATIONS

- Generally, § 12:1

DOSE-RESPONSE RELATIONSHIP

- Toxic torts, § 6:5

DRUGS AND NARCOTICS

- Toxic Torts, this index

“DUELING EXPERTS”

- Generally, § 11:9

ECONOMISTS

- Commercial Disputes, this index

EMINENT DOMAIN

- Real property actions, § 7:8

ENGINEERS

- Accident reconstruction, §§ 9:3, 9:6
- Negligent design actions, § 7:5
- Roadway design and maintenance standards, § 9:2

ENVIRONMENTAL ISSUES

- Contamination of property, § 7:4
- Toxic Torts, this index

EPIDEMIOLOGICAL STUDIES

- Toxic torts, § 6:4

EVOLUTION OF GEORGIA AND FEDERAL LAW

- Generally, § 1:1 et seq.
- Elimination of civil-criminal dichotomy in standards for admissibility, § 1:1
- Georgia statutory law
 - medical negligence cases, § 1:13
 - pretrial hearings, § 1:11
 - professional negligence cases, § 1:12
 - Rule 702, 2023 Amendments, § 1:8
 - Rule 703, adoption of, § 1:10
- Georgia statutory law-Adoption of Rule 702: O.C.G.A. 016724-7-702
 - civil vs. criminal cases, differing standards for, § 1:9
 - Rule 702, adoption of, § 1:9

THE ADMISSIBILITY OF EXPERT TESTIMONY IN GEORGIA

EXAMINATION OF WITNESSES

- Cross-examination of experts, § 8:16
- Direct examination of experts at trial, § 4:7

EXEMPLARY DAMAGES

- Generally, § 9:9

FACTS AND DATA RELIED ON BY EXPERTS

- Generally, §§ 2:8, 2:10
- Commercial disputes, § 11:6
- Federal law, §§ 1:7, 3:7
- Medical malpractice, §§ 2:10, 3:7, 8:15
- Motor vehicle accidents, § 9:5

FAMILY LAW

- Generally, § 12:1
- Forensic experts in family law cases, § 12:2

FEDERAL LAW

- Generally, §§ 3:1 to 3:11
- Daubert v. Merrell Dow, this index
- Differential etiology and differential diagnosis, § 3:10
- Expert opinion goes too far, expressions of confidence in opinion given, § 3:11
- Facts or data relied on by expert, § 1:7
- Frye standard, § 1:2
- Gatekeeper role of court, §§ 1:6, 3:1
- General Electric Co. v. Joiner, § 1:4
- Helpfulness, § 3:9
- Historical overview, § 1:2 et seq.
- Kumho Tire Co. v. Carmichael, § 1:5
- Motor carrier safety regulations, § 9:9
- Overview of Georgia and federal law, §§ 1:1 to 1:12
- Qualifications of expert witnesses, § 3:2
- Reliable expert methodology
 - generally, § 3:3
 - application to facts of case, § 3:8
 - general acceptance, § 3:6
 - peer review, § 3:5
 - publication, § 3:5
 - sufficiency of underlying facts and data, § 3:7
 - testing and error rate, § 3:4
- Rule 702
 - amendments, § 1:6
 - Georgia's adoption of Rule 702: O.C.G.A. 016724-7-702, § 1:9
- Rule 703
 - amendments, § 1:7
 - Georgia's adoption of Rule 703, § 1:10
- Scientific testimony, § 1:5
- Toxic Torts, this index

INDEX

FINGERPRINT COMPARISON

Criminal cases, § 13:8

FORECLOSURE

Real property actions, § 7:9

FRIVOLOUS SUITS

Malpractice, §§ 4:1, 4:2

FUTURE DAMAGES

Personal injury cases, § 10:4

GANG PROFILING

Expert testimony, § 13:4

GEORGIA TORT CLAIMS ACT

Roadway design and maintenance cases, § 9:2

HAZARDOUS SUBSTANCES

Environmental contamination of property, § 7:4

Toxic Torts, this index

HEALTH CARE PROVIDERS

Medical Malpractice, this index

HEALTH RECORDS

Medical Records, this index

HEARSAY

Basis of expert testimony, § 2:8

HELPFULNESS OF EXPERT TESTIMONY

Generally, §§ 1:2, 2:4

Commercial disputes, §§ 11:10 to 11:12

Credibility, § 2:7

Federal law, § 3:9

Legal conclusions, § 2:6

Medical malpractice, § 2:6

Psychological testimony, § 2:5

Toxic torts, § 3:9

Ultimate issue, § 2:5

HISTORY OF GEORGIA AND FEDERAL LAW

Generally, § 1:1 et seq.

