

Direct Exams of Expert Witnesses

Goals

- Jurors understand
- Jurors remember
- Jurors repeat

Teach the Judge and Jury

- Put a teacher on the stand
- No use of professional jargon
- Guide the judge and jury through the confusing elements of a case

Teach the Judge and Jury

- Have the expert leave the witness stand explain key evidence that is being shown to the jury
- Have the expert repeat the theory of the case
- Use words like “teach,” “tell,” “explain,” “help us understand,” “help us learn,” “educate us about,” “demonstrate,” “interpret,” “untangle,” “decipher,” “show” or “demonstrate.”



Visuals and Graphics

- Use demonstratives to explain key points and concepts
- Experts who vary their testimony by using visuals help to maintain jurors attention
- Visuals can create and repeat key take-aways

Trustworthiness

- Establish that the expert is not motivated by money, affiliation, or activism
- Establish that the expert does not have other personal reasons to the position they have taken
- Establish that the position they are taking is consistent with other research they have done

Likeability

- Jurors like an expert who appears as someone they would want to interact with
- Jurors want to know if a expert has treated patients like the plaintiff
- Jurors like an expert who they would want as their doctor

Anticipate Weaknesses

- Take the "sting" out of anticipated attacks on credibility
- Address bad facts before opposing counsel does
- Establish the amount and hourly rate of the expert's fees