

# ***LITIGATION for Residential Appraisers***

Appraisal Institute – April 26, 2018

**Craig Gilbert, SRA, CRP**  
***Certified General Appraiser***

Since 1975

***CRAIG GILBERT APPRAISALS – Expert Witness***  
***714-356-0000 Craig@CraigGilbert.Net***

## CRAIG GILBERT, SRA, CRP – BIO SUMMARY

Mr. Gilbert began his appraisal career in 1975. He has 43 years of valuation experience of residential and non-residential properties and various ownership interests, including partial interests. He is a qualified Expert Witness.

### Mr. Gilbert's experience and accomplishments include:

- Certified General Appraiser since 1992 and Licensed Broker since 1984
- B.A. degree - Business Administration - CSUF (1976)
- SRA designation (1980)
- CRP designation - WERC (1992)
- Chief Appraiser - Keystone Savings & Household Bank - 1975-1982
- Appointed in 1982 by *The Federal Home Loan Bank Board* to manage the deficient San Marino S&L Appraisal Division – Resigned in 1983 after uncovering major appraisal & loan fraud which was reported to Federal Agencies. San Marino S&L was shortly thereafter closed-down by the Feds.
- Independent appraiser: 1983 to present
- President of the OC Chapter of the *Society of R.E. Appraisers* - 1984-1985
- Co-developed Veros AVM Software starting in 1999. Veros provides the platform to the GSEs for automated appraisal processing and review. Developed a Fraud detection algorithm. Consultant to Veros Software for AVM development
- Co-Founded *Relocation Appraisers & Consultants* (RAC) - 1990
- Co-developed the 2010 *Relocation Appraisal Form* for Worldwide Employee Relocation Council (WERC)
- Presented with *Meritorious Service Award* by WERC in 2015
- Presented with *President's Award* by WERC in 2011
- Active member of the OCAR MLS Committee from 2015 to present
- Published author of multiple articles with international distribution
- Instructor of multiple valuation seminars/courses

Mr. Gilbert has extensive experience in *Litigation Support* as a valuation Consultant, Subject Matter Expert and Expert Witness in many State and Federal Cases.

- Testified in State and Federal Courts and in Depositions on numerous types of cases in California, Nevada and Texas
- Testified as an Expert Witness in Mediation and Arbitration Hearings.
- *Court Appointed* 730 Expert by the State of California Superior Court
- Mr. Gilbert's 2 largest litigated Civil cases involved initial claims by Plaintiff of \$300 million in each case involving appraisal and review fraud and negligence

**DOES YOUR DAY DEALING  
WITH LENDER AND AMC  
ASSIGNMENTS EVER  
SEEM LIKE THIS?**

Press **HERE** to Accept this **AMC** order  
*Your really low bid was approved!!*



**OR THIS?**

**THANK YOU FOR YOUR  
QUICK RESPONSE TO OUR DUTCH  
AUCTION! One More Thing:  
this is due tomorrow – move faster!**



**ANOTHER OPTION TO CONSIDER**  
**- IN *ADDITION TO* -**  
**- OR *INSTEAD OF* -**  
**AMC & LOAN ORIGINATION WORK**  
**is**

**LITIGATION SUPPORT**

# Quick Time Line ➔ Why Litigation?

- 1983-84: *I decided to never work again for a Lender as Chief Appraiser - Why Not?*
  - “Not a Profit Center” + “A Necessary Evil” + Mgt Fraud
  - Became a fee appraiser: Relocation, Legal and other
- 1999: Mohammed K. PhD – “Rocket Scientist” an expert in predictive analytics, called me to co-develop software: “**Type in an address, get a Value**”. I thought he was a crackpot! I met with him & the Bozorghis. The rest is history (Veros Software)
  - During development & testing of the AVM, I concluded that **one day Residential Mortgage Appraisals would be automated**, but only if the GSEs agree. GSEs now agree.





## **THIS COULD BE YOU**

Earning more *“per hour”* than *“per assignment”*, plus, a client who appreciates your knowledge, professionalism & *“performance”* with irrefutable facts & analysis supporting your opinions

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# CIVIL LITIGATION: Real Property

- Most cases involve Residential properties
- Most civil cases are about \$*money*\$. Not 100% but the majority
- 3 largest Civil Cases involving *Residential* R.E. where I Testified as an Expert Witness:
  - 2 @ \$300+ million each in initial claims/damages
  - 1 @ \$25+ million in initial claims/damages

# Recent Case involving L.A. Condo “*Complaints*” and “Cross Complaints”

## By Plaintiff “Complaints”

- Elder Financial Abuse
- Conspiracy to Defraud
- Recission
- Breach of Contract
- Quiet Title
- Declaratory Relief
- Ejectment

## By Defendant “Cross Complaints”

- Conversion
- False Promise
- Financial Elder Abuse
- Intentional Misrepresentation
- Negligence
- Unjust Enrichment
- Quiet Title
- Breach of Contract

# Cases where a Residential Appraiser may be needed for Litigation Support

- **Divorce – Property Settlement**
  - *Current Value*
  - *Retrospective Value(s)* such as “date of marriage”
  - *Rental Value(s)*, if one party occupies
- **Partition Action / Partition Lawsuits**
  - *Judicial act to divide an estate with joint owners into separate portions – could be a partnership dissolution, estate inherited by beneficiaries, breakup of friends*
- **Foreclosure Fraud**
- **Estate and Trust Management & Fraud**
  - *Trustee may be accused by beneficiaries of self-dealing*

# Cases For Residential Appraisers

- Mortgage & Short Sale Fraud
- Insurance Claims: Fire, Water, other
- Professional Negligence, Fraud, and Misrepresentations by:
  - *Sellers*
  - *Attorneys* ➔ ***“SHADY HOLLOW” Leasehold Condos***
  - *Appraisers*
  - *R.E. Agents*
- Non-Disclosure of Property Defects

# Cases For Residential Appraisers

- **Encroachments**
- **Construction Defects**
- **Partial Interests**
- **Arbitration and Mediation**
- **Contract Disputes**
- **Nuisance**
- **Property Tax Appeals**
- **Condemnation – direct and inverse**

# Am I Consultant? Designated Expert Witness? Testifying Expert Witness?

- When initially engaged by attorney as an *Expert*, appraiser may be a *Consultant* first.
  - Opinions & conclusions may or may not support attorney's theories and/or claims
  - Attorney may hire other appraiser expert(s) if not satisfied with conclusions, opinions, credibility
  - Attorneys will exchange names of expert witnesses with one another
  - Attorney may Depose the other's witnesses & subpoena work file And Much More

# BEFORE ACCEPTING A CASE

- Determine precisely what client needs
  - What does the assignment involve?
  - What is the case about (what are claims?)
  - Who does the attorney represent?
  - Am I qualified -can I accept the case?
- Obtain names of parties & opposing attorney
- Ask for copy of Pleadings: *Complaints, Cross-Complaints, Answers, Depositions*. **Read** – learn details of case & issues + your role



# BEFORE ACCEPTING A CASE

- Ask for Time Table and Critical Dates: including-
  - Expert Witness Designations;
  - MSC (*Mandatory Settlement Conference*);
  - Pretrial Discovery Period;
    - Depositions, Production of Records
  - Trial Date;
  - Court Location; Judge; Jury vs Bench Trial
- Who will be your client and who is responsible to pay you for professional services?
  - Attorney should sign the engagement letter. Easier to get paid if they sign than a party to the litigation.

