

Section 5.4

The Expert Witness

Questions posed at the Roundtable

This document provides guidance on the following questions posed at the Hearing Officer Roundtable:

- What is an expert witness?
 - What is the role of the Advocate or Hearing Officer when an individual is introduced or portrayed as an expert witness?
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Definition

Expert witness - A person recognized as having special knowledge, training, experience, skill, or education on the subject he/she testifies on. The expert witness is permitted to state his/her opinion concerning those technical subjects even though he/she was not present at the time the activity or incident in question took place.

- A witness is offered either by the Advocate or Respondent and accepted as an “expert” by the Hearing Officer because the witness is believed to possess special knowledge “not common to your fellow man.”
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Each side must qualify its witness as an “expert”

The party offering the testimony or opinion of an expert witness at a hearing must first elicit information demonstrating that the witness, because of his or her special knowledge, experience, training, skill, and education, is better qualified to render an opinion than a person without that background.

Qualify the witness as an “expert” by asking questions about the witness’:

- Present occupation
 - Academic background
 - Occupational history
 - Licenses and license history
 - Special honors
 - Association membership(s)
 - Publications
 - Teaching experience
 - Other special familiarity or experience with the subject matter, including special studies, and
 - Previous instances when they have been qualified as an Expert Witness.
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The Expert Witness, Continued

**The “expert”
may be
examined**

The “expert” offered by the Advocate (or Respondent) may be examined (questioned) by the opposing side.

**Hearing Officer
makes the
determination**

The Hearing Officer will determine whether the witness is qualified to be an “expert witness” who can offer an opinion regarding technical subjects in the case even though the person was not present at the time of the incident or activity.

The Hearing Officer may allow several witnesses to be qualified as expert witnesses.
