

# Experiences as an Expert Witness for the Bovine Practitioner

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Court cases involving cattle health problems are taking an increasing amount of my time, and I believe that enough bovine practitioners have been involved, are involved, or will be involved that the following may be of interest, and possibly some assistance to many.

I was terrified the first time I received a subpoena to appear in a bovine court case. My fear increased, but anger quickly took over when I was informed the evening prior to my scheduled court appearance that a state-employed veterinarian had testified under oath that I was not a reputable veterinarian. Hindsight tells me that the lawyer who informed me wanted to be certain that I was ready to testify the next morning. The reader can be assured that I was prepared. After I testified, our lawyer requested dismissal of the case, and the judge granted the request.

Since that time, I have testified many times, and lost most of my fear, although the adrenalin still flows as I respond to the challenge. My stock response to those who question my involvement in court cases is: I have too poor a memory to lie, so all I can do is tell the truth as I know it, and that rarely changes. It is the same today as it was yesterday and it will very likely be the same tomorrow and the next day. I also am egotistical enough to believe that if I refuse to testify, someone less capable than I will become involved.

**The popular conception of an expert witness is a "hired gun" who is far enough from home to qualify as an expert, and his only input is on the witness stand where he testifies as instructed by whomever pays him.**

This is far from the truth. On the average, only about one of five cases that I have been involved with has ever come to trial, but oftentimes a deposition has been taken. A major involvement has been to serve as a consultant to the lawyer. When I accept the responsibility of being an expert witness, I become involved to much the same degree as the attorney. In view of the above, I make a preliminary investigation of the case and become acquainted with the attorney before agreeing to participate.

It is imperative that I have confidence in the lawyer, and believe that justice is on our side. The lawyer must understand that I will study the case material very thoroughly and render an unprejudiced opinion based on my best knowledge and judgement. If the lawyer attempts to put

words in my mouth, I quickly lose interest in the case and suggest he find someone who is more knowledgeable about his particular case.

**It must be remembered that while the purpose of the law is commonly thought to provide justice, this is not necessarily always true. Many times the objective is simply to settle a dispute and justice may really not be served.**

After I have accepted the responsibility of an expert witness, I become totally involved in the case, and help in any legal manner I can. This entails thorough preparation, which often requires many hours of reading depositions, laboratory reports, and all aspects of the cattle disease problem under consideration. I have been amazed at the volume of reading material generated by some cattle cases. It is not unusual to have hundreds and even thousands of pages of depositions. Each page must be read carefully to find weaknesses, errors, omissions and untruths in the opposition's testimony, since my job is to assist the lawyer in developing his strategy in handling the case.

When you agree to become involved in a cattle case, you must recognize that there will be one or more veterinarians employed by the opposition. I see no need for a veterinarian to attempt to depreciate the opposing veterinarian's testimony. I hope that my credentials and testimony will convince the jury or judge, whichever is trying the case, that I am a bonafide expert on the matter before the court, and they will believe my testimony. Of course, I will not agree to testify in a case which is outside my area of expertise.

**If you are interested in becoming an expert witness in bovine cases, I believe the first steps are to learn all you can about bovine diseases, and establish a good reputation in your home community. You must build an acceptable curriculum vitae and keep it up to date for distribution to interested parties.**

Serving as an expert witness does not subject the individual's life to quite the same scrutiny as experienced by public office candidates, but there are similarities. You must be prepared to face some vicious cross-examination dealing with your professional and even private life if the lawyer thinks he can discredit your testimony by baring some embarrassing information.

If you enjoy the challenge as I do, I encourage you to accept the expert witnessing opportunities that are offered. The compensation is good and you should record and charge for every minute you spend on the case, including telephone calls, reading depositions, reviewing publications, making depositions, writing letters and appearing at trials.

**I caution you against signing up with organizations that serve as brokerage firms to supply experts to lawyers for any and all subjects. It is my opinion that the good law firms find their own experts and are not interested in employing “whores” as they are sometimes called, supplied by such firms.**