# Engagement Letter

- Do not spend much time on case without an Engagement Letter signed by attorney-client
  - Case may settle – the majority don't go to trial;
  - May select another Appraiser as their Expert;
    - You may not get paid for your time without a signed formal agreement/engagement letter
- Retainer Fee should be received prior to proceeding: without engagement letter & retainer you may not get paid for your time

# Engagement Letter

Include the following type of information in an Engagement letter:

**SEE HANDOUT- *Letter of Engagement***  
**For Important Points**

This case involved 3 proposed high-end custom SFRs that didn't get built and ended up being lost in foreclosure: \$25 million was demanded for *Fraud, Breach of Fiduciary Duty, Disassociation From Partnership, Disassociation of LLC*. Judge ruled in favor the Plaintiff & awarded \$1.0 million to Plaintiff

# Definition of Value to Use

- There are multiple definitions of value
- Using the wrong definition of value could jeopardize a case
- Consider asking the attorney for definition to use
- You can provide various definitions and sources to the attorney to select from
- In some cases, there is only one definition permitted
- Use the appropriate one. You might want to get attorney's approval. Attorney may want you to decide

# Communicating with Attorney and Others about the Case

- Communications are *Discoverable*
  - Emails between appraiser/expert and attorney
  - Emails between appraiser/expert and others involved in the case – principals, other experts . . .
- Some attorneys want *phone calls only*
  - May not want emails in order to mitigate discovery of communications that “might weaken their case”
  - Opposing side is looking for anything and everything to advocate for their client’s interests and use against you and your client’s case

# Draft Reports – Written Reports – Oral Reports – Work File

- *Draft Reports* are in process, incomplete, not signed. Don't sign a draft report or it may become a "written report". Draft reports are discoverable.  
→ **Monarch Beach Case: OOPS! Fee Simple? Leasehold?**
- Attorney may not want a *written* report. They may need your *verbal* results and opinions first or only
- I have been told by attorneys that written reports are not required for *State* cases but are required for *Federal* cases

# Draft Reports – Written Reports – Oral Reports – Workfile

- An appraisal might be reported **Orally** in *Deposition* and/or *Court Testimony*
- Appraiser's workfile and memorandum can be used as a resource for Oral Testimony.
- Per USPAP, A workfile includes the *documentation necessary to support an appraiser's analysis, opinions, and conclusions*. The workfile is discoverable.

# Maintain a “*Time Log*” in workfile as Documentation and to Get Paid

- **SEE HANDOUT EXHIBIT**
- Include: Dates, Tasks, Start & End Time, Total & Cumulative Minutes or Hours+Minutes, Mileage, other notes as necessary. Discoverable
- My 1<sup>st</sup> Entry: *initial conversation* with attorney or other contact. Start keeping track of time immediately, as this may be a *Billable* service.
- All phone calls, reading and writing emails, reading documents, research, inspections, data analysis, report writing, driving, and so on. May be *Billable*. Discoverable



# Depositions

- LESS ENJOYABLE for some than trial testimony. Could last 8 hours straight and multiple days. No judge is present.
- Opposing attorney wants to know *what you know, opinions you developed, your weaknesses* – like a “fishing expedition”
- Court reporter will be present – Videographer maybe too
  - Dress Appropriately – Suit, not shorts & T-shirt
  - Answer questions facing the camera, not the attorney
  - Avoid odd mannerisms and movements – don’t sway back and forth in seat, roll your eyes, shake your head, etc.
  - Attorney may show any part of your videotaped *performance* to the Jury. Maybe the part you like least.
- Be very respectful of the attorney; don’t raise your voice



## **DEPOSITION WITH VIDEOGRAPHER**

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# Deposition

- Attorney-Client is NOT your attorney. He works for someone else, not you and is hoping you don't hurt his case during deposition
- Answer all questions, even if objected to by client/attorney
- Don't argue and be calm at all times
- Ask attorney to repeat a question if necessary or compound
- Never advocate for a client or party to case – be *neutral & factual*
- Don't help with questions asked incorrectly. Answer *as asked*, not what you think might have been *intended*
- Don't talk too much. Answer question to the best of your ability, then shut-up. Remember, this is a fishing expedition.
- Request your check when done. By law, it's owed. Attorney may round to nearest 1/10<sup>th</sup> of an hour. With a proper engagement letter, your client will owe you the balance due, if applicable.

# “Typical” Questions in a Deposition

**CASE: U.S. District Court - FDIC vs. Large AMC  
[After “*Bank*” Failure]**

Start: 9:07am End: 5:42pm [~8 hours]

Transcript: 270+ pages + Addenda

Sample Attorney Questions to Deponent

- *Have you ever had your deposition taken before?*
- *How many times?*

# “Typical” Questions - Deposition

- *Did you do anything in preparing for today's deposition, such as reviewing any records, speaking with any attorneys, reviewing your files? Did you do anything of that nature in preparation for today's deposition?*
- *In preparation for your deposition today, tell me everything that you did?*

# “Typical” Questions - Deposition

- *Tell me all the times you met with them in preparation for this deposition*
- *Where did you attend college?*
- *What undergraduate degree do you have?*
- *Do you have any postgraduate education?*
- *Do you have a real estate license?*
- *What's the difference between being a licensed appraiser and a certified appraiser?*

# “Typical” Questions - Deposition

- *Tell me about your first job as an appraiser*
- *How long have you been a member of the Appraisal Institute?*
- *In your opinion, what's the importance for an appraiser of being a member of the Appraisal Institute?*
- *With respect to the family law work that you do, you are being retained by who typically?*
- *Do you like working with AMCs?*

# Typical Questions - Deposition

- *During the time period of 2006 and 2007, what percentage of your work was focused on residential properties versus other types of properties?*
- *Do you consider part of your skill set having knowledge of local market conditions when you're performing an appraisal?*
- *Is there understood within the industry to be a generally accepted variance between appraisals?*



