A Guide:

Survival Tips for the Expert Witness

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A GUIDE: SURVIVAL TIPS FOR THE EXPERT WITNESS

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I. THE ROLE OF THE EXPERT WITNESS IN LITIGATION

There is a general rule in litigation that witnesses are not allowed to give opinions; they are only permitted to testify to what they have personally observed or experienced. This is because it is the role of the judge or jury to hear all of the facts from the witnesses, decide which facts they find to be believable and true, and then derive their own opinions and conclusions from those facts on the matters in dispute between the parties.

An exception to the general rule excluding opinion evidence is made where the nature of the matter in dispute is beyond the ordinary knowledge and experience of the judge or jury, which poses a risk that such "ordinary people" are unlikely to form a correct conclusion about the dispute simply because they do not have the technical knowledge or skill to do so. In these situations, opinion from an expert witness may be admitted into evidence to assist the judge or jury in fact finding and drawing conclusions.

The Supreme Court of Canada has described the role of the expert witness as follows, ***R. v. Abbey, [1982] 2 SCR 24, at 42***:

> With respect to matters calling for special knowledge, an expert in the field may draw inferences and state his opinion. An expert's function is precisely this: to provide the judge and jury with a ready-made inference which the judge and jury, due to the technical nature of the facts, are unable to formulate. An expert's opinion is admissible to furnish the Court with scientific information which is likely to be outside the experience and knowledge of a judge or jury. If on the proven facts a judge or jury can form their own conclusions without help, then the opinion of the expert is unnecessary.

Therefore, two elements necessary to justify the admission of expert testimony are:

1. The subject matter of the inquiry must be such that ordinary people are unlikely to form a correct judgment about it, if unassisted by persons with special knowledge.
2. The witness offering expert evidence must have gained special knowledge by a course of study or experience which secures habitual familiarity with the matter in hand; ***Kelliher v. Smith; [1931] SCR 672 at para. 17.***

II. SOME DO'S & DON'TS IN PROVIDING EXPERT OPINION GENERALLY

Key requirements of expert evidence include:

- The expert should provide assistance to the court by way of objective, unbiased opinion. Expert evidence must be, and must be seen to be, the independent product of the expert, uninfluenced as to content by the exigencies of litigation.
- An expert must only provide opinion on matters within the expert's level of expertise and make it clear when a particular question or issue falls outside of that expertise.

- An expert must clearly set out the facts and/or assumptions on which their opinion is grounded so that the judge or jury can understand the specific basis of the opinion given by the expert and then decide how much weight to give the opinion (i.e. Is the opinion "good data in, good data out" or "bad data in, bad data out"?).
- It is not necessary or good practice to summarize all the records and opinions the expert has reviewed. The required approach is to extract from the records only those relevant facts that are required to provide the opinion and which form the basis of the opinion, and to state those facts under the heading "Assumed Facts" at the outset of the report.
- The expert witness must not fail to consider material facts that could detract from their concluded opinion.
- The expert should explain technical language and concepts in plain language.
- If there is insufficient information available to answer the questions asked by the retaining lawyer, the expert should say so with the indication the opinion is provisional.
- The expert witness must never assume a role of advocate. Once an expert becomes an advocate, credibility is lost and little weight will be given to the opinion. (***NB**: There is a difference between an expert who advocates for a party, which is not allowed, and an expert who advocates for her opinion, which is allowed and expected. The judge or jury should be able to approach the opinion with some confidence that the expert would have rendered the same opinion if she had been consulted by the opposite party. However, once the expert has formed her opinion through a process of careful and objective consideration of all relevant facts and scientific principles and not extraneous considerations, the expert may be firm, emphatic or even strident in the way she expresses the opinion or defends it against contrary opinions;* ***Keefer Laundry Ltd. v. Pellerin Milnor Corp. 2007BCSC 899, para.15***)
- The physician expert should never comment on credibility of the plaintiff or on other expert witnesses. The ultimate conclusion as to the truthfulness of a particular witness is for the judge or jury and is not within the proper scope of an expert witness (as "ordinary people" are capable of determining truthfulness based on logic, experience, intuition and common sense).

III. WHAT HAPPENS IN COURT?

(a) Direct Examination

The presentation of evidence begins when the lawyer for the plaintiff begins calling witnesses. The plaintiff's lawyer does the initial questioning of the witness, which is called direct examination. The witnesses will generally be comprised of lay or "fact" witnesses and expert or "opinion" witnesses.

