

- A. True
- B. False

34. Litigation privileges and other similar evidentiary protections, such as the attorney work product doctrine, apply only to documents and things prepared in anticipation of litigation or for trial.

- A. True
- B. False

TESTIFYING

35. In all inquisitorial court systems, parties are not allowed to hire their own expert witnesses.

- A. True
- B. False

36. One expert cannot testify about the opinions of another expert.

- A. True
- B. False

37. Compared to adversarial jurisdictions, inquisitorial jurisdictions tend to have more confrontational examinations of expert witnesses.

- A. True
- B. False

38. Which of the following parties decides the scope of the examinations and breadth of authority of a court-appointed expert witness in an inquisitorial court?

- A. The parties to the litigation ✓
- B. A panel of the expert's professional peers ✓
- C. The expert witness ✗
- D. The judge

39. Most inquisitorial judicial jurisdictions have more standardised requirements for expert witnesses than adversarial jurisdictions, such as the use of national standards to qualify experts.

- A. True
- B. False

40. Which of the following is the cross-examination technique that entails getting the expert witness to admit a great amount of time being spent in one area of the investigation, and then selecting an area to highlight in which the witness has not done much work?

- A. Sounding board
- B. Myopic vision
- C. Sidelining
- D. None of the above

41. Which of the following would be an example of a narrative question that an attorney might ask an expert witness during direct examination in an adversarial system?

- A. "At what point did you begin to suspect that the subject was lying?"
- B. "You couldn't find any direct evidence implicating the suspect, could you?"

- ~~C.~~ "Could you please describe the steps you took during your examination?" ✓
- D. "Weren't there three inaccuracies on the financial statement?"
42. Which of the following is a determination that judges need to make before allowing an expert to testify before a jury in an adversarial jurisdiction?
- A. Is the expert well-educated on the subject on which he is expected to testify?
- ~~B.~~ Will the expertise of the proposed witness assist the jury in understanding the evidence or determining a fact at issue? ✓
- C. Was the expert paid for his testimony? ✓
- D. Does the expert have a tendency to reflect a personal bias towards one of the parties?
43. In the event that the person questioning a witness at trial is using blatantly unfair practices, which of the following is the best way for the witness to respond?
- A. Continue answering questions unless otherwise directed by the court. ✓
- ~~B.~~ Appeal to the judge ✓
- C. Argue with the questioner ✓
- D. Refuse to answer further questions ✗
44. Which of the following statements concerning expert witnesses in inquisitorial systems is most accurate?
- A. The court may appoint expert witnesses, but generally, the parties select the primary expert witnesses. ✓
- ~~B.~~ Usually, the parties select a pool of expert witnesses and the jury votes on which expert is most qualified to testify. ✓
- C. Expert testimony is generally prohibited in inquisitorial systems. ✗
- ~~D.~~ Generally, the court is primarily responsible for appointing expert witnesses
45. In most jurisdictions with inquisitorial judicial processes, which of the following parties selects expert witnesses to provide testimony to the court?
- ~~A.~~ The judge selects a neutral expert to interpret the facts for the court ✓
- B. The members of the jury vote to select an expert to interpret the facts ✓
- C. The expert is chosen from a lottery of qualified listed experts in the field
- D. Each party selects its own expert to present its interpretation of the facts. ✓
46. Which of the following best describes the purpose of expert testimony in judicial proceedings?
- A. Assist in proving and establishing one essential circumstance among many others. ✓
- B. Provide evidence based on personal knowledge and perceptions of the events at issue ✓
- ~~C.~~ Assist the trier of fact to understand the evidence or determine the fact in issue
- D. None of the above.
47. In cross-examination of an expert witness, the questioning party often will use the "Is it not true?" and "Would you agree with me?" approach. This technique of cross-examination is used to:
- ~~A.~~ Show that the witness's bias prevents him from objectively considering an issue or situation. ✓
- B. Lull the witness into a feeling of false security. ✗
- ~~C.~~ Make the witness appear to be a sounding board by generally agreeing with the questioning party's position ✓
- D. Confuse the witness in the hope that he might contradict himself ✓

48. At a trial in an adversarial system, an attorney asks an expert witness, "Could you please tell us about the background of this case?" This question is most likely being presented as part of direct examination of the expert witness.

