

An Interview with an Expert Witness

By Lindsay Dalluge

We are all familiar with traditional nutrition careers. But have you heard of nutrition expert witnesses? The field is small but there are dietitians who work in this area.

I recently had the chance to speak with Nancy Collins, PhD, RD, LD/N (pictured below) about this interesting line of work. In addition to running a successful consulting business and managing an informative website (RD411.com), she also frequently serves as an expert witness in medical malpractice and wrongful death lawsuits. Dr. Collins has her PhD in nutrition with a clinical specialty in wound care and a specialization in nursing home regulatory compliance issues. Although she did not seek out work as an expert witness, after becoming known as an expert in the field she received a phone call from an attorney defending a nursing home. The attorney requesting her expertise asked that she review the records to determine if the standard of care was met. Since that first case in 1993 she has reviewed over 450 cases.

Typically an attorney will contact an expert and ask that he or she look over the patient records. This can potentially amount to tens of thousands of pages. In order to remain fair and just, one must consider both sides of the case. For example, Dr. Collins has worked for both the plaintiff and the defendant. It would be unethical for her to only defend nursing homes, or to only testify against nursing homes.

It is also imperative that a dietitian working as a witness actually have expertise in the area in which he or she is testifying. The lawyer on the opposing side will use many tactics to discredit the expert and throw out their testimony. All publications and any previous testimonies from the expert will be used against the expert in order to catch any contradictions of opinion. The expert witness must have nerves of steel and must be able stand strong in their convictions.

Dr. Collins has turned down many cases for which she is simply not an expert. There is just not time to become well versed in an area which is unfamiliar. It is necessary to know and understand the process of care for that specific area. Lawyers will be able to ferret out a professional who is not an expert. Attorneys typically are not looking to hire someone who does expert witness work on a full-time basis because they are searching for someone who has lots of actual hands-on experience.

While this is certainly not for everyone, for the person who enjoys thought-provoking work, has plenty of specialized experience, is very detail-oriented and has the ability to remain cool under fire, this can be a great option. Dr. Collins very much enjoys her work and loves the “mental exercise” it provides. Understanding the perspective of the client and their family and why they feel a lawsuit is their only course of action helps her become a better dietitian. It also assists her in training nursing home professionals so as to minimize the risks associated with practice.

If you are interested in unique and non-traditional dietetic careers, Dr. Collins suggests joining the Nutrition Entrepreneurs dietetic practice group of the American Dietetic Association. You will be inspired by all the great things dietitians are doing and may learn quite a bit in the process.

Lindsay is currently a student at Minnesota State University, Mankato. She is completing a B.S. in Family Consumer Science with a concentration in dietetics. She can be reached at lindsaydalluge@yahoo.com.