REHB 672 Law and the Forensic Rehabilitation Consultant

Instructor: Credits: 3
Office: Online Class hours:
Phone: Online Office hours:
Email:

Text and materials:

Supplemental materials:


State and Federal Statutes that apply to specific cases cited or general areas of litigation in which forensic rehabilitation experts practice

State and Federal Rules of Evidence (representative states in which students are located or within which they practice)

State and Federal Rulings on Hearsay

**Course Description:**

Detailed orientation to legal procedures, precedents, and venues. Qualifications of forensic experts under Daubert and Kumho. Ethical practices; admissibility of evidence; federal and state rules of evidence; discovery procedures; hearsay evidence, deposition and testimony at trial; direct and cross-examination.

**Student Learning Outcomes:**

1. Demonstrate knowledge of the various areas of litigation in which a rehabilitation professional’s expertise may be utilized to assist the courts in determining the impact of disability upon an individual and/or their surviving family members.

2. Demonstrate an understanding of the differences between litigation that falls within state or federal venues.

3. Demonstrate understanding of court procedures, rules governing the court, roles of the various parties involved within a deposition or court trial, specific terminology relating to challenges or procedures of the court, standards applicable to the rehabilitation practitioner as a fact witness, testifying expert witness, or a consultant to attorney(s) and/or the court.
4. Demonstrate knowledge of court procedures, including the implications of various legal precedents that impact on the qualifying of the rehabilitation professional as an expert in their discipline, admissibility of evidence and expert opinion, and related areas of issue or concern for the courts in utilizing expert witnesses in general.

5. Demonstrate knowledge of and ability to search and secure appropriate reference materials located within specialized databases for the specific type of litigation, court venue, and needs of differing case characteristics.

6. Demonstrate knowledge of the strengths and limitations of various methodologies (i.e., transferable skills analysis, job placement, etc.), databases and references typically utilized by rehabilitation experts and consultants, such as the D.O.T., O*NET, labor market statistics, salary and wage surveys, labor market forecasts, and how they relate to current requirements for admission of opinion and how they can be attacked by opposing counsel, etc.

Course Requirements and Grading Method:

A. Requirements:

The student will demonstrate the knowledge, critical thinking, and requisite skills pertaining to this course by:

1. Completion of objective written examinations covering all content included in the course. (400 pts.; 40% of final grade)

2. Completion of threaded discussions that address critical concepts and procedures resulting from various laws and precedents, and existing within the diverse areas of litigation within which forensic rehabilitation consultants provide their expertise. (200 pts.; 20%)

3. Demonstrating within a written paper and/or oral presentation, the critical concepts, precedents, procedures, and precedents governing the court and impacting on the admissibility of the forensic rehabilitation expert or consultants opinions. Topics of the assignment will include addressing of strengths and limitations of standard rehabilitation methodologies, procedures, assessment, service determination, job placement, assistive technology and accommodations, etc., within court procedures and justifying their use under the Daubert and other rules. (200 pts.; 20%)

4. Demonstrate the appropriate use of specific databases and other references that would address the roles and functions that rehabilitation consultants would fill within diverse areas of litigation where disabilities, discrimination, catastrophic injury, and/or wrongful death has occurred, according to the characteristics and
needs of individual cases. (200 pts.; 20%)

B: Grading Method:

A = 90.0% and above.
B = 80.0% to 89.9%
C = 70.0% to 79.9%
D = 60.0% to 69.9%
F = 59.9% or below

Course Content and Tentative Schedule:

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5    Evidence and Hearsay
6    Qualifications of the Forensic Rehabilitation Consultant
7    Bulletproofing the Expert CV
8    Properly Forming & Expressing Opinions
9    Methodology
10   Bulletproofing and Expert’s Report
11   Connecting with the Jury
12   Preparing to Testify at Deposition & Trial
13   The Expert Deposition
14   Direct Examination
15   Cross-Examination
16   What Clients Look for in an Expert
17   How Attorneys Locate Expert Witnesses
18   Marketing an Expert Witness Practice
19   Fees, Billings, & Collections
20   Expert Witness Liability & Risk Management
21   Privilege, Work Product, & Discovery
22   Communicating with Counsel
23   Ethics & The Expert
24   Handling Abuse