A2L CONSULTING

We believe that carefully crafted messages and effectively designed presentations change people's decision-making behavior. We are in the business of making belief.

IMS ExpertServices®

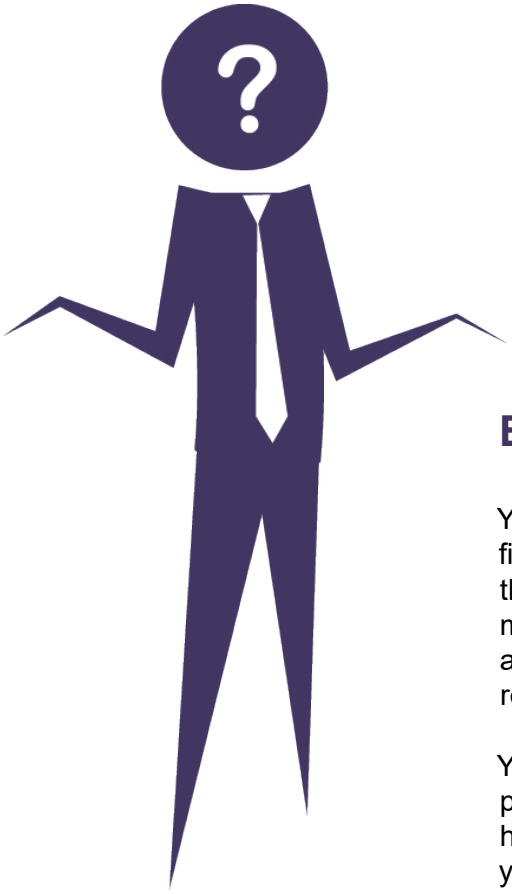
Give us your most difficult expert search, and we'll find and deliver the best experts in the world. It's our promise to you.

Expert Trial Testimony

Direct and Cross Examination

Written by
Tony Klapper, A2L Consulting
& James Crane, IMS ExpertServices

Contents



You are smart. You are well-credentialed. But are you prepared to testify in a court of law?

Expert Trial Testimony

You have read hundreds, if not thousands, of articles in your field. You likely have an advanced degree that touches on the area about which you have been asked to testify. You may have taught classes on the relevant subject matter at a university. You may have presented your thoughts and research at conferences attended by your peers.

You are smart. You are well-credentialed. But are you prepared to testify in a court of law? Do you know what you have to do to be just as effective on the witness stand as you are at the podium?

To answer these questions, we chronicle the unique challenges that a testifying expert faces, and lay out a road map for overcoming those challenges and becoming a truly effective expert witness.

Too Many Big Words

Supercalifragilisticexpialidocious. Too often that is what jurors hear when experts speak to them in court. The nonsense word made popular by the Disney musical, Mary Poppins, certainly sounds impressive. But, like many arcane polysyllabic terms actually used by experts in the field, it serves only to obfuscate, not clarify, concepts for a jury—a jury composed of individuals likely far less educated than the expert witness herself.

Experts in a particular field are most comfortable and most often speaking to individuals with a similar base of knowledge.

They speak at conferences to peers who share common language and experience. They speak to students who attend multiple lectures, read the course-book, and presumably have a particular interest in the material.

Even when they speak about their work in more social settings, their social milieu is typically more sophisticated and educated than that of your typical juror. To sum it up, when an expert speaks about her field of expertise, it is typically inside-baseball talk, and only those who regularly play the game understand what is being said.

That does not mean the expert must dumb down her words in order to be effective.

Effective Experts:

1. DECONSTRUCT THE PRESENTATION
2. KNOW HOW TO READ THE AUDIENCE
3. USE VISUALS

For an expert to be effective, she must deconstruct her presentation so that every element and every term in her opinion testimony is explained and not assumed to be understood.

It also means that if the process of explaining every element and every term leads to an unwieldy, complex, and dense presentation, maybe the presentation itself needs to be simplified.

Learning to speak to a different audience in a different way is not easy.

It requires patience and practice, and it requires visuals - given that the majority of people are visual learners.

But it also requires a keen awareness of whether (and when) you are losing your audience. As a testifying expert, the attorney who is asking you questions on direct examination should (if they are good) be asking you to speak to the jury (not to the lawyer). You are there as a teacher. If your students' eyes are glazed over or (worse yet) are completely shut, you will see it, you will know it, and you will want to do something about it.

Explaining information simply and without the jargon of your profession will go a long way towards keeping the jury engaged and helping your client achieve their goals. If you are too readily dismissed as the ivory-tower, detached, and an inscrutable presenter, the one or two key points that your testimony is intended to convey will be lost in a sea of big words.

Too Many Words; Not Enough Pictures

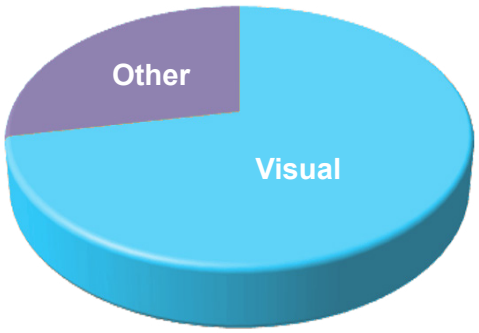
Your peer-reviewed articles contain tens of thousands of words. Your academic poster contains hundreds, maybe thousands, of words. Your PowerPoint presentations delivered to your peers contain bullet-point after bullet-point of words (and maybe a smattering of cartoons).

BUT ASK YOURSELF:

- How many television commercials message the importance of the advertised product through words?
- How many magazine advertisements do the same through words?
- How many movies convey their story through words?
- How many architects explain their designs through words?
- How many patents have no pictures and just words?
- How many biology textbooks have no illustrations and just words?

Two-thirds of jurors learn primarily through visual means. The need for visuals becomes even greater when the information being conveyed is highly complex. That does not mean that you should simply rely on Excel charts, images of equations, and chemical formulas to convey your points. It means that you should consider incorporating litigation graphics as demonstrative evidence into your opinion testimony.

MEANS OF LEARNING



Two-thirds of jurors learn primarily through visual means.

Explaining with 2D animation in PowerPoint how the mucociliary escalator removes inhaled particles from the body is far more effective than just talking about it.

Describing through an interactive timeline the complex series of steps that were employed to design and build a consumer product is far more effective than just talking about it.

And, demonstrating through high quality photographs and well-placed arrows that the key component of your client's widget looks nothing like the component claimed in the allegedly infringed patent is far more effective than just talking about it.

When working with counsel to prepare your direct examination, you should demand that time be spent thinking about how to visually present your testimony; not simply what you are going to say. And, if possible, find opportunities to leave the witness stand and demonstrate with physical evidence, or draw a picture on the flip-chart. The more you are the teacher and not the talking head, the more likely the jury will connect with you and find you credible.

Too Confident and Insufficiently Litigation Savvy

You very well may be the smartest person in the room. You are highly educated and/or experienced in your field. But two things need to be foremost in your mind:

1. First, the jury couldn't care less how credentialed you are if you come across as a jerk or simply act in a way that is inconsistent with their perception of how an expert should act.