# “Typical” Questions - Deposition

- *So is it fair to say that in your opinion, whether a market is appreciating, stable, depreciating, et cetera, that's a factor to be considered when doing an appraisal?*
- *This has always interested me. In a rapidly appreciating market, how do you factor that into an appraisal?*

# “Typical” Questions - Deposition

- *Have you come across two appraisals which you feel were credible in which the appraisal valuation differed by more than 10 percent?*
- *What are some of the things in an appraisal that involves judgment?*
- *Can you tell me, are there other things that jump out at you in the appraisal form or the appraisal process that require the appraiser to use his judgment?*

# “Typical” Questions - Deposition

- *Is it your opinion that to form a reliable opinion of value for a property, you must go view the property?*
- *I'm going to ask some USPAP-related questions here. Do you consider yourself to be a USPAP expert?*
- *Have you ever had one of your appraisals to be deemed in violation of USPAP?*

# “Typical” Questions - Deposition

- *If you were to find that an appraisal is not USPAP compliant, does it necessarily mean that the valuation is incorrect?*
- *When you're doing a review appraisal, would you agree that the scope of work is defined by the client?*
- *In your view, has the information that's available on the MLS improved over the years?*

# “Typical” Questions - Deposition

- *But it's your recollection that you did have a formal engagement letter; correct?*
- *Did that engagement letter outline your assignment?*
- *And did you ever exchange -- communicate with Mr. X [another expert] by e-mail?*
- *I understand that may not have influenced your result, but did you have an understanding that valuations which were higher than the ones you were reviewing would not be helpful to the FDIC?*

# Sample Deposition Questions

- *How many appraisals have you done in the subject neighborhood since you started appraising?*
- *What are the addresses of the properties you have recently appraised in the neighborhood?*
- *How many Standards are there in USPAP?*
- *Which USPAP Standards apply in this case?*

# Sample Deposition Questions

- *Have you ever been arrested?*
- *Have you ever been disciplined by a licensing agency or by an appraisal organization?*
- *Can you explain what USPAP Standard 1 is?*
- *Can you explain what USPAP Standard 2 is?*
- *Can you explain what USPAP Standard 3 is?*
- *What did you talk about with the attorneys during the lunch break today?*

# How You Can Become Expert Witness

Everyone here is a *Subject Matter Expert* or S.M.E.  
You can also be an *Expert Witness*

- Join non-appraisal organizations: Forensic Expert Witness Assn (FEWA), BAR, Estate and Trust Planning Associations, Assn of Certified Fraud Examiners (ACFE). Attend their meetings & conferences
- Getting your foot in the door with “no trial experience” can be difficult - attorney’s want to reduce risk to client & not jeopardize their case
- Find a *Mentor* you can *assist* in litigation work



# How You Can Become Expert Witness

- **Get designated: SRA-MAI-ASA and others . . .**
- **Take courses in litigation, speaking, dispute resolution, stats & graphs (GeorgeDell.Com)**
- **Give talks to various groups and agencies: R.E. & non-R.E. organizations, BAR meetings, Law Firms, Trade Groups – attend meetings**
- **Attend trial(s) where an appraiser or other expert witness is testifying:**
  - Take notes of what you *like and don't like*

# How You Can Become Expert Witness

- Join RAC
  - ➔ 2 largest \$300+ million litigated cases, lasting multiple years, were referred to me by a RAC Member Jim Goodrich SRA, MAI, CCIM of Dallas TX
- Become an active member in various organizations such as FEWA, RAC, AI, ACFE
- Do **Relocation Appraisals** to know how accurate your appraisals are **in fact** and not just **in theory**. A real eye opener on just how good you really are with your valuation opinions.
- Join & participate in educational blogs like George Dell's or Steve Smith's – both are here today
- **Unfortunately**, Depositions are Private, Not Public – they are not available to uninvited “outsiders” or to the public to attend & observe – but, you *may* get permission, if you ask.



Being a Soccer Official for 30+ years has prepared me more than anything in managing difficult attorneys in depositions, hour-after-hour, while another appraiser expert is handing question-after-question to the attorney, non-stop.

HOW COULD THIS POSSIBLY PREPARE ME, YOU ASK?

**You are all thinking: “Craig lost not only his Head but his Mind Too”**

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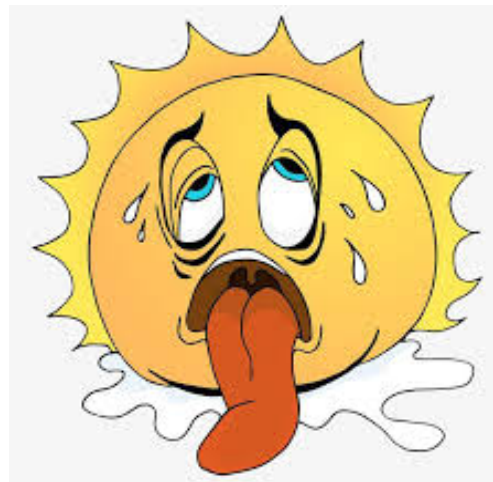
I see the Aggressive “*attack dog*” Attorney asking me questions more like *Fluffy, a Friendly Kitten*. A lot more enjoyable than managing irate & emotional soccer coaches, players & fans, whose only objective is often winning at all costs.

As a **Soccer Official**, I am the impartial,  
objective, neutral & calm all-in-one:  
*Policeman, Prosecutor, Judge, Jury, and,  
Terminator-Executioner*  
*An Advocate for only the Facts and Truth  
at All Times*



**Never an Advocate for  
any Participants or Parties**

**Regardless of complaints, accusations, threats, physical & verbal altercations, and violence, while mentally and physically exhausted, after hours of running**



***Attorneys must remain Civil and  
can't scream at me, call me  
nasty names, or threaten me –  
they are friendly, Like Fluffy***



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## **More Good News:**

***Someone wants to pay me to sit in a very comfortable chair, in an air-conditioned office, offer me beverages, surround me with very nice, intelligent & respectful professionals, interrogate me with no water boarding, give me bathroom breaks, take my picture, write down every word I say, then, thank me for coming, when finished***





**BEING AN EXPERT WITNESS CAN BE A  
VERY SATISFYING EXPERIENCE, IF. . .**

**YOU KNOW YOUR STUFF AND CAN EXPLAIN IT IN A  
SIMPLE, EASILY UNDERSTOOD, TRUTHFUL & CREDIBLE  
MANNER, AND HOPEFULLY NOT MAKE ANY CRITICAL  
ERRORS IN FACTS, ANALYSIS OR JUDGEMENT**

