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
- 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