

THE PHYSICIAN AS A WITNESS

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ABOUT ME

David M. Ottenwess

David is the Founding Partner of Ottenwess Law and has been litigating medical malpractice cases for over 35 years. He has defended highly complex and contentious cases against some of the more aggressive attorneys in the State of Michigan.

Because of his trial experience in high stakes matters, David is also retained in other significant, complex litigation, arbitration, and negotiations, including termination of executive employment agreements and related matters.

PHYSICIAN AS A WITNESS

As a practicing physician, you will most assuredly encounter the legal system, most likely as a witness in some legal proceeding



ACKNOWLEDGE IT

ACCEPT IT

MAYBE EVEN EMBRACE IT



So if the law comes knocking, you need to be prepared

3 WAYS TO BECOME A WITNESS

1

Fact Witness
(Criminal or Civil)



2

In your own
lawsuit



3

Voluntarily as
an expert
witness



In all cases, know your role and know what you are talking about



NON-PARTY WITNESS

Subpoena power

Voluntary vs. Involuntary

Civil vs. Criminal

Non-relevant personal injury vs.
very relevant medical malpractice

YOU AS A WITNESS IN YOUR OWN LAWSUIT

The absolutely most critical part of your lawsuit, outside of trial, will be your own deposition in your own case



BE PREPARED



BE ALERT



BE RESTED



BE CONFIDENT

Don'ts

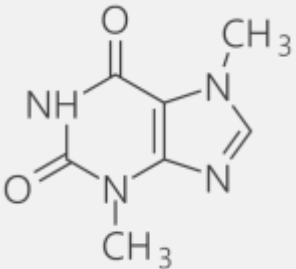
YOUR OWN LAWSUIT



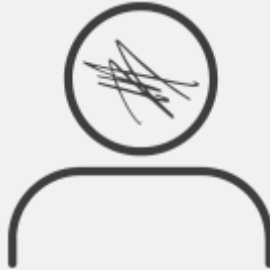
Don't be exhausted
(just finished a 10-12 hour shift)



