**Sparrow/MSU Geriatrics Fellowship Mock Trial Pre and Post-Test**

1. Are there fundamental differences between ‘disciplines’ founded on the “scientific method(s)” and the (American) ‘law’? If so, identify and explain.

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1. Generally, American Law assumes “a case or controversy” before the involvement of the judicial system. What are the practical implications?

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1. Identify the general *bias* bases distinguishing **“Direct Examination”** of a witness from the **“Cross Examination”** of a witness.

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1. Trial Court judges have been characterized as the “**gatekeepers”** over evidence, particularly, the evidence offered through ‘expert witnesses’. Why so?

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1. Generally, **evidence** may be typed into broad categories. Briefly, define (and provide your own illustration) of these broad categories:
   1. **Direct** evidence

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* 1. **Circumstantial** evidence

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* 1. **Opinion** evidence

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* 1. **Demonstrative** evidence

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* 1. **Bonus: Substantive demonstrative evidence**

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1. The public is well-aware of **“hearsay”** as potentially problematic evidence. As medical professionals, testifying as such, what are the likely areas of impact due to the **‘hearsay rules’**?

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1. In terms of admitted evidence, what is **publication**? (Time permitting, illustrate some techniques.)

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1. Briefly, distinguish the judicial roles in **“Davis/Frye”** from **“Daubert/KumHo”.** In a **“Daubert”** hearing, which areas should be the focus of your preparation?

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1. In Michigan, generally, **opinion testimony** is predicated on the admission of t*he evidence supporting* the opinion. In preparing to testify, what steps might you take to comply with the ***“rule”***?

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1. There are, I concede, numerous rules and obligations imposed on ‘medical’ experts when dealing with advocates in a legal proceeding. Consider a ‘rank ordering’ of obligation when given “subpoena” notice, or its equivalent:
   1. \_\_\_\_\_ Is this a ‘civil’, ‘criminal’, or ‘other’ matter?
   2. \_\_\_\_\_ What is my relationship to a named party?
   3. \_\_\_\_\_ Do I have a ‘risk manager’ or ‘counsel’ to advise me?
   4. \_\_\_\_\_ What are the areas of ‘contested’ litigation,; or, subject to dispute?
   5. \_\_\_\_\_ Assuming that I will have to testify, what materials do I need to collect?
   6. \_\_\_\_\_ What information do I need as ‘background’ for the materials I need to support my testimony?
   7. \_\_\_\_\_ Do I have a contact person? Will we discuss my testimony? What time do I have to be *where?* Is there a place for me to park?
   8. \_\_\_\_\_ Have I provided information/testimony already? May I have a copy?
   9. \_\_\_\_\_ Is there evidence “on the other side”? May I have a copy?
   10. \_\_\_\_\_ Is there an expert “on the other side”? What is the testimony?

Give a short *rationale* for your prioritization.

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