

EXPERT WITNESS

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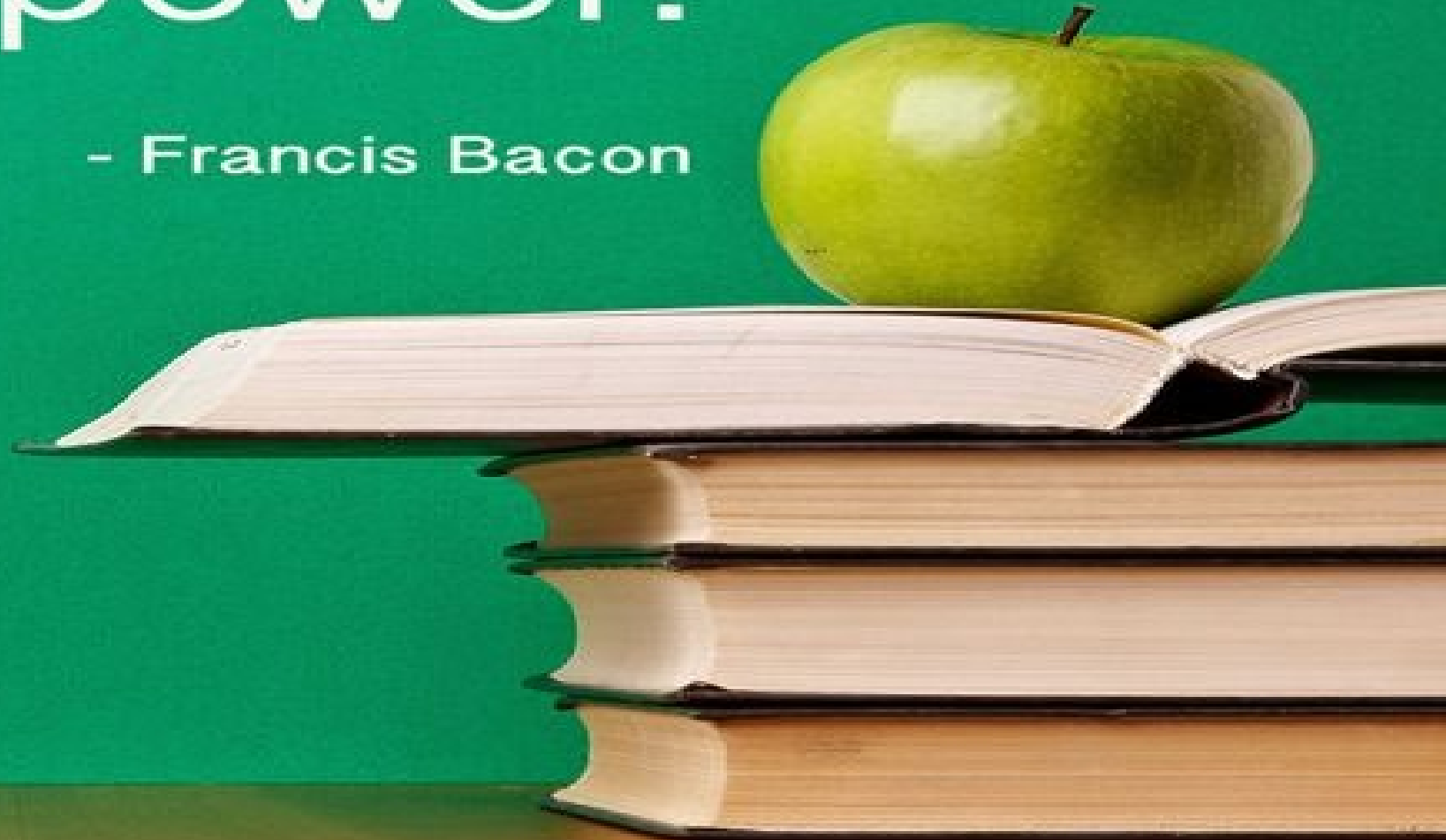
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When an expert witness has been obtained for a trial or case, he or she is questioned about his or her expertise. This knowledge of the relevant material is often invaluable to the case involved with the witness.

They are usually only asked to ensure the person has the necessary understanding of the field so that he or she may provide insight into the details needed for the judge or jury in determining the guilt or innocence of the defending party.

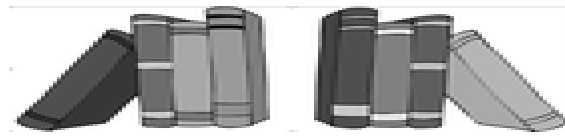
Knowledge
is power.

