D1 Exercises to Improve Your Proficiency as a Forensic Expert Witness

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Attendees will learn four complimentary training exercises, developed at the Centre of Forensic Sciences, to improve courtroom testimony skills. The implementation of these exercises will develop individual courtroom presentation skills and abilities.

This presentation provide information regarding training exercises that can assist a forensic expert witness improve his/her competency within the witness box with respect to delivery and education of the court concerning complex scientific concepts.

The forensic expert witness must assist a court or inquiry to understand complex scientific evidence. Information incompletely or inaccurately conveyed, or not understood by the participants, is of little or no use, and may have a negative impact on the administration of justice. Answers and statements that contain insufficient information are unacceptable and those that lack clarity simply obfuscate the witness' testimony.

To develop the skills needed by a proficient forensic expert witness, the Centre offers a number of training exercises to its scientists, including:

1. Practice Court
2. Questions of Fear
3. Turnabout Court
4. Ringing the Bell

Practice Court: The Practice Court is a role-playing assignment. The scientist is given the opportunity to provide testimony using one the scientists own case files. Managers and senior scientists play the roles of Crown/Defence/Judge. It is important that these roles are filled from other sections or disciplines as often as possible, rather than that of the case scientist, as individuals in the same discipline are as familiar with the jargon and acronyms as the scientist and may not recognize the need to explain them in court.

This element compels the scientist to define or eliminate jargon and acronyms from speech – behaviors that are very important in communicating complex scientific information to a lay audience within a courtroom. With the elimination of jargon, etc., the language becomes more comprehensible to the lay audience (i.e., jury) and the officers of the court.

After the exercise, the scientist participates in a feedback session that focuses on language, demeanour, presentation, projection, clarity, knowledge, and comprehension.

Questions of Fear: The Questions of Fear exercise is often combined with a Practice Court as it targets both the reviewer's and the scientist's concerns with respect to the witness' use of terminology and clarity of information, e.g., it is important to be able to say Laser Ablation Inductively Coupled Plasma Mass Spectroscopy (LA-ICP-MS) when needed without tripping over it verbally, which appears unprofessional. The scientist must to be confident on the witness stand and comfortable with the terms and concepts of his/her area of expertise in order to communicate information well and provide effective education to the court.

The scientist is charged with writing out ten questions that 1) caused him/her problems within the Practice Court exercise, or 2) he/she was glad were not asked as he/she would have had to struggle to answer.

Each question is written on a separate piece of paper and placed into a bowl. The scientist pulls out one question per day and with instruction to answer it a single time, immediately, without any preparation – whilst looking into a mirror – and to complete the answer regardless of any verbal stumbles or inaccuracies. The exercise is repeated until the questions, phrasings and concepts are answered correctly, concisely and clearly. This exercise can quickly build up the individual's delivery skills and confidence in answering difficult questions.

Turnabout Court: Turnabout Court is an exercise in which a moderator asks senior scientific staff to answer a series of questions that submitted by junior scientific staff while all staff attends.

Two senior scientists answer each question and the answers are compared and discussed by the group. The discussions provide the junior staff with an understanding that although the core information behind an answer must be the same (accurate), explanations and delivery styles can differ as long as they are clear, correct, and concise. Personal differences are acceptable if the result is successful, i.e., the court is assisted in understanding the scientific issues.

Ringing the Bell: Ringing the Bell is an exercise specifically focussed on the use of a clear, straightforward language by the expert witness. The scientist answers questions pertaining to his/her area of expertise, asked by a senior scientist, in front of non-technical staff, e.g., secretaries or administrative support staff. These staff members ring a bell whenever the scientist uses a word that the listener does not understand or that is not explained within the answer. This forces the scientist to evaluate what is said and how it is said from the listener's perspective a skill that is often difficult for junior staff to develop. They quickly learn how their regular phrases, words, and concepts need to be chosen carefully to impart the technical and scientific information that the court needs to understand the expert testimony.

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