

# *EXPERT WITNESS CONFESSIONS*

*An engineer's admissions in our legal system*



*Kyle Spectator*

# Expert Witness Confessions An Engineers Misadventures In Our Legal System

**Joseph Snowden Bell**



## **Expert Witness Confessions An Engineers Misadventures In Our Legal System:**

**Expert Witness Confessions** Kyle Spectator, 2007-09 Expert Witness Confessions gives a unique perspective on a little understood part of our justice system Case histories and first person narratives avoid tedious technical or legal language Anyone who has to deal with America's legal system whether as a litigant or professional will find helpful insights interwoven with gallows humor in each irreverent chapter To succeed as an expert it is not enough to have technical expertise It is necessary to be able to explain sometimes complex concepts to people of average ignorance by responding to questions and limitations that are often designed to confuse the issues It is also necessary to have a pragmatic understanding of the legal system as applied in each jurisdiction What is forbidden in Arizona may be required in Virginia The experts greatest challenge is to understand that deepest of mysteries the mind of a lawyer **The Guardian Index**, 1995 The Use and Abuse of Expert Testimony Joseph Snowden Bell, 1879 The Scientist and Engineer in Court Michael D. Bradley, 1983 Published by the American Geophysical Union as part of the Water Resources Monograph Series Volume 8 The gavel goes down the witness is called and sworn in Will you tell the truth the whole truth and nothing but the truth so help you God Every court day scientists and engineers take this oath yet few know the duties of an expert witness and fewer still know the procedures in a lawsuit Unprepared for the courtroom they watch a drama unfold without benefit of the plot Ball 1975 Courtrooms swirl with costume and ceremony Jury judge and spectators assume roles audience director trier of the facts And the lawyers Lawyers are the key dramatis personae Protagonist and antagonist confront one another as lawyers argue their clients cases in the courtroom They object endlessly They cross examine opposing witnesses mercilessly They speak an opaque jargon of laches remittitur and stare decisis They speak Latin ab initio in pari causa lex loci actus They speak old French estoppel fee simple voire dire And they speak law speak abuse of discretion clearly erroneous malice aforethought Mellinkoff 1963 They call contrary versions of the same story true They plead for understanding and compassion They mix independent variables called facts and a dependent variable called law into an argumentative gruel for court consumption Then it's over and the judge delivers his or her opinion One lawyer calls it the decision of the decade a magnificent example of benign reasoned law The other darkly threatens to appeal all the way to the Supreme Court if necessary to relieve an onerous and oppressive injustice All of this is fascinating theatre but to the unprepared scientist or engineer the drama has none of the charm and all of the clarity of a Japanese Noh play

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