2. Second, a good opposing counsel will not only know the case facts better than you, he or she will also likely have greater recall of the scientific literature that is most relevant to the case.

Not Enough Self-Awareness

In every trial, the jury and the judge will be evaluating the credibility of every witness who testifies. If you have done something as a witness to lessen your credibility quotient, what you say will either be filtered through that lens or not even considered. Many things can cause this to happen.

Some testifying experts make the mistake of engaging opposing counsel in a pitched battle during cross examination. While a feisty expert who resists answering "yes" or "no" questions might be seen by her attorney as a hero, the jury more likely sees an expert who is being difficult—particularly when the "yes" and "no" questions are intuitively answerable. Similarly, an expert who regularly resorts to "I don't recall" and "I don't know" responses to questions that objectively seem knowable and recallable also undercuts her credibility. The same holds true when an expert fights over the meaning of words that have common meanings, or starts asking questions of the questioner. When these things happen, the expert no longer is perceived as an expert; she is perceived as an advocate who is hiding some element of the truth.

Even when the expert is not on the witness stand, how the expert interacts with court staff, opposing counsel, and even her own team can affect the expert's perceived credibility. Being

gracious and dignified can help; being cocky or surly can hurt.

For better or worse, jury trials can be show trials. While they certainly involve the search for truth, the way that truth is arrived at is often foreign and unnatural to the novice testifier. For example, unlike the laboratory, classroom, or out in the field, your evaluators at a jury trial are often less educated and less patient. Additionally, unlike normal conversations, the questions asked and answered at a jury trial are orchestrated and controlled by arcane evidentiary and procedural rules. And, while being liked and respected is important in the "real world," its impact is magnified dramatically in the courtroom where snap decisions and judgments are made by people you have never met before and will likely never meet again. Not recognizing these facts can spell disaster and make it less likely that you will be retained as a testifier the next go-around.

Underestimating the Competition

I did not say this would be easy. At least you are probably the smartest person in the room on the subject matter you are being asked to testify, right? Well, maybe. Being litigation savvy requires that you recognize that some of the best trial lawyers pride themselves in playing the game of one-upmanship, outmaneuvering, and outworking the expert testifier. And, those lawyers have some very real advantages.

The best lawyers take great pride in securing the winning admission from the other side's experts—albeit with a smile on their face.

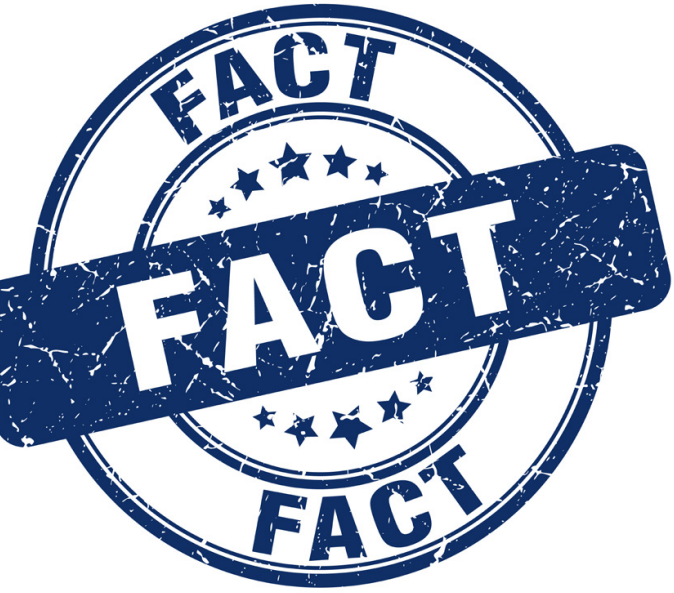
FIRST, they are smart. They may not be as educated as you in the field of your expertise, but they are quick studies and careful readers.

The best lawyers take great pride in securing the winning admission from the other side's experts—albeit with a smile on their face. Many a war story has been told of a cross-examination that brought a testifying expert to tears or so frazzled the expert that he or she caved on points they did not need to cave on. Sometimes aggressive lawyering on cross-examination can back-fire and the expert is perceived as a victim and the lawyer as a bully. But sometimes the jury (like the throngs at a gladiator fight in ancient Rome) wait with anticipation for at least some blood to be drawn.

SECOND, in cases with significant economic exposure or opportunity, opposing counsel will likely be well-financed.

They will have a team of associates (younger lawyers), and possibly even science consultants, available to look for ways to outsmart you. They will have scoured all of your scientific writings and the scientific literature you have relied upon. They might have better recall about footnote 29 or the limitations expressed by another author about the regression analysis in one of the studies upon which you rely. And, they will be looking for statements and opinions that are flat-out inconsistent (or appear inconsistent) with the statements and positions you presented in your expert report and direct examination.

The simple solution to all of these admittedly scary observations is to remember that you really are THE expert.



THIRD, opposing counsel will know the case facts backwards and forwards.

As an expert, you invariably must rely on your understanding of at least some of the case facts in order to apply those facts to whatever scientific methodology you employ—though sometimes you are simply asked to assume certain facts as true. Either way, opposing counsel will work hard to exploit any of your knowledge gaps with what they perceive to be the "real facts."

The simple solution to all of these admittedly scary observations is to remember that you really are THE expert. Moreover, if you believe in your opinions and have prepared properly for your testimony, you will do just fine.

A Preparation Road-Map

Every effective expert witness is more than just an expert witness. If you truly believe your client's position and stand behind your testimony, you are far better positioned to succeed than if you are simply the hired-gun who parrots what others want you to say.

Lesson #1: Don't accept the retention unless you feel completely comfortable with your role and with the requested testimony.

Of course, to believe your client's position, you need to understand it. It is not enough to focus on the sliver that you are responsible for. You should insist that retaining counsel explain their theory of the case and the themes they intend to articulate. You must then understand how your testimony fits into those theories and themes. While you are not (and should not appear to be) an advocate for your side, if you not only believe your client's positions but also understand how your testimony fits into the larger narrative, you will be a far more effective witness.

Lesson #2: Insist on understanding the larger picture.

With this knowledge in mind, you need to be a part of the preparation of your direct testimony. Too often counsel will craft a direct examination and some slides for you and will afford you little time and freedom to have much say in the examination. This is a mistake. You must insist that you practice your direct examination and have input in its development. After all, unlike cross-examination where the lawyer is really the one testifying, on direct, you are the star. Weeks, if not months, before your examination, you should be sitting down with counsel, practicing and seeing how the testimony flows.

The process is iterative; expect many tweaks. Certain points that seemed less important may need to be expounded upon; others perceived significant at the beginning may need to be treated more cursorily at the end. And, because you are not giving a speech, but rather responding to questions, making sure the questions are framed properly to trigger the desired response (and weaving in supporting documentation) is a dance that requires careful choreography.

Most importantly, while choreographed, the direct examination should not appear to the jury to be rehearsed. Finding that balance obviously requires time and preparation. Consider asking counsel to have their hot-seat trial technicians practice direct testimony with you. Even experts who have testified before need to remain familiar with the flow of seeing documents presented in real time, making requests for live call-outs and highlights and working with demonstrative evidence.