**- END -**

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# Hand Outs/Exhibits on Following Pages

## Samples

- Engagement Letter for Litigation Support
- Time Sheet/Billing Record - Tasks Completed
- Typical workfile graphs used in Oral Testimony, with no written appraisal report
- Evidence and Definitions

# **Letter of Engagement – SAMPLE**

## **Appraisal Institute Residential Symposium 4/26/18**

### **Appraisal Assignment – Letter of Engagement**

**DATE OF AGREEMENT:** month – day - year

**PARTIES TO AGREEMENT:**

**Client** Attorney Name, Esq. – Attorney At Law

**Client company** Law Firm Name

**Address** Law Firm Address

**Phone** Law Firm Office Phone #

**E-mail Appraiser:** Craig@CraigGilbert.net

**Appraiser name** Craig Gilbert – Certified General Appraiser

**Appraiser company** Craig Gilbert Appraisals

**Address** 8071 Slater Ave, #210

**City, State, ZIP** Huntington Beach, CA 92647

**Phone - office** 714-847-8087

**Phone – mobile** 714-356-0000

**Client hereby engages Appraiser to complete an appraisal assignment as follows:**

#### **PROPERTY IDENTIFICATION**

##### **(3) Three Properties – Proposed Construction**

**#1: Property #1 Address, Newport Beach** “Subject #1” or “Subject Property #1”

**#2: Property #2 Address, Newport Beach** “Subject #2” or “Subject Property #2”

**#3: Property #3 Address, Newport Beach** “Subject #3” or “Subject Property #3”

#### **PROPERTY TYPE(s)**

3 Custom-Built Single Family Residences, as *Proposed* per Plans and Specs. See Hypothetical Conditions.

#### **INTERESTS TO BE VALUED**

Fee simple

#### **INTENDED USERS**

Attorney Name, Hon. (Judge Name) - CA Superior Court Judge, and, the Jury involved in this case, are the only intended users of the appraisal results.

*Note: No other users are intended by Appraiser. Appraiser shall consider the intended users when determining the level of detail to be provided in the Appraisal Report.*

#### **INTENDED USE**

The appraisals will be used by the Client in matters involving Litigation.

*Note: No other uses are intended by Appraiser. Appraiser shall consider the intended use when determining the level of detail to be provided in the Appraisals.*

#### **TYPE OF VALUE**

Market Value

#### **DATES OF VALUE**

Current Dates of Value only (Month and Year)

See Hypothetical Conditions regarding status of construction to be used in developing value opinions

*Note: A retrospective (historical) or prospective (future) appraisal is beyond the scope of work of this assignment.*

# **Letter of Engagement – SAMPLE**

## **Appraisal Institute Residential Symposium 4/26/18**

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### **HYPOTHETICAL CONDITIONS**

Definition: “A condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis.”

Comment: Hypothetical conditions are contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis.

Source: Uniform Standards of Professional Appraisal Practice (USPAP) – 2016-2017 Ed

#### **Hypothetical Condition #1:**

**Value each of the three subject properties as if a brand new custom-built residence has been 100% completed and approved for occupancy by City of Newport Beach;**

Note: An “As Is” value will not be provided in the event that construction is not 100% completed

#### **Hypothetical Condition #2:**

**Value each of the three subject properties as if constructed in a manner which is consistent with the approved plans, specs and cost breakdown and commensurate with expectations of market participants in the neighborhood and price range.**

### **EXTRAORDINARY ASSUMPTIONS**

Definition - “An assumption, directly related to a specific assignment, which, if found to be false, could alter the appraiser’s opinions or conclusions”. Extraordinary Assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property or about conditions external to the property.

#### **Extraordinary Assumption #1**

**Each of the three subject properties will be appraised under the Assumption that building areas stated in the Architectural Plans or Building Permits are factually accurate.**

There are no other known extraordinary assumptions at this time.

However, during the course of the appraisal process, it may be determined that it is necessary to invoke additional extraordinary assumption(s) based on new information that becomes available, or information which may be inadequate or missing. This will be the appraiser’s decision to make, for sole purpose of rendering credible value opinions.

### **APPLICABLE APPRAISAL REQUIREMENTS**

- Appraisal Development: In accordance with 2016-17 USPAP Standard 1 “*Real Property Appraisal Development*”. Appraiser will determine the necessary scope of work necessary for the assignment during the appraisal process.
- Appraisal will comply with the 2016-17 USPAP with regards to *Ethics Rule, Competency Rule, Scope of Work Rule, Record Keeping Rule and Definitions*
- The Appraisals will be performed in accordance with Appraisal Institute Standards and Ethics Rules
- Appraisal Report Type: A written “*Appraisal Report*”, as defined by 2016-17 USPAP Standard 2 “*Real Property Appraisal Reporting*”, will **not be provided** to the client as this is beyond the scope of the assignment.
- Appraisal Report Type: The appraiser will report the results of the assignment only in a Court of Law via **Oral Testimony**. An Oral “*Real Property Appraisal Report*” is defined in 2016-17 USPAP Standard 2 “*Real Property Appraisal Reporting*”.
  - Note: USPAP = *Uniform Standards of Professional Appraisal Practice*, Developed by the Appraisal Standards Board of The Appraisal Foundation

# **Letter of Engagement – SAMPLE**

## **Appraisal Institute Residential Symposium 4/26/18**

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### **ANTICIPATED SCOPE OF WORK**

#### **Site visit**

Appraiser will follow client's instructions with regards to method of obtaining full property access. It is assumed by appraiser that there will be no prohibitions or delays. Property access is necessary in order to provide professional services requested by client in a complete and credible manner.

#### **Highest and Best Use Analysis**

Each of the three properties will be appraised as though construction has been 100% completed and ready for occupancy as a custom-built residence, in accordance with City approved building plans and specs. Alternative possible uses will not be considered in the assignment. See Hypothetical Conditions.

#### **Valuation approaches**

Appraiser shall use any approach or approaches to value deemed necessary to develop credible opinions of value and other opinions.

### **CONTACT FOR PROPERTY ACCESS, IF APPLICABLE.**

Client will provide appraiser with access information to view each of the three subject properties.

### **DOCUMENTS**

Within 24-hours of acceptance, client agrees to provide appraiser with all documents in possession by client or other entity required for the appraisals, including, but not limited to, a full set of approved building plans, building elevations, specifications, cost breakdowns, engineering plans, landscaping plans, permits, broker opinions, and all other relevant documents. Any new documents requested are to be provided within 24-hours of request since time is of the essence.

