

# How Using Expert Consultants & Expert Witnesses Can Strengthen Your Human Trafficking Case

A WARNATH GROUP PRACTICE GUIDE



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PRACTICE GUIDE  
by The Warnath Group

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## AT A GLANCE

### Intended Audience:

- Attorneys working on human trafficking cases.

### Takeaway:

- Because human trafficking can be a new concept to judges and juries, an Expert Witness can provide context as an external, objective voice.

### In This Practice Guide:

- How an Expert Witness may help your case
- How to screen a potential Expert Witness
- Tips for working with an Expert Witness
- Examples of cases human trafficking that benefited from Expert Witness testimony

Human trafficking is a new concept to many judges and juries. For a number of reasons outlined in this paper, expert witness testimony can help educate and inform the court about the nature and extent of the crime as well as help frame the testimony of victims about their experience and put it into context.

As an attorney in a human trafficking case, you should consider the range of ways in which expert testimony can help strengthen your case. As an initial matter, many jurors may not believe slavery is happening in their country. A court or jury may not realize how psychological coercion or anything less than physical violence or force can compel an individual to do things that are alleged in the case. Experts also can provide a critical contribution to a case by explaining how trauma resulting from being trafficked may impact a victim's memory of events or demeanor as a witness. A victim's account of what he or she has suffered may seem hard to believe. Victims of trafficking, especially those who have been traumatized by their experience, often

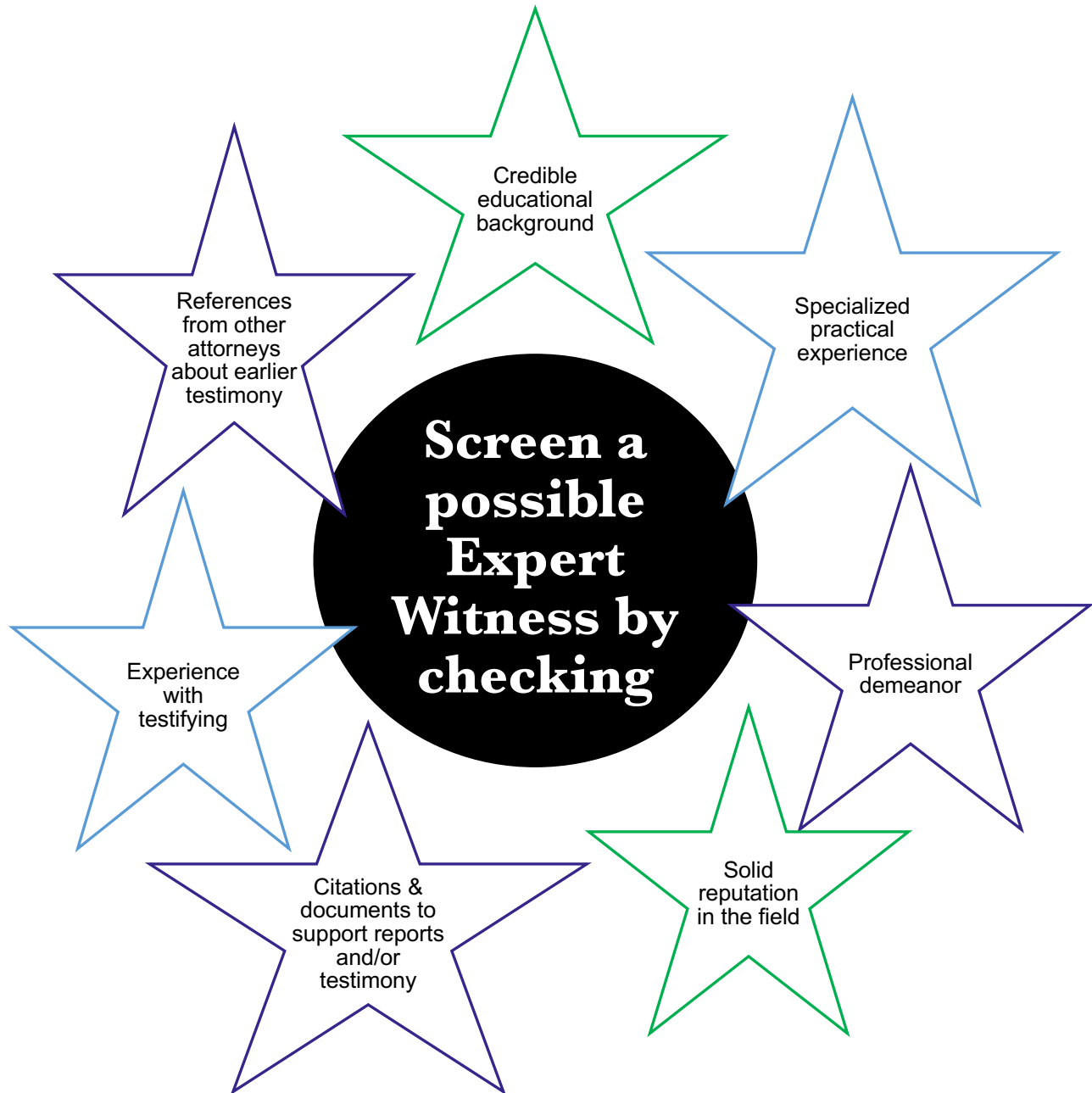
do not make great witnesses and juries may question the credibility or veracity of their testimony. Jurors might also sympathize with the trafficker, especially in domestic worker cases. And while the plaintiff(s) may be able to tell the story, the human trafficking phenomenon needs to be put into a larger context and therefore, an external, objective voice may be imperative.

