



Online Ethics Center  
FOR ENGINEERING AND SCIENCE

## **Serving Plaintiffs and Defendants (adapted from NSPE Case No. 98-4)**

### **Year**

1999

### **Description**

An expert in her field, an engineer is approached by lawyers for manufacturer XYZ to testify on behalf of XYZ. Later, a plaintiff asks her to testify in an unrelated lawsuit against manufacturer XYZ. Does accepting the second job create a conflict of interest for her?

### **Body**

Because of her expertise, Alexandra was retained by manufacturer XYZ for the purpose of reviewing documents to form an opinion in a patent litigation. She was paid for her services. Years later, she was approached by attorney Alexis, who represents a plaintiff in product liability litigation against manufacturer XYZ in a matter not involving any aspect of the earlier patent litigation.

Should Alexandra accept attorney Alexis' proposal and testify in this litigation?

Suppose that Alexandra does testify in this case on the plaintiff's behalf and that during cross-examination at this trial, opposing counsel questions Alexandra's previous relationship both in defense of and in litigation with manufacturer XYZ, implying that by providing those services, Alexandra was acting improperly. Years later, manufacturer XYZ requests her services again in a different patent litigation matter not related to either of the proceeding events.

Should Alexandra testify in this case?

[NSPE Code of Ethics](#) An earlier version may have been used in this case.

## **Notes**

See the original NSPE case at: [Serving Plaintiffs and Defendants - Case No. 98-4](#).

## **Rights**

Use of Materials on the OEC

## **Resource Type**

Case Study / Scenario

## **Parent Collection**

Professional Ethics in Engineering Practice: Discussion Cases Based on NSPE BER Cases

## **Topics**

Conflict of Interest

Engineer/Client Relationships

Expert Witness

Social Responsibility

Workplace Ethics

## **Discipline(s)**

Engineering

## **Publisher**

Online Ethics Center

Authoring Institution

Online Ethics Center