Lesson #3: Prepare for your direct examination early in the process; not the day before you testify.

Of course, when you testify, you are opining in front of individuals who know little about the case and even less about the scientific discipline in which you have expertise. You and lead counsel may have a sense of how things will go, but you both may be too close to the action to independently assess your performance. One way to be prepared for trial is to participate in a jury research exercise where the expert's testimony is shown to the jury (often through video-tape). Even if this is not an option, consider asking that retaining counsel do a dry run-through of your examination in front of lay people (law firm secretaries and office staff) who know nothing about the case.

Conducting a mock examination in a quasi-formal setting enables the testimony to be pressure-tested. The feedback you get, while not necessarily scientific, will offer insights into how you come across and whether your testimony is both understandable and effective.

Lesson #4: Before testifying, get feedback on your proposed testimony from those removed from the litigation.

To be an effective presenter, you must remember that your audience will need and expect a visual tutorial on the scientific disciplines about which you are opining. As discussed above, the majority of jurors are visual learners. Taking the time to work with graphic artists and litigation consultants to develop powerful visuals will render you a better witness. If your counsel is not thinking about these things and is simply expecting you to put together some bullet-point slides, raise the red flag early. Insist that time be spent identifying difficult concepts to explain and finding ways to best explain those difficult concepts with pictures, not just words. The importance of this process and being a part of it cannot be over emphasized.

Lesson #5: Make sure you weave into your testimony, powerful, yet simple visuals that can explain otherwise complicated scientific concepts.

Assuming you kill it on direct, remember that you still have cross. Cross-examination provides an opportunity to kill it again, but it also presents the very real possibility that, if not prepared, you lose all that was gained. The importance of cross-examination cannot be overstated. An expert witness can make a great impression on direct examination, but a cross-examiner can be ready with one or two devastating questions. For that reason, it is imperative that you go over all possible lines of cross-examination and be ready for them. Very often, the same attorney who will ask questions on direct will prepare the witness for cross. It might make more sense to prepare for your cross-examination with a less friendly face whose sole job is to wear the hat of the well-prepared gladiator looking for blood. If you don't have time to re-review your prior writings and those upon which you rely, and to master all the case facts, insist that counsel who retained you look for these likely areas of attack and work with you on developing appropriate responses.

Lesson #6: Prepare for cross-examination as carefully as you do for your direct examination.

Trials can be stressful events. But the more you understand the process, believe in your role, understand your role, and practice your role, the more successful you will be. Remember, also, that you do not have to be a professional testifier to be effective. You just need to bring a dose of sweat equity (the same level of care and attention you put into your regular practice) to do well. Testifying as an expert witness is, after all, not rocket science, but it should not be taken for granted.

Related Articles

- The Top 14 Testimony Tips for Litigators and Expert Witnesses
- Five Imperatives for Expert Witnesses
- 7 Smart Ways for Expert Witnesses to Give Better Testimony
- 7 Things Expert Witnesses Should Never Say

The Top 14 Testimony Tips for Litigators and Expert Witnesses

By Ryan Flax, Former Managing Director of Litigation Consulting, A2L Consulting

Litigators and their witnesses are confronted with difficult situations during testimony, and it's nice to have reliable ways out of those sticky situations.

Expert witnesses are engaged to provide their expert insight and opinions supporting their client's case during testimony and are there to tell the truth to the best of their knowledge when questioned at trial or deposition.

Litigators get paid to ask good and, at times, tough questions to get desired answers from the opposition's witnesses and to help their own witnesses do their best.

During both courtroom testimony and in depositions there are common situations where an attorney tries to make things difficult for the witness. Below, I identify 14 of these common situations and provide some good strategies, both from my own experience as a litigator and from tips collected from attorneys and expert witnesses. Consider the points below when advising and preparing your witnesses for trial and depositions.

The main and reoccurring principles are:

1 The Yes Or No Question

If you're a witness (an expert) you are going to be asked "yes or no" questions (where the forced response appears to be a "yes" or a "no") on cross-examination or during a deposition.

This type of questioning will put you in a tough spot because whatever you're asked to respond "yes" to is most likely something you'd rather say "no" to, and vice versa. But, to be truthful, you'll feel that you must answer in a way that seems counter to your beliefs or the foundations of your case. There are many easy ways to get yourself out of this predicament.

First, you need to identify that you're in it. Then, in response to the question you say this: "I understand that you're asking me for a 'yes or no' answer here, and I could answer you in that way, but doing so would be an incomplete answer and I don't want to mislead you or the court." Now, what have you done? You've instantly made yourself look very reasonable in front of the jury/court and like someone interested in getting the "truth" out rather than an unreasonable (paid) witness who won't answer questions.

If the attorney asking the "yes or no" question insists that you go ahead and answer simply "yes or no" he looks like a jerk pushing his own agenda and uninterested in the truth – neither of which will help him in the jury's or court's eyes. It's unlikely he'll do this, but if he does, you go ahead and answer as he's asked, but you've made him look bad and also have clearly identified the issue for re-direct from your own counsel.

Be Prepare to Answer "Yes or No" Questions

Stick to Your Guns & Know What You Are Shooting At

Think, Don't React

2 The Yes Or No Question - Take Two

As mentioned above, there are a variety of ways to get yourself out of the sticky "yes or no" question problem. So, in addition to the solution above, here are some additional tip/tricks to consider.

One expert witness has suggested that a response she uses to combat this situation is to go ahead and answer the question with the "yes" or "no" sought by the examining attorney, and then add, "under certain conditions," with nothing further.

This presents the examining attorney with a dilemma. Should she let that answer stand? What circumstances is the expert referring to? Should she follow up and inquire about the circumstances the expert has in mind? Doing this surely exposes the attorney to a strong counter point by the expert. Responding in this way allows the expert to take the advantage.

3 The Yes Or No Question - Take Three

Another expert surveyed for this article suggested replying to the "yes or no" question with, "as I understand your question the answer is [insert 'yes' or 'no']." As this expert explains it, this is a non-answer; it means nothing because there is no way for the lawyer to know how the expert understood his question and the answer can be either yes or no based on whatever is going on in the expert's mind.

So, again, this begs the question: will the attorney follow up and allow the expert to express what's on his/her mind? Again, advantage: expert witness.

As mentioned, experts will be asked "yes or no" questions during their deposition as they will at trial – the purpose being, once the examining attorney has probed the depths of the expert's knowledge and bases for opinions, he or she will want to lock the expert into some position for trial. Just as in the trial testimony scenario, experts can use the same, and even more, techniques to wiggle out of this sticky situation during a deposition (I say "more" because you're not responding in front of a judge and will have more flexibility). There are other types of "sticky situations" expert witnesses will be confronted with during their examination by an attorney. Several are explored below.

4

I Don't Understand

As an expert witness, you'll be subjected to some pretty tough, sometimes technical questions. Often the questioning attorney will offer a lot of hypothetical facts and complexity within a question. If confronted by such a question, when in doubt, respond that you just don't understand the question and request that the attorney rephrase it. At worst, this buys you a moment of time to consider the question. At best, you'll throw off the questioning attorney, who may have carefully scripted his question because he or she simply had to in order to address the complexity necessary to the issue being investigated.

