A MONTHLY REVIEW OF EXPERT PRACTICE ATTORNEY EDITION NUMBER 3

The Vident Review



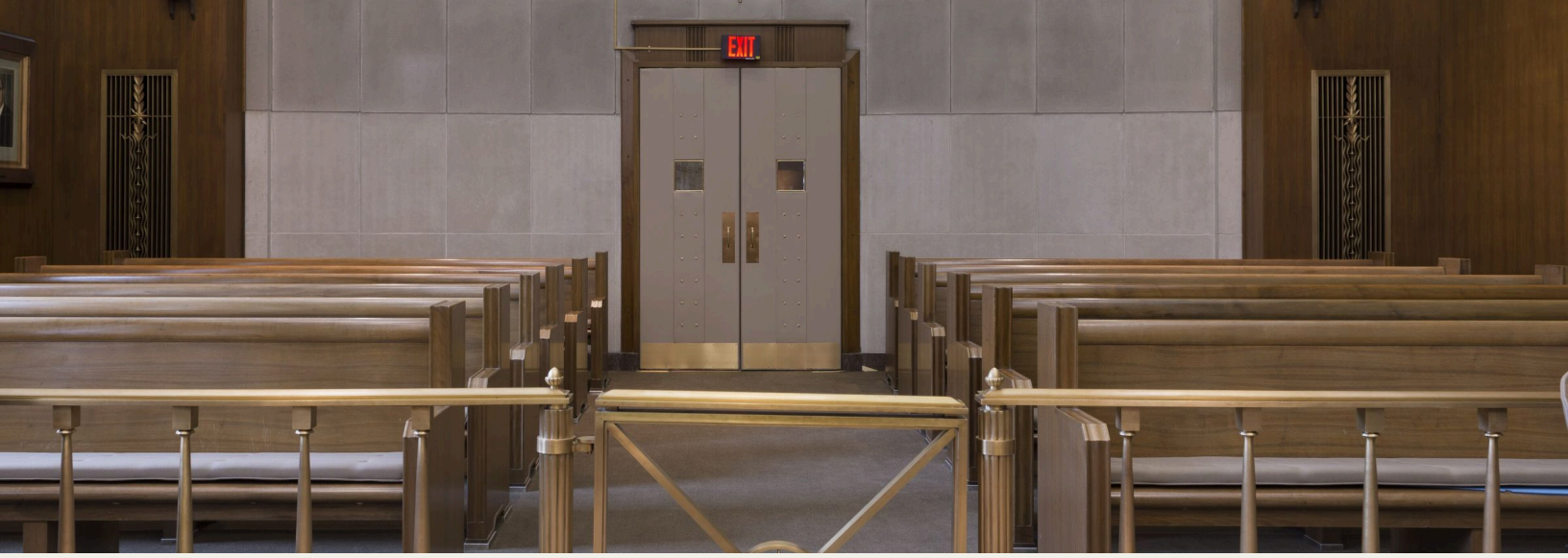
How to choose an expert

A stack of CVs leaves the hard part to you.

THE STANDARD
What the Supreme Court asks of a school

EXPERT PROFILE
Laura Wilk wrote the state's Section 504 guide

FOR COUNSEL
Which specialist does the case need?



