

BEING AN EXPERT WITNESS



Going Beyond Jury Duty...



WHAT IS AN “EXPERT WITNESS” ?

- **Witness representing a field of expertise**
 - **Info “outside ordinary knowledge of Judge or Jury”**
 - **Based on education, knowledge, experience**
 - **Different from “Eye” or “Character” witness**
- **Representing an Agency, Company or Individual**
 - **Working for “Plaintiff” or “Defendant”**



PREPARATION

- ***Initial meeting with Attorney to discuss:***
 - ***Case Details, Team members, Case schedule***
 - ***Your Role and Responsibilities***
- ***Review Depositions and Evidence***
- ***Give a Deposition (if applicable)***



PREPARATION

- **Site Visit**
- **Meet other Witnesses (Your side only)**
- **Pre-Trial Meetings**
 - **Go over general content of your testimony**
 - **Discuss courtroom procedures & etiquette**
 - **Last-minute strategies, presentation materials, etc.**



PREPARATION

➤ DO:

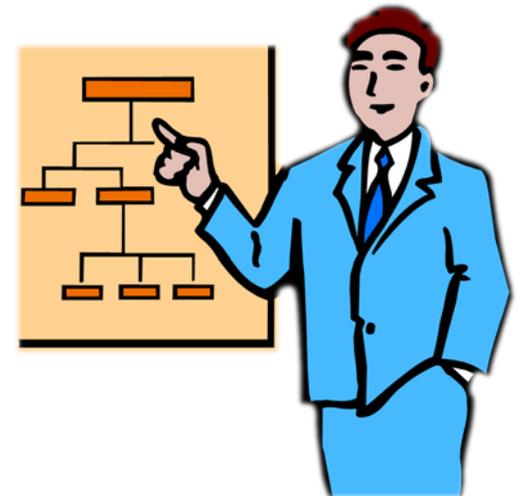
- *Provide docs/data/products your Attorney asks for*
- *Be accurate, thorough, diligent, consistent*
 - ❖ *Include References, Calculations, Assumptions*
- *Report errors, omissions immediately*
- *Respond to Attorney email/calls ASAP*
- *All Correspondence to Attorney only!*
 - ❖ *DON'T "cc" Others!*



AT THE TRIAL

➤ DO:

- *Tell the truth!*
- *Formal attire. Be on time. Be polite.*
- *Eye contact with Jury on the stand*
- *Explain technical terms, define acronyms*
- *Speak clearly, slowly and limit emotions*
- *Ask to repeat or clarify questions*
- *Relax, be yourself*



AT THE TRIAL

➤ **DON'T:**

- ***Exaggerate facts or findings***
- ***Use technical jargon without explaining***
- ***Keep talking during an Objection***
 - ❖ ***“Overruled” = Answer the question***
 - ❖ ***“Sustained” = Don’t answer. Attorney must rephrase***
- ***Get defensive or lose your composure***
 - ❖ ***May get asked tough or personal questions***
- ***Answer a question that wasn’t asked***



OTHER INFORMATION

- ***If the Agency Representative or “Client”***
 - ***Sit at table with Attorney in trial***
 - ***All conversations, correspondence covered under Attorney-Client Privilege***
 - ❖ ***Opposing Attorney can’t communicate with you outside presence of your Attorney...EVER!***
 - ***Listen to other witness testimony for:***
 - ❖ ***Inconsistent facts***
 - ❖ ***Omission of critical details that might counter other testimony or statements***
 - ❖ ***Errors in technical findings or conclusions***



OTHER INFORMATION

➤ **As an “Expert Witness”**

- **May sit in courtroom while others testify**
 - ❖ ***Unless Witnesses are Excluded (“Sequestration”)***
- ***If in Courtroom, listen and take notes:***
 - ❖ ***Inconsistent facts***
 - ❖ ***Omission of critical details that contradict other testimony***
 - ❖ ***Errors in technical findings or conclusions***
- ***Prepare to rebut testimony of other Experts***