Elimination of civil-criminal dichotomy in standards for admissibility, § 1:1

HYPOTHETICAL QUESTIONS

Direct examination of experts at trial, § 4:7

INDEMNIFICATION

Environmental contamination of property, § 7:4

INDIGENT DEFENDANTS

Court-appointed experts, § 13:12

THE ADMISSIBILITY OF EXPERT TESTIMONY IN GEORGIA

INDUSTRY STANDARDS

Real property actions, § 7:3

INEFFECTIVE ASSISTANCE OF COUNSEL

Criminal cases, § 13:13

INFORMED CONSENT

Medical malpractice cases, § 8:9

INJUNCTIVE RELIEF

Environmental contamination, § 7:4

INSURANCE

Commercial Disputes, this index

LAW ENFORCEMENT OFFICERS

Police Officers, this index

LEGAL CONCLUSIONS

Questions Of Law Or Fact, this index

LEGAL MALPRACTICE

Generally, § 8:17

LICENSING

Qualifications of expert witnesses, §§ 8:2, 8:3

LIE DETECTOR TESTS

Polygraph Tests, this index

MALPRACTICE

Professional Negligence, this index

MANUAL OF UNIFORM TRAFFIC DEVICES

Motor vehicle accidents, § 9:3

MANUFACTURING DEFECTS

Product liability, § 5:2

MEDICAL CASE REPORTS

Toxic torts, causation, § 6:6

MEDICAL EXPENSES

Competency of witnesses to testify, § 10:2

Future expenses, § 10:4

MEDICAL INJURIES

Malpractice. Medical Malpractice, this index

Toxic Torts, this index

MEDICAL MALPRACTICE

Generally, §§ 8:1 to 8:17

Active practice or teaching requirement, § 8:4

Affidavits of experts. Affidavits in Professional Malpractice Actions, this index

Causation, §§ 8:15, 10:1

Cross-examination of experts, § 8:17

INDEX

MEDICAL MALPRACTICE—Cont'd

- Defining standard of care, § 8:9
- Facts and data relied on by experts, §§ 2:10, 3:7, 8:15
- Helpfulness of expert testimony, § 2:6
- Informed consent cases, § 8:9
- Licensure requirement, § 8:2
- Methodology of expert, § 8:11
- Necessity of expert testimony, § 8:7
- Overview, § 8:1
- Procedural requirements, Professional affidavit to be filed with complaint, § 8:14
- Professional judgment not involved, § 8:8
- Qualifications of experts
 - generally, § 8:2
 - active practice or teaching requirement, § 8:4
 - licensure requirement, § 8:2
 - same profession requirement, § 8:5
 - table of, § 8:6
- Reliable application to facts of case, § 3:8
- Reliance on medical records and opinions of others not in evidence, § 8:15
- Same profession requirement, § 8:5
- Simple negligence, § 8:8
- Standard of care
 - generally, §§ 8:7 to 8:13
 - cases not involving exercise of professional judgment, § 8:8
 - defining, § 8:12
 - expert testimony on causation, § 8:13
 - “informed consent” cases, § 8:9
 - necessity of expert testimony, § 8:7
 - sufficiency of expert testimony, § 8:12
- State statutory law, generally, § 1:13
- Sufficiency of expert testimony, § 8:13
- Table of qualifications, § 8:6
- Teaching requirement, § 8:4

MEDICAL RECORDS

- Competency of witnesses to testify, § 10:2
- Personal injury cases, § 10:2
- Privacy and confidentiality, § 14:2

METHODOLOGY OF EXPERTS

- Generally, § 2:11
- Application to facts of case, §§ 2:12, 3:8, 11:8
- Commercial Disputes, this index
- Federal law, § 3:3
- Medical malpractice, standard of care, § 8:12

MOTOR VEHICLE ACCIDENTS

- Generally, §§ 9:1 to 9:9
- Accident reconstruction. Reconstruction of accident, below

THE ADMISSIBILITY OF EXPERT TESTIMONY IN GEORGIA

MOTOR VEHICLE ACCIDENTS—Cont'd

Commercial motor carriers, § 9:9

Damages, §§ 9:6 to 9:9

Expert testimony on damages, establishing injuries were caused by accident,
§ 9:6