5

I Don't Understand - Take Two

When you express lack of understanding and ask the attorney to rephrase a confusing question, sometimes the attorney will ask what was confusing to you. Don't play this game. Don't parse the question for what was clear and what was not.

The entire question was confusing and it's his job to figure out a way to make it clear. Just make sure that, before you go this route, the question is at least too confusing for the jury to easily understand, otherwise, they'll perceive you as playing games and being deceptive.

As mentioned, often, the examining attorney will have been asking his questions from a script that he or an associate prepared or that he obtained from a book. If the expert being examined is in a dense or very high tech field, the attorney may not understand the topic well enough to craftily rephrase his question.

6

I Don't Understand - Take Three

Also, make opposing counsel define words if something could be ambiguous. Here's an example based on the examination of a fact witness in a child custody battle: Opposing counsel began asking leading questions to the mother in the case designed to try to paint her as a promiscuous parent who paraded men in front of her kids night and day. If you knew the mom, you would know how utterly laughable this tactic was. So, the examining attorney began the questioning by asking if the mom had "dated" anyone. The mom-witness responded to each of the attorney's questions with her own, e.g., what do the terms "date," "relationship," "intimate," "boyfriend," etc., mean? The attorney finally gave up in frustration and the mom-witness's attorney got a good laugh out of it – the examining attorney got nowhere.

Don't assume you know what examining counsel means by the words he/she uses. Make them explain it (assuming doing so isn't ridiculous enough to make you look stupid or difficult in front of the jury).

7

Think Before You Answer

The next common technique of examining-counsel is the use of rapid fire questioning. This is an easy technique to defuse since the witness can control the rate of questioning by taking the time to consider each question before answering. When the expert witness takes his time to answer, he also gives his counsel time to object.

A2L Consulting CEO, Ken Lopez, was once questioned about an animation in a plane crash case and the question was something like: "the clouds in this animation are really like a video game aren't they?" Ken explained, "I felt defensive, but chose to take my time answering. After a long pause, I replied, 'I can't think of a video game that works like that.'" He was surprised that the examining-attorney dropped the questioning at that point.

Remember, whatever you say is going permanently on the record – so make it accurate, make it useful, and make it count.

8

Don't "Help" Them

Most expert witnesses are, on some level, teachers. They want to instruct, inform, and educate. Often, the greatest and most sought-after experts are well-regarded university professors.

This presents a problem when they're under questioning at trial or (especially) in depositions. It's often difficult for these witnesses to refrain from offering additional information, filling-in the pauses with education, and generally responding to questions that weren't asked.

If an expert finds that their questioning attorney is at a loss for words, don't offer any. Let the uncomfortable silences sit there. Not an easy thing to do, but necessary.

If an examining-attorney asks a question that doesn't get the science right, or misses the point somehow, don't educate them. Let them stay ignorant and let the record stay ignorant until the right time to inform it, which is when the witness is on direct.

9

Don't Guess

Remember, the expert's testimony is forever on the record and will be held against him and his client if possible. If you can't answer a question, or don't know the answer to a question, say so. If your answer is an estimate or only an approximation, say so. If you think you might have the answer in the future, say, "I don't recall at this time." If you do not remember, say so.

Never think that you must have 100% total recall or something even close. Do what you can before a deposition to refresh your recollection if it's appropriate, but don't refresh yourself on irrelevant or unhelpful things.

10

Don't Guess - Take Two (Or Stick to What You're There For)

Another expert recognized that a standard trick is to get an expert to answer a question that is outside her experience because of the natural tendency to try and help by giving an answer. But, doing so can trap the expert because it then calls into question everything she has previously written and all her opinions expressed in court.

It is much better to simply say you cannot answer the question because it is outside your experience. So the cross examining counsel's armory is even further reduced. In addition, the image that the jury (or Judge) then has of you will further be improved. Knowing your business very well and the specific limits of your experience and expertise should garner your more respect.

11

Don't Guess - Take Three (Or Stick to What You're There For - Take Two)

Following the previous note, what if the line of questioning moves to a subject for which the expert IS knowledgeable, but not there to talk about? He can't say he doesn't know how to respond.

Another expert suggests that if the subject matter of cross exam is not outside the expert's experience, but is outside the scope of work conducted in the matter, consider answering, at least in the U.S. – "I am sorry, but that work was outside of the scope of my retention in this matter, and so was not considered." This expert gives the following example: "I have a specialty of deciphering Traffic Signal Timing plans to try and determine who REALLY had the green, as opposed to who THOUGHT they had the green. In many of these cases, a separate Accident Reconstructionist is hired [as another expert]. If an Accident Reconstruction question is asked, it will most probably be within the scope of my EXPERIENCE and TRAINING, but is outside of the scope of my RETENTION in that matter."

The danger of this scenario is that opposing counsel will try to drive a wedge between your multiple experts' testimony, make them contradict one another, and diminish the experts and, thereby, the case. To combat this possibility, have the expert well prepared on what they are there to testify about. Have them stick to their expert reports, if they were required. Have them well prepared on what other experts on your team are testifying about and well prepared not to step on their teammate's toes.

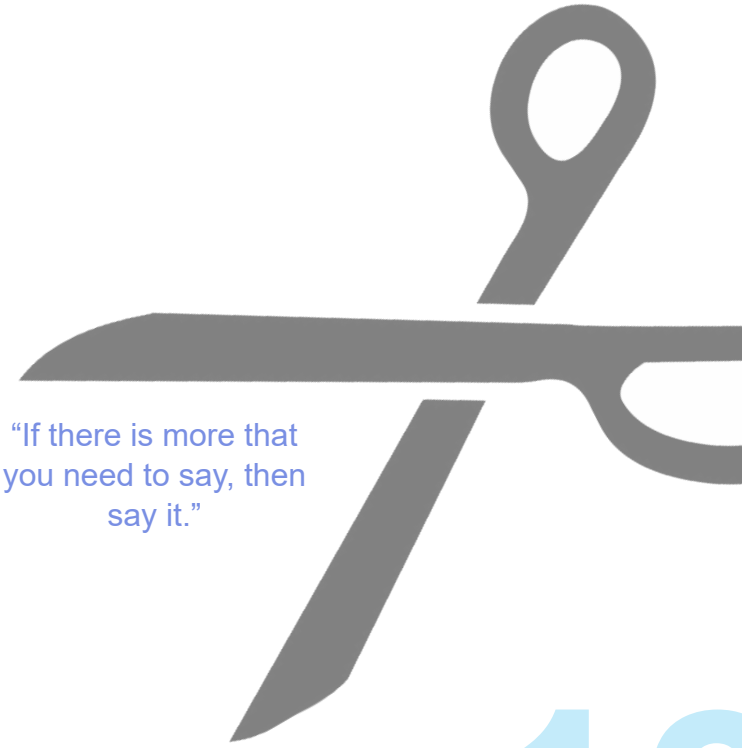
12

Only Answer One Question At A Time

Compound questions are objectionable, whether in deposition or at trial. Nonetheless, have the experts prepared for this possibility. When asked multiple questions at one time, they should ask for clarification to be clear which part they are responding to.