### **DELIVERY DATE**

Appraiser will provide Oral Testimony of Appraisal Results in a Court of Law during the week of xxxxx xx 2017, or, at a later date. Client will provide appraiser with date, time and location of court appearance no later 2 business days prior to date needed. The appraiser will not provide client with any written reports or documents. Per client, there will be no deposition testimony required or given.

### **COURT APPEARANCE**

Appraiser will be available for Oral Testimony during the week of (date) 2017, or at a later date, in the event of a continuance of trial.

### **PROFESSIONAL FEES FOR SERVICES - PAYMENT TO APPRAISER**

**Consulting Services:** \$xxx per hour

"Consulting Services" includes, but is not limited to, all services and appraisal processes used in data aggregation; data analysis; reading of documents provided by client; preparation of all documents; email preparation and reading; client phone calls; in-person meetings with client or other parties on behalf of client; work file compilation and maintenance; all report preparation; and, any and all processes used to develop expert opinion(s) on behalf of client.

**Deposition Testimony:** \$xxx per hour with an 8-hour minimum

Client is responsible for payment of Deposition fee not paid by Deposing Attorney

**Court Appearance:** \$xxx per hour with 8-hour minimum for each day appearance is requested

**Pre-Trial Prep:** \$xxx per hour

**Travel:** \$xxx per hour portal to portal for court appearance, deposition or client meetings

**Support Staff:** \$xxx per hour

**Expert Designation Fee:** \$x,xxx

**Retainer Fee:** \$xx,000

# **Letter of Engagement – SAMPLE**

## **Appraisal Institute Residential Symposium 4/26/18**

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The retainer fee is an advance against charges for any work completed and future work necessary for the assignment. Billable hours will be charged against the retainer fee. The non-refundable portion of the retainer fee is \$x,000 and is deemed earned by expert upon client's approval of the engagement letter. The unused balance of the retainer fee, if any, will be returned to the client. Client will be responsible for payment of balance due not covered by the retainer fee within 15-days of billing.

**Payment:** If applicable, any balance owed to expert by client, on future invoices, is payable within 10 business days of billing date. If applicable, the balance owed by expert to client is payable within 10 business days of notification by client to expert that professional services are no longer needed on this assignment.

### **CONFIDENTIALITY**

Appraiser shall not provide a copy of the written Appraisal Report to, or disclose the results of the appraisal prepared in accordance with this Agreement with, any party other than Client, unless Client authorizes, except as stipulated in the Confidentiality Section of the ETHICS RULE of the Uniform Standards of Professional Appraisal Practice (USPAP).

### **CHANGES TO AGREEMENT**

Any changes to the assignment as outlined in this Agreement shall necessitate a new Agreement. The identity of the client, intended users, or intended use; the date of value; type of value; or property appraised cannot be changed without a new Agreement.

### **CANCELLATION**

Client may cancel this Agreement at any time prior to the Appraiser's delivery of the Oral Appraisal Report upon written notification to the Appraiser. \$x,000 of total Retainer Fee paid to appraiser shall be deemed earned by expert upon client's approval of the engagement letter..

### **NO THIRD PARTY BENEFICIARIES**

Nothing in this Agreement shall create a contractual relationship between the Appraiser or the Client and any third party, or any cause of action in favor of any third party. This Agreement shall not be construed to render any person or entity a third party beneficiary of this Agreement, including, but not limited to, any third parties identified herein.

### **USE OF EMPLOYEES OR INDEPENDENT CONTRACTORS**

Appraiser may use employees or independent contractors at Appraiser's discretion to complete the assignment, unless otherwise agreed by the parties. Notwithstanding, Appraiser shall take full responsibility for the services provided as a result of this Agreement.

### **TESTIMONY AT COURT OR OTHER PROCEEDINGS**

Client agrees that Appraiser's assignment pursuant to this Agreement shall include the Appraiser's participation in or preparation for sworn testimony in judicial proceedings in a court of law. Client agrees that Appraiser's assignment pursuant to this Agreement shall exclude attendance at a sworn Deposition hearing, whether voluntarily or pursuant to subpoena. Client agrees to compensate expert for court appearance or other proceedings per fee schedule included herein.

### **APPRAISER INDEPENDENCE**

Appraiser cannot agree to provide a value opinion that is contingent on a predetermined amount. Appraiser cannot guarantee the outcome of the assignment in advance. Appraiser cannot insure that the opinion of value developed as a result of this Assignment will serve to facilitate any specific objective by Client or others or advance any particular cause. Appraiser's opinion of value will be developed competently and with independence, impartiality and objectivity.

### **EXPIRATION OF AGREEMENT**

This Agreement is valid only if signed by both Appraiser and Client within 1 day of the Date of Agreement specified.



# **Letter of Engagement – SAMPLE**

## **Appraisal Institute Residential Symposium 4/26/18**

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### **GOVERNING LAW & JURISDICTION**

The interpretation and enforcement of this Agreement shall be governed by the laws of the state in which the Appraiser's principal place of business is located, exclusive of any choice of law rules.

### **APPROVED AND ACCEPTED**

**By Appraiser:**

**By Client:**

*John Hancock*

(Digital Signature)

(Signature)

Craig Gilbert

(Printed name)

(Printed name)

Month – Day 2017

(date)

(date)

