Establishing Expertise as an Ethical Expert Witness  
August 2-3, 2007, Austin, Texas

PROGRAM

Thursday, August 2, 2007

8:00 – 9:00  Registration and Continental Breakfast

9:00 – 9:30  INTRODUCTION TO ROLE OF EXPERT WITNESSES

Session will provide objectives and expectations for participants in two-day training; knowledge and skill set needed to perform role professionally and ethically; benchmarks for establishing “expertise” before serving as or employing expert witnesses; personal and professional benefits of serving as an expert witness or using expert witnesses in trial.

Faculty: Debby Tucker, Executive Director, National Center on Domestic and Sexual Violence; Noël Bridget Busch, Ph.D., Director, Institute on Domestic Violence and Sexual Assault, Center for Social Work Research, School of Social Work, The University of Texas at Austin; Sarah Buel, J.D., Clinical Professor, The University of Texas School of Law, Domestic Violence Clinic

9:30 – 10:30  ABC'S FOR EXPERT WITNESSES

Session provides basics on types of cases in which Expert Witness testimony is offered and an analysis of key issues confronting practitioners serving as expert witnesses and attorneys using expert witnesses as part of their trial strategy. What are the conditions under which an Expert Witness could be called? What is their role in the trial, either as part of the prosecution or defense strategy?

Topics to Cover:

A. Advocates Role as an Expert Witness

B. Basics to Know: Types of Cases: Criminal, Family Law, Immigration

C. Considerations and Guidelines

Faculty: Sarah Buel, J.D., Clinical Professor, The University of Texas School of Law, Domestic Violence Clinic; Noël Bridget Busch, Ph.D., Director, Institute on Domestic Violence and Sexual Assault, Center for Social Work Research, School of Social Work, The University of Texas at Austin; Toby Myers, Ed.D., National Center on Domestic and Sexual Violence;

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10:30 – 10:45  MID-MORNING COFFEE BREAK

10:45 – 11:45  THE COURT ENVIRONMENT

Session provides an overview on the legal setting in which an Expert Witness could be called; participants will learn how Voir Dire, Rules of Evidence and Discovery, fit into a trial involving domestic violence, and learn if state, jurisdictional and federal laws, might be in conflict with ethical standards.

**Faculty:** Sarah Buel, J.D., Clinical Professor, The University of Texas School of Law, Domestic Violence Clinic

12:00 – 1:00  LUNCH PROVIDED/GUEST SPEAKER

A local prosecutor shares her perspective on expert witnesses: types of cases where she’s used them as part of her trial strategy, what she looks for in an expert witness, and expected outcomes.

**Faculty:** Dana Nelson, J.D., Assistant District Attorney, Travis County, Texas

1:15 – 2:15  PRACTICAL TIPS FOR EFFECTIVE TESTIMONY

Session offers proven strategies for the different roles of an Expert Witness: testifying either on battering and its effects, in general, or, on behalf of a particular individual.

What does the Expert Witness need to know to be most effective in either role? What works in one case and not in others? How can attorneys help prepare witnesses for the courtroom? Workshop provides suggestions for the decision-making process practitioners should use when confronted by ethical issues.

**Faculty:** Joan Myers Carter, Legal Advocate, SafePlace; Toby Myers, Ed.D., National Center on Domestic and Sexual Violence

2:15 – 2:30  BREAK

2:30 – 3:45  ESTABLISHING THE CREDENTIALS OF AN EXPERT WITNESS

Through simulation involving case studies, practitioners will learn and practice skills to establish their credibility as an expert witness. Attorneys will learn what questions to ask to effectively qualify their expert witnesses. What are routine questions and what “tough” and challenging questions need to be mastered?

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*As of June 4, 2007*
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Faculty: Core faculty will provide guidance and feedback.

3:45 – 4:00 MID-AFTERNOON SNACK BREAK
4:00 – 5:00 UPDATES ON CHALLENGING ISSUES

Drawing on recent court cases involving expert witness testimony, this session will give participants a sense of what the challenges are and an opportunity to weigh the potential impact of each option or occurrence. Topics include countering bad experts and bad attorneys; handling cases with “aggravating circumstances,” recognizing the impact of these cases on you; father’s rights initiatives; parental alienation syndrome.

Facilitator: Noël Bridget Busch, Ph.D., Director, Institute on Domestic Violence and Sexual Assault, Center for Social Work Research, School of Social Work, The University of Texas at Austin

5:00 – 5:30 VIEW FROM THE BENCH

Session gives participants an opportunity to learn how a member of the judiciary views Expert Witness testimony and the impact it has on his deliberations.

Faculty: The Honorable Michael Denton, Travis County Criminal Court at Law, #4

Friday, August 3, 2007

8:00 – 9:00 Continental Breakfast
9:00 – 10:15 SPECIAL ISSUES IN IMMIGRATION CASES

Session gives participants a first-hand look at what is becoming more common: expert witnesses called to testify in immigration cases involving domestic violence, as women seek asylum through the law. Session combines an overview of federal immigration law and suggestions for the best course of action when providing testimony in these cases.

Faculty: Edna Yang, General Counsel, Political Asylum Project, Austin, Texas

10:15 – 10:30 BREAK
10:30 – 11:30 TESTIFYING AS AN EXPERT WITNESS (Part 1)

Session gives participants an opportunity to synthesize and apply what they’ve learned in simulations using case studies. In small groups, participants will practice testifying, get feedback on their effectiveness and suggestions for further development of their expertise.

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Faculty: Each group will be supervised by member of faculty.

11:30 – 12:30  LUNCH PROVIDED/GUEST SPEAKER

Program includes a 30-minute speech by a defense attorney who uses expert witnesses in defending battered women.

Faculty: Kris Davis Jones, J.D.

12:45 – 1:45  DESIGNING AGENCY POLICIES AND GUIDELINES

Session gives participants a starting point for adopting policies and guidelines for having expert witness testimony become one of their services, with the primary focus being ethical considerations involved. What cases should be taken on? Should there be a charge for services? Where should the money go?

Faculty: TBA

1:45 - 2:00  BREAK

2:00 – 3:15  TESTIFYING AS AN EXPERT WITNESS (Part 2)

Session gives participants an opportunity to synthesize and apply what they’ve learned in simulations using case studies. In small groups, participants will practice testifying and get feedback on their effectiveness and directions for further development of their expertise.

Faculty: Each group will be supervised by member of faculty.

3:15 – 3:30  NEXT STEPS FOR BUILDING CAPACITY

Session will summarize learning and provide participants directions and resources to continue building their expertise as expert witnesses.

Faculty: Sarah Buel, J.D., Clinical Professor, The University of Texas School of Law, Domestic Violence Clinic; Noël Bridget Busch, Ph.D., Director, Institute on Domestic Violence and Sexual Assault, Center for Social Work Research, School of Social Work, The University of Texas at Austin; Toby Myers, Ed.D., National Center on Domestic and Sexual Violence; and Debby Tucker, Executive Director, National Center on Domestic and Sexual Violence