- Francis Bacon



**KNOWLEDGE IS
POWER,
BUT ONLY WHEN
YOU APPLY IT**

-KRISTEN POBORSKY



**KNOWLEDGE
IS POWER
BUT
ONLY WHEN
SHARED**

The truth is that most attorneys—even experienced advocates—lose ground when cross-examining an expert.

➤ ***Poor strategy***

➤ ***Pursue the wrong tack.***

➤ ***Believing that they can actually win an argument with an expert***

A forensic investigator wearing a white protective suit and a blue mask is examining a crime scene on a road. The scene includes several dark, irregular stains on the pavement, likely blood. The investigator is positioned in the center of the frame, looking down at the ground. The background shows a concrete wall and a yellow railing. The text "FORENSIC EXPERT WITNESS" is overlaid in yellow, slanted font across the center of the image.

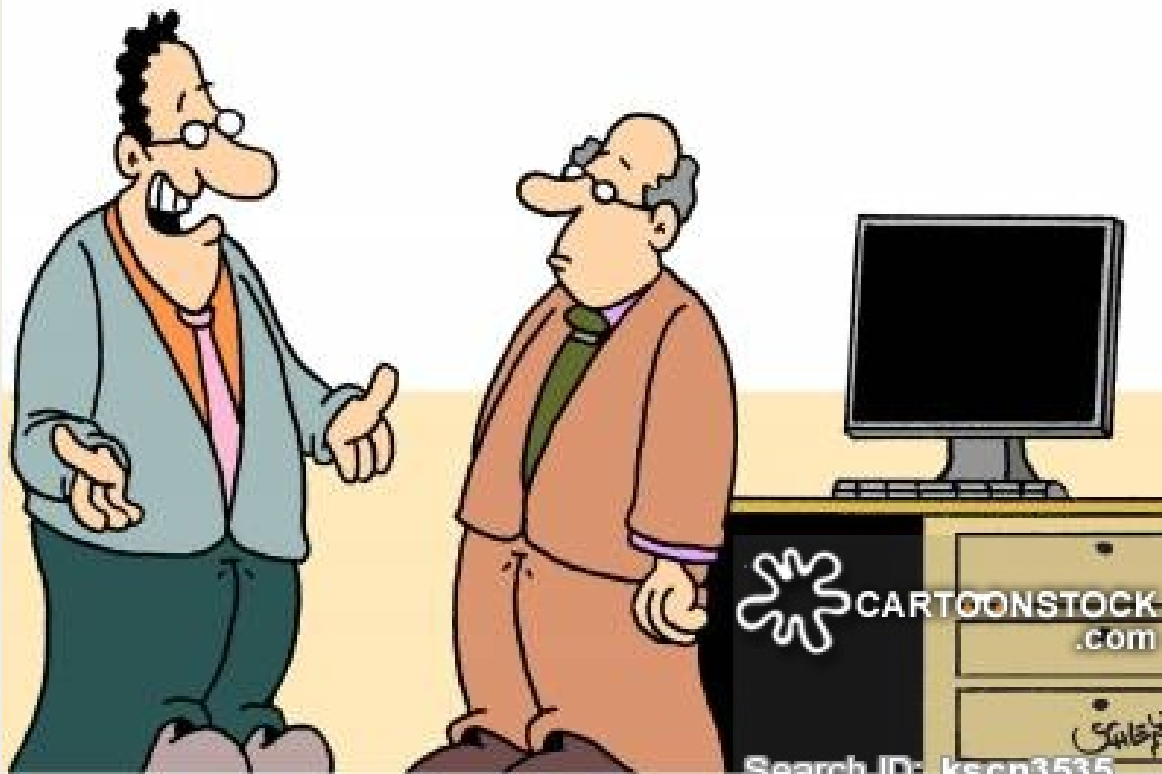
**FORENSIC EXPERT
WITNESS**

- *A forensic expert witness is a type of expert witness who would provide expert forensic testimony within a trial.*

Lawyer's perspective.....

