INDEX

Admissibility of expert evidence, 27	Causation
	• documentation, 20
Alternative dispute resolution	• generally, 43
• Advantages of, 99	Certification of action, 129
• Barriers to success, 94-96	
• Classification of the case, 116	Chronology of events, 47
• Generally, 94	Client assessment, 11
• Process design, 117	
Bias, 28, 75	CMPA
	• Definition, 1
"but for" test, 45-46	• Negotiating with, 37
Canadian Medical Protective Association, see CMPA	• • Control of process, 41
	• Statutory mandate of, 38
Case, screening	Conflict of interest, 10
• Factors to consider, 4-9	Costs, 79
• Generally, 4	
Categories of litigation, 39	Cross-examination of defence experts, 72

Index

Curriculum vitae of expert witness

- Potential problems with, 32
- Role of, 77

Damages, 21

Discovery

- Access to ADR and, 95
- CMPA and, 8, 38, 42
- Cost of, 11, 15, 128
- E-discovery, 55
- Goals of, 51-59
- Identification of documents during, 67
- Of expert witness' curriculum vitae, 31
- Preparation for, 88-92
- Transcripts, use of in preparing witness for trial, 70

Doctors

- As defendants, 51
- Charts of, 19
- Qualifications of, 78

Documentation

- Causation, 20
- Client, 12, 19

E-discovery

- Generally, 55
- Sedona Principles, the, 59

Equality of funds, 128

Events, chronology of, 47

Evidence

- Expert, admissibility of, 27
- Factual, 65
- Objective opinion, 27

Exhibit book, 67

Expert

- Bias of, 75
- Court approval of, 131
- Curriculum vitae
- • Potential problems with, 32
- • Role of, 77
- Defence, cross-examination of, 72

Index

 Expert (cont'd) Evidence, admissibility of, 27 From different jurisdictions, 78 	InterviewFirst, 12Final, 17
• Obtaining, 16, 28-30	Jurisdiction, 10
Provision of to both sides, 129	Knowledge, scientific, 2, 50, 91
Report ofBasic required elements, 35	Limitation period, 10, 82
• Generally, 68• Witness	Material contribution test , 46-50
• • Fatigue of, 91	Medical/legal research, 15
• • Generally, 25	Medical negligence, 94
Expert reportBasic required elements, 35	Medical standard of care, 3, 38, 95
• Generally, 68	Minors , 22, 83-87
Final interview, 17	Nurse, role of, 92
Financial considerations, 11, 21	Objective opinion evidence, 28
First interview, 12	Offer, settlement, 79
Hospital records, 19	Opinion, unsupportive, 18
	Oral argument, 79

Index

macx	
Physician as defendant, 51	Statute of Limitations
Preliminary investigation, 14	• Generally, 82
	• New Act, 83
Production of records , 51	Trial
Records	• Access to materials, 62
• Hospital, 19	• Book, 61
• Production of, 51	• Expectations, 62
Research, medical/legal, 15	• Focus on causation, 60
	• Organization, 62
Role of the nurse, 92	• Split, 80
Rush Presbyterian Model, the, 131	• Standards, 63
	• Surprises, 63
Scientific knowledge, 2, 50, 91	"white knight" factor, 12
Scientific terminology, 2	Witness
Screening a case	• Expert, 25, 91
• Factors to consider, 4-9	• Factual, 69
• Generally, 4	Written argument, 79
Sedona Principles, the, 59	
Settlement offer, 79	

Split trial, 80