NUMBER 3

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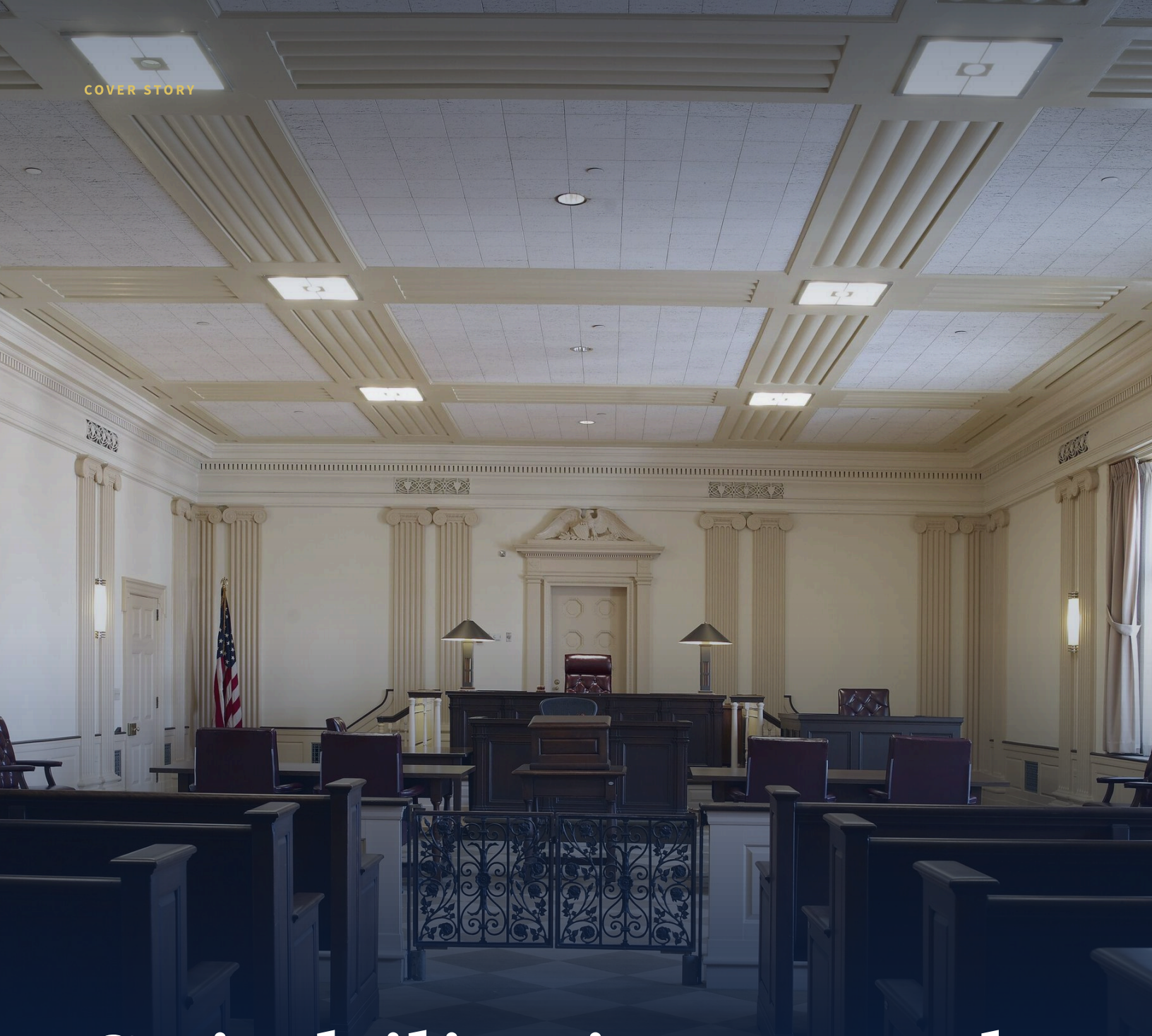
FROM THE EDITORS

The right expert for this case

Every search starts with one question: who should I use? The answer depends on the case, the court and the person, which is why a list of names cannot give it.

This issue walks through how the choice gets made. The standards piece shows how a general legal standard puts the weight on the record, and the profile is an expert who has worked on all three levels of the system she now examines.

The Vident Review is published monthly by Vident Partners, Dallas, Texas, for the attorneys who retain experts and the experts they retain. **Managing Partner** Arie S. George, J.D. videntpartners.com



Suitability is a match

There is no such thing as a universally strong expert. There are only experts who are strong for a particular case.

Attorneys often begin their search for an expert by reading a CV, and many end it there as well. A CV looks authoritative, it is easy to compare and it is easy to file.

Peter George, writing for Vident in October 2026, put the limit in one line: “Suitability is not a credential. Suitability is a match.” Here is how to find the match, in the order Vident works.

1 **Start with the question.**
What does the expert have to answer? Consulting or testifying? Where will the case be heard, and is it likely to reach a jury? What are your deadlines? Everything else follows from these.

2 **Get the specialty right.**
Marty Aisenberg wrote about *Mobile Infirmary Association v. Fagerstrom* (Ala. 2023), a case he called "an object lesson." The causation question turned on sepsis and a wound infection, and the plaintiff's one expert was a primary care physician. The court found his causation opinion "conclusory, speculative, and without a proper evidentiary foundation." If the plaintiff could afford only one expert, Aisenberg concluded, it should have been a specialist in infectious diseases or wound care.

3 **Read the record.**
Credentials, publications, prior testimony, and Daubert or Frye history. A CV can establish baseline competence. It can show that an expert has been trusted by other attorneys. It tells you only what the expert chose to include.

4 **Interview for how they think.**
"An interview shows whether you want that expert testifying for you," Peter George wrote. It shows how the expert reasons through uncertainty, explains technical concepts to a non specialist and handles limitations in the data. It shows how they react when the conversation turns adversarial.

5 **Run the background.**
Witnesses carry risk. A background check can uncover prior litigation conflicts, undisclosed testimony, disciplinary actions and credibility issues. They rarely appear on a CV, and they can become central in cross-examination.

6 **Match the person to the room.**
Whether they have testified at trial as well as deposition, whether in a court like yours, and how they come across to the people deciding the case. A high profile expert may be wrong for the venue.

