



Six Principles for Becoming An Effective Expert Witness

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What Is An Expert Witness?

- An **expert witness, professional witness** or **judicial expert** is a witness, who by virtue of education, training, skill, or experience, is believed to have expertise and specialized knowledge in a particular subject beyond that of the average person
- Someone who can explain something to a judge or jury



1.

Never-Ever Take on a Case Beyond Your Expertise

Always tell the
truth

- You won't be able to adequately support your case
- Opposing counsel will find all of your weak spots
- You could be challenged and your testimony excluded (Daubert) – that goes into your permanent record

2.

Ask A Lot of Questions

- It is important to understand the relevant case facts
- Ask for the Complaint
- Ask for clarification on legal terms...maybe even a description in writing
- The more you ask, the more you will understand

3.

Educate the Attorneys

- Remember attorneys are NOT experts in your field (even though they pretend to know everything about everything)
- With your expertise and input, the attorneys craft their argument
- You might surprise them with new ideas
- YOU are the Expert, not the attorneys. Do not let them put words in your mouth

4.

Stay Organized

- I average 2000-3000 pages of materials per case including
 - Deposition transcripts
 - Documents
 - Exhibits
- Design your own system of organization and be disciplined about it

5.

Keep Track of Your Time and Invoice Promptly

- Get a retainer to be applied to the final invoice
- Ask how the attorney would prefer you bill for your hours ($\frac{1}{4}$, $\frac{1}{2}$, or whole hours)
- Ask who will be paying your bills and when
 - the Attys
 - the client
 - the insurance company
- Follow up if you are not paid as expected

6.

Learn from Every Case

- Learn the case theory and strategy
- Understand the principle and sections of the law applied
- Listen carefully to how opposing counsel questions you
 - Make sure you understand every question
 - Questions are often designed to trip you up

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