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**How To Approach
And Survive
Courtroom Testimony As A
Psychological Expert Witness**

Testifying as a Psychological Expert Witness— The Challenges

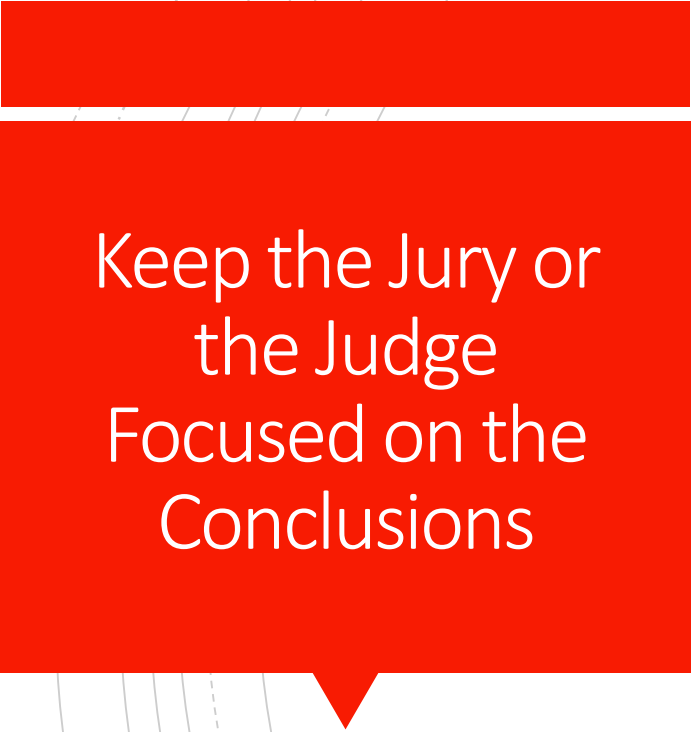
- Psychology as a Discipline and Forensic Psychological Examinations are Considered Soft Science.
- Actuarial conclusions are not always accurate for an individual. Empirical support is not perfect and can be criticized.
- The Database could always be larger.
 - Amount of Time with the Client
 - Access to Records, Prior Providers
 - Contact with Collaterals
- The Conclusions have varying degrees of reliability and certainty as a result.
- What other common issues do you see and want to discuss?

Be Prepared to Testify

- **Review Your Data—Know Your Database.**
- **Review your Report. Be familiar with what is where.**
- **Discuss potential areas of attack or weakness with the attorney before testifying.**
- **Think through likely questions and answers.**
- **Try to avoid Absolute Certainty and Overconfidence on Your Data. Remember your Burden of Proof.**
- **Depositions are Testimony and deserve as much preparation and precision as courtroom testimony.**

Be Focused in Your Answers

- Answer the question asked. The questioner is not raising a topic.
- Listen to the entire question before answering.
- Listen to the words in the question and use those in your response.
- Ask the questioner to restate questions that are confusing or unclear. You have a right to understand the question.
- Be relatively brief in your answers.
- Do not repeat yourself over and over.

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Keep the Jury or
the Judge
Focused on the
Conclusions

- **Avoid tangential answers. Chasing squirrels opens doors.**
- **Answer double or compound questions in separate statements.**
- **Avoid hypothetical answers to the extent you can.**
- **Avoid pronouns. Use the person's name.**

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Be Direct and Accurate

- Don't beat around the bush.
- Don't disguise your answer in double talk, too many qualifiers undermines confidence.
- If you ARE certain of your answer sound like it. Be forthright and firm.
- If you are NOT certain about an answer make that clear.
- If you don't recall say "I don't remember."
- Ask for opportunity to refresh your recollection?
 - Is there a document you could review to help you?

Be Clear and Concise

- Respond deliberately, not hastily.
- Organize your thoughts. Do not be rushed.
- Tailor your language to the jury or fact finder.
- Avoid jargon and acronyms unless they are clearly explained.
- Explain terms that will be unfamiliar to juries.
- Do not talk like a psychologist or mental health professional!

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Use Your Words and Your Voice and Your Body

- **Speak clearly.** Talking too fast is the enemy of clarity.
- **Speak loudly enough to be heard.** Especially where there is only audio recording and no court reporter.
- **Be natural, even conversational,** as though you were telling a story to friends.
- **Do not hurry to answer questions.** Negative sound space (silence) creates focus.
- **Do not nod, shake your head, or use other non-verbal signs or non-word grunts to answer questions.**
- **Don't say uh uh, mmhmmm, mmmkay, um, or any other verbal shortcut.**

Present yourself Professionally

- Dress conservatively. A suit is preferred to flashy clothes. Men should wear a shirt and tie.
- Don't wear colors that clash.
- Keep your accessories conservative. No pencils in your pockets, pins, loud or fancy jewelry.
- Be neat and clean. Appear well scrubbed and exceptionally clean.
- Keep fingernails clean, face shaven and beard trimmed. Shoes shined.

A red speech bubble graphic with a white outline, containing the text 'Remain Authoritative at all Times'. The bubble has a tail pointing downwards and to the right.

Remain Authoritative at all Times

- Take the oath in a dignified manner.
- Direct your answers to the jury or the Court. Turn and look at them.
- Be as grammatically correct as possible.
- Use language that is precise and careful, but understandable.
- Do not use compound answers. Hemingway it.
- Do not overstate your conclusion, or make broad sweeping statements.

Be Courteous at all Times

- Do not use any profanity.
- Wait for the question to be asked before you answer. Don't over talk.
- Avoid the appearance of arrogance.
- Do not become angry or impatient because of interruptions of counsel or for any reason.
- Do not look at your watch!
- Sarcasm has no place on the witness stand.

A red speech bubble graphic with a white outline, containing the text 'Testify as an Expert, not an Advocate'. The bubble has a tail pointing downwards and to the right.

Testify as an Expert, not an Advocate

- Don't try to "help" or "hinder" either attorney.
- Answer their questions evenly and consistently.
- If you're anxious to answer one attorney's questions and reluctant to answer another's the Court or Jury may think you're trying to hide something.
- Do not argue with anyone, no matter how tempting it might be.
- Be willing to concede certain points. This enhances your credibility.
- If you know you will be making a concession, do it on direct, not during cross examination.

Cross Examination Don't get Rattled

- Always pause before answering to let the attorney object.
- Use the same tone and language to respond to both attorneys. Be the same person with both.
- Don't become emotional.
- Humor is a bad idea.
- Don't be clever. Be sincere and businesslike, not flippant, sarcastic or facetious.
- Don't be timid. They can smell weakness!

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