

Introduction

Let's start by talking about *expert* experts. That is, we are not looking at the garden variety, run-of-the-mill experts. Contrary to the concerns of novice experts called for the first time to testify in court, there is not a high threshold to rise above to be qualified as an expert. Many sources discuss this low threshold, including the thoughtfully developed book by Sales and Shuman (2005), *Experts in Court: Reconciling Law, Science, and Professional Knowledge*. In everyday proceedings in which potential experts are called and qualified as experts, it is uncommon for persons with an MD, PhD, MSW, or other advanced degree to fail to be qualified

The Expert Expert Witness: More Maxims and Guidelines for Testifying in Court, Second Edition,
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as experts. The core issue is, how well do they do on the stand? That topic is the focus of this book.

The concept of the expert expert witness addresses what may be thought of as *metaexpertise*: being an expert at the task of being an expert. “What?” you may ask, “isn’t a qualified expert witness by definition an expert?” Nope. Being an expert witness is a status granted by the court. Being an expert expert describes behaviors and responses on the stand that are professional, poised, and masterful.

We’ve written 51 short chapters in this book, each of which addresses a specific aspect of attorney questioning and expert testimony. We see expert testimony as made up of many small and discrete actions and statements, and the book follows that understanding.

The chapters are arranged alphabetically. The reader can start anywhere and stop anywhere, with no loss of continuity. The chapters are practical. They offer scenarios and suggestions. Each concludes with a maxim designed to capture the essence of the lesson in the chapter.

The one exception to the “start anywhere, stop anywhere” rule is the following: Start with our previous books on testifying. This book picks up where the early books leave off. In addition to more principles and more lessons, there are also more instances of challenging testimony from individuals who have written or e-mailed us. All of the excerpts from letters, e-mails, testimony, and case examples in the text are presented with permission of the named individuals.

At times we write about either Tom’s or Stan’s experiences in court. Even though the cases or ideas were about what one of us did or wrote elsewhere, we have used the pronoun *we* to refer to either one of us. Unless there is a good reason to the contrary—like narrative flow—we use the formal *we* to refer to our work and roles.

Now and then it may seem strange, but we tried the alternatives. They didn’t work.

In this book, we make no effort to be comprehensive. Instead, our goal is to be useful. We have drawn on what we do and have seen, in our own testimony and in the workshops and training we both conduct about expert testimony. We invite readers to share with us how you think about these approaches and what you do when you testify.

At its worst, expert testimony is a painful and humiliating experience. At its best, it is a profoundly rewarding one. We invite our readers to join us on the path toward testimony as an intellectually stimulating event with the potential for personal fascination and professional mastery.