

Digital Forensics

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Expert Witness and Report Writing

October 3, 2011

Outline

- **Selecting and preparing an Expert Witness**
- **10 Mistakes an Expert Witness makes**
- **Example expert witness**
- **Example expert witness report**
- **Report Writing for High-tech Investigations**
 - **Reference: Chapter 14 and 15**

Selecting and Preparing an Expert Witness

- **Reference:**
- **1. The initial interview.** The first contact with the expert is usually over the telephone. You or your paralegal should at the outset establish the expert's familiarity with the general subject matter. You should also ask about his or her experience with testifying in general, as well as testifying on the subject of the litigation at hand. Finally, you should check for conflicts of interest. Never review the facts of the case or postulate strategies and initial theories before you mention the names of the other parties and attorneys. Since you may not be able to use the expert, you do not want to take the risk that the expert will call opposing counsel and reveal information learned from you.