For example:

There would often be an objection here. If there is no objection, and it is too complicated to easily respond to both parts, then do not be afraid to ask for the question to be restated.



"If there is more that you need to say, then say it."

13

Don't Let Yourself Get Cut Off

Another expert recommends: "If there is more that you need to say, then say it. If that means adding it to the next answer or simply saying, 'I'm sorry counselor, I wasn't finished answering your question,' and then continuing," then do it.

Also, be careful if asked a question that attempts to cut off your response, such as: "Is that everything?" Leave the door open in case you might have forgotten something. Respond to such a question with, "that's what I can recall at this time" or something to that effect. Your attorney can try to fix any problems or misrepresentations on your redirect and it will be easier for the attorney to remind you what you have forgotten if you do not testify under oath that you have already covered everything.

14

Make Your Own Hypotheticals

Cross examination involving hypotheticals is common for experts. Another surveyed expert suggested that, when asked a hypothetical question, they are also very seldom complete – engineered that way to be more helpful to the opposing side and damaging to yours.

This expert suggests responding with "I am sorry, that is an incomplete hypothetical, which I cannot answer as phrased. Would you like me to fill in the missing pieces and then give you an answer?" How can the examining-attorney possibly refuse and still appear reasonable to the jury?

I hope you find these points useful in preparing the expert witnesses if you're an attorney or useful in preparing yourself for cross examination if you're an expert. If you or the expert witness needs support in preparation to testify, A2L Consulting is a valuable resource and here to help.

This article was exceedingly difficult to finish because all my experts who provided input kept providing new and helpful tips and examples. If you want to follow such new and helpful tips, join and follow the comments at the LinkedIn Expert Witness Network group here.

Five Imperatives for Expert Witnesses

By Constance Bernstein, Principal at The Synchronics Group Trial Consultants

Quick Links

Effective Non-Verbal Skills Can Be Learned

Are good experts born, or can they be trained? The skills that expert witnesses have to bring with them into the courtroom are just as sophisticated and subtle as those of the best litigators, and just as difficult to execute. For instance, good experts must appear self-confident – but not arrogant. Polite – but not obsequious. Well dressed – but not too flashy or slick.

They need to speak directly to the point – no waffling – without sounding blunt. Good experts can communicate to the jurors that they believe in their case, that they are sincere, without being perceived as an advocate. And while these experts must project an aura of objectivity and lack of bias, at the same time, they have to successfully convince the jurors that their interpretation is the right one.

Experts need to boil down complicated, esoteric material into easily understandable pieces of information that make sense to a lay audience, without appearing patronizing.

The good expert witness comes into the courtroom prepared – very well prepared – having anticipated and practiced answering the opposition's challenges. Yet under cross-examination, he/she will want to appear spontaneous and unrehearsed.

Good experts are good performers, without being theatrical.

Good experts are good performers, without being theatrical. They keep an eagle's eye on their jurors – checking out the level of interest, noting which juror is asleep, which is bored. The worst time for experts to testify is after lunch, between the hours of 1:30 and 3:00. So during that time, they have to be especially innovative – talk louder, show an interesting prop or exhibit or get out of the witness chair and address the jurors directly (with the judge's permission, of course.) All the while, these tasks must be carried out maintaining a demeanor of "relaxed excellence," an attitude which communicates control, leadership and power.

Being a good expert witness can be learned.

So, is it possible to learn the skills involved in communicating these subtle nuances? Or do you have to be born with a special sensitivity and natural talent? As complicated a job as it is, being a good expert witness can be learned. And most of the learning has to do with making the nonverbal language – which is spoken on an unconscious level – conscious. By bringing the silent, subtle messages that are communicated nonverbally to light, and examining them through the lens of reason, one can gain control over that language and begin to use it in an intelligent, purposeful way.

The nonverbal language is powerful; more powerful than the verbal because it is the primal language of feelings. Most of the attributes of a good expert witness are nonverbal attributes, i.e., self-confidence, politeness, sincerity, preparedness, awareness, relaxed excellence. These are nonverbal attributes because they are based on other people's perceptions of a person, rather than what the person says about himself. For instance, an expert can declare to the jury that he is credible, but that declaration does not make him credible. The jurors make an expert credible; their perceptions determine who is or is not credible.

This article will outline five nonverbal attitudes which hold the key to an expert's persuasiveness in the courtroom. They constitute the basic vocabulary of nonverbal communication, and provide tools to use in communicating successfully with jurors.

The nonverbal language is powerful; more powerful than the verbal because it is the primal language of feelings.

1 Show an Open Posture to the Jurors

The first ingredient of a winning courtroom style is to show an open physical attitude, which illustrates an open psychological attitude. The jurors' perceptions of an expert's honesty, sincerity, self-confidence and leadership is formed by how open or closed the expert presents herself to them. The expert who exhibits an open attitude will elicit openness from the jurors; the expert who closes off from the jurors will see the same posture mirrored back from them. The following gestures communicate an open, honest, cooperative attitude:

Keep the Abdomen Open

People have a natural urge to cover up their abdomen, especially when under stress. Man's soft, vital organs are located in this part of the body, so when the abdomen is exposed, people feel unprotected and vulnerable. One sees this behavior in the courtroom when witnesses fold their arms over their chest, wear vests and buttoned jackets, hold papers in front of them and generally try to cover up the front of their body. These obstructions, however, close them off from the jurors and create a psychological distance.

Sequestered in their chair behind the bar, experts are closed off from jurors, so they need to make a special effort to keep open. They will want to put their arms on the arm of the chair, instead of folded over their chest or in their laps; unbutton their suit jacket; and avoid stacking papers and/or books in front of them. Keeping an open abdomen is a courageous, receptive posture reflecting self-confidence and sincerity.

Show Your Hands

Some people approach life like a poker game: cautious, leery and holding their hands close to their chest so no one can see what's up their sleeve. This attitude may be appropriate in some places, but not inside the courtroom. Experts want to keep their hands visible, indicating that they come before the jurors hiding nothing. Let go of a balled fist and show an open palm. The open palm is an especially appropriate expression of cooperation; people use this gesture when they greet each other, shake hands, and ask for understanding.

When addressing jurors, experts will want to use the open palm as an expression of their good will.

Address the Jurors 'Heart to Heart'

A third visual sign of a cooperative attitude is body orientation. A frontal orientation, where people face each other squarely, communicates interest in the interaction and a willingness to interact 'heart to heart.' A sideways orientation, when people literally "turn a cold shoulder" to others, indicates indifference or disinterest. And finally, when people leave the interaction, they literally "turn their back" on it, communicating their lack of interest in the other person.

Experts need to communicate clearly that they are involved in the courtroom interactions, so they will want to go out of their way to give a frontal orientation to those who address them. For instance, when addressed by the judge, it is preferable to actually turn in the chair in order to give a frontal orientation to answer the judge, instead of simply turning one's head. When attorney clients address their experts, the experts will want to give the same frontal orientation. And even with opposing counsel, a frontal orientation is desirable because it communicates a sense of fairness and cooperation in seeking justice.