An expert witness can offer consultations, reports, depositions, and court testimony for attorneys, law firms, judges, juries, and government agencies in state and federal court hearings, trials, and arbitrations in both civil and criminal cases.

**An Expert Witness may help your case by:**

- ✓ Providing important background information on human trafficking
- ✓ Providing subject expertise on the specific type of trafficking, i.e. domestic servitude, sexual exploitation, etc.
- ✓ Explaining to the court what trauma is and how it can affect a victim/witness' memory and presentation of testimony
- ✓ Providing in-depth analysis of the "climate of fear" in human trafficking cases
- ✓ Providing insight on the psychological dynamics and impact of human trafficking on its victims
- ✓ Establishing if evidence is consistent with common practices and behavior patterns
- ✓ Outlining the various cultural components of the case and explaining particular cultural differences such as class stratification, hierarchy, and deference, etc.
- ✓ Contextualizing the power of non-violent psychological coercion

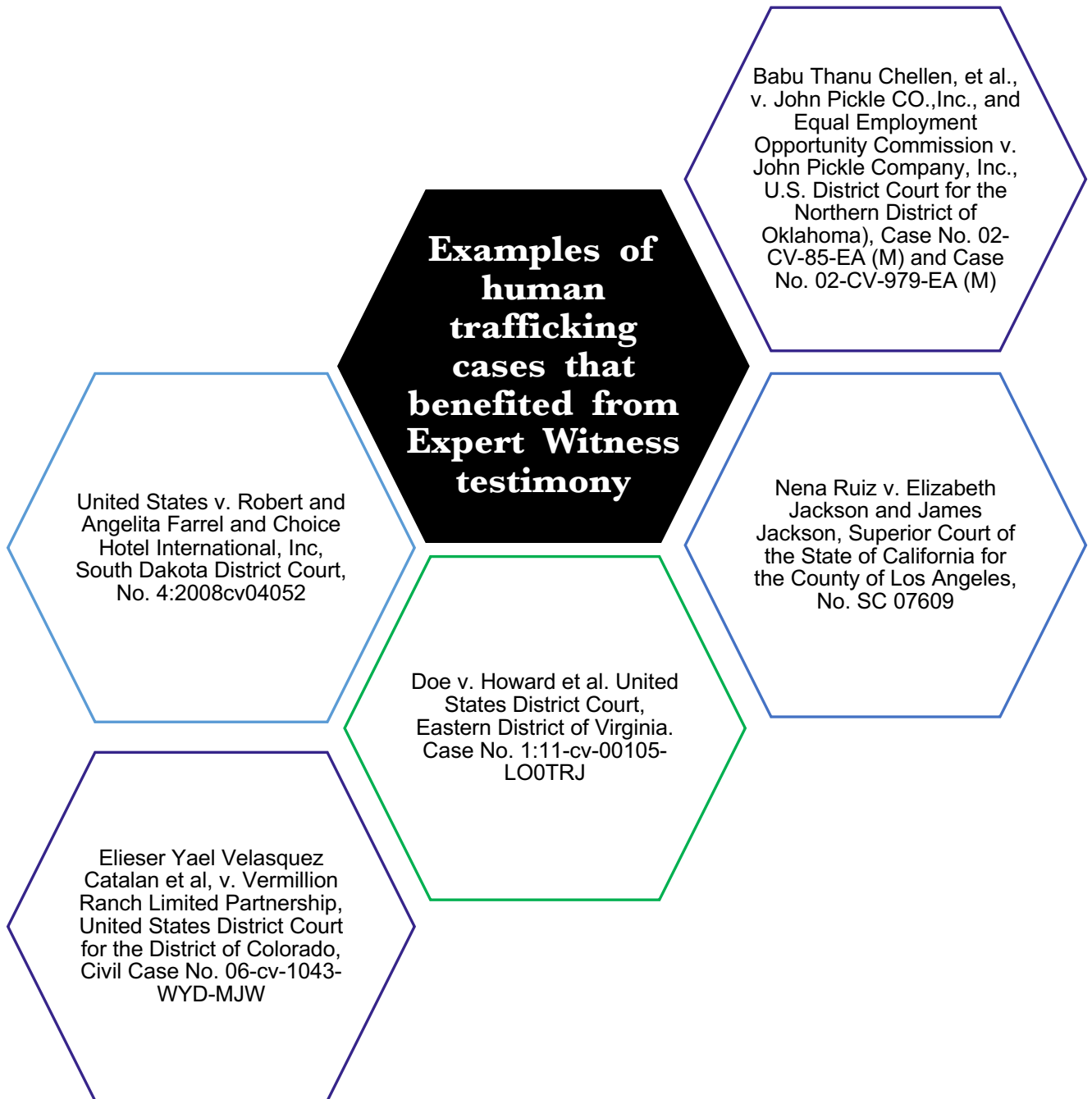
## Tips for Expert Witness Selection



## **Tips for working with an Expert Witness**

- ✓ Communicate verbally rather than in written form
- ✓ Reach an understanding of the expertise required
- ✓ Clarify the scope of work - will a written report be required, is there a deposition, testimony at trial, etc.
- ✓ Discuss and agree to financial arrangements at the outset
- ✓ Take time to discuss the case and furnish necessary documents to expert
- ✓ Give the expert ample time to prepare. When possible, do not contact the expert at the last minute
- ✓ Ensure that the expert understands the specific legal process of your case
- ✓ Decide whether or not the expert will meet the clients and weigh the merits of either option
- ✓ If the expert interviews the client/s, facilitate the meeting, but do not attend
- ✓ Provide preparation for depositions and trial testimony when appropriate
- ✓ Provide education and guidance about discovery, materials, files, notes, etc.

## Expert Witness Case Examples



## Acknowledgements

For more information about the use of experts in human trafficking cases, contact the Warnath Group at [info@WarnathGroup.com](mailto:info@WarnathGroup.com). The Warnath Group thanks Florrie Burke, the first recipient of the United States' *Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons*, for her contribution to the preparation of this paper. To access additional practical tools and resources, visit our website at [www.WarnathGroup.com](http://www.WarnathGroup.com). Studies and background material – including the stories of victims of human trafficking -- are at [www.NEXUSInstitute.net](http://www.NEXUSInstitute.net).

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