

# Objectives for Direct and Cross-Examination of Engineering Expert

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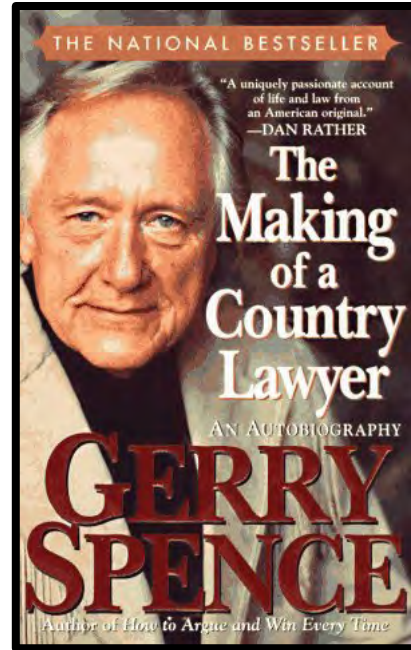


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# INTRODUCTION



# STANDARD FOR ADMISSION OF EXPERT TESTIMONY

When faced with a proffer of expert testimony, a district court first must determine “whether the expert is proposing to testify to (1) scientific knowledge that (2) will assist a trier of fact to understand or determine a fact at issue.”

- *In re TMI Litig.* 193 F. 3d 613, 663 (3d Cir. 1999), *amended*, 199 F. 3d 158 (3d Cir. 2000) (quoting *Daubert*, 509 U.S. 592)

# STANDARD FOR ADMISSION OF EXPERT TESTIMONY

- Federal Rule of Evidence 702 requires that a proffered expert witness must possess “specialized knowledge” ***and*** must be “qualified as an expert by knowledge, skill, experience, training, or education.”
  - Federal Rule of Evidence 702; *see also Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993).

# GOALS

<b>Direct Examination</b>	<b>Cross Examination</b>
<ul style="list-style-type: none"><li>• Establish credibility</li><li>• Open-ended questions</li><li>• Demonstrate methodology</li><li>• Keep it simple</li><li>• Case Themes</li></ul>	<ul style="list-style-type: none"><li>• Undermine credibility</li><li>• Leading questions</li><li>• Fence In/Out</li><li>• Concessions</li><li>• Attack</li></ul>

# DIRECT EXAMINATION: KEEPING IT SIMPLE

- Simple language for complex concepts



# **CROSS-EXAMINATION: PRACTICAL CONSIDERATIONS**