Appraiser's Address

**Mail - USPS:** 8071 Slater Ave, Suite #210 Huntington Beach, CA 91647

**Delivery (Physical Location):** 8071 Slater Ave, Suite #205 Huntington Beach, CA 91647



**ITEMIZED TIME SHEET - CRAIG GILBERT APPRAISALS**  
**CONSULTATION - CASE PREP - RESEARCH - ANALYSIS FOR (PROJECT X)**

Date	Year	Start Time	Stop Time	Number of Minutes	Summary Description of Task(s)
Mo-Day	Year			30	Consultation with Attorney
Mo-Day	Year	10:30am	12:30am	120	Consultation with Attorney
Mo-Day	Year			25	Consultation with Attorney
Mo-Day	Year			15	Consultation with Attorney
Mo-Day	Year			90	Review docs provided by Attorney
Mo-Day	Year			60	Consultation with Attorney
Mo-Day	Year			30	download, print, review documents
Mo-Day	Year			45	Consultation with Attorney
Mo-Day	Year	10:00am	3:00pm	300	MLS search;Excel;Graphs;Stats
Mo-Day	Year	4:00pm	6:00pm	120	MLS search;Excel;Graphs;Stats;email to Attorney
Mo-Day	Year	6:30pm	6:40pm	10	Consultation with Attorney
Mo-Day	Year	6:40pm	7:30pm	50	MLS research; Condo Projects
Mo-Day	Year	3:05pm	5:15pm	70	research MLS data
Mo-Day	Year			25	Consultation with Attorney
Mo-Day	Year			15	Consultation with Attorney
Mo-Day	Year			15	Consultation with Attorney
Mo-Day	Year	3:00pm	4:15pm	75	Consultation with Attorney
Mo-Day	Year	1:15pm	1:40pm	25	Consultation with Attorney
Mo-Day	Year	6:30pm	8:00pm	90	research MLS data
Mo-Day	Year	6:30am	12:30pm	360	Read leases,lawsuits,judgements
Mo-Day	Year	1:15pm	2:15pm	60	Excel worksheet(s);amend
Mo-Day	Year	3:20pm	3:40pm	20	Consultation with Attorney
Mo-Day	Year	9:40am	11:40am	120	Consultation with Attorney
Mo-Day	Year	7:15am	8:45am	90	read documents provided by Attorney
Mo-Day	Year	10:45am	11:15am	30	read documents provided by Attorney
Mo-Day	Year	11:15am	1:30pm	135	Consultation with Attorney
Mo-Day	Year	6:00pm	8:00pm	120	MLS research
Mo-Day	Year			30	Partial Interest Valuation Research
Mo-Day	Year	6:00pm	7:00pm	60	CoStar Research / Land Data
Mo-Day	Year	7:00am	10:00am	180	CoStar Research / Land Data
Mo-Day	Year	10:30am	12:30pm	120	CoStar Research / Land Data
Mo-Day	Year	2:00pm	7:00pm	300	CoStar Research / Land Data
Mo-Day	Year	7:30am	11:30am	240	Data Analysis
Mo-Day	Year	11:30am	1:00pm	90	Consultation with Attorney
Mo-Day	Year	10:00am	2:30pm	270	Visit/Inspect Subject Subdivision
Mo-Day	Year	10:30am	3:00pm	270	Data Analysis;Research Minority Interest Discount
Mo-Day	Year	11:00am	1:30pm	150	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	4:00pm	4:30pm	30	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	5:00pm	5:30pm	30	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	6:30pm	7:15pm	45	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	8:30am	9:00am	30	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	10:00am	12:00pm	120	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	12:30pm	1:30pm	60	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	2:30pm	3:30pm	60	Data Research;Analysis;Work Sheets;Work File

Craig Gilbert - *Certified General Appraiser* (AG004477 CA)

714-356-0000 Craig@CraigGilbert.Net 8071 Slater Ave #210 Huntington Beach CA 92647

**ITEMIZED TIME SHEET - CRAIG GILBERT APPRAISALS**  
**CONSULTATION - CASE PREP - RESEARCH - ANALYSIS FOR (PROJECT X)**

Mo-Day	Year	4:30pm	7:00pm	150	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	8:15am	12:15pm	240	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year			0	\$405 - Partnership Profiles Data Base
Mo-Day	Year	1:30pm	4:30pm	180	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	8:00am	11:00am	180	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	3:20pm	3:50pm	30	Consultation with Attorney
Mo-Day	Year	4:00pm	6:00pm	120	Data Analysis;Land Analysis
Mo-Day	Year			40	Consultation with Attorney
Mo-Day	Year	10:30am	12:30am	120	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	3:00pm	4:30pm	90	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	4:55pm	5:25pm	30	Consultation with Attorney
Mo-Day	Year	5:30pm	6:30pm	60	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	6:15am	7:15am	60	Review Partnership Profiles Addendum Book
Mo-Day	Year	8:30am	1:00pm	270	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	1:30pm	2:30pm	60	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	4:00pm	6:30pm	150	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	10:00am	12:30pm	150	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	1:00pm	2:00pm	60	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	3:30pm	5:00pm	90	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	8:30am	10:15am	105	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	1:00pm	3:30pm	150	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	10:00am	2:30pm	270	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	9:00am	10:45am	105	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	12:30pm	3:00pm	150	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	3:00pm	5:00pm	120	Consultation with Attorney
Mo-Day	Year	8:30am	10:15am	105	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	10:45am	1:30pm	165	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	3:30pm	7:30pm	240	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	8:00am	8:45am	45	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	10:00am	11:30am	90	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	11:30am	1:30pm	120	Consultation with Attorney
Mo-Day	Year	3:00pm	5:00pm	120	Consultation with Attorney
Mo-Day	Year	8:30am	12:30pm	240	Consultation with Attorney
Mo-Day	Year	2:30pm	4:00pm	90	Consultation with Attorney
Mo-Day	Year	4:00pm	8:30pm	270	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	7:20am	10:20am	180	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	10:20am	10:55am	35	Consultation with Attorney
Mo-Day	Year	11:00am	12:10pm	70	Consultation with Attorney
Mo-Day	Year	12:10pm	12:30pm	20	Consultation with Attorney
Mo-Day	Year	12:30pm	1:45pm	75	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	2:15pm	2:30pm	15	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	2:30pm	3:00pm	30	Consultation with Attorney
Mo-Day	Year	3:30pm	7:30pm	240	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	8:30am	1:00pm	270	Data Analysis; Work Sheets; Work File;Docs;Phone
Mo-Day	Year	3:00pm	5:30pm	150	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	6:00pm	7:30pm	90	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	8:00am	10:00am	120	Data Research;Analysis;Work Sheets;Work File

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**ITEMIZED TIME SHEET - CRAIG GILBERT APPRAISALS**  
**CONSULTATION - CASE PREP - RESEARCH - ANALYSIS FOR (PROJECT X)**

Mo-Day	Year	10:30am	1:00pm	150	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	2:00pm	4:00pm	120	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	4:00pm	4:15pm	15	Final Instructions Received from Attorney
Mo-Day	Year	4:15pm	6:00pm	105	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	6:00pm	8:00pm	0	No charge - Excel File Corruption/Software Problem
Mo-Day	Year	9:00am	10:15am	75	Data Research;Analysis;Work Sheets;Work File
Mo-Day	Year	10:45am	1:00pm	0	No charge - Excel File Corruption/Software Problem
Mo-Day	Year	2:00pm	5:30pm	0	No charge - Excel File Corruption/Software Problem
Mo-Day	Year	9:00am	10:00am	60	Copy work file pages to PDF & email to Attorney
Mo-Day	Year	3:00pm	4:00pm	60	Copy work file pages to PDF & email to Attorney
Mo-Day	Year	7:30am	9:30am	120	Home to Deposition (9:30am-5:00pm)
Mo-Day	Year	5:00pm	7:00pm	120	Deposition to Home

