

## Citations and Your Credibility

Whether you have been an expert witness for years or are just starting out, accurate research, proper formatting of citations and clarity will make your written report accurate, impressive and, most of all, credible. As you gain more experience in utilizing proper techniques you will become more comfortable and confident.

One of the most common and repetitive mistakes I see when analyzing my counterparts' expert reports is in the proper formatting of references and citations. In some instances, they are entirely void of any citations or references. This is a critical error and can result in cross-examination Armageddon for the expert witness. Improper citations or references will frequently result in an unintentional misleading fact or unsubstantiated conclusion. I can assure you, this will be red flagged by opposing counsel and you will be rigorously questioned in cross-examination. The questioning will be harsh and deliberately targeted in an attempt to reduce and bring into doubt your credibility in the eyes of the judge and/or jury. Once doubt is injected into the jury's mind, your report, testimony and conclusions become questionable at best and at worst unreliable and unbelievable.

If you are stating a fact or opinion, always check and cite your reference and source correctly. The common definition of fact vs. opinion is: Facts are objective, i.e., they can be proven. A fact is something that can be verified and backed up with evidence. Opinions are subjective, i.e., they express a preference or bias. An opinion is based on a belief or view. It is not based on evidence that can be verified. To check if something is a fact, ask yourself, Can this statement be proved? To check if it is an opinion, ask yourself, "Does this tell a thought or feeling?" "Would the statement be true all of the time?" Look for key clue words such as feel, believe, always, never, none, most, least, best, and worst. Cite your source and references in the proper format, e.g., Harvard, MLA or APA. This will ensure your report is clear, concise and credible. There will be no question as to what is provable fact, your opinion or supporting opinions of others.

It is essential to recognize that each of various types of citations and reference listing styles has a specific format that must be followed. Loosely, a citation is a reference to a published or unpublished source (not necessarily the original source). More precisely, "a citation is an abbreviated alphanumeric expression (e.g., [Example 79]) embedded in the body of an intellectual work that denotes an entry in the bibliographic references section of the work for the purpose of acknowledging the relevance of the works of others to the topic of discussion at the spot where the citation appears" (Wikipedia, (Unknown). Retrieved Sept. 18, 2009, from <http://en.wikipedia.org/wiki/Citation>). Generally the combination of both the in-body citation and the bibliographic entry constitutes what is universally considered a citation.

The primary purpose of a citation is intellectual honesty -- to attribute to other authors the ideas they have previously expressed, rather than give the appearance to the reader it is the author's original ideas. The forms of citations generally subscribe to one of the generally

accepted citations systems, such as the Harvard or APA (American Psychological Association). Both of these citation systems have their respective advantages and disadvantages relative to the tradeoffs of being informative but not too disruptive. In my opinion, the APA is generally acceptable for expert reports, but either would be completely acceptable.

Perhaps the most efficient format for referencing documents and evidence is the Bates Stamp. Bates numbering is commonly used as an organizational method to label and identify legal documents. During the discovery phase of litigation, a large number of documents might necessitate the use of unique identifiers for each page of each document for reference and retrieval. Bates numbering (named for the Bates automatic numbering machine) assigns an arbitrary unique identifier to each page. The "numbering" may be solely numeric or may contain a combination of letters and numbers (alphanumeric), for example, (Bates #XYZ000123).

There are many free citation builders available online; however, they do have limitations. They will often have available upgrades you can pay to obtain. Citation builders assure correct formatting of Harvard, APA and other citation formats. One such citation builder is SourceAid (Source Aid, (Unknown). Retrieved Sept. 18, 2009, from <http://sourceaid.com> Citation Builder Form). SourceAid has a free version and upgrades at an additional cost and are available on a term basis of two weeks, three months and one year.

Your client's case is important and your credibility and integrity as an expert witness in your specialty are vital to your client and your career. Always cite your sources correctly and professionally, eliminating any doubt as to your credibility and integrity, and the accuracy of your expert report.

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