

# The Appraiser's Guide to Expert Witnessing

## Online Syllabus

### **Module 1: Experts and the Dispute Resolution Process: The Basics**

- Overview of Dispute Resolution
- Types of Witnesses
- Types of Courts in our Judicial System
- Sources of Law
- Timeline for Litigation Process
- Six Rules of Evidence

### **Module 2: Advocate vs Independent**

- Attorneys are Advocates, Valuation Experts are Independent
- Impact of Client Comments on a Report
- Testifying Expert and Documenting Changes Made to the Expert Report
- Valuation Expert, Counsel and Preparing Deposition Questions
- Counsel, Testifying Expert and Property Visits
- Not Crossing the Line from Independence to Advocacy

### **Module 3: Developing Expert Opinions**

- Proper Identification of the Problem is Foundational
- Clients and Other Intended Users in Litigation Engagements
- Intended Use in Litigation Engagements
- Identification of Type and Definition or Value, or Purpose of the Review
- Effective Date of Value
- Overview of Relevant Characteristics of the Subject Property
- Scope of Work: Supporting Expert Opinions
- Opining to State of Mind

### **Module 4: Spotlight on Rebuttal**

- A Rebuttal Report is a Review Report
- Experts may be Required to Provide Rebuttal Reports
- When a Rebuttal is not a Review
- When a Review Opinion is an Appraisal Opinion
- Problem Identification for Rebuttals
- Rebuttals and Bias

### **Module 5: Writing the Expert Report**

- Expert Report v. Appraisal or Review Report
- Drafts of Reports
- Rules of Civil Procedure and Expert Reports
- Using a Template as the Basis for an Expert Report
- Expert Review (Rebuttal) Report
- Be Wary of Form Reports
- Inadvertently Presenting an Opinion of Value
- Writing an Expert Report from Scratch

### **Module 6: Oral Testimony**

- Basic Rules for Testifying
- The Expert's Deposition
- Preparing to Testify

- Strategies for the Expert Testifying at Deposition
- Overview of Testifying at Trial
- Preparing for Trial Testimony
- Strategies for the Expert Testifying at Trial

**Module 7: The Consulting Expert**

- Consulting is Not Another Name for Valuation or Review Assignments
- Tasks Consultants and Litigation Matters
- How to Solve a Consulting Problem
- Workfile Contents for Consulting Engagements
- “Acting as an Appraiser” and Being a Consulting Expert

**Module 8: Compliance with Applicable Valuation Standards**

- The Meaning of “Acting as an Appraiser”
- Review of Advocacy v. Independence
- Ethical Requirements and Referral Fees
- Competency Requirements Specific to Litigation
- Jurisdictional Exceptions Specific to Litigation
- Workfile Requirements Specific to Litigation

**Module 9: The Business of Being an Expert**

- How Litigation Experts Charge for their Services
- Business Documents Produced at Deposition
- Why and How Engagement Letters are Different in Litigation Matters

**Module 10: Liability Risk**

- Key Liability Issues
- Witness Immunity for Litigation Expert Witnesses
- Reducing Professional Liability