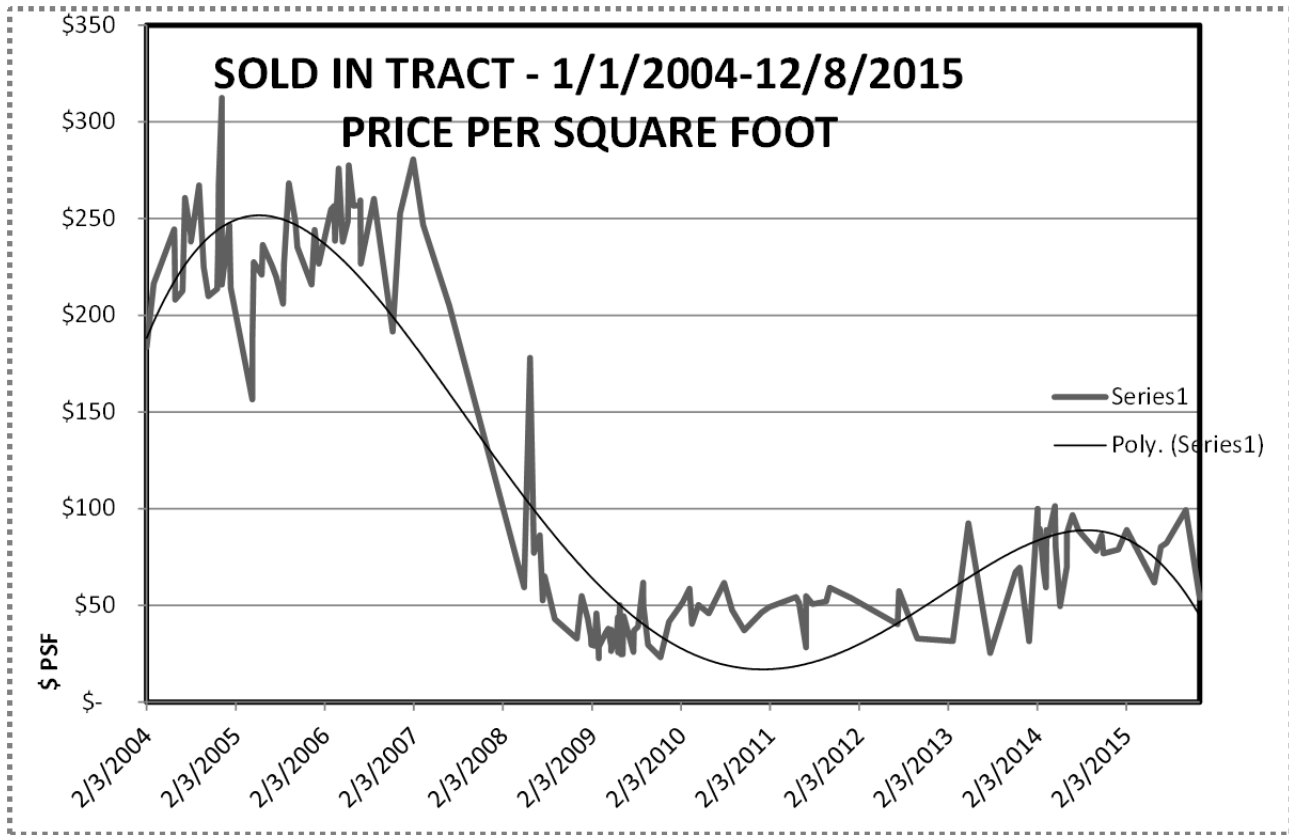
Total Minutes	10,815	<b>180.25 Total Hours</b>
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Total Hours	180.25	Case Prep/Consultation for Oral Testimony
Hourly Rate	\$ -	Rate per hour
Total Hourly Charges	\$0.00	180.25 hours at \$XXX/hour
Other Charge	\$ -	Partnership Profiles - Purchased for This Case
Total Cost	\$ -	Hourly Charges + Partnership Profile
Less: Payment #1	\$ -	Check #00xxxx; Paid on [date]
Less: Payment #2	\$ -	Check #00xxxx; Paid on [date]
Less: Payment #3	\$ -	Check #00xxxx; Paid on [date]
<b>Balance Due</b>	<b>\$ -</b>	Amount Due / Excluding Testimony
<u>Notes</u>		
For All Work Completed through [date]		
Excludes Deposition Testimony [date]		
Excludes Future Trial Testimony [date]		
Excludes Preparation for Future Trial Testimony		

## SAMPLE GRAPHS – Workfile – for Oral Testimony

Residential Condos - *Leasehold* Title

Case: *Professional Negligence* [Attorney] (Re: Instructions Given to Appraiser  
Involving *Reset of Ground Rent* that went from ~\$45 to ~\$2,000 to ~\$1,200 per month



MEDIAN AND MEAN PRICE PER SQUARE FOOT 2004-2015 <i>in Subdivision</i>						
		2004-2015				
YEAR	TOTAL # SOLD	MEDIAN Price PSF	MEAN Price PSF	% change prior year		
				Median	Mean	~GrndRent
2004	17	\$ 235	\$ 235	n/a	n/a	\$42-44 since '74
2005	16	\$ 226	\$ 224	-3.80%	-4.70%	\$42-44 since '74
2006	15	\$ 255	\$ 248	12.80%	10.70%	\$42-44 since '74
<b>2007</b>	<b>3</b>	<b>\$ 247</b>	<b>\$ 233</b>	-3.10%	-6.00%	\$42-44 since '74
<b>2008</b>	<b>9</b>	<b>\$ 59</b>	<b>\$ 72</b>	<b>-76%</b>	<b>-69%</b>	\$2,000/litigation
<b>2009</b>	<b>31</b>	<b>\$ 35</b>	<b>\$ 35</b>	<b>-40.60%</b>	<b>-51.40%</b>	\$2,000/litigation
2010	9	\$ 48	\$ 49	37%	40%	\$2,000/litigation
2011	9	\$ 52	\$ 50	8.30%	2.00%	\$2,000/litigation
2012	3	\$ 40	\$ 44	-23%	-12%	\$2,000/litigation
2013	6	\$ 49	\$ 53	22.50%	20.50%	\$1,200/settled
2014	18	\$ 84	\$ 82	71.40%	54.70%	\$1,200/settled
2015	6	\$ 81	\$ 78	-3.50%	-4.90%	\$1,200/settled

# CRAIG GILBERT APPRAISALS

## How to Get Your Evidence

You may collect evidence by "discovery" or by "subpoena."

### 1) Discovery

Discovery is pre-trial investigation. It allows you to get either evidence itself, or information that will lead to getting the evidence you need. There are rules for how much time you have to do things, and how many questions you can ask in a certain way.

