

# STRUCTURING AN EXPERT REPORT

by

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## **NOT ALL REPORTS ARE CAUSATION REPORTS**

- **Expert testimony related to DUI/Dramshop cases.**
- **Expert testimony related to deaths related to drugs.**
- **Workman's Compensation Cases.**
- **Railroad-related cases.**
- **Prescription Drug - Adverse Reactions & death cases.**
- **Environmental/Chemical Exposures - adverse health effects.**



## **CAUSATION REPORTS**

**IF YOU ARE TO ESTABLISH  
CAUSATION, YOU MUST FIRST  
BE ABLE TO ESTABLISH THAT  
THE PERSON IN QUESTION  
HAS BEEN EXPOSED TO  
SOMETHING**



# CAUSATION REPORTS

## NEED TO DEFINE EXPOSURE

- **Alcohol and drug cases - blood, tissue, urine analyses.**
- **Workman's Comp cases - possible industrial hygiene data.**
- **Railroad-related cases - exposure data limited.**
- **Occupational Exposure - possible industrial hygiene data.**



# CAUSATION REPORTS

## NEED TO DEFINE EXPOSURE

*(continued)*

- **Prescription Drug Cases - pharmacy records; good dosing data plus possible fluid and tissue analyses.**
- **Environmental/Chemical Exposures - very difficult to define exposure over long period unless toxicant is cumulative - ie PCBs/dioxins.**



## **DEFINE THE DISEASE OR CONDITION**

- **Unless you are a physician who has examined the patient or has studied the data, you are dependent on others for a good diagnosis.**
- **If the person cannot be adequately diagnosed, then the ability to establish a causal link to an undefined disease may be impossible.**



## **DEFINE THE DISEASE OR CONDITION**

*(continued)*

- **Depending on the situation, you may be able to define the diseased state by establishing contamination of the patient through analytical procedures and then talk about risk of disease from that contamination. This is not a very sound approach unless others within the cohort have presented with disease that can be related to the contamination.**
- **Best to get a good diagnosis based on physical examination or post-mortem data.**



# **FORMAL CAUSATION REPORT**

## **DESIRABLE**

- **For Prescription drug cases.**
- **For mass tort cases involving environmental/chemical exposures.**





# **GENERAL CAUSATION REPORT**

*vs*

# **SPECIFIC CAUSATION REPORT**

## **GENERAL CAUSATION**

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- **Relate the chemical or drug to a specific illness or condition based on the available published scientific literature.**
- **When dealing with a prescription drug, IND/NDA data may be quite pertinent in establishing early knowledge of adverse drug effects.**



# **GENERAL CAUSATION REPORT**

*vs*

# **SPECIFIC CAUSATION REPORT**

*(continued)*

## **SPECIFIC CAUSATION**

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- **Related the specific dosing or exposure regimen of the individual to the diagnosed illness which can be shown to result from exposure to the offending agent.**
- **Specific dose. defined exposure or degree of bodily contamination is important here.**



## **ELEMENTS FOR A CAUSAL RELATIONSHIP**

- **Exposure/dose.**
- **Pertinent diagnosis with differential diagnosis.**
- **Literature foundation showing relationship.**
- **Logical mechanism of action.**
- **Timing of disease and of exposure.**



## **ELEMENTS OF A FORMAL CAUSATION REPORT**

- **Title page with case caption, date and source of report.**
- **Table of contents including index to appendices.**
- **Materials reviewed.**
- **Main body of report.**
- **Hill Criteria analysis.**
- **Conclusions and opinions.**



# **ELEMENTS OF A FORMAL CAUSATION REPORT**

*(continued)*

- **Appended credentials.**
- **Appended Past Testimony(4 years).**
- **References Cited in Report.**



## **THE HILL CRITERIA)**

- **STRENGTH OF ASSOCIATION.**
- **CONSISTENCY OF ASSOCIATION.**
- **TEMPORALITY.**
- **BIOLOGICAL GRADIENT.**
- **PLAUSIBILITY AND COHERENCE.**
- **EXPERIMENT.**
- **ANALOGY.**



**THE END**

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