

INSTRUCTIONS FOR PREPARING WRITTEN REPORT OF EXPERTS

1. Rule 26(a)(2)(A) of the Federal Rules of Civil Procedure requires the parties to disclose the identity of persons who may testify as experts at trial under Rules 702, 703, or 705. Except as otherwise stipulated or as directed by the Court, the parties must provide a written report prepared and signed by an expert who is retained or specially employed to provide expert testimony or whose duties as an employee of the party regularly involve giving expert testimony. **(Fed. R. Civ. P. 26(a)(2)(B))**
2. The written report prepared and signed by the expert shall contain the following:
 - a complete statement of all opinions to be expressed by the expert and the basis for them;
 - the data or other information considered by the expert in forming the opinions;
 - exhibits to be used to summarize or support the opinions;
 - qualifications of the expert, including a list of all publications authored by the expert within the preceding 10 years;
 - compensation to be paid the expert; and
 - a list of cases in which the expert has testified at trial or by deposition in the last four years. **(Fed. R. Civ. P. 26(a)(2)(B))**
3. These disclosures shall be made at the times and in the sequence directed by the Court in the Scheduling and Discovery Order. In the absence of other directives by the Court, or written stipulation of the parties, disclosure of experts must be made at least 90 days before the case is to be ready for trial or within 30 days of another party's disclosure when intended only to contradict or rebut that disclosure.
4. The cost of preparation of the written report prepared and signed by the expert witness shall be the responsibility of the party disclosing that expert.
5. After this report has been provided, the expert may be deposed without need for court approval, but with the expert's fee for the deposition paid by the noticing party. The cost and expense for any deposition preparation shall be paid by the party tendering the witness as an expert. The report and deposition testimony are subject to a duty to supplement if before trial there are material changes in the opinions (or reasons). These experts will ordinarily be limited at trial on direct examination to the matters so disclosed.
6. As a general rule, a treating physician is not subject to the written report requirements of Rule 26(a)(2)(B). Upon written motion of a party, the Court may determine whether any expert, including a treating physician, is a "retained" expert and subject to the provisions of Rule 26(a)(2)(B).