



RON SMITH & ASSOCIATES, INC.



## TWO-DAY LIVE ONLINE TRAINING

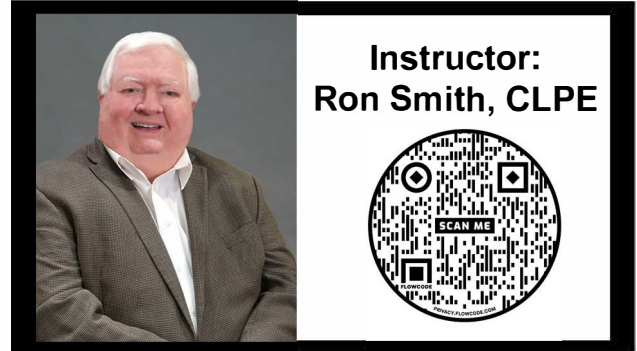
### Expert Witness Testimony Techniques for Laboratory Analysts

**Do you know...?** Why are you there? Who asked you to appear? What did they ask you to bring with you to court? Whose side are you on? (careful) How do I get off the stand quickly? (why) Who can I speak to in the hallway? Who can I speak to in the witness room? (if they have one) What can I carry on the witness stand with me? What should I never carry on the witness stand? What do I do when objections occur? How am I supposed to sit in the witness chair? Who do I look at? What do I do if an attorney interrupts me while answering? What do I do if I do not understand a question? What do I do if I don't know the answer to the question? What do I do if I can't remember the answer, but I know I have it in my file on the stand? What do I do if an attorney asked me to step down to demonstrate something to the jury? What do I do if I finish my testimony and no one "finally excuses" me? Can I re-enter the courtroom after my testimony? (should I) To whom should I address my answers? If subpoenaed by the prosecution, can I discuss the case with the defense attorney out in the hallway?

If subpoenaed by the defense, can I discuss my upcoming testimony with the prosecutor over lunch? If the prosecutor, during direct examination, fails to ask you the right question, how can I help them get the correct information to the jury? (should I)

This list of topics (questions) goes on and on and focuses on how you appear while on the witness stand, and how to understand and exercise your rights while testifying. How you deal with these scenarios determines the level of trust the jury is willing to place in you as an expert witness.

As you can see, these questions have nothing to do with your expertise. Don't worry, that comes later in this webinar.



**March 09-10, 2022**

**09:00 AM - 6:00 PM CST**

**16 Hours**

**Tuition: \$400.00**

**Register at:**  
**[www.RonSmithandAssociates.com](http://www.RonSmithandAssociates.com)**

***This live online training is APPROVED  
for 16 credit hours towards  
certification & re-certification by the  
following I.A.I. Certification Boards:  
Latent Print | Footwear | Forensic Video***

***Re-certification by the I.A.I. Crime Scene  
Certification Board.***

#### DAY 1

**9:00 AM - 9:30 AM - Introduction to speaker and student expectations.**

**9:30 AM - 11:00 AM - What is the role of an expert witness in a trial?**

Below are just a few of the topics that we will cover, and they apply to all forensic expert witnesses, regardless of your discipline. Ron will clearly show you that your forensic discipline in court has much more in common with other disciplines than differences. Most agencies who do have expert witness training programs focus on the technical questions that the witness might be asked, when there are so many things that a new witness needs to know just to get through the first few minutes. This is where the expert witness begins to gain the "forensic trust" of the jury. Let's start there.

**VISIT THE RS&A WEBSITE TO REGISTER YOUR SEAT TODAY!**

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**Have Questions? Contact Us at: 1-866-832-6772**

**11:00 AM - 11:20 AM - Break**

**11:20 AM - 12:30 PM - Rights and Obligations of an Expert Witness While Testifying:**

*(This is just a sample of the topics we will cover in this module)*

**Verbal:** **What** you can say and what you cannot say. **What** you can do when you have not finished your answer and another question is asked. **What** you could say but should not say. **What** you can say when you do not understand the question. **What** you should never say when you do not understand the question.

**What** you should not say when the attorney asks a long-drawn-out question extemporaneously.

**Physical:** **What** can you do when the defense attorney stands between you and the jury and blocks your vision of them. **What** can you do when the defense attorney stands directly beside you? **What** should you do when the defense attorney asks to see your case file? **Where** you should not place items of physical evidence while you are testifying. **What** you can do to get items of evidence removed from the witness stand. **What** you can physically show the jury and when can you show it. **How** you can position your body to increase the level of contact with the jury.

**How** you can use your eyes to increase the level of communication with the jury.

**12:30 PM - 1:30 PM - Lunch**

**1:30 PM - 3:00 PM - The Defense Bar. Who they are and what do they know?**

**Public Defenders.** **What** is their role and what should you expect from them in the courtroom?

**Retained Attorneys.** **What** is their role and what should you expect from them in the courtroom that might be different from a Public Defender?