7 **Decide who you would call first.**
"We almost always refer a single expert," Peter George wrote in 2020. Vident talks to experts it knows, then tells the attorney who it would choose and why. When you want to compare, it sends more.

> "A brilliant academic may be a disastrous witness. A modest CV may hide a superb communicator."
>
> PETER GEORGE, OCTOBER 20, 2026

> “Qualifications determine who can do the work. Judgment determines whom you should choose.”
>
> PETER GEORGE

WHAT VIDENT VERIFIES ON THE RECORD

- Board certifications and licensure
- Academic credentials and training
- Publication and research history
- Prior deposition and trial testimony
- Daubert and Frye qualification
- Potential conflicts of interest
- Availability for your timeline
- Rate structure and billing practices

WHAT VIDENT LEARNS BY TALKING TO THEM

- How clearly they explain the subject
- How they respond when challenged
- Whether they have testified at trial as well
- Where they have testified and how it went
- How they present themselves in a courtroom

A STACK OF CVS

A stack of CVs leaves the hard part to you: read them all, interview most of them, then interview the finalists again. Vident does that work first. “You do a lot of things every day that only a lawyer can do,” Peter George wrote in 2023. “Finding experts is not one of them.”

THE PINK UNICORN

One of Vident’s clients calls the hardest searches “pink unicorns”: sky diving instructors, forensic meteorologists, horizontal directional drilling experts, pediatric surgeons. In a small field, the qualified people are contacted quickly and become unavailable. Speed and accuracy both matter, so call early.

Peter George, “Why a Forensic Expert’s CV Cannot Tell You What You Need to Know,” October 20, 2026; “How Do You Choose an Expert?”, November 17, 2020; “Looking for a unicorn?”, October 10, 2023; “Catching the Pink Unicorn,” May 12, 2020. Marty Aisenberg, “An object lesson about choosing a medical expert in the wrong specialty,” January 23, 2024. All on Vident Insights.

Which specialist does the case need?

Two titles can sound alike and answer different questions. Vident's conversations with counsel often show a case needs a different field than the one first requested.

Neurologist

Diagnoses and treats disorders of the nervous system: epilepsy, stroke, multiple sclerosis, Parkinson's disease. The focus is on the physical aspects of the condition.

Neuropsychiatrist

Trained in both neurology and psychiatry. Evaluates conditions with neurological and psychiatric sides, such as traumatic brain injury or dementia causing cognitive, emotional or behavioral problems.

Medical toxicologist (M.D.)

A physician who evaluates and treats poisoned patients. The field "bridges the gap between the laboratory test and real-world effects," in Dr. Stephen Thornton's words.

Ph.D. toxicologist

A scientist who studies toxic effects at the molecular, cellular and organismal levels. Particular expertise in the impact of environmental substances on human health.

Testifying expert

Gives opinions at trial. Most of the file is subject to discovery. Chosen for the room as well as the record.

Consulting expert

Helps counsel understand and prepare the case. Many experts who will not testify are willing to consult.

Arie S. George, "The difference between a neurologist and a neuropsychiatrist," June 13, 2023, and "The difference between MD toxicologists and PhD toxicologists," May 9, 2023. Dr. Stephen Thornton, "What is a Medical Toxicologist?", June 30, 2020. Peter George, "What's In a Name?", December 1, 2020.



FOR COUNSEL

What to have ready for the first call

1 **The question.**
What the expert has to answer, in a sentence or two.

2 **The role.**
Consulting, testifying, or one of each.

3 **The court.**
Where the case will be heard, and whether it is likely to reach a jury.

4 **The clock.**
Your deadlines, including any designation date.

The search and the consultation are complimentary, often within 24 hours, with no obligation to retain an expert Vident recommends.

You engage the expert directly, and Vident handles introductions, scheduling and rate discussions. If the first match is not right, Vident searches again at no additional cost.

THE STANDARD

What the Supreme Court asks of a school

In 2017 a unanimous Court set the substantive standard for a child's special education program under IDEA.

> "a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances."

Endrew F. v. Douglas County School District RE-1, 580 U.S. 386 (2017)

39,151

IDEA due process complaints filed in school year 2023–24 across the U.S. and outlying areas. New York alone accounted for 68.2 percent.

Endrew F. displaced the Tenth Circuit's rule that an IEP sufficed if it conferred benefit "merely more than de minimis." The Court called that test markedly less demanding than the one it set.

Where grade-level advancement is not a reasonable prospect, the program must still be "appropriately ambitious in light of his circumstances," because "every child should have the chance to meet challenging objectives." The Court was explicit that this describes a general standard. It is no formula.

