



Do Credentials Really Equate to Credibility

One lawyer's perspective

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During the holidays a family friend asked my cousin, a civil engineer, this question: "What do all those letter, "PE, CE, MS", behind your name mean?"

Consultants and Opinions

Consultants are retained by lawyers to support their client's effort in presenting information to a client, judge and jury. Offering expertise in various subjects, consultants are retained to be proficient in developing credible opinions that become assertions of fact through testimony and reporting and also refuting contrary opinions. In California, Evidence Code § 801 defines the parameters for those seeking to offer opinions in court:

If a witness is testifying as an expert, [their] testimony in the form of an opinion is limited to such an opinion as is:

- (a) Related to a subject that is sufficiently beyond common experience that the opinion of an expert would assist the trier of fact; and
- (b) Based on matter (including his special knowledge, skill, experience, training, and education) perceived by or personally known to the witness or made known to [them] at or before the hearing, whether or not admissible, that is of a type that reasonably may be relied upon by an expert in forming an opinion upon the subject to which [their] testimony relates, unless an expert is precluded by law from using such matter as a basis for his opinion.

Consultant core competency is demonstrated by a history of good work combined with an appropriately rich resume of accomplishments and credentials.

Expert Credentials

Expert credentials and associated professional abbreviations are a shortcut way of expressing one's status in the right of way professional community. College degrees are associate degree (AA, AS), bachelor's degree in arts and science (BA, BS), master's degree (MS, MA), doctorate in philosophy (PhD), and juris doctorate (JD) are some commonly associated with expert witness practitioners.

Apprenticeship is another avenue for developing skill and expertise. Welders, plumbers, heavy machine operators and carpentry are examples. Formal education and hands-on training courses are used to supplement the levels of novice, apprenticeship, journeyman and master.

Memberships in national, state and local professional organizations add to the perception of active and meaningful involvement in a profession. Examples of national groups referenced in condemnation litigation are the Appraisal Institute (AI), Western Federation of Professional Surveyors (WFPS), National Society of Professional Engineers (NSPE) and of course, the International Right of Way Association (IRWA).

Types of Credentials

Practicing in some right of way related professions require state licensing and certification. In California, real estate appraisers must obtain a license to conduct appraisals in federally related real estate loan transactions and various other litigation scenarios. License candidates must meet minimum requirements for education, experience and examination that



comply with federal mandates and ensure that only qualified persons are licensed. Designation levels are Trainee (AT), residential (AL), Certified Residential (AR), and Certified General (AG), with each respective category requiring more education and experience.

Professional designations such as NSPE licensing and use of the “PE” designation requires that engineers complete a four-year college degree, work under a Professional Engineer (PE) for at least four years, pass two intensive competency exams and earn a license from their state’s licensure board. To retain their licenses, Pes must continually maintain and improve their skills throughout their careers.

Appraisal Institute offers membership designations of MAI, SRPA, SRA, AI-GRS, AI-RRS, SREA and RM. Professional land surveyors can acquire the certification as CfedS and individual active state-licensed surveyors. American Institute of Architects offer qualified member the registered trademark professional AIA designation. IRWA has as three levels of certification and one designation for the generalist right of way professional: Right of Way Agent Certification (RWA), Right of Way Professional Certification (RWP) and Senior Right of Way Professional Designation (SR/WA).

Professional Organization Membership

The California Government Professional Engineers in California Government (PECG) is a state union representing engineers and related professionals employed by the state of California. They offer continuing education and leadership positions on committees and issues pertaining to Pes. Lawyers have the California State Bar and numerous organizations including Inns of Court, National Trial Lawyers, and Japanese American Bar Association, to name just a few. California Land Surveyors Association provides educational, leadership and membership opportunities for surveyors.

Who Cares?

The client wants the most qualified individual to provide them with the best opportunity for a successful litigation result — and at a cost that is not inconsistent with the issues of the case.

Judges are the gateway for all evidence presented in lawsuits. A judge regularly is called upon to review and consider an expert witness’ qualifications and credentials. Your typical judge will likely have a working familiarity with the more common professional acronyms — MAI, PE, SR/WA and CREA. Witnesses are best served by association with well-established professional organizations, appropriate levels of education and verifiable licensing. If a consultant cannot convince the judge that they meet the minimum requirements to be qualified as an expert in their chosen field (e.g., CA Evid. Code § 801 above), then the time and expense preparing and presenting expert evidence is a complete loss. The determination of qualification will be often made late in the litigation process and days before the actual trial. Rules mostly prevent attorneys from finding, hiring and substituting another witness on the “expert” topic on such short notice. An unmitigated disaster for the witness and the client’s case.

Jury panel members may or may not be college educated or employed. Older, younger, tall, short, angry and happy persons are on your jury panel. But it is almost certain that most of them will have never seen nor heard of the abbreviated professional designations and credentials listed in your expert’s resume. Credentials will have a significant effect on a juror’s perception of expertise and credibility, and they cannot conduct independent research on the witnesses throughout the trial. Jurors will naturally bring their own personal experiences and biases in formulating decisions. Witness credibility is based upon the presentation of their expertise and experience, after which jurors can decide to rely upon or disregard all witness presented evidence.

How Much is Too Much?

The time spent pursuing professional credentials and designations is a key consideration. Costs of the requisite classes, applications, testing, continuing education, renewal requirements should be weighed against benefits, monetary and intangible, received for each set of letters behind your name. But at a minimum, the letters behind your name will start a fun conversation at your next holiday party. 🍷



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