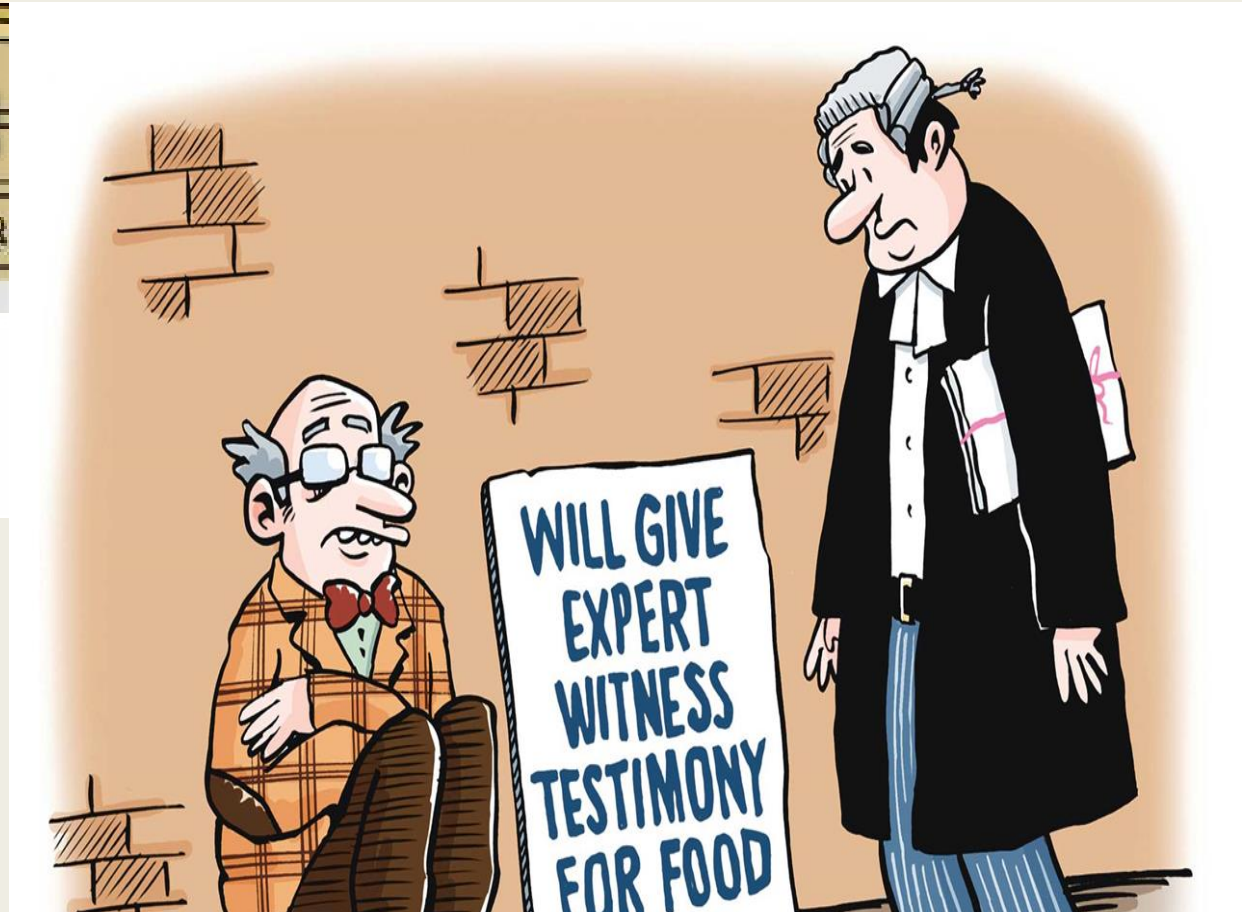
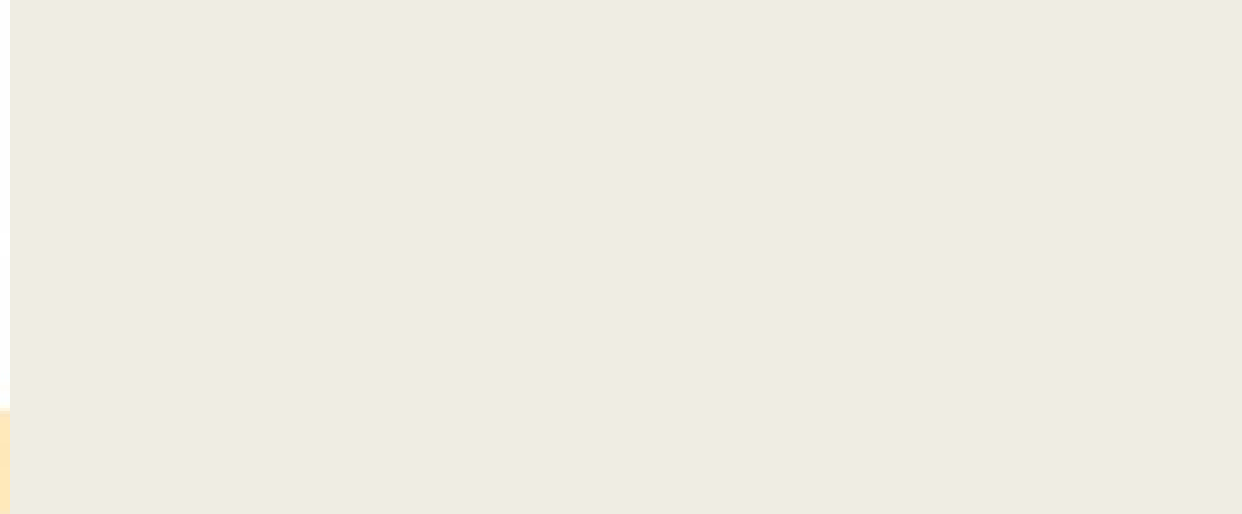


Trust me,
I'm the
expert!