When addressing jurors, it is especially important for experts to turn in their chairs and meet the jurors 'heart to heart.' But this raises an interesting question: when should experts address the jury and when should they address the attorney who is asking the questions? Jurors are the more important audience, without doubt. On the other hand, experts can be perceived as rude if they ignore the person who is talking to them – i.e., friendly counsel.

This problem can be addressed by the attorney instructing his expert to “tell the jurors” the answer. Once the attorney gives the expert permission to answer to the jurors – then the expert has a justification for turning away from the attorney. This verbal prompt also establishes a pattern of behavior, so even when counsel does not give the expert the prompt, she can still turn to the jurors with her answers.

Show a Relaxed Demeanor

The fourth sign of an open posture is lack of muscle tension. According to the research, power is perceived as expansive, casual and relaxed. Being relaxed communicates self-confidence and control. When the jurors look at an expert, they want to see self-assurance; after all, they depend on the expert to take them through the testimony so they can understand it. If the expert looks worried, he doesn’t inspire confidence in the jurors that they are in good hands. So ‘relaxed excellence’ is the key to one’s authority in the courtroom.

People unconsciously hold a great deal of tension in their face – the forehead, eyebrow, mouth, chin, jaw – as well as shoulders, hands and feet. Holding onto tension shuts out other people, because one’s energy is being used to hold onto the tension instead of reaching out to touch someone else.

Before experts take the witness stand, therefore, they are well advised to get the tension out of their face and body. Shaking the head, arms and legs, as well as alternately tensing and relaxing those parts of the body where the muscles are contracted is a good way to release pent-up energy. Then one is ready to meet the jurors feeling confident, in control and at ease.

‘Relaxed excellence’ is the key to one’s authority in the courtroom.

2

Keep in Visual Control

Eye contact is the most powerful communication tool an expert can bring with her in the courtroom. Nonverbal communication around “looking gestures,” is particularly significant and often identifies the status one has in the courtroom. So learning the rules of the game is important.

Maintaining steady eye contact keeps one in control of the interaction and is especially important for experts.

Making someone wait is a political act. The person who has to wait is the submissive one; the one who other people wait for, or wait on, is the powerful one.

Experts want to return eye contact when being observed to avoid appearing vulnerable.

Maintain Steady Eye Contact…With Opposing Counsel

Maintaining steady eye contact keeps one in control of the interaction and is especially important for experts. When opposing counsel is glaring at the witness, trying to intimidate her – using his eyes as a weapon – it is vital that she respond with a steady gaze. As soon as she looks away, she has lost control of the interaction and assumed a submissive posture, because she can no long see what counsel might be up to. She becomes the “observed” one – which is a vulnerable posture – instead of the one observing. Experts want to return eye contact when being observed.

When an expert has to look at documents or study evidence, she will naturally lose the contact, putting opposing counsel in visual control. To compensate for losing eye control, she will want to turn the interaction into one where she makes opposing counsel wait for her.

Making someone wait is a political act. The person who has to wait is the submissive one; the one who other people wait for, or wait on, is the powerful one. Instead of hurrying through the documents in order ‘not to keep counsel waiting,’ the expert witness will want to do just the opposite, i.e., take her good time in going through the papers, until counsel begins to get impatient with ‘having to wait.’ By making him wait, she is asserting her authority in the courtroom. The caveat here is that she will not want to take too long, because the jurors are waiting for her, as well.

…And With Friendly Counsel

Giving eye contact not only keeps one in control, but is a nice gesture. Giving visual attention is the nonverbal way of saying: "I think you are important and worth listening to." So in giving eye contact, one is giving that person credibility. When counsel gives his expert visual attention, counsel is passing his credibility onto that expert by saying, "You have something important to say." And when the expert returns that contact, he is returning the mutual respect.

The visual connection establishes the psychological connection. The expert and his counsel are a team in the courtroom, and it is important to present a united front. Experts should give counsel their visual attention when counsel is talking to them and never look away, or at notes, or at the judge, or jurors. This establishes respect between the expert and his attorney.

Experts can enhance an attorney's authority in the courtroom, as well, by "looking to" him for guidance, leadership, answers.

When opposing counsel objects during examination, for instance, an expert can give authority to counsel by looking to him for guidance. Even if the expert understands from the judge's answer how to proceed, by looking to counsel that split second and allowing counsel to direct her, she is communicating that counsel is indeed the leader of the team and she will follow his advice. In the end, adding credibility to counsel will enhance the expert's credibility.

Rehearse the Rough Spots

When people do not know how to answer a question, their first nonverbal response is to drop their eyes while they think of something appropriate to say. In that split second, when they lose eye contact, they lose their credibility. When an expert witness drops her eyes, opposing counsel will pick up the hesitation like a hound picks up a scent, and nail her to the wall with it. Losing the visual control is a certain sign of losing psychological control. If an expert has been maintaining good eye contact, and then suddenly loses it at a particular point in her testimony, counsel will know that is the area to probe.

The worse possible reaction when under assault is to flinch

Experts will want to rehearse the answers to those questions which make them feel uneasy, so they can deliver their responses with a steady eye contact. Steadiness is the key here. The worse possible reaction when under assault is to flinch, which indicates that the blow has struck. Instead of allowing the verbal attack to hit its target, the expert witness will want to respond by maintaining a steady gaze, without a moment's hint of vulnerability, while silently thinking of a good answer. As long as the expert can maintain her steady eye contact, opposing counsel will never guess her weaknesses or vulnerabilities, and neither will the jurors.

Win Jurors, Not Arguments

When an expert is able to keep steady eye contact under pressure, the jurors see her as unfaltering. When she maintains visual contact with opposing counsel generally, showing respect to the opposition, they see her as a fair and cooperative witness, ready to listen and answer the questions honestly, in the pursuit of truth. The jurors' perceptions of an expert is the key to an expert's success.

Jurors are not experts and quite often do not understand an expert's complicated testimony. Rather, the expert's powers of persuasion on the stand come from winning the jurors' faith in her as an expert. When the experts cannot agree on the "truth," how can one expect the jurors to know it? The only recourse jurors have is to choose the witness they find most credible, trustworthy and likable. That person becomes the one they rely on to help them find the answers; that is the one they accept as having more knowledge, experience and background than her opponents. Jurors generally vote on people, more than on the complicated evidence.

More than winning arguments, experts need to win jurors.

3 Maintain a Balanced Stance

The further away from the face one goes, the more the body leaks its true feelings. People can generally control facial expressions and put on facades to fool people – i.e., the fake smile, nervous laugh, toothy grin. But the human is not so aware of his hands, and will often reveal a nervousness by unconsciously fidgeting with fingers, rubbing palms, picking nails.

But rarely is one aware of the feet and what they are doing. So when one wants to know what is going on in someone's head, the smartest thing to do is look at his feet. They are so far removed from the brain physically, that they are easily forgotten. Meanwhile, the feet are "spilling the beans," if only people knew how to translate the message.