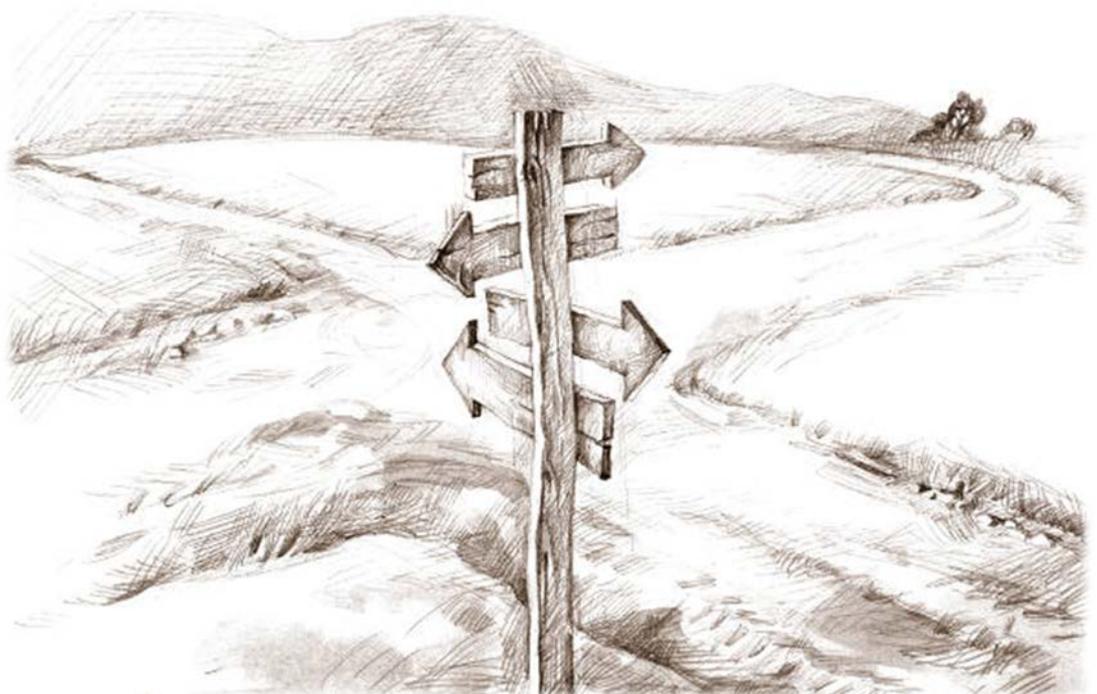
HELPFUL TIPS

- ***Be Prepared !!***
- ***Ask questions***
- ***Get comfortable with public speaking***
 - ***Classes, work opportunities, church services, ceremonies***
- ***Visit a courtroom - watch real cases***



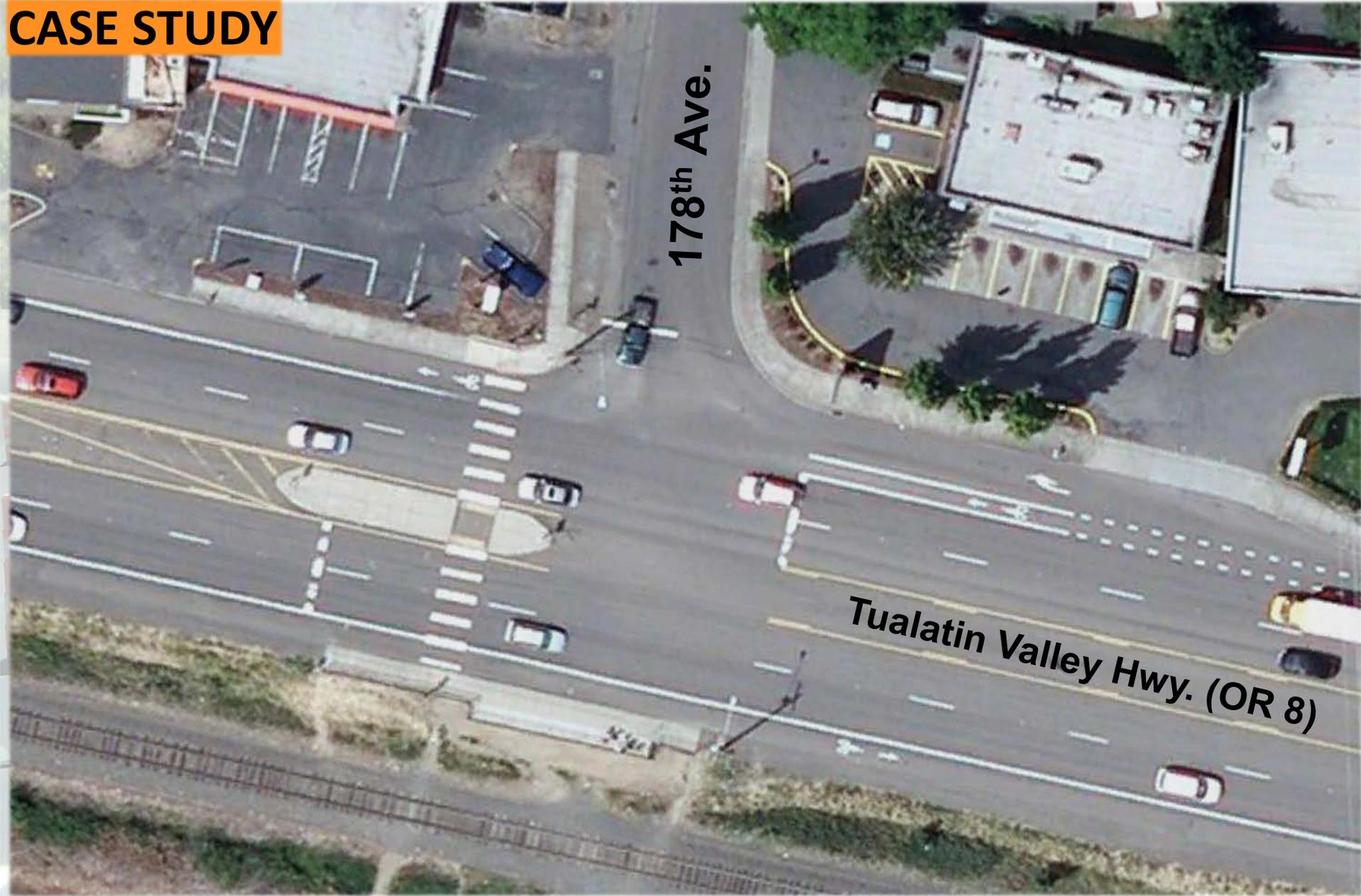
CASE STUDY

Tualatin Valley Hwy. (OR 8) @ 178th Ave



Being An Expert Witness

CASE STUDY



CASE STUDY

CASE CHRONOLOGY

- *May, 2003: Approval for marked crosswalk obtained*
- *Summer, 2004: Marked crosswalk, median island, signing installed*
- *2006 – 2007: “TV Highway Pedestrian Safety Plan” developed*
- *Spring, 2008: Intersection identified as STIP safety project
Signalization investigation begins*
- *March, 2009: Approval obtained for traffic signal*
- *December 20, 2009: Crash occurs*
- *January, 2010: Approval obtained for Rectangular Rapid Flashing Beacon (RRFB)*
- *March, 2010: RRFB activated*
- *April 10, 2012: Traffic signal activated*

Being An Expert Witness

TODAY

