

Conference Agenda

DAY 1

Sunday, January 9, 2011

3:00 – 3:45 PM

Welcome and Introduction

Introduction of faculty and participants; session provides participants with objectives and expectations for the 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.

Program Hosts:

Jeana Lungwitz, JD, Clinical Professor, Director, Domestic Violence Clinic, School of Law, University of Texas at Austin

Debby Tucker, MPA, Executive Director, National Center on Domestic and Sexual Violence (NCDSV)

Noël Bridget Busch-Armendariz, PhD, LMSW, MPA, Institute on Domestic Violence and Sexual Assault (IDVSA), Center for Social Work Research, School of Social Work, University of Texas at Austin

3:45 – 4:30 PM

Designing Agency Policies and Guidelines

Session provides a setting for participants to hear about what issues need to be addressed when organizations are developing policies and guidelines to offer expert witness testimony as one of their services. Topics include ethical considerations; the type of cases that should be taken on; what, if any, payment should be expected for the service; and how should any funds received be allocated between the organization and the staff serving as experts.

Faculty:

Debby Tucker, MPA

4:45 – 6:15

Tips, Tragedies and Triumphs

Session offers strategies for the different roles of an expert witness: testifying 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:

Toby Myers, EdD, Vice Chair of the Board of Directors, NCDSV

Joan Myers Carter, Legal Advocate, SafePlace, Austin, Texas

DAY 2

Monday, January 10, 2011

8:30 – 9:15 AM

Welcome to the Law School

Welcome by Eden E Harrington, JD, Assistant Dean of Clinical Education & Public Service, Director of the William Wayne Justice Center for Public Interest Law, and Clinical Professor at School of Law, University of Texas at Austin

9:15 – 10:00 AM

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:

Advocate's Role as an Expert Witness

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

Considerations and Guidelines

Faculty:

Noël Bridget Busch-Armendariz, PhD, LMSW, MPA

10:15 – 11:00 AM

Current Trends in Court: What Judges say about Experts

For her dissertation research at The University of Texas at Austin, Melissa Hamilton, JD, PHD, analyzed how judges regarded expert witnesses who testified about domestic violence. This session presents the results of her findings and covers the types of evidence from experts generally accepted by judges, the controversy over Battered Women's Syndrome, and the role that statistics play in the trial arena.

Faculty:

Melissa Hamilton, JD, PhD, Visiting Assistant Professor of Law, University of South Carolina School of Law

11:00 – 12:00 PM

Special Issues: Identification and the Role of Trauma

In more and more cases, expert witnesses must have knowledge and skills about how to talk about trauma as it relates to the victimology of domestic violence survivors. This session will

Establishing Expertise as an Ethical Expert Witness January 9-11, 2011

address issues such as battered women's syndrome and post-traumatic stress disorder, and how this information was used in a recent case.

Faculty:

Reverend Dr. Chrys Parker, Burn Recovery & Research Foundation, San Antonio, Texas

12:30 – 1:30 PM

LUNCHEON PLENARY

The Use of DV Experts: Views and Experiences from a Prosecutor

An experienced prosecutor shares her perspective on expert witnesses: types of cases where she's used experts as part of her trial strategy, what she looks for in an expert witness, and expected outcomes.

Faculty:

Dana Nelson, JD, Assistant District Attorney, Travis County, Texas

1:45 – 2:45 PM

The Court Environment

Session provides an overview of the legal setting in which an expert witness could be called. Participants will learn the role of Voir Dire, Rules of Evidence and Discovery -- particularly Depositions -- in a trial involving domestic violence, and learn if state, jurisdictional and federal laws might be in conflict with ethical standards.

Faculty:

Dana Nelson, JD

Jan Langbein, Executive Director, Genesis Women's Shelter

3:00 – 4:30 PM

Demonstration of an Expert Witness in Action: Credentialing and Responding to Tough Questions

Through a simulation exercise and case study, this session shows practitioners how to establish their credibility as an expert witness. What are routine questions, and what challenging questions do you need to be able to answer? Attorneys will learn what questions the prosecution and defense should ask to effectively qualify or challenge a expert witness.

Faculty:

Toby Myers, EdD

Dana Nelson, JD

Shelby Moore, JD

Gretta Gardner, JD

Jan Langbein

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4:45 – 5:30 PM

A View from the Bench

Session gives participants an opportunity to learn how a highly esteemed and experienced member of the judiciary views expert witness testimony and the impact it has on his deliberations.

Faculty:

The Honorable Michael Denton, Judge, County Court at Law Four, Travis County

DAY 3

Tuesday, January 11, 2011

8:15– 9:45 AM

Special Issues in Criminal Cases

Session will focus on a criminal case where a battered woman is on trial for murder. Using media coverage from this case study, our faculty will demonstrate to participants why the high profile nature of these cases adds to an already challenging assignment.

Faculty:

Toby Myers, EdD

Shelby Moore, JD

Jonathan Munier, JD, Criminal Defense Attorney

10:00 – 11:30 AM

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 with suggestions for the best course of action when providing testimony in these cases.

Faculty:

Edna Yang, JD, Chief Counsel, American Gateways, Austin, Texas

Noël Bridget Busch-Armendariz, PhD, LMSW, MPA

11:45 – 12:45 PM

LUNCHEON PLENARY

The Use of DV Experts: Views and Experiences from a Defense Attorney

An experienced defense attorney shares her perspective on using expert witnesses in defending battered women: cases where she's used experts as part of her trial strategy, what she looks for in an expert witness, and expected outcomes.

Faculty:

Kris Davis-Jones, JD, Attorney-at-Law, Austin, Texas

*National Center on Domestic and Sexual Violence*Institute on Domestic Violence and Sexual Assault, The University of Texas at Austin School of Social Work, Center for Social Work Research*The University of Texas at Austin School of Law*

1:00 – 2:30 PM

Special Issues in Family Court Cases

Session provides knowledge and skills for participants who may be called to testify in child custody cases to address how domestic violence in the home affects a child's welfare and influences decisions about the best placement for children. The issue of "parental alienation syndrome" will also be addressed. Session will be enhanced by a video from testimony provided in a custody case.

Faculty:

Noël Bridget Busch-Armendariz, PhD, LMSW, MPA

Jeana Lungwitz, JD

2:45 – 3:30 PM

Experiential Learning: Testifying as an Expert Witness

Participants have an opportunity to synthesize and apply what they've learned using a Case Study. In small groups, participants will practice either 1) establishing their credentials, or 2) answering basic question. Facilitator leads group in giving positive feedback and suggestions for further development of their expertise.

Faculty:

Debby Tucker, MPA

Toby Myers, EdD

3:30 – 3:45 PM

Next Steps for Building Capacity

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

Faculty: Conference Hosts

Conference Adjourns