When testifying in the courtroom – even though jurors cannot see an expert's feet – the expert will want to plant them firmly on the floor. This will keep him grounded and communicate to the jurors that this expert is steady, reliable and 'has his feet on the ground.' An expert's demeanor should communicate strength of conviction, not easily caught off balance. When an expert has both feet on the ground, opposing counsel cannot 'push him over' easily, or make him lose his balance.

Sitting with legs folded might be comfortable, but it communicates a hesitancy, lack of balance and inability to act. When an expert sits with one foot in the air, he does not communicate the same steadiness that two feet on the ground communicates.

In addition, an expert will want to point his feet in one direction, to feel more directed. Keep them still, to still his mind. And keep the weight evenly distributed on both feet, to make him feel more level headed.

Experts will want to avoid shifting around in their seats, with their weight moving from side to side. Shifting makes one look shifty. Indeed, people shift around physically when they do not feel on solid ground intellectually. So keeping the feet on the floor, with the weight balanced, is an important stance for experts.

4

Control Your Leanings

Too much advocacy is death for an expert witness. Rather, an expert has to maintain that fine line between projecting herself as 100% objective in the way she analyzed the data, but 100% an advocate in the conclusions she reached. This is a difficult balance to maintain. Too much objectivity, and an expert loses her impact; too much advocacy, and an expert loses her credibility.

How to maintain that balance? Here, again, using one's nonverbal communication on a conscious level can underline and add emphasis to the verbal message. The direction one leans in communicates one's leanings. Leaning forward communicates advocacy; leaning backwards communicates lack of interest and an upright posture communicates neutrality. By being aware of the direction in which one leans, one can communicate the intended message at the correct time.

Lean Forward When Presenting

When advocating their results, successful expert witnesses reach out to their audience by leaning forward, talking at a steady, sure pace and using gestures to communicate their message more emphatically. Jurors perceive these gestures to mean the expert is self-assured and engaged in the case.

The witness who leans back in his chair, or wraps his feet around the legs of the chair, or holds his voice back – speaking slowly, softly and ponderously – imprisons the body's energy and keeps it from reaching the jurors. This kind of witness communicates reserve, skepticism and passivity. These kinds of postures communicate psychological retreat: aloofness and arrogance. These are the kind of experts who put jurors to sleep.

Listen in Neutral

An upright posture, where the energy does not move one way or the other, is a neutral position. The head sits straight, the body sits straight and the hands rest at the side. The overall attitude is one of disinterest. Neutrality is a powerful posture in the courtroom, but difficult to maintain for anyone who has "leanings" one way or the other. The body will want to express its feelings, and to restrain that natural reaction demands a concentrated effort. For example, judges try to stay objective and neutral, but even they give away their biases by the direction they lean in.

However difficult this posture might be to maintain, objectivity and neutrality is the attitude experts will want to assume when explaining the process they used to come to their conclusions. It might not seem difficult to maintain a neutral posture when discussing a scientific methodology; on the other hand, even though the process might be scientifically objective, the expert chose the procedures and naturally supports her own work. But the effort is worth the trouble, because the physical attitude supports the verbal message and gives more credibility to the expert.

In summary, experts will want to lean slightly forward when answering questions and engaging in the interaction; stay in neutral when explaining procedures, listening and communicating neutrality; and stay back when expressing hesitation and lack of involvement.

5 Take Up Personal Space

An important ingredient of a winning professional style in the courtroom is to project self-confidence. Self-confidence is communicated by the way a person uses his personal space. The more space a person takes up, the more important people perceive him to be. The more important people perceive him to be, the more space they give him. The expert who commands a large presence in the courtroom is the expert who has the authority.

Expand Your Gestures

The first imperative in expanding personal space is to broaden one's gestures. Self-confident people make broader gestures. One way to 'spread out and take up space' is to create space between the arms and the torso – much like a bird spreading its wings. Instead of the arms being glued to the torso when gesturing, the expert will want to free his arms, so that he can reach out and take up the space around him. The whole picture of someone becomes more interesting as it expands and moves in interesting ways. So by making this little adjustment, an expert can change the jurors' perceptions of him markedly – from a dull, but competent, academic to an interesting, competent academic.

A second way to take up personal space is to avoid any kind of self-touching. Self-confident people reach out and touch others; they do not imprison their energy by keeping it contained within their own body. So experts will want to avoid holding onto themselves; even holding one's hands in the lap is to be avoided. And expert witnesses will want to avoid holding onto things – like papers, calculators and pencils.

The best place for the hands is on the arm of the chair, or if there is no arm, then on the lap – but not touching. And when it is necessary to look at papers or use a calculator, the expert will want to put the papers and pencils down after he is finished using them. And when standing, the same imperative holds true: experts should avoid any kind of self-touching, i.e., holding hands – either behind or in front of the body, putting them in a pocket, holding onto pointers, pens, etc.

Claim Your Territory

The second imperative is to claim the physical space in the courtroom. As long as witnesses are sitting in the witness chair, their space is limited to a small area. As soon as they leave the chair and walk down to the floor of the courtroom — to draw something on a flip chart, explain a chart, or work with a prop – they expand their space and increase their importance. Experts will want to arrange with the attorney, therefore, to be called to the floor, which motivates their leaving the witness stand. Or if the attorney fails to bring his witness to the floor, then the expert himself will want to ask the judge if he may approach the jurors in order to demonstrate a point, or explain an important concept.

The important point is to move around in the courtroom. The more territory an expert can claim, the more importance the jurors will give him.

Guard against Opposing Counsel's Aggressiveness

Experts need to guard their personal space carefully. Opposing counsel might try to invade it by approaching too closely, pointing, interrupting, talking loudly, looking down at, or staring. The professional expert will be conscious of these kinds of nonverbal assaults and meet them forcefully.

Since experts are glued to the witness stand under cross-examination, their responses are limited – but nevertheless, available. If opposing counsel points, stares, yells or looks down at an expert witness, the appropriate response is to look away – not down, not up, not at friendly counsel or the judge – but sideways, away from the assault. A sideways maneuver puts the expert in the position of not looking at the person who is looking at him – which is a power position. So the expert will want to assume the superior posture and refuse to acknowledge counsel's aggressiveness. By so doing, the attacks have no target and consequently, get lost.

When opposing counsel tries to interrupt a witness, the witness should continue talking – even if it means talking over counsel's words. A witness must not allow opposing counsel to invade his space and take the floor away. If counsel continues to talk over the expert's words, counsel will be perceived as the aggressor, not the witness. The jurors will think counsel is unfair in not allowing the witness to present his evidence. And they will perceive the expert as a strong, self-assured and engaged witness.

Summary

To answer the initial question of this article: Are good experts born, or can they be trained? The answer is clear. And the nonverbal behaviors discussed in this article are designed to help experts perform even better, to win the trust and confidence of the jurors by projecting a style of authority, openness, control, balance, power and engagement. Nonverbal messages, which are the means by which experts establish rapport with the jurors, are crucial to getting the verbal messages across. Experts will want to make sure that when they are in the courtroom they project the style they choose, not merely the one they fall into.