Medical causation, § 10:1

Overview, § 9:1

Police officer testimony leading to crash, ultimate issue, § 9:4

Reconstruction of accident

generally, § 9:3

sufficiency of factual basis, § 9:5

Roadway design and maintenance standards, § 9:2

Seatbelt use, § 9:7

Sufficiency of factual basis, § 9:5

Tire failure analysis, § 3:8

Vehicle damage, § 9:8

NEGLIGENCE

Building design and construction, §§ 7:5 to 7:7

Medical Malpractice, this index

Motor Vehicle Accidents, this index

Personal Injury Cases, this index

Product Liability, this index

Professional Negligence, this index

Termite inspections, § 7:6

Toxic Torts, this index

NUISANCE

Environmental contamination of property, § 7:4

PAIN AND SUFFERING

Personal injury cases, § 10:4

PERSONAL INJURY CASES

Generally, §§ 10:1 to 10:6

Attorneys' fees and expenses, § 10:5

Expert testimony, medical causation for physical injuries, § 10:1

Future pain and suffering and medical expenses, § 10:4

Medical bills and expert testimony, § 10:3

Medical causation, § 10:1

Medical expenses, §§ 10:3, 10:4

Medical Malpractice, this index

Motor Vehicle Accidents, this index

Pain and suffering, § 10:4

Product Liability, this index

Professional Negligence, this index

Toxic Torts, this index

PEST CONTROL OPERATORS

Termite inspections, § 7:6

INDEX

PHARMACOLOGICAL RESEARCH

Toxic torts, § 6:5

PHYSICIANS AND SURGEONS

Medical Malpractice, this index

PLEADINGS

Affidavits in Professional Malpractice Actions, this index

PREJUDICIAL EFFECT

Admissibility of expert testimony, § 2:8

PREMISES LIABILITY

Building codes, § 7:3

Industry standards, § 7:3

PRESUMPTIONS

Design of product, alternative design presumptively safer, § 3:4

Inadmissible evidence, expert's reliance upon to form opinion, §§ 1:7, 2:8

Medical professional's conduct or treatment, §§ 8:12, 8:15

PRETRIAL DISCOVERY

Generally, § 4:6

PRETRIAL HEARINGS

Generally, §§ 1:11, 4:6

PRIVACY AND CONFIDENTIALITY

Generally, §§ 14:1 to 14:5

Business associate agreements, § 14:2

Health records, § 14:2

Privileged Communications, this index

Third party data submitted to experts, § 14:1

Trade secrets, § 14:3

Virtual expert depositions, § 15:3

Written expert engagement agreement, § 14:5

PRIVILEGED COMMUNICATIONS

Attorney-client privilege, §§ 2:13, 14:4

PROBATIVE VALUE

Admissibility of expert testimony, § 2:8

PRODUCT LIABILITY

Generally, §§ 5:1 to 5:5

Alternative design evidence, § 5:3

Causation testimony, § 5:5

Design defects, § 5:3

 alternative design evidence, § 5:3

Manufacturing defects, § 5:2

Superseding causation, § 5:5

Warning defects, § 5:4

THE ADMISSIBILITY OF EXPERT TESTIMONY IN GEORGIA

PROFESSIONAL NEGLIGENCE

- Affidavits In Professional Malpractice Actions, this index
- Helpfulness of expert testimony, § 2:6
- Legal malpractice, § 8:17
- Licensure requirement for expert witnesses in malpractice cases, §§ 8:2, 8:3
- Medical Malpractice, this index
- State statutory law, generally, § 1:12
- Termite inspections, real property actions, § 7:6

PSYCHIATRISTS AND PSYCHOLOGISTS

- Testimony, criminal cases, § 13:3

PSYCHOLOGICAL TESTIMONY

- Abuser profiles and syndromes, § 2:6
- Battered person syndrome, § 2:6
- Credibility of witnesses, § 2:7
- Helpfulness of expert testimony, § 2:5
- Ultimate issue, § 2:5

PUNITIVE DAMAGES

- Generally, § 9:9

QUALIFICATIONS OF EXPERT WITNESSES

- Generally, §§ 1:1, 2:3
- Commercial disputes, § 11:4
- Licensing requirements, §§ 8:2, 8:3
- Medical Malpractice, this index
- Testifying within, § 2:2

QUESTIONS OF LAW OR FACT

- Helpfulness of expert testimony, § 2:6

REAL PROPERTY ACTIONS

- Generally, §§ 7:1 to 7:11
- Building codes and industry standards, § 7:3
- Eminent domain, § 7:8
- Environmental contamination of property, § 7:4
- Foreclosure, § 7:9
- Market value, testimony regarding, § 7:10
- Negligent design and construction, § 7:5
- Overview, § 7:1
- Termite inspections, § 7:6
- Tree cases, § 7:7

