



VELOCITY

Your Dream Divorce Practice Can Be Yours!

Expert Witness Testimony

Recipe For Success



4 Stage
Process

Voir Dire

Direct Examination

Cross Examination

Redirect Examination

Voir Dire /,vwär 'dir/

Daubert Standard vs. Frye Standard

Frye sets a “general acceptance” test. “The work product must be sufficiently established to have gained general acceptance in the particular field in which it belongs.”

Daubert states that the judge is to act as gatekeeper and determine if the expert’s testimony is relevant and helpful. There are factors to determine if the methodology is reliable:

Testing: Has the theory or technique been tested?

Peer Review: Has the theory been subjected to peer review discussion in publications?

Error Rate: Does the theory or technique have a high known or potential rate of error?

General Acceptance: Incorporates the Frye test.

-Family Law Services Handbook, p. 252



Direct
Examination



Cross Examination

Redirect Examination

- Upon conclusion of cross-examination by the opposing attorney, the direct examiner may further question the witness in order to rebut or clarify matters raised during cross-examination.
- This further questioning is known as redirect examination and is only for the limited purpose of rebuttal or clarification of information brought out during cross-examination.
- New matters are not allowed to be brought out for the first time on redirect examination.



Testify Rules from A to Z

- A. Avoid **absolutes** like never, always, etc.-Use language like, “in my experience”, or “It is my opinion that”...
- B. **Bulletproof** your reports.
- C. Display **class** and act as if in a class.
- D. Pay attention to **Detail**
- E. Know **elements**.
- F. Lay a **foundation**.
- G. Do not **GUESS**.
- H. Beware of **hypotheticals**.
- I. Do NOT **interrupt**.
- J. Do NOT use **jargon**.
- K. Be **Knowledgeable**
- L. Make no **legal** conclusions.

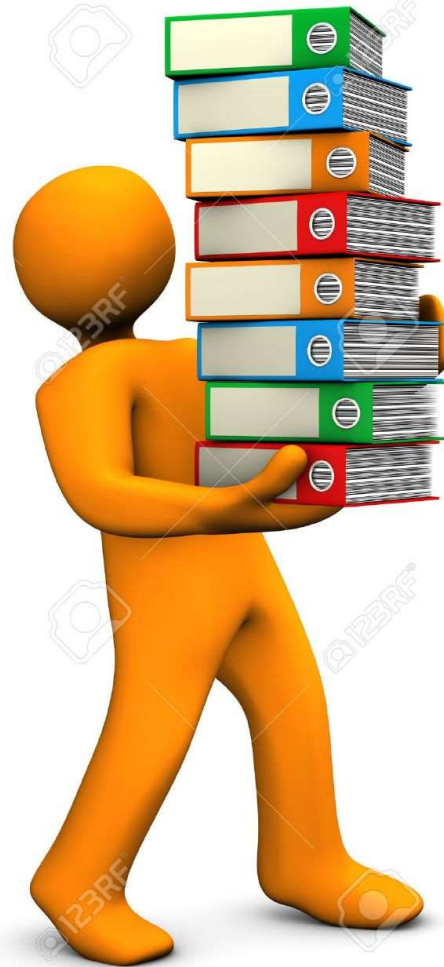
Testify Rules from A to Z

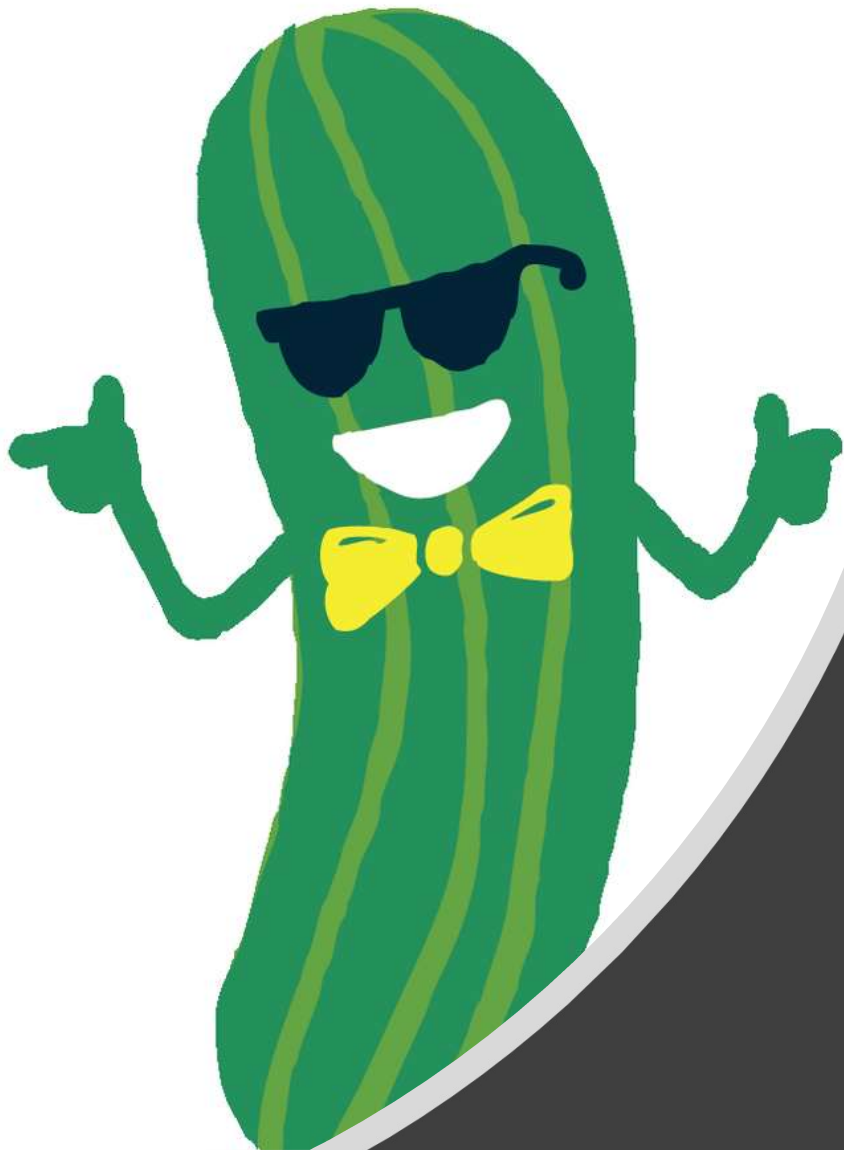
- M. **Missing** issues in report creates issues for you.
- N. Appear **NEUTRAL**
- O. Do not answer a question if there is an **objection** pending.
- P. Be **paranoid**
- Q. Be **quiet** after you answer the question
- R. **Respond** only to the question asked
- S. Keep it **simple**
- T. **Think** before you speak
- U. **Understand** the question
- V. Keep an even tone of **voice**.
- W. Display **wisdom**.
- X. Use **X-Ray** vision (See through the cross-examiner's motives)
- Y. Be **yourself**.
- Z. Display ethical **zeal**.



DEPOSITIONS

Your Report





Preparation

A man in a dark suit, light blue shirt, and striped tie is writing the word 'Consulting' in large white letters on a chalkboard. The background of the chalkboard is dark blue with various business-related terms written in white, including 'Business Contact', 'Strategy', 'Solution', 'Success', 'Support', and 'Quality'. A semi-transparent circular overlay is positioned over the right side of the word 'Consulting', containing the text 'Consulting or Testifying' in black.

Business Contact

Strategy

Consulting

Solution

Success

Support Quality

Consulting or
Testifying