

DIRECT EXAMINATION OF DEFENSE SCIENCE EXPERT

**Gerry Lowry
Norton Rose Fulbright**

**IADC Trial Academy
Stanford Law School
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General Rules of Direct Apply

1. Personalize the witness
2. Spend time on witness's background
3. Set the scene for the testimony
4. Make the witness the focus, not the lawyer
5. Have a logical, organized presentation

General Rules Cont.

6. Use good eye contact and body language-- jury needs to believe you like her
7. Use illustrative aids to assist/explain testimony
8. Listen and follow-up on answers
9. Anticipate cross with defensive direct examination



Considerations for Science Experts

1. Credentials/Experience are Key

- Juries may discount battling experts, so show yours is better qualified, more honest, more thorough
- Choose most relevant background and emphasize
- Draw distinctions with plaintiff's experts
- Diffuse prior testifying history by making it a positive reflection of reputation/expertise

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2. Explain and Relate the Area of Expertise

- what is toxicology/why important

- how does it relate to non-scientists

- why is it important in this case

- what questions does it answer

- learn/simplify the terminology but allow the expert to be the star

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3. Methodology

--what did witness consider and how she had access to all case materials

--what analysis was done and why

--is method accepted by peers, authorities in field

--if plaintiff's expert's methodology incorrect, explain why and effect

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4. Defensive Direct

- get compensation out up front

- if company witness, acknowledge interest in outcome, but wouldn't sacrifice credibility

- make admissions/give plaintiff concessions where appropriate

- save a few points for cross responses or redirect testimony