

Susan Zucker,¹ Ph.D.

Review of: *A–Z Guide to Expert Witnessing*

REFERENCE: Babitsky S, Mangraviti J Jr, Babitsky A. *The A–Z guide to expert witnessing*. Falmouth, MA: SEAK, Inc., 2006, 626 pp.

The *A–Z Guide to Expert Witnessing* is a lengthy (626 pages), but thorough, informative, user-friendly, and well-organized text. The authors have made manageable a massive amount of material by dividing the text into 24 chapters which are placed in logical progression. The intended audience is those considering or actually serving as expert witnesses. While the authors do not aim at any specific group of experts, all are presumably not lawyers. Therefore, the content must be understandable to lay persons. It is. The text is also of potential value to attorneys who wish to utilize expert witnesses most effectively.

The first chapter is an overview of topics covered. Subsequent chapters discuss these topics in depth. Among the subjects addressed are civil procedure, federal rules of evidence, legal requirements to qualify as an expert witness, what experts need to understand about law and what lawyers need to understand about experts, how expert witnesses are chosen, protections from liability, ethical considerations, what a witness should charge, and how to guarantee fee collection.

The reader has the distinct advantage of being able to choose to read any chapter as stand alone text which, coupled with the comprehensive table of contents and well-developed, cross-referenced index, enhance the organizational aspects of the book making it much easier to locate specific information. Each chapter begins with a short introduction and ends with a brief conclusion. This helps to focus the reader on the content in the chapter. The authors'

use of clear, plain English further adds to the readers' ability to find and comprehend information. The authors also include many examples throughout the text which elucidate concepts and issues to better enable readers, and particularly nonlawyers, to more easily understand the content.

A representative example is Appendix J—Deposition Transcript, one of 26 appendices in the book. This 25-page appendix is a sample of part of an automotive glass expert's deposition. Demonstrated are many features of a typical expert witness's deposition including open-ended introductory questions designed to elicit information, background questions on glass, review of the expert's CV, exhaustive questioning on everything the expert has reviewed to form his/her opinion in the case including the documents relied on and testing performed by the expert, questions on the expert's actual opinions, as well as questions on the exhibits the expert plans to use during the trial.

From the perspective of a nonlawyer, the reviewer found no significant faults. The reviewer did notice one small error. That is the omission of an explanation for a specific abbreviation that appeared in the text; e.g., IME on the bottom of page 13 which the reviewer assumes means "independent medical exams." To resort to citing such a detail is testament to the craftsmanship with which the book is written.

The *A–Z Guide to Expert Witnessing* is certainly a highly competent text that performs its intended function. Further, the authors' invitation to readers to provide feedback adds a special interactive touch to the experience.

¹The National Clearinghouse for Science, Technology and the Law (NCSTL), Stetson University College of Law, 1700 North Tampa Street, Tampa, FL 33602.