So You Want to be An Expert?:
Perspectives from the Transportation Expert Witness Council

Institute of Transportation Engineers

Presentation to the Meeting Name
Month dd, 2013
Why a Transportation Expert?

• When there is injury, fatality, or disagreement on the use of a transportation facility.

• When crashes occur someone needs to help sort out the facts and what they mean by assisting the attorney with technical aspects.

• Was there a deficiency related to the driver, vehicle or transportation infrastructure?
Why a Transportation Expert?

- Were corrective measures necessary or applied?
- What was required?
- Is a change to the transportation system reasonable or necessary?
- Suggest changes to enhance safety and risk management.
Expert Witness: A person who assists the attorney and client in the litigation process because he/she has special knowledge in a particular field. This entitles them to testify about their opinion on the meaning of facts.

- Requires experience to develop special knowledge:
  - No surprise that 75% are greater than 50 years old
  - However, 18% over 70 years old
  - Need exists to develop mid-career people into the role of transportation experts
**Expert: What Does That Mean?**

- **How to become an Expert Witness:**
  - Establish an area of interest
  - Understand tort liability
  - Use resources to obtain knowledge
  - Gain technical competence
  - Obtain work experience
  - Build credentials
Establish an Area of Interest

• Pick specific subjects or areas of practice
• Six most common are:
  • Accident Reconstruction
  • Traffic Engineering
  • Highway Design
  • Maintenance and Construction
  • Planning
  • Product Liability
• Have a keen interest and learn everything about subject
Establish an Area of Interest

- Understand development of policies, procedures and requirements

- Current Issues:
  - Traffic Control Signs and Signals
  - Roadway Design
  - Maintenance and Construction
  - Pedestrians/Bicycles
  - Work Zones
  - Transit Facilities
  - Automated Enforcement
Understand Tort Liability

- Know roles of an attorney and their purpose in the U.S. legal system
- Know roles of an expert and the role’s relationship to the civil and criminal court system
- Field investigations
- Engineering reports / affidavits
- Depositions and trial testimony
- Expert Witness Information Notebook
- Use these tools to improved design and operations
Use Resources to Obtain Knowledge

- Research field, learn background
- Understand what changes have occurred and why
- Understand new and emerging issues
- Build a reference library
- Attend or teach seminar classes and workshops
- Become an information resource if someone has a question
Technical Involvement

- Work on technical projects
- Help to develop recommended practices
- Write Articles, reports, research, presentations
- Volunteer for assignments
- Participate in development of engineering standards.
Obtain Work Experience

• Gain actual field experience.
• Have responsibility for applications.
• Deal with public feedback.
• Understand realistic & practical, day to day, implementation of measures.
• Obtain knowledge of traffic operations.
• Work with enforcement groups.
Build Your Credentials

- Education
- Registration / certification
- Experience
- Technical involvement
- Presentations
- Publications
- Field investigations / court experience
- Prepare a resume or Curriculum Vitae (CV)
Get Case Experience

- Associate with known experts
- Seek involvement and court experience
- Find a Mentor – Be a Mentor

- Get involved – Make yourself a better engineer

- Accessible through the ITE web site
- Expert Witness Council members
- Listing input and updated by individual
- Selection of specialty area
- No verification of data
- No endorsement by Council or ITE
- Searchable directory
- Free to Council Members
Expert Witness Directory

Information

- Name, address, phone, fax, e-mail
- Licenses, registrations and certifications
- Description of services
- Education
- Work experience
- Affiliations
- Specialties
ITE Resource: Transportation Expert Witness Council

• **Mission:**
  - Foster ethical conduct
  - Promote professional development
  - Advance knowledge and skills that improve transportation safety

• **History:**
  - Chartered by ITE in 1986
  - 24 Founding Members
  - Currently 500+ members
Leadership

- Russell Brownlee, Chair (Toronto, ON)
- Vacant, Vice Chair
- John Logan, Past Chair (Seattle, WA)
- Robert Stammer, Past Past Chair (Nashville, TN)
- Jim Pline, Secretary (Boise, ID)
- Keith Bergman, Newsletter (Fort Washington, PA)

Executive Committee:
- Bernie Arseneau
- Andrew Ramisch
- Hibbett Neel
- Bob Seyfried
- Ron Eck
Members Interests
Ethical Practice

• How do we maintain the credibility of Experts?
• How do we identify poor practice?
• What is the best way to police members?
  • Peer Review or
  • Censure Process
• Keep testimony within expertise?
Member Interests
Information Dissemination

• What information is needed by members?
• How do we train new Experts?
• Research of pertinent cases?
• Publish more trial results?
• More articles in ITE Journal?
Member Interests
Credential Standards

- What are minimum thresholds?
- How to develop qualified experts?
- How to define qualifications?
- What certifications are important?
- Keep in mind the court actually decides.
Member Interests
Forums for Information Exchange

• How to get more articles in Newsletter?
• Are meeting sessions adequate?
• How can members raise issues?
• Expand information resources?
• Available mentors for young and old?
Member Interests
Trial Testimony

- Provide training
  - Good and bad examples
  - Graphic presentations
- Trial highlights
- Adjudications and appeal verdicts
- Review unique cases and “surprises”
- Case judgments – Safety impacts?
Member Interests
Safety Advancement

- Costs of litigation judgments
- Knowledge of minimum requirements
- Application of corrective measures
- Information from judgments
- Awareness of Driver – Vehicle – Roadway deficiencies
Member Interests
Promotion of Forensic Services

• Develop member qualifications
• Build agency/attorney contacts
• Promotion of individual services
• Marketing activities
### Council Membership Distribution

#### District

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<th>District</th>
<th>Percentage</th>
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<tr>
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<td>9</td>
<td>5%</td>
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<tr>
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#### Employment

<table>
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<th>Employment Type</th>
<th>Percentage</th>
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<td>Consultant</td>
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<tr>
<td>Self</td>
<td>4%</td>
</tr>
<tr>
<td>Other</td>
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- 16 pct. of council members in their 40’s
- 57 pct. of council members in their 50’s and 60’s
- 18 pct. over 70 years old
- 75 pct. greater than 50 years old
Expert Witness
Information Notebook

• Updated in 2008
• Published as a CD-ROM
• Available on-line to members in the ITE Community
• Free to all Council members
• Written by members to help members
Notebook Content
Liability Information

• Tort liability background
• Liability doctrine and concepts
• Anatomy of a lawsuit
• Glossary
Notebook Content
Expert Practice

• What it takes to be an Expert
• Depositions
• Preparation for trial
• Professional ethics conduct
• Working with Attorneys / Other Experts / Clients
• Outline format for accident investigations
• Unethical practices
Notebook Content Support Data

• Field investigations
• Obtaining information from witnesses
• Use of regulations standards, practices and procedures
• Court exhibits
• Input to design and traffic control litigation
Notebook Content
Miscellaneous

- Reference information notebook outline
- File and letter database
- Trial notebook outline
- Case database
- Bibliography of references