The purpose of direct examination is to have the witness testify about facts or opinion that support the plaintiff's case. A lawyer typically cannot ask her own witness a leading question which implies, suggests or prompts the witness to give a particular answer, or which contains its own answer; instead, the lawyer will ask open-ended "W" questions – who, what, where, when, why.

During the direct examination, the expert needs to be seen as an authority independent of counsel, as well as one whose expertise, manner and impartiality makes her testimony both believable and important in the judge's or jury's eyes.

In the context of a personal injury case, the direct examination of an expert witness may include:

- Education, training and clinical experience;
- Specialty and an explanation of what that specialty is;
- Within that specialty, the expert's familiarity with injuries caused by [the mechanism of injury];
- Within that specialty, the expert's familiarity with injuries to the [area of injury];
- What education, training and clinical experience the expert has which helped the expert come to the opinion (***NB*** – *this is aimed at establishing the relationship between the opinion and the expert's qualifications*);
- Whether the expert has assisted judges/jurors in other cases in order to understand cases similar to this one;
- Whether the expert has provided expert opinion at the request of both plaintiff and defence counsel;
- The question(s) the expert has been asked to help the judge/jurors understand;
- The expert's opinion;
- The documents provided to the expert which helped the expert come to the opinion;
- Other materials the expert relied upon which helped the expert form the opinion;
- What work was performed by the expert in reaching the opinion;
- Whether the expert considered other causes and/or diagnoses;
- What it was that caused the expert to rule out those other causes and/or diagnoses as the cause and/or diagnosis of the plaintiff's injury.

Rules of court allow the opposing party to see in advance what the expert witness's direct evidence will be. These rules require that the facts and assumptions which formed the basis of opinion and the opinion itself (contained in the expert's medical-legal report) be disclosed to the opposing party well before the trial is to begin. The opposing lawyer will have had sufficient time by trial to absorb the adverse expert's opinion/report and to perhaps provide a responding report from the opposing lawyer's own expert if required.

You will be required to produce your entire file to the opposing lawyer at least two weeks prior to trial. This will include your report, report drafts, all of your work papers, periodicals, articles and books you referenced in your report, notes of interviews conducted, notes on documents, raw test data, etc. During cross-examination you may be asked questions about your file contents.

While the expert may employ specialized skill and technical concepts in expressing an opinion, the opinion must nevertheless be logical, make progressive sense and be understandable to a

judge or juror. Visual aids are of considerable assistance in explaining technical information. The expert shares in the responsibility in advising the retaining lawyer well in advance of trial what visual or demonstrative aids the expert would like available to explain the medical evidence to a lay person.

(b) Cross Examination

When the direct examination has been completed, the opposing party has the right to cross-examine the witness. There are three general purposes attributed to cross examination of witnesses:

1. To weaken, qualify, or destroy the opponent's case;
2. To support the party's own case through the testimony of the opponent's witness; and
3. To discredit the witness; ***The Law of Evidence in Canada (Sopinka, Lederman and Bryant***).

Because the expert witness is providing *opinion* (as opposed to fact) evidence, the expert is subject to questioning into qualifications and experience, the opinion itself and its sources, the reasons for the opinion, and the facts and assumptions upon which the opinion is based. The rationale for this was explained in ***Privest Properties Ltd. v. Foundation Co. of Canada, (1995), 11 B.C.L.R. (3d) 1 (B.C.S.C.)***:

> In my opinion, the assessment of reliability and trustworthiness of expert opinion evidence involves very different considerations from those required in the case of factual evidence. In the case of expert opinion evidence, the need for cross-examination is, if anything, greater than in factual situations, because the trier of fact is likely to be in a poor position to assess the credibility of a scientific opinion without the assistance of cross-examination by opposing counsel, or to adopt the felicitous phrase employed by the late Mr. Justice McColl in Abermin Corp. v. Granges Exploration Ltd. (10 August 1990), Vancouver Reg. C884398 (B.C.S.C.), without exposing the opinion '... to the vagaries of opposing counsel's inquiring minds.

The judge and jury will at least start out viewing the expert witness as a neutral non-party who is offering assistance to the court in coming to grips with a field of science that is likely completely foreign to the judge and jurors.

