

Forensic Appraisal Experience – Without Harm

By Kurt C. Kielisch, ASA, IFAS, SR/WA, R/W-AC

“I’m a forensic appraiser.” I love that answer to the classic question, “So what do you do?” It gets their attention and causes them to pause. To break the awkward silence I quickly add “no, I don’t do dead bodies” putting humor in the conversation and stimulating a discussion of what is a “forensic” appraiser? The short answer is – one who gives testimony to a specific body of knowledge, i.e. an expert witness. But, “How do you get there?” is a common question from an appraiser who desires to take on a new challenge advancing their career. It’s a good question and one I have contemplated with the added condition of “without harm.” So often the “how” is answered by being thrown into the proverbial frying pan. That’s not a good plan or system. So, here are a few practical suggestions for bridging the testimony gap without doing harm to your client or yourself.

In order to have the right “stuff” to be an expert witness, you must know your subject well and be able to explain it simply. This is similar to teaching, so my first tip is to find a teaching opportunity to hone this skill. Actually any teaching opportunity is beneficial even teaching the little ones in Sunday school, but the best experience would be teaching your peers in a seminar or training setting. This style of teaching causes you to focus on a valuation topic, to know it better (hopefully) than your pupils, and it exposes you to their scrutiny and questions. This is good training for an expert witness since you need to deliver your message, communicate it clearly, be convincing, and be subject to cross examination. As a side benefit, teaching seminars or training programs adds color and depth to your professional skills, expanding your curriculum vitae. (Curriculum Vitae is an expanded and more detailed resume.)

The best place to seek out a peer-to-peer teaching opportunity would be your local ASA chapter. I suggest starting with a 1-2 hr presentation that the local chapter could add to their regular meetings providing continuing education credits. This is a less hostile place to begin since you will be amongst familiar faces. Next, take this short presentation on the road to other chapters within a reasonable distance. I was once given sage advice from a professional writing professor to “always look for legs to your story.” This meant looking for opportunities to take a piece of your story and sell it to other publications, refining each segment to their individual audiences. I recommend doing the same thing with seminars. See if your subject has legs that would apply to other industries such as the Realtors Association, homeowners group, local builders’ association or CPAs. A golden opportunity that few know about is your local technical college. They are always looking for “adult education” classes that are short (maybe a weekend or part of a Saturday) and serve the interest of the public. Doesn’t real estate and value issues fit this bill?

I mentioned the local ASA chapter as a spring board for teaching opportunities. Now, move to the next level and contact the ASA home office about becoming a teacher for

them. Knowledgeable, skilled teachers are always desired, especially if you can create a seminar or course. There will be an application and mentoring period before they let you loose, but this is all useful training to being an expert witness. Unlike the previous opportunities, this one will pay you for your teaching.

An expert witness needs to be calm before the court, especially during the cross examination attacks. A good training opportunity to exercise this skill is public speaking. Public speaking does not have the benefit of questions from your peers, but it does help with stage fright, delivery and communicating with your audience. Your audience in court will be either the jury or the judge and being able to communicate clearly, simply, with conviction is important. Keeping them awake is a good skillset too. So, seek out opportunities to speak to groups. The local clubs you may be part of, such as the Toastmasters, Kiwanis, scouts or country club, would be a good place to start. Your local church and other non-profit organizations have need for public speakers too. A side benefit to serving in these capacities is that you are doing a community service as-well-as honing your professional skills.

For a more direct and expensive route you may want to consider professional training. There are courses and training programs available through appraisal organizations and private parties. Some programs will even provide intense one-on-one training for a few days through mock courtroom situations. They're a bit pricy, but then again so is not being prepared. Reading books about how to be an expert witness or taking a video course on persuasive speaking are beneficial for obtaining a knowledge base, but, remember, the actual experience is what makes you a witness.

Once you have obtained enough teaching and speaking exposure you're ready for the next step – the courtroom. No matter how much you prepare, the first time is always scary. It's like a ski jumper. Ever wonder how they get there? Obviously, they work up to it, but there's a big difference between the low jump and the high jump. They get there by special training, honing their skill, gaining confidence and then . . . jump! They will know shortly if they have the right stuff – and so will you.

About the Author

Kurt C. Kielisch is the senior appraiser with the Forensic Appraisal Group, Ltd, based in Oshkosh, Wisconsin. He has 28 yrs experience in appraisal and specializes in eminent domain, utility easements, complex analysis, expert witness and impact studies. He can be contacted via e-mail: reprof@forensic-appraisal.com or phone 920-233-9836.