WHAT IT MEANS FOR AN EXPERT

A general standard puts the weight on the record. The question an expert has to answer is whether this program, for this child, was reasonably calculated to do what the Court described, and whether the goals were measurable, individualized and tied to the team's data.

Laura Wilk, who anchors the Center with Dr. Barry Feldman, wrote in 2026 about a new risk, the IEP drafted by a language model: "The most dangerous consequence of AI-generated IEPs is the creation of a document the educator cannot independently explain or defend."

THE SYSTEM UNDER STRAIN

About 7.5 million students ages 3 to 21 were served under IDEA in 2022–23, roughly 15 percent of all public school students. In school year 2023–24 families filed 9,927 written state complaints, the most on record, and the share resolved inside the federal 60-day timeline fell to 81 percent, against a ten-year mean of 92 percent.

THREE PHASES, TWO REFERENCE DOCUMENTS

The Center also maps what schools owe around youth suicide across prevention, intervention and postvention. The recognized references are the Model School District Policy on Suicide Prevention and "After a Suicide: A Toolkit for Schools."

> It is hard to be the administrator. Hard to be the teacher. And hardest of all to be the kid.
>
> FROM THE CENTER'S INTRODUCTION

ALSO IN THIS CENTER

When a district is liable for peer harassment

Restraint and seclusion: guidance, not prohibition

Section 504 and ADA Title II after *A.J.T. v. Osseo Area Schools*

Child find, evaluation and the IEP process

SOURCES As published in The Standard of Care in Schools, vidente partners.com/network/standard-of-care-in-schools, read November 5, 2026: *Endrew F.*, 580 U.S. 386 (2017), slip op. No. 15-827; IDEA Dispute Resolution Data Summary, 2013–14 to 2023–24, and Trends in Dispute Resolution, CADRE, August 2025. Laura Wilk, "The Unexplainable IEP," Vident Insights, October 6, 2026.

EXPERT PROFILE

CALLED ON FOR

- FAPE sufficiency and IEP defensibility
- Section 504 standard of care
- Endrew F. goal analysis
- IDEA compliance and procedural safeguards
- Due process and dispute mitigation
- AI and educational technology compliance



She wrote the state's Section 504 guide

Laura Wilk, M.Ed., has worked from the classroom to the Texas Education Agency, and on the district's side of a state complaint.

As State Section 504 Coordinator for the Texas Education Agency, Laura Wilk authored the agency's *Technical Assistance: Section 504 Guide*, the state's primary guidance for local educational agencies. She developed statewide compliance guidance reaching more than seven million students and coordinated with the federal Office for Civil Rights.

She knows what that guidance looks like when a complaint arrives. As Administrative Supervisor of Critical Cases for Austin ISD, she managed the district's response to written state complaints, including the investigations, the documentary response and the corrective action plans. As Section 504 Compliance Coordinator there, she oversaw implementation across 125 campuses and more than 300 campus coordinators and supported the district through a federal Office for Civil Rights audit.

Before that she spent nine years at Plano ISD as a special education teacher, Academic Specialist for Section 504 and team lead, working directly in the evaluation, eligibility, IEP and placement processes she now examines as an expert.

SIXTEEN YEARS, THREE LEVELS

Ms. Wilk has more than 16 years of experience across state policy, district administration and classroom practice. She most recently served as a fractional Director of Special Education Operations for Texas districts, reviewing whether IEP goals are measurable, individualized and consistent with state and federal requirements.

She writes for Vident Insights on *Endrew F.*, Section 504 and deliberate indifference, and AI in IEP drafting. Her expert opinions are formed independently through direct review of case records.

> "I was excited about the higher bar of expectation for educators developing IEP documents"
>
> LAURA WILK, ON TEACHING WHEN ENDREW F. CAME DOWN

THE OTHER ANCHOR



Barry N. Feldman, Ph.D., LICSW, is Assistant Professor of Psychiatry at UMass Chan Medical School and a suicidologist with more than 20 years of clinical, teaching and research experience.

Full profile: videntpartners.com/experts/featured/laura-wilk. Articles: "The Endrew F. Myth," June 16, 2026; "The Section 504 Standard of Care," July 14, 2026; "The Unexplainable IEP," October 6, 2026.

A TERM WORTH KNOWING

Voir dire

The process that tests an expert's qualifications before testimony. The court or opposing counsel may question the expert's background, methodology and objectivity.

FURTHER READING ON INSIGHTS

Why a Forensic Expert's CV Cannot Tell You What You Need to Know

Peter George, October 20, 2026

General requirements for expert witnesses

Arie S. George, September 9, 2025

An object lesson about choosing a medical expert in the wrong specialty

Marty Aisenberg, January 23, 2024

What are you working on?

Reply to the email this review came with and it reaches Arie George.

NEXT MONTH

Who wrote the report?

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