In general terms, the opposing lawyer conducting a cross-examination will almost always ask leading questions as it limits the expert's evidence to points the opposing lawyer wants confirmed or characterized in a way most advantageous to that lawyer's theory of the case. The lawyer will try to get important admissions on undisputed facts which bear on that lawyer's particular theory; often that you agree with certain general principles. The opposing lawyer will often obtain favourable testimony first, before making the expert mad or defensive as this can lull the expert into a false sense of security.

The opposing lawyer will typically strive to maintain strict eye contact with the expert when cross-examining because avoiding eye contact is often interpreted as a weakness. The demeanour in which the lawyer approaches the cross-examination is purely a matter of

personal style. Retaining counsel can often provide you with information about the style of the lawyer who will be conducting your cross- examination.

Cross-examination is limited to the subject matter of the opinion given on direct examination (and/or contained in the expert's report) and to matters affecting the credibility of the expert. The cross-examining lawyer will likely consider some or all of the following in your cross-examination:

Part 1: Challenging the Expert as an Expert

Two challenges can be made to the expert's qualifications:

1. The expert is not qualified to opine on the subject matter in issue because of lack of expertise and/or bias.

This is a challenge to the admissibility of the expert's opinion evidence and is made after the expert has been called as a witness and at the point where the court is asked to accept the expert as a qualified expert and prior to any opinion being expressed. At this point, the expert is cross-examined on her qualifications and bias. The expert will step out of the courtroom after cross-examination on the issue of expertise and bias, at which time the judge will hear argument from the plaintiff's and the defendant's lawyer as to why and why not the expert should and should not be permitted to provide expert opinion in the case. You will be informed after the judge has made her decision whether you will be permitted to continue to testify in the case.

2. The expert's experience is limited.

This is a challenge to the weight that should be accorded to the expert's opinion. It is made after the expert has provided oral testimony on direct examination as to their opinion, and during the expert's cross-examination. The point the cross-examining lawyer is trying to make through the cross-examination is that, while the expert may be entitled to give an opinion, the opinion should be given little, if any, weight.

Part 2: Challenging the Substance of the Expert's Opinion

1. Discrediting the Factual Assumptions Upon Which the Opinion is Based

This is the safest and most effective means of destroying an opposing expert's credibility and undermining the reliability of the opinion. The expert's opinion rises and falls on facts and factual assumptions that underlie the opinion (facts the expert knows *and* facts the expert doesn't know). If there is insufficient or unreliable evidence to establish the facts and assumptions the expert relied upon, or important facts are missing, the opinion will have little, if any, weight attached to it.

On cross-examination, the expert will be taken through their report to identify the specific sources from which the underlying facts or assumptions and what those specific facts and assumptions were obtained.

2. Attacking the Science

The expert's knowledge is almost always far superior to that of the lawyer's. Accordingly, where possible, the expert's cross-examination generally does not focus on the medical science or technicalities. The opposing lawyer may consider taking on the expert if there was

insufficient data to perform the analysis, the analysis was inaccurate, the expert used incorrect methodology, the expert's opinion was inconsistent with the science set out in the expert's previous writing or testimony, and/or the expert clearly got the science wrong. In the event this is undertaken, the opposing lawyer will often have had assistance from their own expert.

The opposing lawyer may contrast the expert's opinion with authoritative literature. In this case, the cross-examining lawyer will ask you to acknowledge that the textbook or article is authoritative (after which it is admissible) and if you agree with the literature. If the expert refuses to recognize the literature as authoritative, the lawyer may still attempt to discredit the witness by having its own expert acknowledge the source as authoritative.

In general, the expert's success during cross-examination rests on three key things:

1. The expert is an expert in the field they are providing opinion on.
2. The expert is prepared to answer questions regarding the facts of the case, as well as opinion,
3. The expert never loses sight of the reason they are involved in the case in the first place; to assist the judge or jurors in an objective way to understand issues they would not otherwise be able to understand.

(c) Re-Examination

Re-examination occurs directly after cross-examination. Re-examination can be used by the retaining lawyer to obtain a clarification, explanation or qualification on answers given by the expert in cross-examination, or to exploit new issues that have been opened by opposing counsel during the cross-examination. Typically, the questions asked of you on re-examination will refer to specific questions or answers which occurred during cross-examination (i.e. "You will recall that during cross-examination Ms. Sheane asked you about ....).

