



HOW TO GET STARTED AS A FORENSIC METEOROLOGIST. THE ART OF TESTIFYING.

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What is Expert Testimony?

- A special kind of court testimony under Rule 26 of US Civil Procedure which allows the court to hear and understand issues and opinions which are highly specialized in nature.
- The expert is an aid to the court in understanding these issues and is not expected to be an advocate for the party that calls the expert to the stand.
- The judge is the determiner of whether your testimony is of sufficient technical merit for the court or the jury to hear.

Getting Started

- **The first question is “have you testified before?”**
- **Usually takes special circumstances to be retained for your first case.**
- **Step 1: Construct a curriculum vitae (resume). It must include your publications in the last 10 year’s and cases where you have testified in the last four year’s (giving a deposition counts as testimony). It should emphasize honors and awards, speaking engagements. It should include work you have done in areas you are willing to testify about.**

Advertise Your Availability

- **Most attorneys choose experts by word of mouth from other attorneys, first in their own firms.**
- **Because meteorological cases are State oriented, use any State Bar Association referral services.**
- **Because many lawyers ask the NWS, visit those offices and get to know the Chief.**
- **Use the AMS professional Directory and specify expert testimony**
- **Join NCIM and use their marketing data base.**

Advertise Your Availability

- **National or Regional expert witness sites are costly and, in my experience, not usually useful.**
- **Use the internet search engines. First make sure there is nothing negative about you on the net.**
- **Publish articles, write blogs, provide speaking engagements, etc. so that you can get on the net.**
- **Go to open Bar Association events.**

What Kinds of Cases?

- **Compliance with the Clean Air Act or State law**
 - US versus XYZ Company
 - Citizens vs XYZ Company
 - **Court or Administrative**
 - Company vs Company
 - **Personal Injury**
- **Toxic Torts**
 - As a result of a specific accidental release
 - As a result of long-term exposure

US versus XYZ Company

- Usually in Wash, DC
- Hardcore interpretation of the Clean Air Act, Federal Rules and most especially policy Guidance.
 - Example: Norfolk Southern
 - Example: Southern Indiana Gas and Electric

Citizens vs XYZ Company

- Usually Administrative Law: Objections to permits (PSD or Title V)
- Administrative Law usually allows more expert testimony room. It also has the unique feature of allowing the administrative law judge to ask the expert questions, which only rarely occurs in Court. Be prepared.
- Issues of what is required in a permit application are at the forefront:
 - Year's worth of preconstruction monitoring
 - What is BACT?
 - Modeling of secondary formation

Company vs Company

- Always a fight to the death
- Over compliance without the agencies present
- Example: XYZ vs. ABC
 - Title V compliance spokesman
 - Any Credible Evidence reserved for the agency
 - Title V Permit Shield is valid

Accidental Release Toxic Torts

- Most difficult issue is how much was released – don't be an engineer unless you are.
- Is the plaintiff upwind?
- How many people were at the Burger King?
- Class action lawsuits require that a large number of people were affected in a similar way. The geographic extent of the affected area is becoming more and more part of the pre-trial process. Expect to testify at the Class Certification Hearing.

Long Term Exposure Toxic Torts

- More emphasis on long term exposure and dose
- Examples:
 - Beverly Hills High School
 - Dioxins from a Sawmill

Forensic Meteorology

- **Not a term familiar to most lawyers.**
- **Some times the lawyer is looking for a fact witness rather than an expert. Only when the data calls for an interpretation of the facts based on “knowledge and experience” does the witness become an expert.**
- **Stick to what your good at (thunderstorms, ice, sea state, fog, etc.). Remember, the other side will be looking for a more specific and better expert.**

What is the Process?

- **Lawyer contacts you for your credentials and rates**
- **Compete with other experts for the job – “beauty contest”**
- **Review case materials which may include other side’s expert report**
- **Prepare expert report (very carefully): 18/20 times**
- **Be deposed on your expert report: 10/20 times**
- **Provide testimony in Court: 1/20 times \$2 MM**

Author at Work



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Thank you

Questions?

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