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No Expertise Required: How Washington D.C. Has Erred in Expanding Its Expert Testimony Requirement

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In 2005, Marlin Godfrey brought a diversity action in the United States District Court for the District of Columbia against Allen Iverson and his bodyguard, Jason Kane, stemming from a brawl at Eyebar, a Washington, D.C. nightclub. Godfrey alleged that Kane attacked him, causing him emotional and physical injuries, including a concussion, a ruptured eardrum, a burst blood vessel in his eye, and a torn rotator cuff. The jury found for Godfrey and entered a verdict against Kane for intentional infliction of emotional distress as well as assault and battery. The deeper pockets, however, belonged to Iverson. Godfrey was able to convince jurors that the NBA star was liable for the negligent supervision of his muscle and they awarded Godfrey $260,000, including $250,000 for pain and suffering.

Thereafter, Iverson and Kane ?move[d] for judgment as a matter of law, or, alternatively for a new trial,? but the court denied their motion, prompting their appeal to the United States Court of Appeals for the District of Columbia. On appeal, Iverson and Kane argued, inter alia, ?that the district court should have granted judgment as a matter of law on the negligent supervision claim because Godfrey did not introduce expert testimony to establish the standard of care Iverson owed in supervising Kane.? If the court was applying the law of any other jurisdiction, the argument would have fallen on deaf ears, however, the appellants' argument ?stem[med] from a peculiar aspect of common law negligence in the District of Columbia.?

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