



## **JODY F. DeMARCO, P.E.**

- More than twenty-five years of civil engineering and structural engineering experience, encompassing commercial and residential design, construction and maintenance of means of egress and related facilities including parking lots, roadways/highways and accessible facilities. Years of civil and structural engineering field work including engineering supervision of multi-employer construction projects and the application of human factors to the design, maintenance, repair and forensic accident investigations and reconstruction of pedestrian fall events, worker injuries and motor vehicle accidents. Engineering work background also includes fifteen years of field experience in a variety of large scale construction projects involving vehicular and pedestrian traffic interface including exit access, and exit discharge facilities, accessible facilities and recreational surfaces including bicycle paths.
- Bachelor of Science, Civil/Structural Engineering, Rutgers University, Quality Management Certificate, Pennsylvania State University, Construction Safety and Health, U.S. Department of Labor, Occupational Safety and Health Administration Outreach Training Program (30 hours).
- LICENSED PROFESSIONAL ENGINEER: Delaware, Georgia, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia
- National Academy of Forensic Engineers (NAFE), American Society of Civil Engineers (ASCE), National Society of Professional Engineers (NSPE), City of Philadelphia, Department of Streets, Outstanding Achievement Award, American Society of Civil Engineers, Millennium Challenge Project Award.

# Choosing the Right Expert

L.U.C.I.D.

Lucid definition: Expressed clearly; easy to understand

L: Likeability of the Expert

U: “Unique” vs. “Broad” education/experience

C: Communication Skills

I: “Intuitive Feel”

D: Dollars/Cost Effectiveness

# Choosing the Right Expert

L.U.C.I.D.

## L: Likeability of the Expert:

- I believe this is an underrated consideration when choosing an expert. It is easier to deal with an expert who has a likeable personality. An ego check of an expert, who knows he or she is good at what they do, can make or break an expert's credibility and especially if the expert is more interested in showing off their skills and knowledge rather than appearing to be objective, reasonable or impartial.
- During early stages of your case you want a team player who is going to tell you the "good" the "bad" and the "ugly". Knowing/understanding the strengths and weaknesses of the case help prepare the expert for trial testimony and allow the expert to appear knowledgeable and objective.

# Choosing the Right Expert

L.U.C.I.D.

## U: “Unique” vs. “Broad” education/experience

- Something distinct in an expert's background, whether it be education or experience, can differentiate one expert from other experts who may have similar educational or practical experience. The ideal expert should have qualities beyond outstanding relevant credentials, which is a starting point. The right expert for a case may have specialized experience in a field that is specifically significant to a particular matter or experience in testifying at depositions and in court in a similar case or cases.
- In some situations a broader based education and experience in certain professions, like civil and mechanical engineering, can be helpful in cases where there may be multiple issues that have to be understood and addressed by an expert. In either situation, whether requiring a unique or broad based expert, try to avoid selecting an expert that always testified for the plaintiff or the defense, which can present a perception of bias.

# Choosing the Right Expert

L.U.C.I.D.

## C: Communication Skills

- I believe it is not what an expert witness thinks he knows, but how they can convey their knowledge to a client and the trier of fact. The ideal is to select an expert who can explain both orally and in writing the investigative methods used, the reasons those methods were selected and the basis for his or her opinions within the authorized scope of work.
- Explain it to me like I'm a two year old – Denzel Washington.

# Choosing the Right Expert

## L.U.C.I.D.

### I: “Intuitive Feel”

- Meet the expert, develop a rapport.
- Search for an expert earlier rather than later,
- Understand the prospective expert’s qualifications and experience,
- Review reports, transcripts and publications of the prospective expert,
- Request and providing names of attorneys in more recent cases in which the prospective expert has testified,
- Find an expert who is comfortable with working both on plaintiff and defendant cases, avoid hired gun.
- Find an expert experienced in court testimony, which can be a good indicator of communication skills,
- Find "first time" experts that have not testified previously but possess the education, practical experience and communication skills to be potentially even more credible than a "professional witness", and
- Search an expert's background on the internet and in court records to eliminate the possibility of surprises (e.g., net opinions or successful *motions in limine*).

# Choosing the Right Expert

L.U.C.I.D.

## D: Dollars/Cost Effectiveness

- I want the expert's schedule to permit him or her to devote sufficient time to the assignment or case and who can respond to scheduling changes. The ideal expert for me is one who can "expect the unexpected" in scheduling and be able to respond with minimal possible problems whether they involve site inspections, availability for meetings or report deadlines. I want to know about the prospective expert's demeanor when presented with time constraints, deadlines and schedule changes.
- Selecting the right expert also involves consideration of the cost effectiveness of the expert in each individual assignment or case. Can the expert accept and stay within a client's budget while maintaining his or her enthusiasm for the particular assignment or case? Does the expert take shortcuts when working within a budget rather than full effort on the work product? Is the expert willing to reduce fees and expenses when a client's requests for invoice adjustments are reasonable and justifiable?

# Choosing the Right Expert

## L.U.C.I.D.

- As you know, selecting the right expert is not an exact science. However, I believe the use of some of the practical tips (L.U.C.I.D.) discussed today will help in selecting the best expert.
- Questions/Discussion