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## **SOLUTIONS**



# Overview

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## Course Description

*The Appraiser as an Expert Witness: Preparation and Testimony* is one of three courses in the Professional Development Program designed to provide appraisers with the educational foundation needed to engage in litigation valuation work. This course focuses on the skills that appraisers need before and after preparation of the appraisal report: assessing the status of the case, acting in a consulting capacity to the client/client's counsel, appearance at a deposition, preparation of effective trial exhibits, and ultimately providing testimony at trial. The subsequent courses address the particular appraisal techniques and methodologies for litigation valuation assignments of various types.

The material covered in this two-day course includes legal terminology, USPAP issues, general litigation valuation methodology, and other important concepts. However, the primary focus of the course is to provide participants with a “hands on” experience for learning the strategies and techniques associated with deposition and testimony.

*The Appraiser as an Expert Witness: Preparation and Testimony* includes a case study that allows participants to practice many of the concepts taught in the course. The case study is structured to produce divergent value opinions to facilitate the learning process.

This course helps the participant to understand that the process of deposition and testimony is, by nature, adversarial. The lectures and reference materials included in the course are designed to help the participant prepare for an adversarial environment by analyzing the strengths and weaknesses of the case, anticipating the questions that will be posed, and formulating clear answers that are readily understood by persons who are not appraisal experts.

This process of preparation and anticipation is explored by placing the participant in the shoes of the opposing counsel with participants formulating possible questions and taking on the part of counsel in deposition and testimony role-play.

Finally, a mock trial is included in the course. The mock trial includes opening and closing statements by counsel, direct examination, and cross-examination, so that each participant will have a better understanding of the role of an expert appraisal witness in the context of the larger trial setting.

Upon successful completion of the three courses that make up the litigation program (*Condemnation Appraising: Principles and Applications*, *Litigation Appraising: Specialized Topics and Applications*, and *The Appraiser as an Expert Witness: Preparation and Testimony*) and passing the related program exams, Designated members will be placed on the Program's Registry. For more information about the program, go to the Appraisal Institute's website: [www.appraisalinstitute.org](http://www.appraisalinstitute.org). Choose “Education” from the menu and click on “Professional Development Programs.”

**Note.** Participants who complete courses in a Professional Development Program may represent that they have completed the program's curriculum and passed the

examinations. Participants may not represent themselves as having a specialization, certification, competency, or expertise based solely on the successful completion of the program. The program provider does not assume any duty to the public for the services.

## USPAP References in this Course

All references in this course to the Uniform Standards of Professional Appraisal Practice are taken from the 2020-2021 edition (Washington, D.C.: The Appraisal Foundation).

## Learning Enhancements

The course has been designed with a variety of elements to enhance your learning experience.

- **Preview.** To give you a taste of what is to come, you will find a preview page that begins each part. Included on the preview page is a brief overview of the content, learning objectives to consider as you move through the content, and learning tips that will assist you in understanding the information you're about to learn.
- **Learning Objectives.** Each learning objective covers essential information you need to know to fully understand the concepts in the course. Look them over before the part begins so that you have a frame of reference as you move through the material. At the end of each part, reread the objectives. Are you able to do what is stated? If not, this is the time to ask your instructor for help or review the concepts that you do not understand.
- **Case Study.** The case study contains real-world exercises that provide practice in applying the methodologies presented in the course.
- **Role-Play Deposition and Mock Trial.** Participants are given the opportunity to assume the roles of participants in a deposition and trial and experience the interaction of people in a courtroom.
- **Review.** Each part concludes with a review. Included in the review are the learning objectives and key terms and concepts that have been covered. There are also recommended resources.
- **Review Quizzes and Self-Study Practice Test.** Short review quizzes and a practice test are included. These questions test how well you understand the information that was covered in those parts.
- **Glossary.** A glossary of legal terms is included in the appendix. Referring to the terms may be helpful when preparing for the deposition and mock trial.
- **Exhibits.** Sample trial exhibits are included in the handbook, which provide examples of the type of exhibits needed for the mock trial.

- **Solutions.** This section at the end of the course handbook contains solutions to the quizzes and problems worked in class in addition to the group assignments and the self-study test. Please use the solutions section as it is intended. The quizzes and group assignments provided in the course handbook will help you to comprehend and review the content necessary to pass the final exam. During study times and assignments in class, you will derive more benefit from the class if you are self-disciplined and work through the assignments, quizzes, and exercises before reviewing the solutions at the back of the course handbook.

## Classroom Guidelines

To make the learning environment a positive experience for everyone attending, please follow these guidelines when class is in session:

- 100% attendance is required. No exceptions.
- Limit use of computers to classroom projects.
- Communicate with business associates during break time instead of class time.
- Put away reading materials such as newspapers and books that are not used in class.
- Silence cell phones.
- Please do not record the lectures. Recordings are not permitted.
- Refrain from ongoing conversations with those seated near you and other distracting behavior.

## General Information

- **Calculators.** A basic-function calculator is required. Financial functions are **NOT** used for the case study calculations.

**Important Note.** Laptops, cellular phones, tablets, iPads, wearable technology (smart watch, Apple Watch, Google Glass, etc.) and other devices that can store data or connect to the Internet are **NOT** permitted during the exam. In addition, all watches, wallets, bags, and purses must be removed and stored out of reach prior to taking the exam.

- **Breaks.** There will be two 10-minute breaks during each half-day session unless noted otherwise by the course sponsor. The lunch break is one hour.
- **Attendance sheets** will be distributed during each half-day session to verify your attendance.
- **Certificates of completion** may be downloaded after completion of the course, and attendance during the entire course is required.

## Recommended Texts

- *Real Property Valuation in Condemnation*. Chicago: Appraisal Institute, 2018.
- Jeffrey A. Johnson, MAI, and Stephen J. Matonis, MAI, *Applications in Litigation Valuation: A Pragmatist's Guide*. Chicago: Appraisal Institute, 2012.