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"SIR, AS A COMMUNICATIONS EXPERT, I KNOW HOW TO HANDLE PROBLEMATIC PEOPLE. SOMETIMES IT'S ENOUGH TO TELL THEM THAT I'M AN EXPERT IN MARTIAL ARTS TOO."



Who is an expert??

- ***Any doctor with M.B.B.S or and equivalent degree registerable with SLMC is consider an expert - regarding 'medical matters'***
- ***Is this the only thing we required to recognize a 'DOCTOR' as an 'EXPERT' ??***
 - ***Specialties in Medicine***
 - ***Sub – Specialties in Medicine***
 - ***Different levels of qualifications.....trainees to specialists***
 - ***Differel level /amount of experience –***
 - ***No. of years, different type of cases***
 - ***Continuation of service - ?? Retired.....***

Obtaining the Results Needed from the Expert Witness

Need to identify your objectives.

Explaining and Understanding the Expert's Specialty

Qualifications

Experience

Continuous professional development...



“What qualifies you to be a ballistics expert?”

1. BOX IN THE EXPERT AT DEPOSITION

- ***"Other than the opinions you have already expressed today, are there any other opinions that you intend to give at time of trial?"***

2. DO YOUR HOMEWORK ON THE EXPERT

- ***Not all experts are created equal. Make sure to carefully research the expert's qualifications, community standing in the expert's own field, prior testifying experience.***

3. KNOW THE EXPERT'S REPORT INSIDE AND OUT

- ***You should know the expert's report inside and out - every chart, figure, footnote, and how the different parts of the report interrelate.***

4. OUTLINE YOUR ATTACK

- ***Poor qualifications and/or lack of expertise***
- ***Rushed/incomplete analysis***
- ***Insufficient data or information to perform analysis***
- ***Wrong assumptions***
- ***Bias***
- ***Incorrect methodology***
- ***Inaccurate work***

5. LISTEN AND BE FLEXIBLE

- ***It is crucial to listen carefully during the direct examination of the opposing expert.***

Hire your own expert.

- ***your own expert can help you identify weaknesses in the other side's expert witness.***
- ***Not only to give evidence in courts....but even to guide you in questioning....probably a better option in some cases....***

