

## Expert Witness Quiz

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1. What is the term for the risk assessment method that is currently applied to evaluate the safety of car seats and head restraints?
  1. head injury criterion (HIC).
  2. neck injury criterion (NIC).
  3. c-spine injury criterion (CIC).
  4. none of the above.
2. What is the most correct statement regarding the observed profound increase of whiplash incidence in the past decade?
  1. It has not been shown to be real. There has not been an increase in incidence of whiplash.
  2. The increase has been shown to be due to the legal system's influence on lawsuits, rather than a true increase in injury risk.
  3. The real reason for the increased risk is simply that people and doctors are more familiar with the condition. Victims are more likely to visit the doctor; the doctor is more likely to make the diagnosis.
  4. Two important reasons for the increased risk are the new car assessment program (NCAP) and increased stiffness requirement of seat backs.
3. The reason we often see a para-doxic relationship between injury risk and vehicle property damage in low-speed rear-impact crashes (LOSRIC) (i.e., less injury in higher property damage crashes; more injury in lower or zero property damage crashes) is:
  1. When damage occurs in higher-speed crashes, subjects generally hear screeching tires, and are thus alerted to an impending crash. This provides a split second for them to react by bracing and thus mitigating injury.
  2. In higher-speed crashes with more resulting property damage, occupants usually experience some degree of shock, which makes them less likely to "remember" the pain.
  3. Most claiming behavior has been shown to be linked to claims settlement satisfaction. Claims in low-speed crashes with little or no property damage are more often disputed by third parties, resulting in a larger number of questionable claims.
  4. In crashes in which structural damage occurs, the crash duration is longer, and reduces the occupant's acceleration pulse and, hence, risk for injury.
4. When testifying at trial, an expert might want to refer to a specific scientific study to support his or her opinions. Opposing counsel is likely to object on the basis of the hearsay rule that states:
  1. It is likely that the witness did not read the study under discussion, but was merely told about it by someone else.
  2. Unless the expert actually has a printed copy of that reference for opposing counsel to

- look at, the mention of it is purely hearsay and not admissible.
3. Only the author of the paper can discuss its results and conclusions. When experts cite the results and conclusions of authors, it is considered hearsay and is not admissible.
  4. None of the above are correct.
5. There are ways of getting around the hearsay objection in a trial. The best is:
1. Accuse the attorney voicing the objection of a violation of jury instructions (i.e., to base conclusions on all facts available).
  2. Call for a long recess and hope that the attorney forgets his or her objection.
  3. Offer to let the opposing counsel see all that is referenced before the trial.
  4. Federal Rule of Evidence 803(18). It states that learned treatises (e.g., textbooks on a subject) are not excluded by the hearsay rule when identified by him or her as a reliable authority.
6. Courts often use *Frye* or *Daubert* (depending on the state) as tests for expert testimony. These rules are used by judges and attorneys to:
1. Test the admissibility of expert testimony on the basis of its scientific validity and general acceptance.
  2. Test the witness' actual understanding of the scientific methods used.
  3. Determine the witness' credibility on the basis of his or her training and/or experience in the particular field from which his or her testimony will come.
  4. None of the above are correct.
7. Which of the following statements is most true regarding the use of video evidence at trial?
1. It is rarely allowed during testimony.
  2. It is always allowed during testimony.
  3. It has not been shown to make a significant difference in the outcomes of trials.
  4. Studies show that if the opposing side does not use video evidence, the side using it (plaintiff or defense) will prevail more often.
8. From a meta-analysis of over 55 years of outcome studies, I have reported that the average figures reported for chronicity - which may include anything from minor occasional complaints to disabling complaints - are:
1. 35-55 percent.
  2. 0-12 percent.
  3. 70-90 percent.
  4. none of the above.
9. "Backset" describes:
1. The distance the occupant moves rearward in the seat at the time of a rear impact crash.
  2. The distance between the head restraint and the occupant's head before the crash.
  3. The persons in the rear seat of the car that is struck from the rear.
  4. The relative positions of two colliding cars when they come to rest after the crash.
10. "Ride-down" refers to:
1. The amount of crush occurring at the point of maximal engagement when two cars

- collide (also known as dynamic crush).
2. The amount of crush measurable after the crash (also known as residual crush).
  3. The phenomenon of riding down beneath the seat belt and harness in a high-speed frontal crash (also known as submarining).
  4. None of the above are correct.

Answers:

1. b
2. d
3. d
4. c
5. d
6. a
7. d
8. a
9. b and
10. d.

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