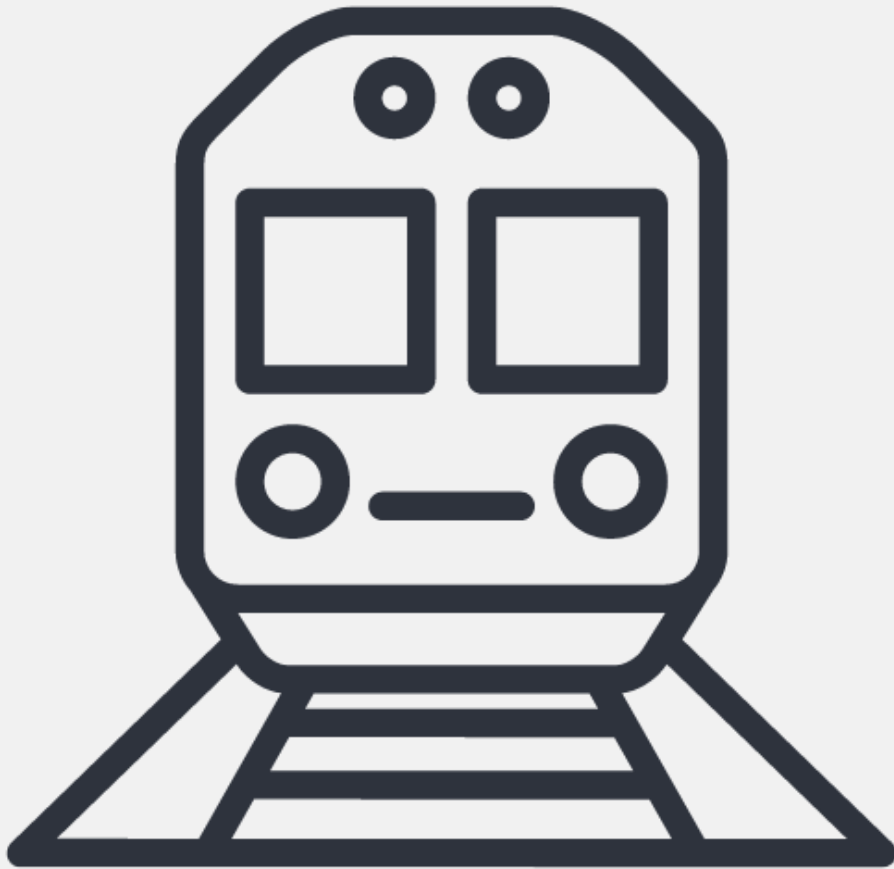
Don't be purposely
combative



Don't be overloaded with
caffeine

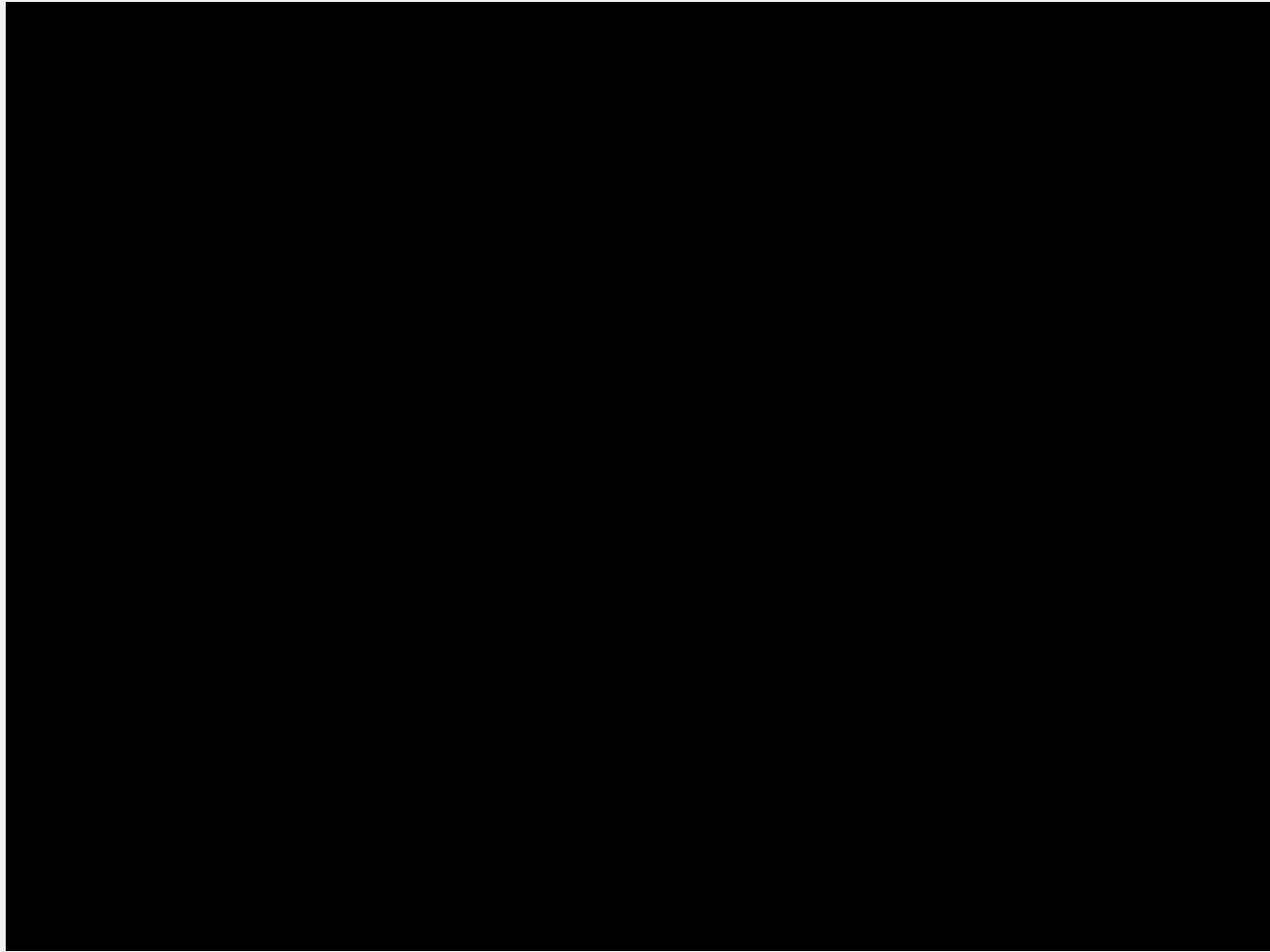


Don't look disheveled



ANSWERING QUESTIONS

- There is no script – you must be truthful and be yourself
- Listen to your counsel's "absolutes"
- Know the material – no exception to this rule
- Anticipate the concession train
- Break the rhythm of the concession train
- Reptile



THANK YOU



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