

Executive Summary

Course Title: Expert Testimony

Outline of Training:

The first part (approximately 1/3) of the class will cover some fundamental knowledge and skills which are necessary for the worker to possess to testify effectively. Topics covered include: Burdens of Proof; Distinction between Facts, Opinion and Evidence; Rules of Evidence; and the Primary Legal Findings during the Dependency Process. Activities during this portion include an exercise using a hypothetical to identify facts v. evidence, group identification of the primary legal findings, "practice" testimony involving hearsay.

The second part of the class will cover: Percipient and Expert Witnesses; Qualification as an Expert Witness; Preparation Prior to Testimony; Nonverbal Communication by Witnesses; Direct Examination; Cross Examination; Objections; Use of Records and Notes, Fear and Anxiety. Activities during this portion include viewing approximately six selected clips of "courtroom" movies illustrating aspects of testimony, "practice" testimony with volunteers to illustrate types of examination and common objections.

Target Audience:

The target audience is any child welfare workers likely to have to testify. This will include all child welfare workers and supervisors, from emergency response to permanency and adoption workers. Support staff that might testify, such as visitation monitors would also benefit from the class. The class will benefit new and veteran staff, and persons with any level of testimony experience.

Outcome Objectives for Participants:

Participants that have not had to testify will have less anxiety about the possibility of testifying by becoming familiar with the testimony process, seeing and participating in "sample" testimony, and learning effective ways to prepare for testimony. Participants will be able to identify the likely key issues at contested hearings to better prepare for testimony. Participants will be able to respond effectively to questions on both direct and cross examination by gaining an understanding of the purposes of cross and direct examination and how attorneys approach each part of examination.

Participants will identify and demonstrate their professional qualifications as an expert witness. Participants will be able to identify non-verbal habits or practices that enhance, and those that interfere with, effective testimony.

Ways that Supervisors can support the Transfer of Learning from the classroom to the job...

BEFORE the training

Supervisors could encourage staff to think about, write down and bring to the class specific examples of testimony that they have experienced that either went well, or that were difficult and encourage them to share those experiences. For those staff that have not testified, supervisors could encourage them to identify specific fears or concerns regarding testifying and share those at the class.

AFTER the training

Encourage all workers that are likely to testify to maintain a current curriculum vita with their professional education, experience and training. Encourage any worker that testifies to "debrief" their testimony with the county counsel to note strengths and weaknesses. Encourage workers to consult with county counsel prior to testifying regarding the content of their testimony.