

Mr. Rik Neustein of the Forensic Expert Witness Association in its Fall 2004 Newsletter told the story of how an expert witness ended his career by not telling the truth to a Superior Court judge. I paraphrase Mr. Neustein's story below

In a Southern California courtroom in July 2004 the judge began the court session by advising everyone in the court to turn off their cell phones. Later, while an expert witness was on the stand a cell phone began ringing. The judge stopped the proceedings and asked each person in the courtroom, "Was that you?" Everyone said, "No."

Several of the jurors said that the sound had come from the expert on the stand. Further investigation disclosed that it had been the expert's cell phone that had rung. The judge fined the expert \$1,000. The story doesn't end there, because opposing counsel started his cross-examination with "Have you ever lied to a superior court judge?" The expert had no choice but to answer "Yes."

After that damning testimony, the attorney who had retained the expert asked the judge to seal the record. The judge responded "I will not. That guy lied to me!"

If this expert ever takes the stand in any future matter the first question in cross examination is going to be "Have you ever lied to a superior court judge?" No fraud investigator, expert witness or percipient witness can be effective if caught in a lie -- no matter how stupid or innocuous -- even about a ringing cell-phone. Always, always tell the truth on the stand even if it has nothing to do with your case, even if it is embarrassing, even if the question asked is stupid. Failure to be totally honest on the stand will destroy your career.

For more information about the Forensic Expert Witness Association contact it at [info@forensic.org](mailto:info@forensic.org) or check out the web site at <http://www.forensic.org>.