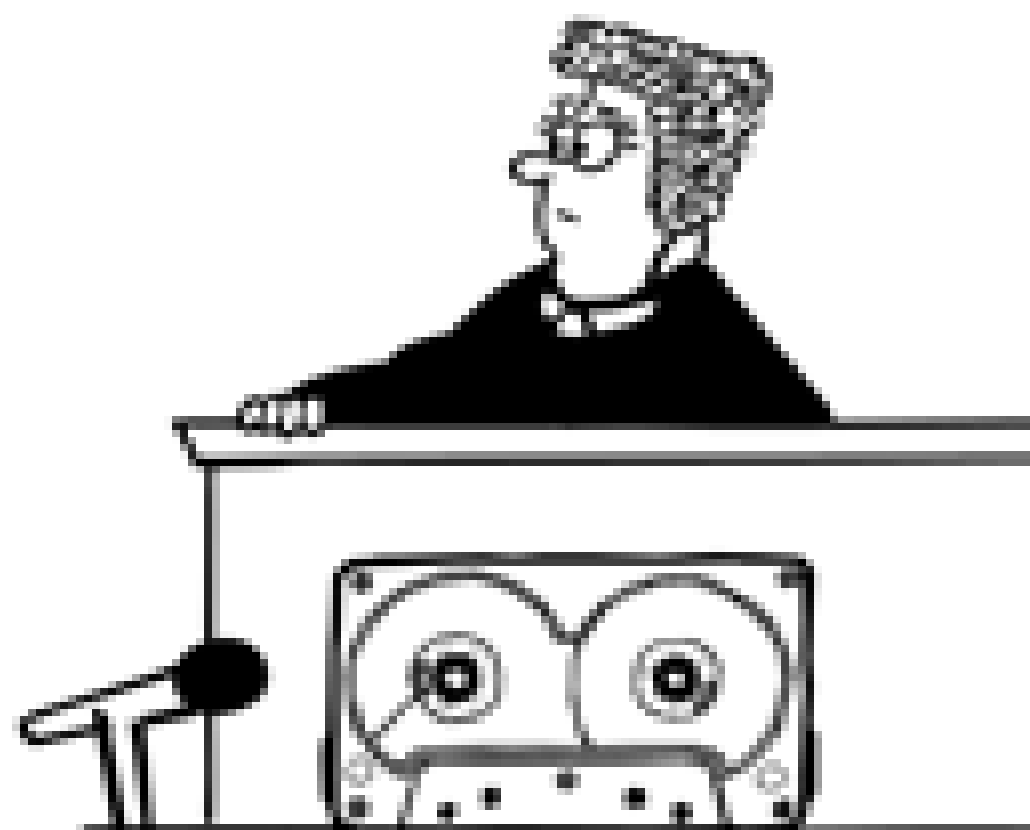
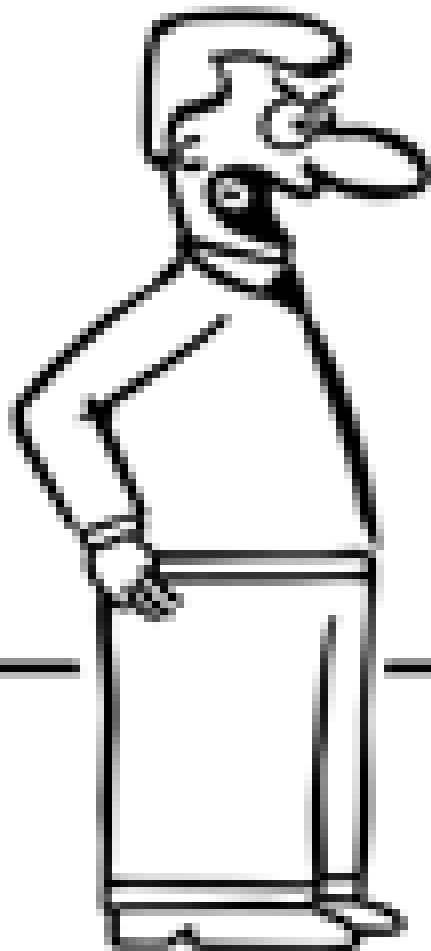
Conducting the Cross-Examination

- ***Listen closely to direct testimony.***
- ***Draft leading questions.***
- ***Ask questions about an expert's expertise***
- ***Challenge the basis of the expert's opinion.***
- ***Expose bias***
- ***Impeach the expert with conflicting statements - Experts might be prone to offering conflicting opinions when they are regular witnesses who represent both sides of an issue***

You shouldn't bully an expert, since you will only look weak.

- ***Instead, come up with a way to salvage the cross-examination by having the expert endorse themes that are important to your case.***

Your Honor,
the witness is
refusing to answer
my cross exam
questions.