Rather than get defensive during the cross-examination, be reasonably assured that you can rely on the retaining lawyer to clarify or qualify your position on redirect examination. An astute expert under cross-examination can, by proper response to the opposing lawyer's questions, signal the need for further questions to be asked on re-direct. This is usually done in situations where the expert is required to admit some fact under cross-examination which seems damaging to the case. In those instances the expert admits the fact as true, but adds, "That's true under certain circumstances." This is a signal to the retaining lawyer to ask on redirect examination, "Dr. Smith, you said so and so was 'true under certain circumstances.' Please tell us under what circumstances that would be true."

IV. SURVIVAL TIPS FOR THE EXPERT WITNESS

In general, when determining whether or not to accept an expert's opinion, judges and jurors are usually influenced by these qualities: experts who answer thoughtfully and directly, experts who have remained objective and fair - even in cross-examination, experts who have conceded points that seemed obvious, and experts who tended to be advisors rather than adversarial. Some tips which will assist the expert not only to survive, but thrive, on cross-examination follow:

Prepare, Prepare, Prepare

- If your opinion has potential weaknesses, tell the retaining lawyer. It is better to identify and discuss weaknesses in your opinion with the retaining lawyer so they can be managed in direct examination where there is an opportunity to re-frame the facts or issue, than to wait for the shoe to drop in cross examination.
- Know the case. In addition to the exact issue you have been asked to address, to appear credible you must be reasonably well-informed on any and all issues in the case which may relate to the basis of your opinion. Discuss with the retaining lawyer the theme of the case and know how your opinion fits into that theme.
- Be aware of all of the facts upon which your opinion is based, where you obtained these facts from, and which ones are significant such that a change in the facts would necessitate a change in your opinion.
- Know the relevant dates.
- Do not rely on the retaining lawyer to give you all of the relevant documents; request further documents if needed. Call and ask if there are updated documents or additional studies you should be aware of.
- Know the authoritative texts and journals and what they say on the issue you have opined on.
- Take the opportunity to go and observe a trial. Courtrooms are open to the public. The retaining lawyer can likely provide you with dates and locations of upcoming trials which have similar subject matter and issues to the case you are involved in.

Review Your Prior Writings and/or Testimony

- Your professional writings, presentations and previous testimony should be reviewed as it probably will be reviewed thoroughly by the opposing lawyer and potentially used during cross.
- Review these materials carefully to ensure you have not taken inconsistent positions and, if so, you are able to point to specific reasons why this case is different.

Get Organized

- It is essential that you organize the clinical records, your file contents, the documents and studies reviewed, and your report. An expert witness surrounded with stacks of papers and notes falling out of files will not inspire confidence in that expert's wisdom or credibility.
- Bring your file in a file folder or briefcase, not a plastic shopping bag.

Dress

- Dress conservatively but comfortably; a suit and tie/conservative dress and minimal – if any - bling.

Witness Stand

- Assume a "truthful position" in the stand – sit up straight, arms to the side and not crossed over your chest, lean slightly forward.
- You should not visibly change your demeanor between your direct and cross examination. This will give the impression that what you just said in the more comfortable role of direct examination is what you always say and it matters not that it is said on direct or cross.
- Speak loudly enough to be heard by the opposing lawyer, judge and jury. Always include the judge/jurors when answering questions.

Maintain Eye Contact During Questions

- Most experts feel comfortable in direct examination with looking at the lawyer when the question is asked, then looking at the judge or jurors during their response. Once in cross-examination however, many experts become focused on the opposing lawyer (thereby excluding the judge or jurors from the process and negatively impacting the dynamic of the process).
- Again, treat cross-examination no differently than direct examination; you are still educating and informing the judge or jurors. Keep good eye contact with the opposing lawyer during the question, but look at the judge or jurors when responding as this will continue the confident, educational pattern you established in direct.
- Never look at the retaining lawyer when things get tough during cross-examination. It conveys to the judge or jurors that you are unsure of your answers, or checking to see whether the answer given was the "right" answer, or that you are trying to please, or are apologizing to the retaining lawyer. The entire credibility of an expert will be lost if, during the cross-examination, the expert looks at the retaining lawyer instead of the lawyer asking the questions.