Some common Discovery methods are:

#### **Deposition:**

A deposition is written or oral testimony given under oath in front of a court reporter. These take place outside of court and allow the parties to get a record of a person's testimony, or to get testimony from a witness who lives far away. The person who sets up the deposition pays the court reporter's fees.

#### **Interrogatories:**

Interrogatories are written questions sent by one side in a lawsuit to an opposing side. The side that receives the interrogatories must answer them in writing under oath, or give a legal basis for not answering them.

#### **Request for Admission:**

In a request for admission, one party formally and in writing asks the opposing party to admit the truth of certain facts relevant to a case.

#### **Request for Production of Things:**

One party may ask the other party for specific documents or things. The asking party may object to, copy or inspect these.

#### **Subpoena Duces Tecum:**

A subpoena duces tecum is an official court order to bring documents to a specific place at a specific time.

### 2) Subpoena

A subpoena is a court order telling a person to go to court at a specific time. They are commonly used to tell witnesses to come to court to testify in a trial. The court has forms you can use to ask for these.

## Glossary

**Discovery:** The gathering of information (facts, documents, or testimony) before a case goes to trial. Discovery is done in many ways, such as through depositions, interrogatories, or requests for admissions. It also can be done through independent research or by talking with the other side's lawyer.

**Evidence:** Any proof legally presented at trial through witnesses, records, and/or exhibits.

**Exhibit:** A document or an object shown and identified in court as evidence in a case. Normally, the court assigns an identifying letter or number in alphabetical or numerical order before exhibits are offered as evidence.

**Hearsay:** Statements by a witness who did not see or hear the incident in question but heard about it from someone else. Hearsay usually cannot be used as evidence in court. (However, there are some important exceptions in the Evidence Code.)

**Material:** Important (necessary). A material witness or exhibit is one that is useful in deciding an issue.

**Motion:** An oral or written request a party makes to the court for a ruling or order on a particular point.

**Objection:** A formal protest made to evidence that the other side tries to introduce

**Party:** One of the litigants in a court case. At the trial level, parties are typically called the "plaintiff" or "petitioner" and the "defendant" or "respondent."

**Pleading:** A written statement filed with the court that describes a party's legal or factual claims about the case and what the party wants from the court.

**Points and authorities:** (Also called "P's and A's") The written argument, based on law and the facts, given to support a motion. Can refer to past cases, statutes (codes) and other statements of law.

**Proof:** Evidence that tends to establish the existence or truth of a fact at issue in a case.

**Witness:** A person called by either side in a lawsuit to give testimony before the judge or jury.



## Getting Evidence for Court

### **Please note:**

There are a large number of laws which set standards for what evidence can be used in a court. Together, these laws are called the California Code of Evidence. Everyone, even a person who represents him- or herself, has to follow these laws when he or she is getting and presenting evidence for court. Neither the judge nor the court staff can assist you in preparing or presenting your case.

**This pamphlet will help you to start thinking about how to present evidence at a hearing or trial.**

If you started working on your case without an attorney, you may wish to seek the help of an attorney now. If, for financial reasons, you cannot hire a private attorney to handle your whole case, you can ask attorneys if they would be willing to help you for part of your case. Or, you may be eligible to get help from a legal aid office.

# CRAIG GILBERT APPRAISALS

## What Does the Court Consider Evidence?

Evidence is information you may present in court to prove your case. It can be in two main forms:

### 1) People: witness testimony

- You
- Other people who have direct and relevant information about the case
- People who keep records
- Experts

### 2) Things: exhibits

- Photographs
- Records: police, medical, bills, appraisals, school records, etc.
- Other documents or things

**In either case,  
the judge will want to know:**

**Why is this witness or exhibit helpful in  
deciding your case?**

## Rules of Evidence

There are rules of evidence that everyone must follow. These rules help ensure that the judge gets reliable, relevant and accurate evidence to consider when making decisions about your case.

Among the most important of these rules are:

- Generally, people can only talk about what they know first hand – what they themselves saw, heard, felt, smelled, or tasted. (There are some exceptions to this rule.)
- The other party has the right to cross-examine anyone whose words (whether written or spoken) are being considered.
- All testimony must be relevant information.

**NOTE:** Different case types may have their own rules. For example, how long you have to do things or how many questions you can ask are ruled by case type. Read the California Evidence Code on-line at: [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html)

## Using People as Evidence: Witnesses

A witness is a person called by either side in a lawsuit to give testimony before the judge or jury. It could be you, other people who have direct and relevant information about the case, people who keep records, or experts who are qualified to give an opinion in an area of the case. Usually, the witness must be present in court for the hearing or trial.

### How do I prepare my witnesses for court?

- It is not cheating to prepare for court.
  - Write out your questions.
  - Practice the questions with your witness.
  - Be prepared for cross-examination: talk with your witness about what questions the other side might ask him or her.
- Remind your witnesses that they must tell the truth. It is ok to say, "I don't know" or "I don't remember," if that is the truth.

**Tip:** You may want to write down ahead of time why you want to offer this witness or exhibit. Then, when the judge asks, you can answer even if you're nervous.

### What if a key witness says he or she won't come to court?

- You can ask the court to order a witness to appear. This is called a subpoena.
  - You can get subpoenas from the court that order someone:
    - To appear
    - To appear and produce documents or things
    - To appear for the taking of a deposition.

(Some witnesses may want to appear but need to be served with a subpoena in order to get the time off of their work to go to court.)

## Using Things as Evidence: Exhibits

An exhibit is a document or an object used by either side in a lawsuit to prove his or her claim. Exhibits could be financial statements, medical records, counselor's reports, photographs, tools, equipment or other things.

### How do I prepare my exhibit for court?

Once you have selected what you want to use:

- **Make two copies of each exhibit** – one for the other party, and the other for you. (The court will keep the original.)
- **Ask a court clerk how to mark your exhibits.**
  - \* **Some courts** will want you to mark each piece of evidence with an exhibit identifier. (For example, attach a sticker labeled "Exhibit 1," "Exhibit 2", etc. – OR "Exhibit A," "B," etc. The clerk can tell you which to use.)
  - \* **Some courts** will mark the exhibits in court.

Some documents have confidential information, such as bank account and social security numbers. You may ask the court to black out this information and to keep sensitive documents confidential

### How do I introduce an exhibit in court?

To show the court one of your exhibits:

- 1) First, show the exhibit to the other party (or the other party's attorney),
- 2) Next, either you or your witness must testify about the exhibit to show that the evidence is relevant to your case and is authentic (not made up). This is called "laying the foundation."
- 3) Ask the court to admit the exhibit into evidence.

The other party or attorney may object to the exhibit for some reason. Try to answer these objections as best you can. Finally, the judge will decide whether to allow the exhibit or not.