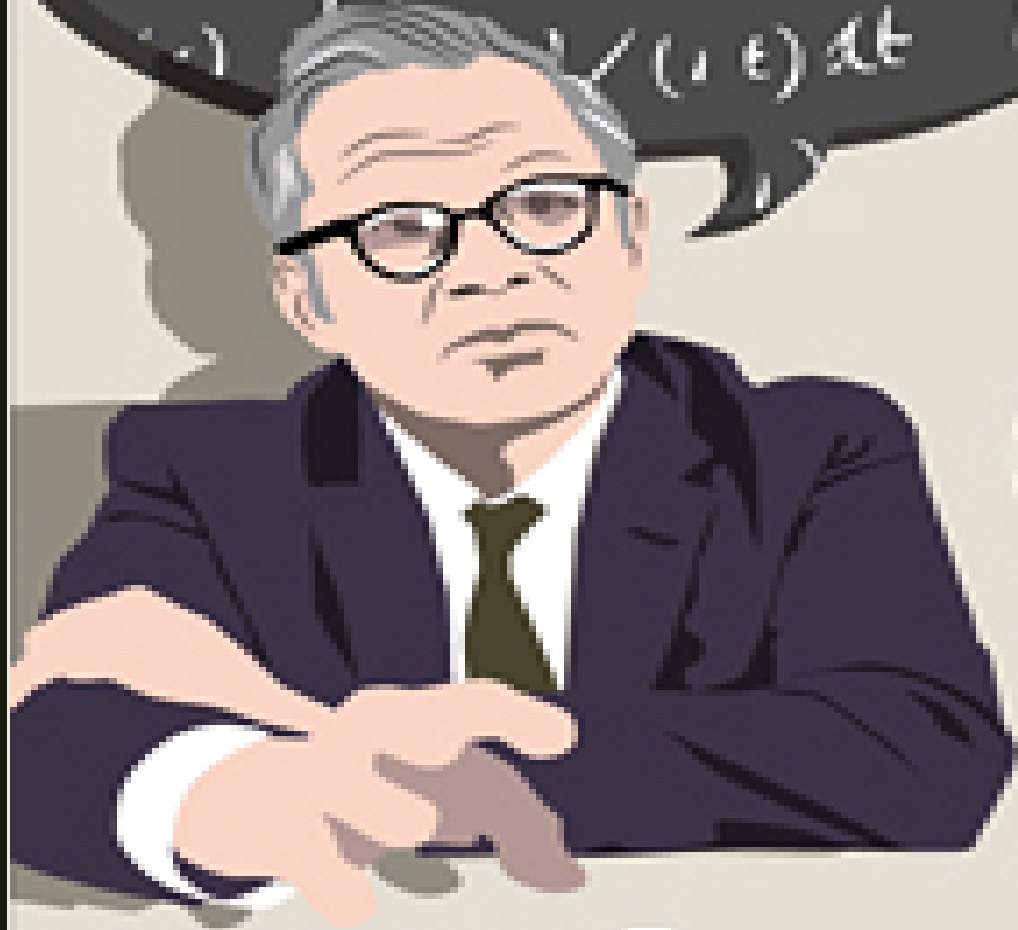


Remember your audience. Even the best juries might struggle to understand information that is very complex.

- ***Ask the witness to explain complicated terms or concepts. Some concepts might be explained on direct, but new ones might be mentioned on cross.***
- ***Don't overwhelm the jury. Identify the three or four most serious areas of weakness and concentrate on them. Any more and you risk boring the jury to tears***

What will an Expert witness do?

$\int_{-\infty}^{\infty} f(x) \delta(x-a) dx = f(a)$
 $\int_{-\infty}^{\infty} f(x) \delta(x-a) dx = f(a)$
 $\int_{-\infty}^{\infty} f(x) \delta(x-a) dx = f(a)$



expert

VS.

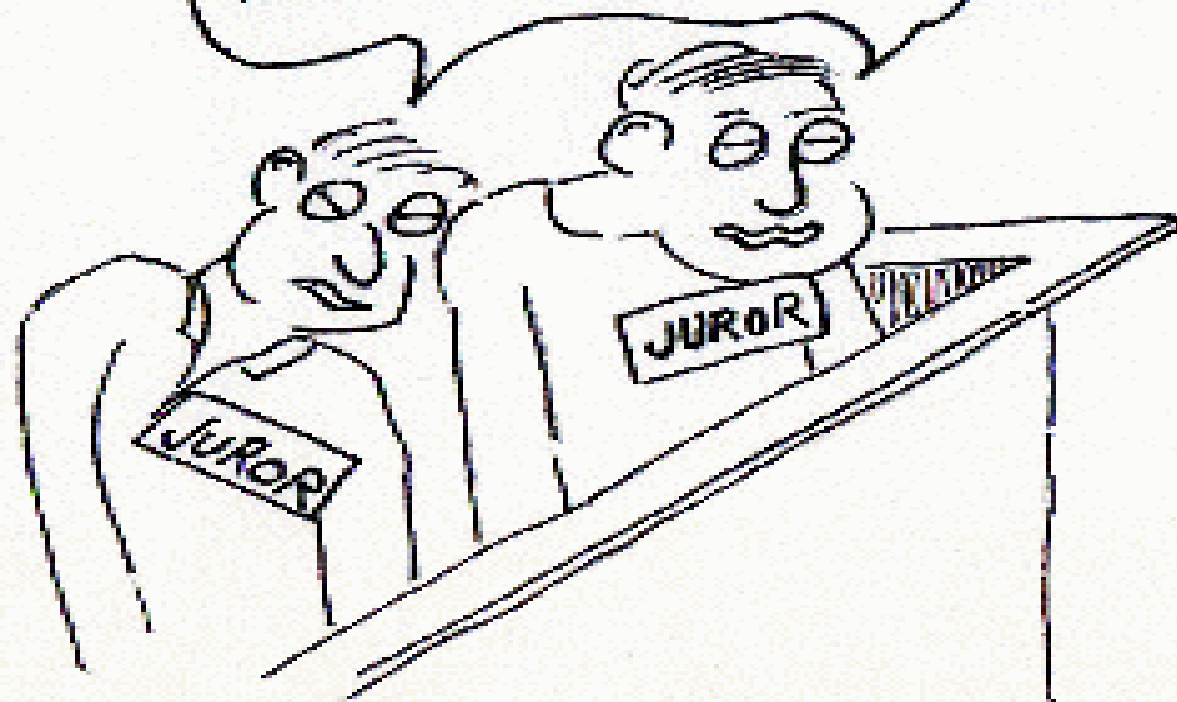
Let me help explain this...