Assume the Judge and Jurors Know Little, If Anything, About the Medical Issues Involved

- The expert must assume that the judge or jurors have zero knowledge about the particular medical injury/issue involved. Research suggests that explanations should be aimed to the level of a high school student.
- The use of demonstrative aids/exhibits that help communicate the medical injury/issue, treatment, etc. are essential in personal injury cases.

Take Your Time on the Stand

- Experts are often reluctant to take time before answering a question, fearing they will appear unintelligent or evasive. Don't allow yourself to be rushed; there are no rules that say experts must respond immediately to a question. Pausing before answering not only enables you to think through the question and mentally formulate an answer, it also allows retaining counsel to consider objections.
- In fact, taking time to think before answering usually looks to the judge and jurors that you are taking the question seriously.

Use the Cross-Examining Lawyer's Name

- Confidence comes easier when we maintain an equal footing with the person we are communicating with. In cross-examination, experts may feel less than equal as they can only answer the questions asked and are typically sitting when the opposing lawyer is standing.
- One way to equalize your footing and restore the power balance is to use opposing counsel's name. For example:

  Question: "Dr. Smith, isn't it true that...."
  Answer: "No, Ms. Sheane, as I explained...".

Avoid Jargon

- Medical experts are tempted to use medical/technical language when answering the opposing lawyer in an attempt to establish a sense of security and correct a power imbalance. But a good answer is useless if it is not clear. Your real security lies in your ability to communicate with, and relate to, the judge or jurors, so keep the focus on that. The more you stay in the role of communicating and educating, the greater will be your credibility with, and acceptance by, the judge or jury.

Be an Educator, Not a Soldier

- The expert evidence presented to the court must be the independent product of the expert uninfluenced by the litigation. So although your opinion favours one side, you must maintain an attitude of being an independent servant of the court. This requires that you keep an open mind and an on-going willingness to conduct an independent analysis of all issues. Although you may feel like you are being insulted by the opposing lawyer's questions about your qualifications or opinions, never lose your temper with the opposing lawyer; it only loses credibility. Being genuinely courteous is a good way to make a good impression (and it will likely frustrate the opposing lawyer to no end).
- Answer questions constructively, not defensively, by going with the questioning instead of against it. Don't consider the questioning an attack, consider it an opportunity to further educate the judge and jurors and clarify. For example:

  Question: "Isn't it true Dr. Smith that in order to even consider the diagnosis of brain injury, a necessary criterion is that the patient sustained a loss of consciousness?"

  Defensive Answer: "No. That's old news."

  Informative Answer: "Certainly in the past that was considered a necessary criterion Ms. Sheane, however with the progression of brain science and our ability to more accurately evaluate brain function and injury, particularly in recent years, we know that....."

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  Question: "Isn't it true that Doctor X is critical of your diagnosis because it was made in the complete absence of objective findings?"

  Defensive Answer: "Doctor X can be as critical as she wants – it won't change my opinion."

  Informative Answer: "Yes, Ms. Sheane. In certain circumstances, the absence of objective findings could hinder an accurate diagnosis."

- Placed in the beginning of your response, the "certain circumstances" clause allows you to elucidate rather than defend a position. It requires the opposing lawyer to request clarification and ask about those "certain circumstances" and permits you to reiterate what makes this particular case different, or allows the retaining lawyer to re-open the subject on redirect.

Concede Obvious Points

- In answering questions honestly, you may have to make an occasional concession. The most common error an expert makes in cross-examination is to fail to concede an obvious irrefutable point out of a misguided loyalty to "her side of the case". You should concede points that are obvious or logical.
- When you make a concession, make it graciously and quickly as it will show that you are confident, fair and have integrity. It is a mistake to make concessions reluctantly or grudgingly, or at the intervention of the court, as you will come off as inflexible or biased.

Do Not Guess or Bluff

- As an expert, your testimony is under oath and you are there to assist in resolving the medical issues between the parties. Accordingly, there is no place for guesses. Refuse to speculate. Guesses and speculation are not admissible evidence and can only hurt your credibility.
- If you don't know an answer, do not try and bluff as this can only hurt your credibility.
- If you don't know an answer, admit it. Sometimes "I don't know" is the best answer. There is absolutely nothing wrong with this if you genuinely do not know the answer to the question. There are thousands of questions that can be asked of experts of any discipline to which they have no answer. The more the expert hesitates or tries to avoid saying, "I don't know," the more emphasis is given to this "lack of knowledge" by the judge or jury. You will be better served by replying, "I don't know" and then sitting quietly and waiting for the next question.

