So You Want to be An Expert?:
Perspectives from the Transportation Expert Witness Council

Name
Title
Institute of Transportation Engineers

Presentation to the Meeting Name
Month dd, 2013

...your source for expertise, knowledge, and ideas
Why a Transportation Expert?

- When there is injury, fatality, or disagreement on the use of a transportation facility.
- When crashes occur someone needs to help sort out the facts and what they mean by assisting the attorney with technical aspects.
- Was there a deficiency related to the driver, vehicle or transportation infrastructure?
Why a Transportation Expert?

• Were corrective measures necessary or applied?
• What was required?
• Is a change to the transportation system reasonable or necessary?
• Suggest changes to enhance safety and risk management.
Expert: What Does That Mean? What is the Need?

- **Expert Witness**: A person who assists the attorney and client in the litigation process because he/she has special knowledge in a particular field. This entitles them to testify about their opinion on the meaning of facts.

- Requires experience to develop special knowledge:
  - No surprise that 75% are greater than 50 years old
  - However, 18% over 70 years old
  - Need exists to develop mid-career people into the role of transportation experts
Expert: What Does That Mean?

- How to become an Expert Witness:
  - Establish an area of interest
  - Understand tort liability
  - Use resources to obtain knowledge
  - Gain technical competence
  - Obtain work experience
  - Build credentials
Establish an Area of Interest

- Pick specific subjects or areas of practice
- Six most common are:
  - Accident Reconstruction
  - Traffic Engineering
  - Highway Design
  - Maintenance and Construction
  - Planning
  - Product Liability
- Have a keen interest and learn everything about subject
Establish an Area of Interest

• Understand development of policies, procedures and requirements

• Current Issues:
  ▪ Traffic Control Signs and Signals
  ▪ Roadway Design
  ▪ Maintenance and Construction
  ▪ Pedestrians/Bicycles
  ▪ Work Zones
  ▪ Transit Facilities
  ▪ Automated Enforcement
Understand Tort Liability

- Know roles of an attorney and their purpose in the U.S. legal system
- Know roles of an expert and the role’s relationship to the civil and criminal court system
- Field investigations
- Engineering reports / affidavits
- Depositions and trial testimony
- Expert Witness Information Notebook
- Use these tools to improved design and operations
Use Resources to Obtain Knowledge

• Research field, learn background
• Understand what changes have occurred and why
• Understand new and emerging issues
• Build a reference library
• Attend or teach seminar classes and workshops
• Become an information resource if someone has a question
Technical Involvement

• Work on technical projects
• Help to develop recommended practices
• Write Articles, reports, research, presentations
• Volunteer for assignments
• Participate in development of engineering standards.
Obtain Work Experience

• Gain actual field experience.
• Have responsibility for applications.
• Deal with public feedback.
• Understand realistic & practical, day to day, implementation of measures.
• Obtain knowledge of traffic operations.
• Work with enforcement groups.
Build Your Credentials

- Education
- Registration / certification
- Experience
- Technical involvement
- Presentations
- Publications
- Field investigations / court experience
- Prepare a resume or Curriculum Vitae (CV)
Get Case Experience

- Associate with known experts
- Seek involvement and court experience
- Find a Mentor – Be a Mentor
- Get involved – Make yourself a better engineer
ITE Resource:
Expert Witness Directory

- Accessible through the ITE web site
- Expert Witness Council members
- Listing input and updated by individual
- Selection of specialty area
- No verification of data
- No endorsement by Council or ITE
- Searchable directory
- Free to Council Members
Expert Witness Directory Information

- Name, address, phone, fax, e-mail
- Licenses, registrations and certifications
- Description of services
- Education
- Work experience
- Affiliations
- Specialties
ITE Resource: Transportation Expert Witness Council

**Mission:**
- Foster ethical conduct
- Promote professional development
- Advance knowledge and skills that improve transportation safety

**History:**
- Chartered by ITE in 1986
- 24 Founding Members
- Currently 500+ members
Leadership

• Russell Brownlee, Chair (Toronto, ON)
• Vacant, Vice Chair
• John Logan, Past Chair (Seattle, WA)
• Robert Stammer, Past Past Chair (Nashville, TN)
• Jim Pline, Secretary (Boise, ID)
• Keith Bergman, Newsletter (Fort Washington, PA)

• Executive Committee:
  • Bernie Arseneau
  • Andrew Ramisch
  • Hibbett Neel
  • Bob Seyfried
  • Ron Eck
Members Interests
Ethical Practice

• How do we maintain the credibility of Experts?
• How do we identify poor practice?
• What is the best way to police members?
  • Peer Review or
  • Censure Process
• Keep testimony within expertise?
Member Interests
Information Dissemination

- What information is needed by members?
- How do we train new Experts?
- Research of pertinent cases?
- Publish more trial results?
- More articles in *ITE Journal*?
Member Interests
Credential Standards

• What are minimum thresholds?
• How to develop qualified experts?
• How to define qualifications?
• What certifications are important?
• Keep in mind the court actually decides.
Member Interests
Forums for Information Exchange

• How to get more articles in Newsletter?
• Are meeting sessions adequate?
• How can members raise issues?
• Expand information resources?
• Available mentors for young and old?
Member Interests
Trial Testimony

- Provide training
  - Good and bad examples
  - Graphic presentations
- Trial highlights
- Adjudications and appeal verdicts
- Review unique cases and “surprises”
- Case judgments – Safety impacts?
Member Interests
Safety Advancement

• Costs of litigation judgments
• Knowledge of minimum requirements
• Application of corrective measures
• Information from judgments
• Awareness of Driver – Vehicle – Roadway deficiencies
Member Interests
Promotion of Forensic Services

- Develop member qualifications
- Build agency/attorney contacts
- Promotion of individual services
- Marketing activities
Council Membership Distribution

- 16 pct. of council members in their 40’s
- 57 pct. of council members in their 50’s and 60’s
- 18 pct. over 70 years old
- 75 pct. greater than 50 years old
Expert Witness
Information Notebook

• Updated in 2008
• Published as a CD-ROM
• Available on-line to members in the ITE Community
• Free to all Council members
• Written by members to help members
Notebook Content
Liability Information

- Tort liability background
- Liability doctrine and concepts
- Anatomy of a lawsuit
- Glossary
Notebook Content
Expert Practice

- What it takes to be an Expert
- Depositions
- Preparation for trial
- Professional ethics conduct
- Working with Attorneys / Other Experts / Clients
- Outline format for accident investigations
- Unethical practices
Notebook Content
Support Data

- Field investigations
- Obtaining information from witnesses
- Use of regulations standards, practices and procedures
- Court exhibits
- Input to design and traffic control litigation
Notebook Content

Miscellaneous

- Reference information notebook outline
- File and letter database
- Trial notebook outline
- Case database
- Bibliography of references
Questions