

## INDEX

**Admissibility of expert evidence, 27**

**Alternative dispute resolution**

- Advantages of, 99
- Barriers to success, 94-96
- Classification of the case, 116
- Generally, 94
- Process design, 117

**Bias, 28, 75**

**“but for” test, 45-46**

**Canadian Medical Protective Association, *see* CMPA**

**Case, screening**

- Factors to consider, 4-9
- Generally, 4

**Categories of litigation, 39**

**Causation**

- documentation, 20
- generally, 43

**Certification of action, 129**

**Chronology of events, 47**

**Client assessment, 11**

**CMPA**

- Definition, 1
- Negotiating with, 37
- • Control of process, 41
- Statutory mandate of, 38

**Conflict of interest, 10**

**Costs, 79**

**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
- Obtaining, 16, 28-30
- Provision of to both sides, 129
- Report of
  - • Basic required elements, 35
  - • Generally, 68
- Witness
  - • Fatigue of, 91
  - • Generally, 25

**Expert report**

- Basic required elements, 35
- Generally, 68

**Final interview, 17**

**Financial considerations, 11, 21**

**First interview, 12**

**Hospital records, 19**

**Interview**

- First, 12
- Final, 17

**Jurisdiction, 10**

**Knowledge, scientific, 2, 50, 91**

**Limitation period, 10, 82**

**Material contribution test, 46-50**

**Medical/legal research, 15**

**Medical negligence, 94**

**Medical standard of care, 3, 38, 95**

**Minors, 22, 83-87**

**Nurse, role of, 92**

**Objective opinion evidence, 28**

**Offer, settlement, 79**

**Opinion, unsupportive, 18**

**Oral argument, 79**

Index

**Physician as defendant, 51**

**Preliminary investigation, 14**

**Production of records, 51**

**Records**

- Hospital, 19
- Production of, 51

**Research, medical/legal, 15**

**Role of the nurse, 92**

**Rush Presbyterian Model, the,  
131**

**Scientific knowledge, 2, 50, 91**

**Scientific terminology, 2**

**Screening a case**

- Factors to consider, 4-9
- Generally, 4

**Sedona Principles, the, 59**

**Settlement offer, 79**

**Split trial, 80**

**Statute of Limitations**

- Generally, 82
- New Act, 83

**Trial**

- Access to materials, 62
- Book, 61
- Expectations, 62
- Focus on causation, 60
- Organization, 62
- Split, 80
- Standards, 63
- Surprises, 63

**“white knight” factor, 12**

**Witness**

- Expert, 25, 91
- Factual, 69

**Written argument, 79**