

# Guidelines for Expert Witness Testimony

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# Guidelines

- Be aware of the nature of the justice system (adversarial).
- Know your role as an expert witness in the system.
- Be aware that you can only testify with respect to things you actually know.
- Meet with the attorney who wishes to call you as an expert witness.
- Be objective and professional in demeanor.



# Guidelines

- Preparation – know your case.
  - Make lists, flow charts and summaries.
  - Anticipate and prepare answers to questions that will be asked by the attorney.
  - When appropriate, examine all parties involved in the case.
  - Consult with an attorney regarding all subpoenas and releases.
  - Wear appropriate professional dress.
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# Guidelines

- Establish your expertise based on your credentials.
- Know the difference between direct examination and cross examination (don't take it personally).
- Formulate questions that will clarify the information presented.
- Take your time when answering.
- Ask for questions to be repeated or re-phased.



# Guidelines

- Speak in everyday English not jargon or psycho-babble.
  - Explain points by using comparisons and analogies.
  - Make eye contact.
  - Watch body language and facial expressions.
  - Don't be overly defensive or guarded.
  - Do not argue or become belligerent.
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# Guidelines

- Explain validity and reliability of tests and methods.
- Be cautious of leading questions.
- Be careful answering compound questions.
- Creditability and ability to communicate are main attributes needed in your testimony.



# Guidelines

- Keep in mind that you are there to provide expert information and that regardless of what happens in the trial, you have not “won” or “lost”.
  - Being an expert witness is a skill that improves with practice.
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# Testifying Tips

- Do not assume the judge will read your report.
- Do not assume your testimony will make or break a case.
- Do not assume the jury will see you as an expert.
- Know the current standards of practice.
- Know the current literature (i.e., # of child custody cases, child sexual abuse and # of false allegations, etc.)



# Testifying Tips

- Appear to be an objective (non-biased) reporter of events.
- Explain any terms, tests you describe.
- Be as respectful to the opposing attorney as you are to the one who asked you to appear.
- Do not be lured to answer questions beyond the limits of your knowledge.



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