

# Experts and Lawyers: Team for Results

By:

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"Have I thought of all the angles in this case?" "What if my opposition knows something of a technical nature that I don't?"

These are questions commonly asked by lawyers working on cases in an area with which they may not be familiar. As lawyers know, it is necessary to bring many elements together when planning to win a legal battle. One element that is often overlooked or underdeveloped is a good lawyer/consultant team. No lawyer can or should be expected to be conversant and knowledgeable about technical areas, such as engineering, construction, medical practice or education programs for the disabled.

A lawyer is considerably ahead by recognizing that a consultant can greatly aid the case. Developing a close partnership and affiliation with the consultant is needed. Based upon my experience as an education expert and the relationships that have been developed with over 100 law firms, I would like to offer a few observations that will enhance the role of the consulting expert. In a team approach with lawyers, we have worked on cases involving liability and standard of care, pupil placement in special education, school evaluations in custody issues, teacher dismissal issues, and other areas involving schools and education.

## **Recognize the Need**

Lawyers need to recognize the need for a consultant early on. They should obtain a qualified consultant on their team as soon as possible.

Part of the qualification must be current professional certification, experience, training and membership in the appropriate professional organizations. These all contribute to recognition and acceptance as an expert. Lawyers need to explain to their client the need for expert assistance.

The lawyer and his or her client will feel more confident about the case if they know that the qualifications of the team are to be enhanced by the addition of a consulting expert. The client will recognize the wisdom of the financial investment.

## **Choose the Right Expert**

The lawyer should look for a consulting expert with a broad track record. A resume displaying a broad background involving teaching, supervision, management, curriculum development and program monitoring are all important for an education expert.

A consultant with a majority of career activities in one or two areas is not as credible as one with a broader background. Actual work experience in the field is more impressive and important than primary experience in academia. The court is more likely to listen to opinions based on real-world experience than opinions based on theory.

## **Develop a Partnership**

The lawyer should review the case in detail with the consultant, share the basic documentation and ask for an initial reaction.

The consultant should ask if the lawyer's client went beyond the bounds of standard practice, ask if there were errors or omissions in the contract documents beyond normal expectations in such situations, and provide an initial reaction. Sometimes the best advice to the client is to settle. Ask the lawyer on which points you may be of assistance. Tell the lawyer if other points need to be researched and if additional documents or depositions are needed.

Share the ground rules with the lawyer. Is he or she asking for a report, or just a document review and an opinion? Perhaps the most important ground rule involves time lines and the schedule. When will the consultant be expected to be deposed and ready for final inputs? If a report is necessary, when will it be required?

Lastly, make sure you have sufficient time so that you can do a professional job and not have to rush or make last-minute modifications.

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