7 Smart Ways for Expert Witnesses to Give Better Testimony

By Ken Lopez
Founder/CEO, A2L Consulting

Expert witnesses can be an extremely valuable portion of your case. If they are well-prepared, convincing and convey a clear, uncomplicated message to the jury, their testimony can lead directly to a verdict in your favor. If they are unconvincing and don't communicate well, they are at best useless and at worst damaging to the case.

The essential problem is that expert witnesses – whether they are testifying on engineering, scientific, financial, or other issues – tend to be very intelligent and knowledgeable. At the same time, however, they are prone to using terms that are well above the jury's experience and educational levels and thus these experts are prone to be dismissed by some jurors as ivory-tower types who have nothing useful to say.

We believe our firm plays several important roles helping expert witnesses get prepped for trial. Since our goal is winning by telling a clear and convincing story, the value of expert testimony must be maximized in each case. Expert witnesses are an essential piece of the litigation persuasion puzzle.

Here are our seven tips for preparing expert witnesses and expert testimony to the best effect possible:

1 Use Visual Communications Tools:

Use litigation graphics as demonstrative evidence to help the expert explain his or her opinion. No testimony, however favorable to your cause, is helpful if jurors don't understand it. Don't simply rely on whatever Excel charts or graphics the expert may have included in his or her report. Those are designed for lawyers and specialists in the field to understand, not for the jurors. Two-thirds of jurors learn primarily through visual means, and the expert's testimony is no exception.

No testimony, however favorable to your cause, is helpful if jurors don't understand it.

2 Prep With A Trial Tech

Have the hot-seat trial technicians practice direct testimony with the expert. Even experts who have testified before need to remain familiar with the flow of seeing documents presented in real time, making requests for live call-outs and highlights and working with demonstrative evidence. Experts are more likely to focus on their research and their conclusions than on the potential jurors' responses to the information.

Every bit of direct testimony should be practiced.

3 Practice Direct Examination

It is remarkable how often, in the rush to prepare for trial; expert witnesses go basically unprepared in high-stakes cases. Every bit of direct testimony should be practiced. Direct should be like driving a high performance automobile on the autobahn, exhilarating but quite predictable.

4 Practice Cross Examination

The importance of this cannot be overstated. An expert witness can make a great impression on direct examination, but a cross-examiner can be ready with one or two devastating questions that cast doubt in jurors' minds on the expert's conclusions, or even worse, on his or her methods and techniques. You should go over all possible lines of cross-examination and be ready for them. Very often, the same attorney who will ask questions on direct will prepare the witness for cross. We recommend recruiting a less friendly face from within the firm to ask questions to prep the witness.

5 Video And Review

Record a practice session for both direct and cross-examination. Review it. Refine it. Re-record it. Repeat until you are satisfied.

6 Use Experts At A Mock

We recommend testing expert witnesses in a mock trial format to see what lines of testimony work the most effectively. For some mock trials different strategies for the same expert can be tested.

Jurors need to remember a point or two from the expert's testimony that they will understand.

7 Keep It Simple

No matter how complicated the issues at trial may be, the jurors need to remember a point or two from the expert's testimony that they will understand. Get past the technicalities. You want the jurors to think something like this: "Remember what that expert said -- as much as the prosecutor was condemning the defendants for these commodities trades, they're basically no different from trades that people do on the exchanges every single day."

7 Things Expert Witnesses Should Never Say

By Laurie Kuslansky, Ph.D.
Managing Director, Jury Consulting,
A2L Consulting

Expert witnesses, if they are well prepared and know your case well, can go a long way to helping you win your case at trial. Often, a case will center on an engineering, scientific, environmental, or similar issue, and having the right expert can make all the difference. However, the flip side is that a poorly prepared expert witness, or one who does not testify effectively, can help you lose your case.

1

“That’s not my field of expertise, but …”

The classic mistake an expert can make is to wander outside his or her area of knowledge and expertise. An expert should never sound evasive or ill-informed. If the answer to a question on cross-examination is truly outside his or her field, it’s not relevant to his or her direct testimony, or the question should draw an objection, the best way for an expert to be believed about what they do know is to admit what they don’t know when it isn’t in their domain. If it’s relevant, the expert should be prepared and should answer.

2

“I have no idea.”

Again, don’t sound evasive or ill-informed. A better answer is, “Under the assumptions that I am making, which are …, here is what I’d expect to happen.”

3

“I said that in my report, but...”

Do not back down from the report and create uncertainty. The report should be carefully crafted to embody the expert’s conclusions. A significant weakness for any witness is to reverse positions. If for some reason such as new information that was not available when the report was prepared became known to the expert, then it should be made clear that the report was based on what was known at the time. Otherwise, there are better ways to explain apparent inconsistencies. Cross examination is likely to exaggerate such points and it is the expert’s job to neutralize them and put them into better perspective.

4 "I changed my mind."

Again, this creates a dangerous amount of uncertainty for the jury and leads them not to rely on an expert as an expert. If the expert really needs to modify some aspect of his or her testimony, tackle that directly by explaining in open court what slight change is needed and why.

5 "I could be wrong, but …"

The expert should never make this concession. The expert's job is to be forceful and help the jury. The jurors may discount part of the expert's testimony, but his or her job is not to help them do this. Such type of humility does not serve an expert well.

6 "I'm not really an expert."

Then why are you on the stand? Under the law, expert testimony is admissible only if the expert is qualified. The expert is qualified if his or her testimony will help the jury decide issues in the case or understand the evidence, if the expert's testimony is based on sufficient facts or data, and if it is the product of reliable methods and principles. Lastly, it applies if the expert has reliably applied the methods and principles to the facts of the case. Otherwise, the expert shouldn't be on the stand. If an expert is unwilling to make a firm commitment to an opinion and to their area of expertise, do not risk putting them on the stand. This is especially relevant when using an expert without experience testifying.

Although the expert is on your side, he or she is not a mouthpiece for the lawyers.

7 "The lawyers told me to say that."

No. He or she has objective expertise based on science and technology and has composed an independent opinion. It is up to the expert to own it.

About The Authors

Tony Klapper

Tony Klapper is the Managing Director for Litigation Consulting and General Counsel for A2L Consulting. A prior partner at both Reed Smith and Kirkland & Ellis, Tony has significant litigation experience in products liability, toxic tort, employment, financial services, government contract, insurance, and other commercial disputes. In those matters, he has almost always been the point person for demonstrative evidence and narrative development on his trial teams.

James Crane

James Crane is the Director of Client Management at IMS ExpertServices. In addition to his primary role of providing leadership and being responsible for building, developing, and managing the highly acclaimed sales team, James supports strategy, approach, and relationship building with targeted, top-tier law firms and Fortune 500 companies.

About A2L Consulting

Founded in 1995 as “Animators at Law,” A2L Consulting is the nation’s leading attorney owned and operated litigation consulting, jury consulting, trial graphics and trial technology firm. A2L believes that effective messaging combined with effective presentations changes the outcome of cases and takes delight in working with people who feel similarly.

About IMS ExpertServices

IMS ExpertServices is the nation’s premier provider of experts and consultants for top law firms and Fortune 500 companies. We excel at custom search, connecting elite industry and academic experts with attorneys in the midst of high-stakes business litigation. In short, we deliver experts who position you for the win.