

EXPERT TESTIMONY POLICY STATEMENT

It is Extension's position that it should be neutral in litigation among its clientele, and therefore, Extension personnel should not agree to act as expert witnesses in Iowa.

When Extension staff members are asked to examine an issue that involves several parties with different viewpoints, staff should indicate as soon as possible in the conversation that they will not testify as an expert witness regarding this matter. Furthermore, staff should state that they are required to maintain confidentiality about the situation and will only provide an analysis of the situation to the parties directly involved. Consequently, Extension staff members should never provide a copy of their analysis to an attorney or insurance company representative; rather they should direct the representatives to their client for the information from Extension.

When Extension staff members are asked to appear as an expert witness in court in Iowa, the staff member should decline unless their service as such a witness has been approved by their supervisor. The staff member should respond to the request in the following manner: "It is the policy of the ISU Extension Service that staff members should not serve as an expert witness." Normally testimony will be allowed only if the staff member has been appointed as a friend of the court (*juris amici*), by the court.

If a subpoena is issued or a lawyer informs you that a subpoena will be issued, the Extension staff member should contact their supervisor(s) who will then contact University Legal Services (515-294-5352). Staff should not encourage the issuance of subpoenas, as this may require the University's counsel to appear and seek to void the subpoena.

In determining whether an Extension staff member should appear, a determination should be made whether the staff member is asked to appear as a fact witness or expert witness. Litigants have a greater right to the evidence of fact witnesses. However, when the fundamental reason for seeking the staff member's testimony is his or her expertise, normally the staff member should not appear. If the request is made on behalf of a public agency, Extension will be more willing to provide assistance.

When expert testimony is approved, Extension staff will provide objective, unbiased testimony. Extension staff should carefully follow the instructions of the court and be mindful to avoid discussing the case with the parties to litigation without the court's and the other party's knowledge. The university may collect reimbursement for the lost time for providing the service, but the Extension staff member may not accept any fees personally. Witness fees should be returned to the University.