

Expert discovery — Data relied upon by an expert.

Question: In disclosing an expert, [Rule 26\(a\)\(4\)\(A\)](#) says to provide, among other things “a brief summary of the opinions to which the witness is expected to testify [and] all data and other information that will be relied upon by the witness in forming those opinions....” Does this mean the party must produce actual records? Or does it mean just a summary list, such as “my training, my education, my 30 years of experience, the plaintiff’s medical records”?

Answer: The disclosure should include a concise, yet thorough, summary of the expert’s opinions in the same way that a summary of the expected testimony of fact witnesses is to be disclosed in initial disclosures. The disclosure does not have to include the actual records relied upon in forming those opinions, but it should identify the records reviewed, the texts consulted and so forth, keeping in mind that such foundation topics should be more fully described in the report or deposition.