

EXPERT WITNESSES

FROM THE DEFENSE PERSPECTIVE

Presented by Dawn Deaner, Metropolitan Public Defender



Dave Coverly

*"I thought I was guilty until my
lawyer straightened me out on that."*

Primary Duty of Defense Team: Loyalty and Zealous Advocacy for Client



What do I want from my expert?

- Take my case seriously – I do.
- Don't assume I know what you are talking about – I don't.
- Pay attention to me, even when I don't pay attention to you.
- Don't surprise me – I don't like surprises.
- Don't leave me hanging because you decide you don't like my client anymore.
- Help me at trial, even if you can't help me.
- Loyalty and discretion.

What you should expect from lawyer

- To provide you with all relevant information (but may not know what that is until you tell them)
- To prepare you for the other side's tactics/theories
- To pay you in a reasonable and prompt manner
- To communicate with you in a timely fashion
- To TRY to accommodate your schedule

When You're Against Me . . .

- Details, Details, Details – Be Thorough
- Talk to me before trial
- Be fair
- Don't take it personally
- I may, or may not, come after you

Issues to Anticipate . . .



NAS Study in February 2009

"Recent studies have increased our understanding of the individuality and consistency of handwriting...and suggest that there may be a scientific basis for handwriting comparison, at least in the absence of intentional obfuscation or forgery. Although there has been only limited research to quantify the reliability and replicability of the practices used by trained document examiners,...there may be some value in handwriting analysis." *Id.* at 5-30.