

Q - We agreed that the 8.5% represented not yield loss, but rather it represented the percentage of the 23 million acres on which there would be some yield loss, right?

A - It still represents your yield loss.

Q - I am trying to understand the magnitude of the yield loss on those 8.5% of the acres.

A - I don't think you understand what is written, what I was saying is that 8.5% of the 23 million acres. That's an 8.5% loss on the 23 million acres.

Q - I thought you said 8.5 represented the number of acres of the 23 million, for which there would be a yield loss.

A - No, 8.5% represents the loss on 23 million acres. The percentage loss on the 23 million acres.

Q - Are you changing your testimony now?

A - No, I didn't say that before.

At this point, the witness has made inconsistent statements, seems confused, and the significance of the quoted statistics is still not clear. Eventually, the witness does state that the 8.5% represents the average yield loss per acre for the entire 23 million acres. Had the witness clearly stated this in the submitted written direct testimony, all problems associated with the above dialogue would have been avoided.

While this example may seem extreme, and may reflect that it's the attorney who is confused, it still demonstrates the need for the witness to clarify adequately all statistical quotes.

V. TESTIFY ONLY TO MATTERS WITHIN YOUR FIELD OF EXPERTISE

A. Stating conclusions not within your field of expertise can result in:

1. Subjecting yourself to cross-examination in areas in which you are not qualified and generally not prepared to defend or discuss at an expert level.
2. Lowering the credibility of your overall testimony including that part which is supportable from within your area of expertise.