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.
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 rephased.
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.
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.
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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