



Judge Amanda Mercier of the Georgia Court of Appeals. (Photo: John Disney/ALM)

Judge Amanda Mercier ruled that a trial court has broad discretion to sanction lawyers who surprised opponents with a new expert witness the day before the trial.

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Reporter

In upholding a \$12 million birth injury verdict—and \$6.4 million judgment—the Georgia Court of Appeals offered a warning about expert witnesses: no surprises.

“The defendants did not disclose expert opinions ... until one business day before the start of a complex medical malpractice jury trial, even though they had known about the factual predicate for those opinions for several years,” Judge Amanda Mercier said in a 15-page [opinion](#) issued Tuesday.

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