EXPERT!

$$\int \sigma_{\theta} dA = \frac{E d \theta}{\theta} \left(\frac{r_n - r}{r} dA \right), \frac{d^2 y_c}{dx^2} + \frac{P}{EI_z} y_c = \frac{P}{EI_z} \delta, KL = \frac{n\pi}{2} \dots$$

Z-Z-Z!



O'Keefe

EXPERT WITNESS



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**FULL OF HIMSELF!
I CAN'T UNDERSTAND HIM! ARROGANT!
HE IS TALKING OVER OUR HEADS
WHILE TALKING DOWN TO US!**



- ***Understand the question.***
- ***Think before answering***
- ***Don't accept opposing counsel's statements***
- ***Do not 'play lawyer'***



"Do you swear to tell the truth based on your beliefs that everything you read on the internet is true?"

- *Focus on the question*
- *Remembering the first rule*
- *Analyze documents carefully before answering questions about them*
- *Do not argue*

■ ***Harassment***

■ ***Cross examination***

■ ***Pay attention***

■ ***Be cooperative***

- *Take your time*
- *Correct mistakes*
- *Preparation*
- *Objections*

■ *Refreshing collection*

■ *Estimates*

■ *Explanation*

■ *Depositions used at trials*

- *Personal behaviour*
- *Interruptions*
- *Testimony of others*
- *Questions by the judges*



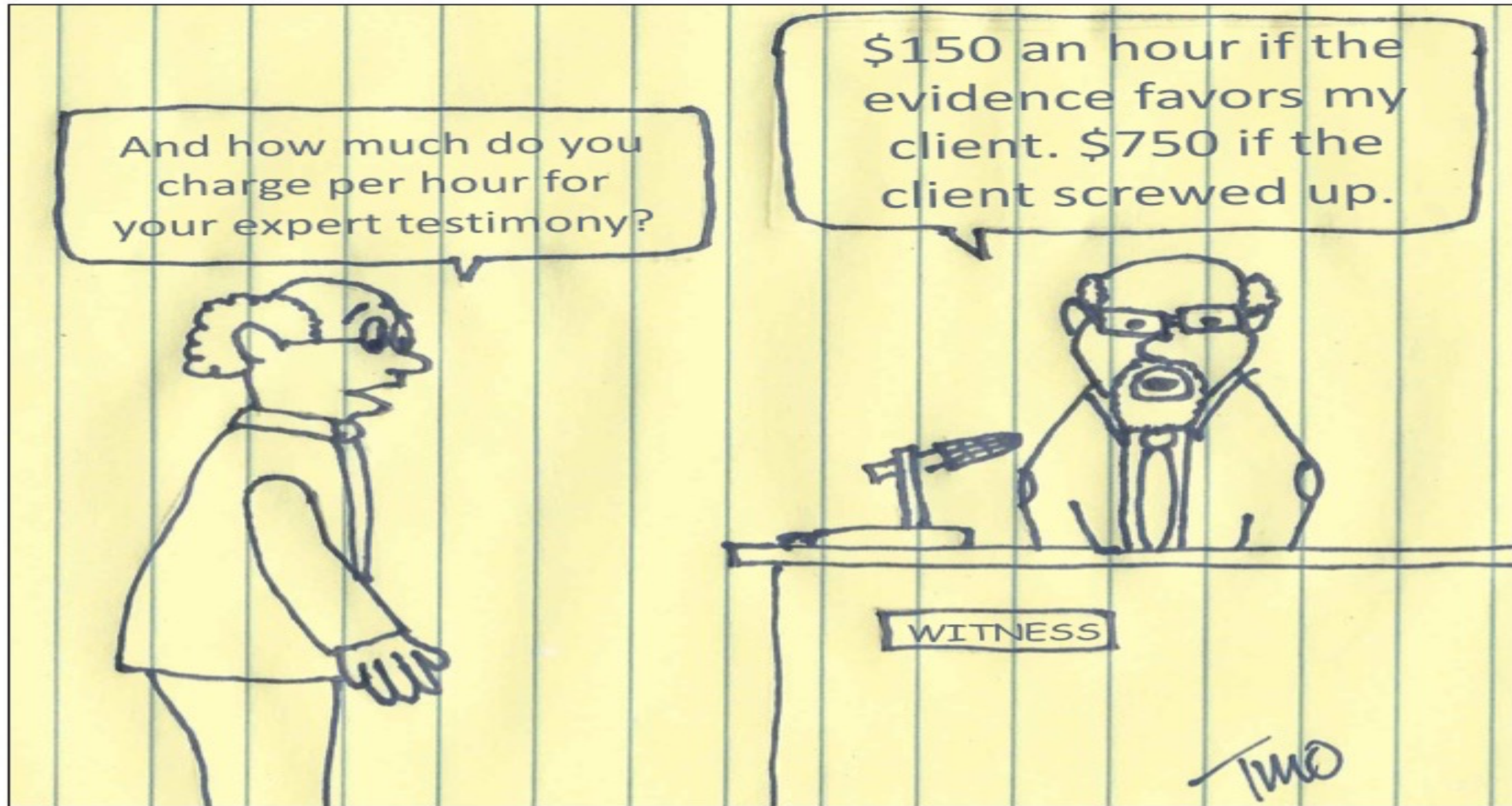
ABSOLUTELY!
WHERE THERE'S
SMOKE THERE'S FIRE.

