

BOOK REVIEW

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Review of "The Expert Witness Handbook, Tips and Techniques for the Litigation Consultant, 2nd edition"

REFERENCE: Poynter D. *The Expert Witness Handbook, Tips and Techniques for the Litigation Consultant*, Para Publishing, Santa Barbara, CA, 1997, 288 pp., \$39.95.

The author, who published the first edition in 1987, has over 20 years experience as an expert witness in parachute cases. This experience has significantly impacted the scope and tone of the book. The "Handbook" is primarily focused on civil litigation involving engineering issues, as illustrated by the author's observation in Chapter 1 that "[m]any experts are independent consultants. Others work for large forensic engineering firms which provide a wide range of services."

Within that limited focus, the book does function as an elementary handbook to new expert witnesses. Beginning in the first chapter entitled "What is an Expert Witness and Why be One?", the author defines an expert witness and provides additional information about when and where you would work, what you do as an expert, and what it takes to be an expert. The five reasons given as to why anyone would want to be an expert witness include: (1.) "To capitalize on your years of education and experience", (2.) "To get into the action", (3.) "To put something back into the system", (4.) "To be hired to study", and (5.) "To make money".

A large amount of basic detail in establishing an expert witness business is provided in Chapters 2, 3, and 13. Chapter 2 entitled "How to Get Started" addresses the sales and marketing aspects

of setting up a new business. Chapter 3 on "Contracting to Work" includes detailed examples of everything from labeling your file folder to consulting agreements. Chapter 13 addresses the financial aspects of the business and is titled "Billing and Collections".

Throughout the book, there are numerous examples of questions an expert might be asked in court, along with one or more possible answers. While some of the recommended responses appear to be appropriate, others would not be in certain court situations. The inappropriate responses were those that attempted to be cute or humorous and those designed to be "zingers". Readers with limited court experience might not be able to distinguish the appropriate answers from the inappropriate ones.

Comments of the author indicate that he is not overly impressed with our legal system. He describes testifying in court as an expert witness as a game. He writes that juries are composed of people not smart enough to get out of jury duty and they base their decision on which side has the best lawyer. Concerning attorneys, he describes a certain group of them as "sleezebags". While the overall tone of the book would offend many attorneys, it would provide them with an interesting insight into the thinking of one type of professional expert witness.

Mr. Poynter's *Expert Witness Handbook, Tips and Techniques for the Litigation Consultant*, 2nd ed, will be of limited interest to readers of JFS. Indeed, forensic sciences is not listed as an area of expertise by the author and criminalists are classified as technicians and are placed at the bottom (immediately above lay people) of the "hierarchy of competency".

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