

Being an Expert Witness

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From time to time consultants are called upon to be an "expert witness" in a dispute involving plastic extrusion equipment or processes. Here are a few non-legal suggestions to make the job a little easier and more meaningful.

You are not being employed as a non-biased witness. Although you must state the truth, you are expected to give your client's side of the story. You are not required to expound, only to answer the question you are asked.

If you feel your attorney does not understand the subject, as many of them do not, it is to your advantage to fill him in with significant ramifications and history. In fact, to educate him in the necessary technology of extrusion.

In a deposition, where the enemy is allowed to examine the expert witness to explore such areas in which you are knowledgeable in order to prepare his case, you should not reveal any more than is required for an answer. In case you are asked a question which you do not understand or which may be leading you into what you think may be a trap, it is best to ask for a recess to consult with your attorney. It may not be granted, but it doesn't hurt to ask.

Testifying in a trial is to convince the jury of the truth, as you see it. You must project your competency, first of all, and then you must talk to the jury (or the judge if not a jury trial) not specifically to the questioning attorney.

Above all, be convinced in your mind that justice is being done.

By the same token, your hourly fee should be roughly that of the attorney who employed you.

- Robert Miller

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