WHAT TO EXPECT BEING AN EXPERT WITNESS

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Expert witness testimony can be the deciding factor in winning or losing a lawsuit. Expert witnesses are used in all types of lawsuits, from simple personal injury cases (usually accident reconstruction experts) to complex lawsuits dealing with technical issues. The role of the expert witness is to simplify complex and technical matters so that a lay jury can understand them, and then offer his/her educated unbiased opinion as to how the facts were affected one way or the other by said complex technical matters. However, before an expert witness testifies in open court, said expert witness can expect a thorough and exhaustive investigation by opposing counsel regarding their work history, published works, prior expert witness testimony, and any reports issued with respect to the lawsuit at hand. The main tool used by an attorney to lock down, contain and understand the testimony offered by an expert witness is the deposition. A deposition is a recorded interrogation of a witness, under oath, which is reduced to writing and duly authenticated, and intended to be used at trial.

In this lecture, I will discuss a quick overview of a lawsuit, discuss the relevant rules of evidence dealing with expert witness, and offer a lawyer’s perspective regarding how a lawyer uses an expert witness to win his/her case and what a lawyer does to counter and/or deal with opposing party’s expert witness.

Bio

John E. Diaz got a Bachelor of Arts in Political Science and a Bachelor of Arts in Spanish from the University of Utah in 1988. After that, he obtained a Juris Doctor Degree from the University of Utah College of Law. After graduation he worked for one of the largest (if not the largest) law firm in Utah. Thereafter, he managed his own law firm for twelve years, worked as Assistant General Counsel for a multinational corporation for five years and now is the senior attorney at The Diaz Law Firm. Mr. Diaz practices in the areas of bankruptcy, business law, corporate transactional, and business litigation. Mr. Diaz has considerable experience negotiating complex business contracts around the world with prices ranging from nine million dollars to over two hundred million dollars. Mr. Diaz represents small and medium size businesses and offers a pragmatic approach to solving his client’s legal problems. Mr. Diaz is a member of the Utah State Bar, past vice-president of the Utah Hispanic Chamber of Commerce and co-author of La Guia Para el Inmigrante, a guide to immigrants regarding immigration benefits.