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PERSPECTIVE

A forensic neutral and how to use them effectively

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Attorneys and other legal professionals use forensic neutrals to provide expert testimony in court proceedings in order to assist and guide the court and jury in the resolution of complex disputes. They are professional experts who are retained by mutual agreement between the parties or appointed by a court, arbitrator, or other decision-making body and are mandated to carry out some action on the decision maker's behalf. Using a forensic neutral will often be critical to both sides in a legal dispute. This article seeks to identify who is a forensic neutral and how attorneys and interested parties can employ their services efficiently, effectively, and competently to maximize their resources.

Firstly, before retaining the services of a forensic neutral, parties must identify the special field or expertise at issue in the litigation. Forensic neutrals are generally trained in various areas such as science, engineering, accounting, technology, or other fields beyond the ken of the triers of fact. They are also normally licensed or certified by a professional organization. They are not to be confused with the term "expert witness." This is because a forensic neutral is different from an expert witness. Forensic neutrals are usually not hired by one party in a legal dispute but rather work independently to provide impartial and unbiased infor-

mation. They act in the interests of both parties throughout the entire scope of their engagement. Hence the name "forensic neutral," the emphasis being on the word "neutral" because they are not aligned with either party in a legal dispute.

Secondly, in using the services of a forensic neutral efficiently, the parties must determine the area of expertise needed. For example, a forensic engineer is required if a dispute involves data exfiltration. Once the parties have identified the area of expertise, they should diligently research, find, and select a reputable forensic neutral through professional organizations or referrals from other legal professionals. It is essential to select a forensic neutral with the requisite education and experience in the relevant field.

After selecting a forensic neutral, effective communication is the next key stage. It is important to communicate well with the expert. This stage is critical to ensure that the forensic neutral is the right professional for the case. It is also an appropriate time to discuss the neutral's relevant qualifications,

experience, and any other helpful information which are needed. When hiring a forensic neutral, the parties must provide instructions and guidelines that are clear and concise. These instructions and guidelines must include: the scope and purpose of the investigation

and the expected outcome. The forensic neutral will understand instructions and guidelines that are clear and precise. Further, this information will better assist them in providing accurate and impartial results.

When working with a forensic

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neutral, the parties must ensure that they provide the individual with access to all relevant information and data. Such details can include documents, data, and any other information pertaining to the case and the investigation. The more information is readily available to the forensic neutral, the more accurate and impartial the findings will be. Additionally,

once the forensic neutral has been hired and provided with all the relevant information and instructions needed for the investigation, they should be provided the “space” to do the job. The parties should avoid interfering and instead allow the professional to conduct the investigation impartially, unbiasedly, and competently.

When the forensic neutral has

completed the investigation and submitted their findings, it is prudent to use the findings efficiently. More particularly, counsel must present the findings clearly and concisely and use them competently to assist in the resolution of the dispute. Counsel must always remember that it is important to continuously improve the use of forensic neutrals by seeking feed-

back and learning from past experiences.

In conclusion, forensic neutrals play an essential role in safeguarding the accuracy and impartiality of investigations. By following these simple steps, attorneys and other legal professionals can receive impartial and unbiased information, opinions, and findings from forensic neutrals.