

Introduction

Profit from your expertise; become an expert witness and become qualified to testify in a court of law.

My name is Judd Robbins. I have been a testifying expert and an expert consultant for lawyers across the U.S. and abroad since 1986. In the twenty years before that, I was a specialist in computers. The transition from being an expert in my specialty, to being an expert qualified to testify in a court of law, has been rewarding in personal, professional, and financial ways.

These twelve lessons cover what I've learned from personal and professional studies and my experience with attorneys, their clients, judges, juries and nail biting testimony in courtrooms. My testimonial experience ranges from murder to fraud to divorce to airplane crashes. Litigation in the United States is widespread, and crimes themselves span a host of disciplines. Expert witnesses and consultants, and especially those with skills in the legal arena, are always in demand. A fee of \$300 to \$400 an hour is commonplace; this can range up to \$1000 an hour if you are a medical expert.

That being said, don't give up your day job. That 'day job' is where you gained the experience that may qualify you to be an expert witness. The attorneys and the courts expect that you will remain current in your profession, that you practice what you preach, and that your time as an expert witness is a sideline and not your only professional activity. Experts often view their witness experience as simply a well-paying moonlighting job. Continuing to work in your specialty lends credibility and substance to your occasional engagements as an expert consultant or witness.

For me, witness work contains the novel element of performance art. As you might suspect, it requires speaking skills, teaching skills, and self-confidence. If you already have those skills plus expertise in your specialty, you're only one step away from being an expert witness. If you have only one or two of those capabilities, you're still well ahead of the game. And even if you have none of those skills yet, you can still parlay your expertise in your discipline into this rewarding new arena.

Seminars and workshops exist to teach professionals how to speak in public. Schools exist that specialize in training teachers. You can always study and improve, and then apply those skills in your expert witness career. I designed this course, 'Expert Witness Training,' to teach you about the exciting arena of expert witnessing, and how to prepare for and perform in it. You'll learn how to conduct an expert investigation, prepare an expert report, work with attorneys, and testify in depositions and in courtrooms.

Should you become an expert witness in your specialty? Can you? This course will help you come to the best decision. If you've already made the decision to become an expert witness but have not yet been successful at attracting lawyers to retain you, I can share my experience about ways to connect with hiring attorneys. Maybe you are a successful expert witness already, and you'd like to learn how to improve on that success. Perhaps you'd like to be called as an expert more often, and to reap the rewards for your improved skills.

The lessons taught in this book have been learned and applied by me over decades. In hours, you can learn how to avoid mistakes that took me months or years to discover. You might still make errors, but you will improve with each case and attorneys will hire you back and pass your name around to other attorneys who need experts. Expert witnessing is an energizing arena and if you have the attitude, aptitude, and fortitude, you will receive respect, personal satisfaction, and increased pay.

Expert Consultants versus Expert Witnesses

The prospect of being an 'expert witness' and testifying in court is exciting to many professionals. However, roughly 90% of the time, even if you are hired to be an expert witness, you will act instead as an expert consultant because the vast majority of cases simply do not go to trial.

The expert consultant role is often filled by a specialist who is eventually designated as the expert witness. The consultant role combines teaching and analytical roles that are equivalent to those of an expert witness, except that they do not include testifying in court. If you're already an expert in your profession, you can use the lessons in this book to learn how best to find new expert witness jobs and how to master this discipline. This form of consulting spans the following:

Investigation – You study the technical details of materials, accidents, or other events. You might run tests, create reconstructions, or research books and journals for writings on the same subject matter as your case. Afterward, you consolidate your research, analyze your findings, and draw conclusions from them. Your primary role in the beginning stage of an investigation is to learn the technical facts of the case and to explain to your retaining attorney the application of those facts. This, in turn, will guide your retaining attorney to better decisions.

Assessment -- Attorneys will sometimes hire you to assess the technical merits of the other side's claims. You may review their submissions and give your opinions about the bases of the claims and their potential strengths or weaknesses.

Opinions --- As an expert consultant, you generally act behind the scenes. The other side in the case won't even realize you exist. That is the way it will stay if your analyses and assessments suggest to your retaining attorney that his case is weak, or if the

attorney chooses not to go to trial because he simply wants to use your technical analyses to extract the best deal or settlement for his client.

Attorneys will have a deadline by which time they have to 'designate,' or officially identify, their expert witness. The 'discovery' process covers the preliminary phase of every legal matter. This is when investigations are performed and appropriate information is shared among the parties. If the attorneys like your results, and are comfortable with and confident of you, they may formally designate you to the other side as their expert witness. You continue to be responsible for any ongoing investigations, analyses, and assessments, but you now will add the center stage role of potentially testifying in depositions or at trial. You will have to follow stringent rules for investigations, evaluations, and reporting on results and opinions.

In cases that involve higher stakes, attorneys will sometimes hire separate specialists to serve as expert consultants and expert witnesses. If you are hired in one of these roles, you may or may not have contact with the person hired to fill the other. Attorneys are taught to keep their expert consultants and witnesses separated but in my experience, they do not know or follow this advice. If you become one of two experts (an expert consultant or an expert witness) in a case, ask your attorney about the possible upside or downside of having conversations with the other expert.

Understanding the Written and Unwritten Rules

You must know the rules, like Rule 702 of the Federal Rules of Evidence, which lists the requirements for serving as an expert witness, and Rule 706, which governs being a court-appointed expert. I'll explain these and also tell you about the unwritten,

even unspoken rules, the metaphorical elbows that can be thrown at your head during testimony and that can shake your confidence or distract you from the true intent of the questions. You'll learn about the equivalent of sucker punches that appear as trick questions that can disqualify you and your testimony, and these lessons will show you how to play your position on a team as an expert witness.

In essence, these lessons will teach you in advance what you can expect from the other players on the team. Your client pays you to know this game; it's not acceptable to learn the rules as you play. The sooner you learn the game, the better you will perform and the better your reputation.

Entering the World of Expert Witnessing

You can certainly become an expert witness on your own without this program, but learning these skills will help you move into that arena more quickly and successfully, leading to your being hired again. I offer you a complete overview with tips and tricks for becoming and being an expert witness, and you will know whether you're ready to join the expert witness ranks or whether you need to enhance your expert witness skills.