How Expert Witness Testimony Can Help My Brain Injury Lawsuit

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Any kind of personal injury lawsuit is complicated, but those involving brain injuries are especially complex. Not only is every brain injury different, but the medical explanation of how they occur and the health consequences that survivors suffer can sometimes be difficult to understand. Juries, however, are diverse, and it is likely that none of them have ever dealt with one of these injuries before. This is where expert witnesses come in. Without testimony from someone with specialized experience in various aspects of brain injury lawsuits, it can be virtually impossible to make your case and win the compensation you deserve. However, Rosen Hagood understands how expert witness testimony can help a brain injury lawsuit.

How Expert Testimony Can Help A Brain Injury Lawsuit

Most people think of court witnesses as the individuals who personally observed the events surrounding a certain incident. Another type of witness is a character witness, who can testify about the personality traits and other traits of an individual. Expert witnesses, however, are in a category of their own.

Generally, these expert witnesses are individuals with technical knowledge or training that allows them to explain complicated matters to judges and juries. South Carolina Rule 702 allows these expert witnesses to help the jury understand the evidence presented and offer their expert opinion. Brain injury cases touch on topics with which most people have little to no familiarity. However, clearly explaining these difficult topics is essential to winning a brain injury lawsuit.

Lawyers work with expert witnesses to assist brain injury survivors in two main capacities: consulting and expert witness testimony.

Consulting

Expert witnesses often consult with brain injury survivors' lawyers to develop trial strategy and anticipate the defendant's case. This includes reviewing key documents and providing general guidance on technical subjects. While the attorney brings legal knowledge to the table, including an understanding of what must be proven to prevail in court, the witness advises on non-legal topics relevant to the case. This consulting role also comes in handy when the lawyer begins negotiations with the defendant's insurance company.

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Testimony

Types of Expert Witnesses Commonly Relied Upon in Traumatic Brain Injury Cases

Expert witnesses often testify in court on behalf of the brain injury survivor. They break down complex subject matter to better educate the judge and jury. Most brain injury survivors can expect to have these and other types of witnesses testify:

Medical experts

These witnesses can explain what a brain injury is and how it affects the survivor's health. They can define and interpret medical terms and records, discuss future treatments and rehabilitation the survivor will need, talk about adaptive medical equipment and quality of life issues, and generally support the survivor's claim for past, present, and future medical damages.

Financial and vocational experts

These individuals explain to a jury the long-term financial impacts the brain injury survivor will experience. For example, by the time a trial or settlement is on the table, the survivor has probably already lost significant income. But what does the future hold? It's highly likely the survivor will not be able to return to the same career. These experts can explain the survivor's job prospects and how they will affect future earnings, bonuses, promotions, retirement contributions, and more. This information will be used to calculate a portion of the damages claim.

Accident reconstruction experts

These witnesses are useful in any personal injury case, but especially so in brain injury lawsuits. Their role is to reconstruct the accident, based on the evidence, so the jury knows just how the survivor was injured. With backgrounds in physics and other sciences, they can lay out clearly what happened and help refute the defendant's theory of the case.

With the guidance of your experienced personal injury attorney, these and other expert witnesses will build a case to get you the maximum compensation you deserve. If you or a loved one has suffered a brain injury, contact Rosen Hagood today.

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