

DEPOSITIONS & TESTIMONY

- Detailed preparation is the key to providing professional depositions and court testimony
- It is important to always remember that you reporting the facts and not supporting the side that hired you (that is the function of the client, or the client's attorney)
- Only in circumstances where you are being deposed or are testifying as an expert witness can you provide your opinion along with the facts you obtained during your investigation
- If working with an attorney, ensure that prior to your deposition or testimony you review all strong and weak points of the facts, practice cross-examination tactics, and establish a system to memorize all key data and information relating to your presentation
- Learn and understand as much as possible about deposition, legal and court proceedings in order to become comfortable with the general process

KEY POINTS WHEN HIRING, OR WORKING WITH, A FORENSIC INVESTIGATOR - CELL PHONES & COMPUTERS

- Verify the forensic investigator is licensed, insured and maintains professional or necessary certifications that qualify him/her to perform this specific type of investigation
- Ask for past-client references if you are not familiar with this individual's accomplishments
- Be as specific as possible concerning what you want the forensic investigator to focus on – this will assist greatly in the search and also avoid unnecessary costs
- Have the client sign a document attesting that he/she is the owner of the specific device to be examined
- Focus on preserving evidence – if not possible, ensure a detailed log is maintained, along with screenshots, if available
- Ensure that bank, medical, financial and similar accounts cannot be reviewed without a court order, and that the discovery of child pornography must immediately be reported to law enforcement
- The forensic investigator's report must always be both technically accurate and written in a style that the average person can understand

REPORT REQUIREMENTS IN COURT MATTERS

- Before the investigation, discuss with the hiring attorney if your report will be supporting a summary judgment motion or other type of specific legal action/motion/decision
- Include in your agreement with the attorney that the outcome of this matter does not determine your compensation
- As advised by the attorney, include your opinion in the report along with what evidence was obtained during your investigation to support your position/claim
- Be prepared with a document that outlines your qualifications, publication history (if any), and testimony experience
- Review with the attorney all exhibits you include in the report, and determine if you will be testifying to these exhibits in a legal proceeding