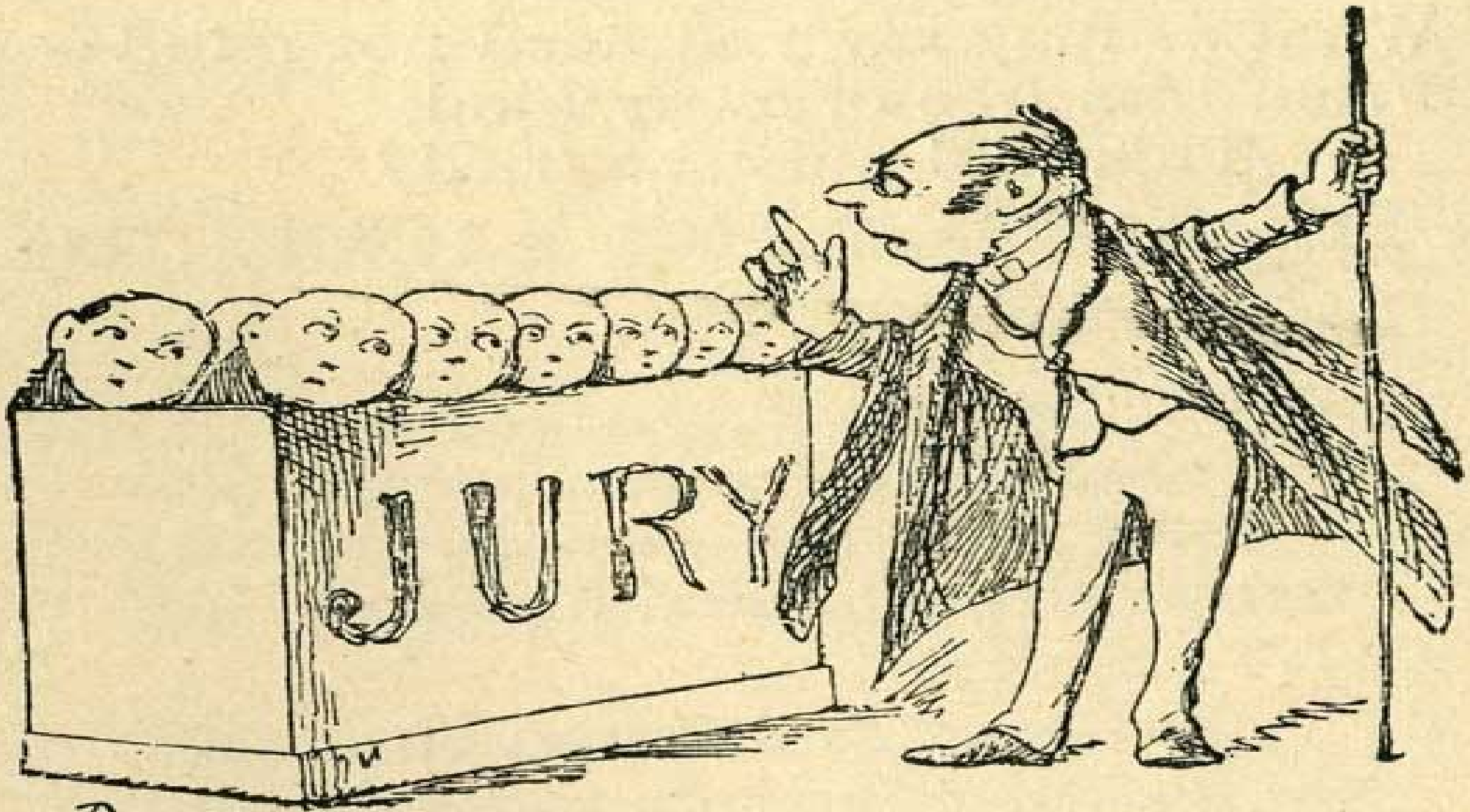
EXPERT
WITNESS

E. B. B.



The Legal Pad: The Hired Gun





Bab

Thank you