



Geologists as Expert Witnesses

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The expert truck

- <https://www.youtube.com/watch?v=yTy1Qyl03kl>

Presentation Plan

- Law that govern expert witness testimony
- Testifying in court in general
- Specific things to think about as a geologist

“Expert”

- Difference between expert colloquially/academically, and expert in a legal setting
- Opinion versus fact testimony

Laws

- Federal –
 - Code of Evidence 700s chapter
 - Code of Civil Procedure Rule 26
 - Privilege – Code of Evidence and case law
- State –
 - Code of Evidence 700s chapter
 - Code of Civil Procedure 1400s chapter (let's search on the legis site)
 - Privilege – Code of Evidence and case law

Preparing the report

- Federal Code of Civil Procedure Rule 26
- State Code of Civil Procedure Rule 1425

Motions and Objections

- Daubert motions
- Motions in limine
- Objections during trial
- Difference between:
 - Not relevant
 - Not allowed
 - Doubert exclusion

General rules of testifying

- Tell the truth
- Tell the truth 2
- Tell the truth 3
- Listen
- Answer the question asked – let the lawyer do their job
- Take your time
- These are the correct answers, if they are:
 - Yes
 - No
 - I don't know
 - I don't recall

General rules of testifying

- Don't fill empty space – stop talking when you have answered the question
- Don't fall into emotional traps
- Avoid self-righteousness and condescension (even if deserved)
- Don't compete with the attorneys
- Remember who your audience is
- Be professional, courteous, and personable
- Be wary if the lawyers tell you how to do the underlying expertise work

General rules of testifying

- Pause after each question just a beat to allow objections
- Listen to the objections – only certain ones are allowed at depositions
- What are “speaking objections”
- How much should you prepare?
 - Criminal v. Civil
 - Cost of the case
- You can take breaks – but not during a questions
- You don’t let yourself get cut off
- Signal that you think an answer needs explanation

General rules of testifying

- Don't answer confusing questions – ask for clarification, or for it to be broken down if it has too many parts
- “Speculation”
- “hearsay”

New York Times expert video

- <https://www.nytimes.com/video/opinion/100000004115589/verbatim-expert-witness.html>

Special rule for geologists in Louisiana

- (Let's find on Legis)
- La R.S. 37:411.12. **License required; exemptions**
- D. The following activities do not require a license under this Chapter:
 - (8) Testifying or preparing and presenting an exhibit or document for the sole purpose of being placed in evidence before an administrative or judicial tribunal or hearing if the testimony, exhibit, or document does not imply that the person is licensed under this Chapter.

- Questions?
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