

## The Art of Preparation: Cross-Examining Difficult Experts

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An expert witness may be difficult for a variety of reasons. The expert may be likeable and persuasive to the jury. The expert may be arrogant and refuse to acknowledge even obvious points. The expert may be openly combative and aggressive. But no matter why the expert is difficult, he or she likely knows more than anyone in the courtroom about a subject relevant to the case. Still, the opposing trial lawyer must examine the expert before the jury. This is a formidable task, even for an experienced trial lawyer who relishes learning and studying each subject a new case presents. But while a trial lawyer may not realistically match the expert's knowledge and understanding about the subject at hand, the trial lawyer can become an expert in a universally relevant subject: making complex issues simpler by understanding what to emphasize and what to avoid. Becoming an expert in this subject requires extensively preparing for each cross-examination. And deploying this expertise effectively before the jury requires a combination of confidence and humility. The following tips and strategies provide tools to assist you in crafting and executing an effective cross-examination of even a difficult expert witness.

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