RECONSTRUCTION OF ACCIDENTS

- Accident Reconstruction, this index

RELEVANCE OF EXPERT TESTIMONY

- Generally, § 2:3

RELIABILITY OF EXPERT TESTIMONY

- Application to facts of case, §§ 2:12, 3:8

INDEX

RELIABILITY OF EXPERT TESTIMONY—Cont'd

- Commercial disputes, § 11:7
- Facts and Data Relied on by Experts, this index
- Federal Law, this index
- General acceptance, § 3:6
- Methodology Underlying Expert Testimony, this index
- Peer review, § 3:5
- Principles underlying expert testimony, § 2:11
- Publication, § 3:5
- Testing and error rate, § 3:4

REPORTS

- Toxic torts, medical case, causation, § 6:6

REVIEW

- Appeal and Review, this index

ROADWAY DESIGN AND MAINTENANCE STANDARDS

- Motor vehicle accidents, § 9:2

SEATBELTS

- Products liability, §§ 5:3, 5:5
- Use of seatbelt, evidence of, § 9:7

SEQUESTRATION OF EXPERTS

- Criminal cases, § 13:14

SLIP-AND-FALL

- Real property actions, §§ 7:1, 7:3, 8:8
- generally, § 7:2

SPECIFICITY OF ASSOCIATION

- Toxic torts, § 6:4

STANDARD OF CARE

- Medical Malpractice, this index

STATE OF MIND

- Admissibility of expert testimony, § 2:3

STATISTICS AND STATISTICIANS

- Commercial Disputes, this index
- Reliable methodology, § 11:5

STRENGTH OF ASSOCIATION

- Toxic torts, § 6:4

STRICT LIABILITY

- Product Liability, this index

SUMMARY JUDGMENT

- Affidavits in professional malpractice actions, § 4:5

SUPERSEDING CAUSATION

- Product liability, § 5:5

THE ADMISSIBILITY OF EXPERT TESTIMONY IN GEORGIA

TEACHING REQUIREMENT

Medical malpractice experts, § 8:4

TERMITE INSPECTIONS

Real property actions, § 7:6

TESTIMONY

Expert testimony

digital forensic evidence, § 13:9

DUI cases, § 13:10

standard in criminal cases, § 13:1

ultimate issues in employment law cases, § 11:13

violation of trial court order on, § 4:11

Psychiatrists and psychologists, criminal cases, § 13:3

TESTING

Admissibility of expert testimony, generally, § 2:11

Environmental contamination of property, § 7:4

Warning defects, § 5:4

THIRD PARTIES

Privacy and confidentiality, third party data submitted to experts, § 14:1

Reliance by expert on declarations or opinions of third parties, § 2:8

TIMING

Expert disclosures, §§ 4:8, 8:15

TIRE FAILURE ANALYSIS

Reliable application to facts of case, § 3:8

TOXIC TORTS

Generally, §§ 6:1 to 6:7

Causation, § 6:1

Causation, § 6:3

Consistency of association, § 6:4

Differential diagnosis of demonstrating specific causation, § 6:7

Epidemiological studies

causation, § 6:4

Epidemiological studies and causation, § 6:4

Helpfulness of expert testimony, § 3:9

Medical case reports, § 6:6

causation, § 6:6

Medical causation, § 10:1

Overview, § 6:1

Pharmacological research means of showing causation, § 6:5

Specificity of association, § 6:4

State law, §§ 6:2 to 6:4

Strength of association, § 6:4

Toxicological research, § 6:5

TOXICOLOGICAL RESEARCH

Toxic torts, § 6:5

INDEX

TRADE SECRETS

Privacy and confidentiality, § 14:3

TRESPASS

Environmental contamination of property, §§ 7:1, 7:4

TRIP-AND-FALL

Real property actions, § 7:1
generally, § 7:2

ULTIMATE ISSUES

Generally, § 2:5
Psychological testimony, § 2:5

VALUE AND VALUATION

Commercial disputes, market value, § 11:3
Family law cases, § 12:1
Real property actions, market value, § 7:10

VEHICLES

Motor Vehicle Accidents, this index

VIRTUAL EXPERT DEPOSITIONS

Generally, §§ 15:1 to 15:7
“BYOD” and other quality control and efficiency measures, § 15:4
Deposition notices, § 15:2
Dress for success, § 15:5
Practice makes perfect, § 15:6
Privacy considerations, § 15:3
Reading and signing depositions, § 15:7
Remote notarization, § 15:7
Scheduling orders, § 15:2

WARNING DEFECTS

Product liability, § 5:4

WARRANTY CASES

Commercial disputes, § 11:1 et seq.
Product Liability, this index