**Where do Defense Attorneys get their information about forensics?**

- National Association of Criminal Defense Lawyers, their training conferences, and their publication "The Champion".
- Books, books, and more books! • Internet blogs • Articles in legal journals • Their own forensic experts • Case law
- Newspapers • Forensic publications from ASCLD, SOFT, AFTE, IAI, OSAC, etc. • Transcripts from previous testimonies • Records of past ISO laboratory assessments • Your laboratory manuals

**3:00 PM – 3:40 PM - OSAC Standards: (Potential Cross Examination Topics)**

- How they affect laboratory operations • How the Defense Attorney sees OSAC standards • Level of compliance issues • Incorporation of changing standards in QM program

**3:40 PM - 4:00 PM - Break**

**4:00 PM - 4:45 PM - Proficiency Testing (Potential Cross Examination Topics)**

- Frequency • Proficiency Testing Versus Competency Testing • Difficulty/Complexity of Proficiency Tests
- Internal versus External Proficiency Testing • Criticisms of existing external commercial test providers.

**4:45 PM - 5:15 PM - ISO 17025/17020 Accreditation (Potential Cross Exam. Topics)**

- Level of knowledge and understanding of ISO Standards • History of witnesses' past ISO assessments for their unit. (Findings, etc.) • History of witnesses' past corrective actions

**5:15 PM - 5:45 PM - Quality Management Systems (Potential Cross Exam. Topics)**

- Laboratory wide components • Evidence handling, evidence marking, etc. • Case documentation
- Case reporting • Forensic unit components • Sampling methods (potentially major topic) • Sequential processing decisions • Maintenance of QM system • Developers (authors) of QM manuals • Developers (authors) of forensic unit operations manuals

**5:45 PM-6:00 PM Introduction to Day 2 topics**

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## DAY 2

**9:00 AM - 9:15 AM - Review of potential topics for final examination from Day 1.**

**9:15 AM - 9:45 AM - Error Rates and what they really mean.**

• Pattern Evidence Studies • DNA Mixture Studies • Toxicology (Particularly BAC) studies • Error rates as defined by published PT results

**9:45 AM - 10:15 AM Sampling Decisions made in casework and the potential problems that could arise.  
Hot topic for cross examination!**

**10:15 AM - 11:00 AM Contamination of evidence and its potential effect on results.**

• At the scene (environmental) • By the crime scene investigator • By the receiving evidence technician • By the forensic technician • By the forensic scientist

**11:00 AM - 11:20 AM - Break**

**11:20 AM - 12:00 PM - Rules of Evidence**

• Federal Rules of Evidence • Rule 702 • Rule 611 • Rule 704 • State specific rules of evidence

**12:00 PM - 12:30 PM - Direct Examination**

• How to get off to a great start with the jury. (To know you is to love you) • Proper attire and appearance  
• Qualifying questions are critical to the success of the expert witness. (Stipulations to your qualifications should not be accepted by Prosecutor) • Education and technical training MUST be presented properly and completely.

**12:30 PM - 01:30 PM - Lunch**

**01:30 PM - 01:45 PM - What is it that juries really want and expect from you as a forensic expert witness?**

Things they like. • They expect you to be fair and impartial. • They expect you to be prepared. • They like for you to show concern for them individually and collectively. • They expect you to be clean, neat and look professional. • They expect you to be accurate. • They expect you to be under control of your emotions.

**01:45 PM - 2:15 PM - What is it that really turns a jury off and causes them to lose trust in you?**

• Refusing to look at them • Talking down to them as if they are not smart enough to understand your forensic testimony. • Showing disrespect for the judge. • Improper speech and posture. • Acting overconfident. • Showing bias toward prosecution. • Being defensive. • Using displays that cannot be easily seen or understood.

**2:15 PM - 2:30 PM - Pre-trial Preparations.**

• Investigation/Examination Stage • Self-Preparation Stage • Case-Preparation/Review Stage

**2:30 PM - 3:40 PM - Cross examination. It is a good thing! (I promise)**

• Styles of Cross Examination • Tactics specific to forensic science

**3:40 PM - 4:00 PM - Break**

**4:00 PM - 5:30 PM - Examples of cross examination questions submitted from multiple forensic disciplines within the class participants.** (Students are encouraged to submit questions in advance but can also submit during webinar.)

**5:30 PM - 5:40 PM - Course wrap-up and final comments.**

**5:40 PM - 6:15 PM - Written Examination.**

Examination will be composed of 20 multiple choices and true/false questions based directly on the two days of lecture. If students have paid attention, the test should not take longer than 30 minutes. 80% correct required to receive your Training Certificate of Completion

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