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

Institute of Transportation Engineers
Presentation to the San Diego Section
January 10, 2013

...your source for expertise, knowledge, and ideas
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

- **John Logan**, Chair (Seattle, WA)
- **Russell Brownlee**, Vice Chair (Toronto, ON)
- **Robert Stammer**, 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
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
Why a Transportation Expert?

- When crashes occur, someone needs to help sort out the facts and what they mean.
- Was there a deficiency related to the driver, vehicle or transportation infrastructure?
- Were corrective measures necessary or applied?
- What was required?

- 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
Expert: What Does That Mean?

- **Expert Witness**: A person who testifies at a trial because he/she has special knowledge in a particular field. This entitles them to testify about their opinion on the meaning of facts.

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

- Pick specific subjects or areas
- Have an interest and learn everything about subject
- Understand development of requirements

Current Issues:
- Pedestrians/Bicycles
- Work Zones
- Railroad Grade Xings
- Transit Facilities
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
• 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.
Build Your Credentials

- Education
- Registration / certification
- Experience
- Technical involvement
- Presentations
- Publications
- Field investigations / court experience
Understand Liability

- Know functions of an expert
- Field investigations
- Engineering reports / affidavits
- Depositions and trial testimony
- Expert Witness Information Notebook
Get Case Experience

- Associate with known experts
- Seek involvement and court experience
- Find a mentor
- Advertise and market
EWC Resources

- Expert Witness Information Notebook
- Expert Witness Directory
- Sessions at Meetings
- Training Seminars
- Council Newsletter
  - Provide information to Keith Bergman (Newsletter Editor)
  - Email: kbergman@fleischerforensics.com
  - Published three times per year
  - Available – EWC page on ITE Web site
Expert Witness
Information Notebook

• Updated in 2008
• Published as a CD-ROM
• 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
Expert Practice

- What it takes to be an Expert
- Depositions
- Preparation for trial
- Professional ethics conduct
- Attorney / Expert / Client relationships
- Outline format for accident investigations
- Unethical practices
- How lawyers sabotage their Expert
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
• Trail notebook outline
• Case database
• Bibliography of references