Be Responsive, But Only Answer Questions Asked

- Generally, answers should not go beyond the question asked. Volunteering information can be one of the biggest mistakes an expert makes as it can result in new lines of cross-examination, may permit new opinion evidence to be admitted by the opposing side, and may disclose information to which the opposing party may not have otherwise been privy to.
- Always fully review any document about which you are asked before answering questions about the document.

Do Not Give Opinions Outside of Expertise

- Only provide opinions in areas which you are truly qualified. If an expert reaches outside of her expertise and is discredited in that area, she will have less credibility in more important areas of her true expertise.

- Know the boundaries of your defined expertise and be wary of questions designed to tempt you beyond those boundaries. An appropriate response would be, "That is a question that is outside of my expertise. I would defer to [appropriate specialty] on that issue."

Clarify Confusing Questions

- You are not required to answer questions that you truly do not understand. If the question is confusing, your answer is, "I'm sorry, I don't understand the question. Could you please rephrase it?" That being said, never give an "I don't understand the question" answer as a way to avoid answering a question. A pain specialist who testifies that he does not understand a question about central sensitization will not appear believable and an "I don't understand" answer will undermine both credibility and the totality of the expert's evidence.
- If the cross-examining lawyer asks compound questions, the appropriate response is along the lines of, "Ms. Sheane, you have asked several questions. Can you simplify the question so I can answer it accurately?"

Avoid Absolute Words

- Where possible, avoid absolute words such as "always" and "never." Absolute words are dangerous and an invitation to cross-examination, since there are always exceptions to a rule.

Be Careful Using "Possible"

- Testifying that something is merely "possible" may be legally insufficient to prove an issue in the case. Talk to the retaining lawyer for an explanation of the difference between scientific certainty, probable and possible as it relates to the case and the issues you have opined on.

Be Careful Using Hedge Words

- Be careful when using words such as "I guess," "I believe," "I would think." The reason that you are testifying is to give an opinion. Hedge words can quickly undermine your opinion and are fertile ground for additional cross-examination. For example:

Question: That's your "guess," Dr. Smith?
Answer: Well, what I meant to say, that it was my opinion that….
Question: And your opinion is based on a "guess" Dr. Smith?

Clarify Hypothetical Questions

- It is generally proper to put "hypotheticals" to an expert. A hypothetical question is when the expert is asked to assume that a fact does not exist, or that a different fact exists, and whether, in that context, the expert's opinion would change. The danger of these questions is that the expert is asked to accept facts which may not even relate to the case or are inaccurate.

- You are required to answer the question, which is another reason to be well informed of the facts of the case; you need to able to compare the hypothetical facts with the case facts to show, if necessary, the hypothetical is not accurate.
- In answering the hypothetical, state clearly the assumption you are making in your answer. For example:

  Question: Dr. Smith, assuming that the patient's imaging was in fact found to be normal, you would agree that there were no other objective signs of injury to the plaintiff, correct?

  Answer: Assuming that the low back CT scan did not show a disc herniation, I would agree there were no objective signs of injury.

What to Do When You Make a Mistake

- If your written report contains an error, you should admit and correct it in direct examination.
- During a protracted cross-examination, you may misspeak or make an error. If you do make a mistake, you should correct the error on the record as soon as you recognize your error. For example:

  "I want to correct a statement I made a few minutes ago. I stated that the 2011 imaging was abnormal. That is incorrect."

- In the event the opposing lawyer challenges you on your mistake before you have an opportunity to correct it, admit your error graciously. What you want to avoid is making the matter worse by your unwillingness to admit it.

Swing Both Ways

- Agree to be retained by both the plaintiff and defence bar (insurers). This will go a long way in neutralizing the appearance of bias or of being a "hired gun". The reality is, it should not matter which side of the dispute hires you. If your opinion is truly the "independent product of the expert uninfluenced as to form or content by the litigation" your opinion will be the same irrespective of which side has retained you.

Experts are people who know much about a little
and continue to learn more about less
until they know everything about almost nothing.

Lawyers know a little about a lot,
learning less about more
until they know nothing about almost everything.

Judges begin knowing everything,
but end up knowing nothing,
owing to lawyers and experts.

Anon.