

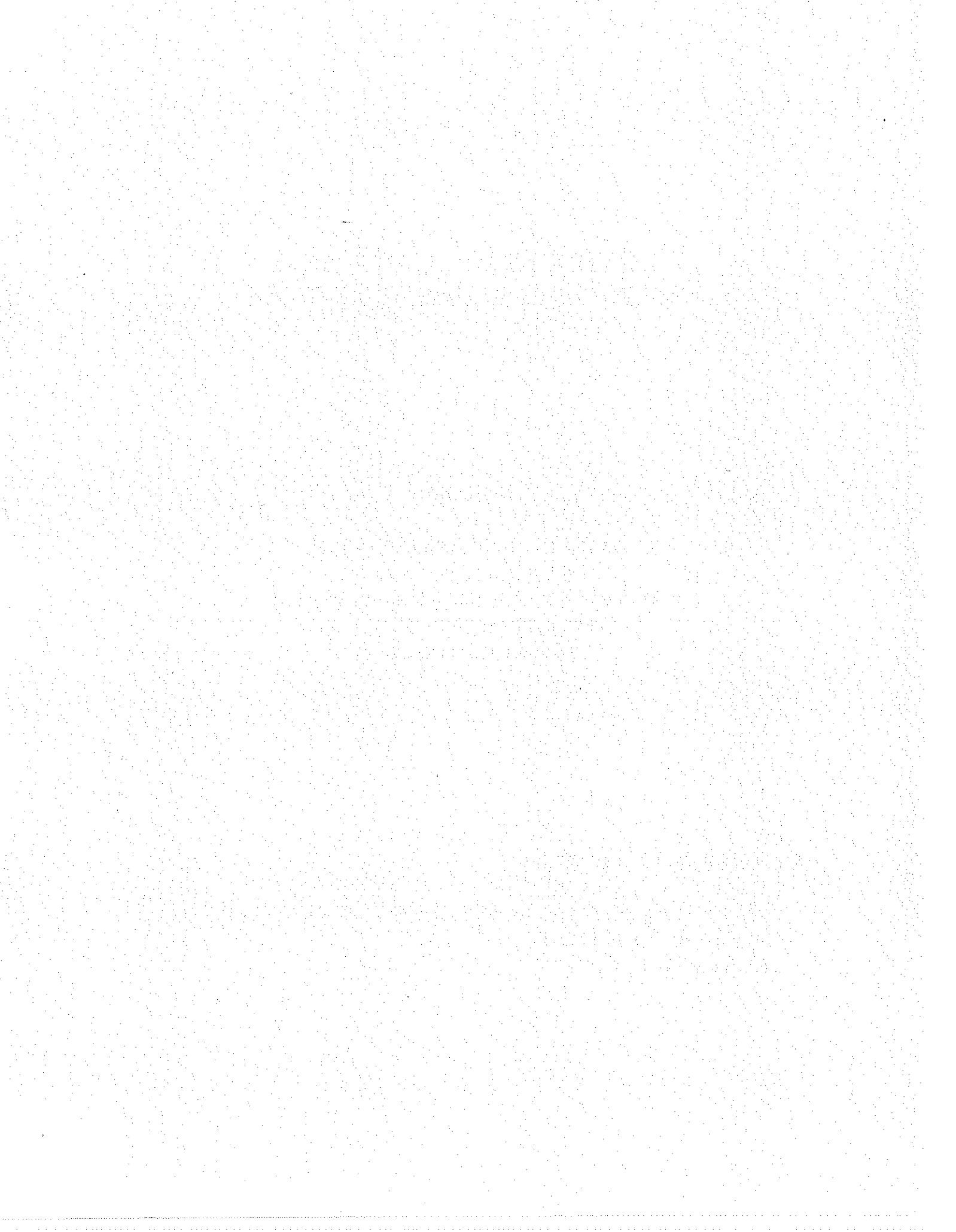
**ADVICE FROM AN EXPERT  
WITNESS IN STUDENT AFFAIRS**

**Presenter:**

**DONALD D. GEHRING, Ph.D.**  
**Professor and Director**  
**Higher Education and Doctoral Program**  
**Bowling Green State University**  
**Bowling Green, Ohio**

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Advice from an Expert Witness in Student Affairs  
by  
Donald D. Gehring  
Professor and Director  
Higher Education Doctoral Program  
Bowling Green State University  
Bowling Green, OH 43403  
(419) 372-7305  
dgehrin@bgnet.bgsu.edu

Student affairs and higher education professionals may be called upon from time to time to serve as expert witnesses. The outline below is based only upon my experiences in giving expert testimony in several trials and providing reports to the Attorney General of Ohio and private attorneys.

A. Initial Contact

- Don't commit to anything until you have read the documents.
- Ask for documents you believe would be useful (crime reports, handbooks, etc.)
- Counsel will probably want a phone conference after you have read the documents and before you write your report.
- State your opinions and rationale for them honestly. Now is the time.
- Counsel will want a current vita.

B. Compensation

- As an expert with many years of experience you are entitled to be compensated for your time and knowledge.
- Discuss your rate up front:
  - Reading and consultation time (including telephone discussions).
  - Travel time and time away from home
  - Depositions
  - Court appearances
  - Expenses (telephone charges, copies, etc.)
- Keep an accurate log of your time for billing purposes.

- Some attorneys will want you to sign a contract or simply sign a letter outlining the terms and conditions.
- You will be asked to state your rate of compensation in court.

### C. Do Your Homework

- Read all the documents carefully. May be 1-2 feet of depositions and other exhibits.
- Don't underline or highlight documents.
- Destroy your notes after you write your report.
- Know your own institution.
- Review resources
  - Writings in the field
  - Standards of the profession
    - CAS Standards
    - Ethical Statements
    - Professional Organizations
- Ask for more information if you need it to form an opinion.

### D. Reports

- State your understanding of the essential facts as you have been informed of them from the documents.
- Do not interpret the facts.
- Apply expert knowledge to the facts.
- State your expert opinion clearly and the basis for your opinion.

### E. Depositions

- Don't be intimidated -- you are the expert and know more about your area than either attorney.
- Don't be overconfident.
- You will be asked how often you have been an expert witness and whether it was for P or D

- Questions
  - Wait until the question has been asked before you answer it.
  - Look for assumptions in the question and ask for clarification.
  - Ask for clarification for any question you don't understand.
  - Don't over answer the question -- you can clarify your response but don't give more information than you have been asked for.
- Objections will be made. Wait until your attorney tells you that you can answer before you do.
- Ask for a break anytime you need one.
- Carefully read the typed deposition and make the necessary corrections on the sheets provided.
- Look for testimony you have given that can be challenged and decide how you will counter it.
- Keep a copy of your deposition.

#### F. Before Court

- Think of ways you or your testimony can be attacked because opposing counsel will.
- Let your attorney know how he or she might counter the attack.
- Be sure to review the documents to refresh your memory of the facts, your opinions and your testimony in the deposition.

#### G. Court

- Follow the advice for depositions
- Be honest!
- Be pleasant.
- Look at the jury from time to time as you respond.
- Say what you believe as an expert. If the court does not want to allow that testimony you'll be told.
- Don't be argumentative, but rephrase or ask for clarification.

