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**PART I - VOCATIONAL EXPERTS: TRIAL DO'S  
& DON'TS**  
**PART II - VETERAN'S LAW: VOCATIONAL  
EXPERT'S ROLE IN TDIU CLAIMS**

# WHAT IS AN EXPERT WITNESS?

- Anyone with knowledge or experience of a particular field or discipline beyond that to be expected of a layman.
- Whenever expertise will assist the trier of fact because the evidence or an issue is so complex or specialized that without such assistance the trier of fact will not be able to appreciate it, the expert's opinion is allowed as it may be said to be "necessary" and "helpful."
- Unlike a lay witness, an expert witness does not have to have firsthand knowledge of the case in order to form or to testify to an opinion. Instead, the expert witness's opinion may be based on the witness's application of reliable principles and methods to the facts or data in the case.
- A key distinction between a fact witness and an expert witness is that an expert witness may provide an opinion. Fact witnesses must limit their testimony to facts in regard to evidence they may have observed or been involved.
- "The Hired Gun"

# LEGAL REQUIREMENTS FOR BEING AN EXPERT WITNESS

- Minimal
- Federal Rule of Evidence 702.
- Must have “knowledge, skill, experience, training or education.”
- Broad standard.
- Additional legal requirement depending on forum (state or federal).

## *Rule 702. Testimony by Expert Witnesses*

*A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:*

- (a) the expert’s scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;*
- (b) the testimony is based on sufficient facts or data;*
- (c) the testimony is the product of reliable principles and methods; and*
- (d) the expert has reliably applied the principles and methods to the facts of the case.*