

# **IADC TRIAL ACADEMY 2019**

## **DIRECT EXAMINATION OF AN EXPERT WITNESS**

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# DIRECT EXAMINATION OF THE EXPERT: THE CRUCIBLE OF YOUR CASE

- 1. As a defense lawyer, swing the pendulum back.
- 2. Earn credibility. First impression important.
- 3. Tell your story how you want.

# SELECTING THE RIGHT EXPERT

**You Can't Make Fine  
Wine With Mediocre Grapes**



# KNOW THE RULES

## Federal Rule 702 Standard for Admission of Expert Testimony:

### 1. Scientific knowledge.

- That will assist trier of fact to understand or determine a fact at issue.

# The Witness is the Star (Not the Lawyer)

- 1. Focus should be on witness.
- 2. The lawyer is hosting the conversation.
- 3. Open ended questions.

# OTHER GOALS FOR DIRECT

- 1. Establish credibility.
- 2. Demonstrate methodology.
- 3. Simplicity and repetition.
- 4. Emphasis of case themes

# PREPARATION FOR CROSS

- 1. Preparation is crucial step.
- 2. Preemption of weak points.

