

The Value of a Construction Expert Witness

By its very nature, construction is unique in that construction projects, along with the laws governing construction, affect so many different kinds of parties -- project owners, developers, financial lenders, architects, engineers, planners, designers, contractors, sub-contractors, etc. Consequently, an attorney working in a construction legal dispute will most likely require the assistance and expertise of one or more construction expert witnesses.

Whether the case concerns a small-scale private residence or a huge industrial or commercial venture, the technical aspects associated with the project are best assessed, analyzed and opined upon by someone with extensive knowledge of construction and experience in the field, and many construction attorneys regard their expert witnesses as indispensable.

Construction disputes may arise from financial issues involved in the construction or because of defects, delays, differing conditions, or method and means; in fact, the list is seemingly endless. Another important area where expert witnesses are utilized is in cases of an accident at a construction site.

The evidence and documentation involved in construction cases are numerous and varied, including building contracts, correspondence, emails, liens, claims, and a wide variety of notices. The expert witness should be able to analyze fact evidence, prepare a clear and concise expert report and other documentation, and handle himself in depositions and in court. Some cases require presentations using charts, models, photographs, and other such materials, which a competent expert should be able to prepare. In addition, an experienced expert witness who has handled similar cases in the past should have an in-depth knowledge of the legal regulations to which he or she must adhere.

It is the responsibility of the expert witness to advise the attorney based on the facts and circumstances of the case and provide a written report, which includes opinions and conclusions supported by the facts, evidence, OSHA regulations, best practices and industry standards. Experienced expert witnesses have an understanding of what could prove to be problematic or positive in the long run and advise their attorney client accordingly.

An experienced construction expert witness can make the difference between winning and losing a case.

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