- A. True
- B. False

49. When an expert is hired by a court or a party to litigation to testify at trial, the final report of the expert is generally protected from being disclosed to each party to the litigation.

- A. True
- B. False

50. Which of the following best describes the process of eliciting testimony from expert witnesses in most inquisitorial judicial systems?

- A. The expert submits a report and the parties are able to ask limited questions concerning the expert's qualifications. ✓
- B. The parties are allowed to cross-examine the expert and ask any relevant questions concerning the expert's qualifications to testify ✓
- C. The parties to litigation must unanimously approve the expert's qualifications to testify ✓
- D. The expert's testimony is automatically admissible ✗

51. In adversarial jurisdictions, if an individual is qualified as an expert, the judge must allow his expert testimony at trial.

- A. True
- B. False ✗

52. Harris is retained by a court to provide an opinion involving specialised knowledge in the accounting field for a trial. Which of the following best describes his role?

- A. Consulting expert
- B. Fact witness ✗
- C. Expert witness
- D. Informal expert ✗

53. Which of the following describes a conflict of interest for a testifying expert witness?

- A. The testifying expert's ability to objectively evaluate and present a client's issue is impaired by any relationship with any parties ✓
- B. The testifying expert has received any form of compensation for serving as an expert witness ✓
- C. The testifying expert knew or met any parties or their attorney's before being retained as an expert. ✗
- D. All of the above

54. Because the Certified Fraud Examiner (CFE) credential denotes proven expertise in fraud prevention, detection, and deterrence, CFEs are automatically qualified to give testimony as to their opinion about fraud-related issues involved in a case.

- A. True
- B. False

55. A lay witness (or fact witness) is anyone who provides nonexpert testimony in a legal proceeding.

- A. True

B. False

56. Chad has been retained by an attorney to testify as an expert witness at John's trial. Coincidentally, Chad also met John while attending a university many years earlier. The attorney is compensating Chad for his services. Which of the following statements concerning conflicts of interest is MOST ACCURATE?

A. Chad should not serve as an expert witness because he is being compensated, which is a conflict of interest. ✓

B. Chad should not serve as an expert witness because he knew John from attending the university, which is a conflict of interest. ✓

C. Chad can serve as an expert witness because there are not conflicts of interest in this case. ✓

D. Chad can only serve as an expert witness if he is able to objectively evaluate and present the case issues.

57. Which of the following types of questions is an expert witness most likely to be asked during direct examination in an adversarial system?

A. A narrative question

B. A hostile question ✓

C. A leading question ✓

D. A two-part question ✓

58. Marco, a fraud examiner employed by the Jones Corporation, is asked to testify at trial concerning firsthand observations he made while investigating an embezzlement case. Marco can best be described as a:

A. Lay witness

B. Confirming witness ✓

C. Observational witness ✓

D. Expert witness ✓

59. In adversarial judicial jurisdictions, which of the following is NOT a question that must typically be asked in determining whether an expert may testify before the jury?

A. Is the person well-educated in the subject? ✓

B. Is the testimony reliable? ✓

C. Is the testimony relevant to the facts of the case? ✓

D. Is the person qualified as an expert? ✓

60. The Code of Professional Ethics prohibits CFEs from expressing opinions regarding the guilt or innocence of any person or party. This means that a CFE who serves as an expert witness may NOT answer questions about whether the defendant committed actions that are characteristic of fraud. True

A. True

B. False

61. Although expert witnesses are allowed to present their opinions in narrative form, they are not allowed to provide their opinions on hypothetical situations presented by the questioning party because hypotheticals are not adequately grounded in the evidence.

A. True

B. False

62. If the evidence clearly shows that a suspect has committed a crime, it is permissible for a Certified Fraud Examiner to testify that, in his opinion, the suspect is guilty because the evidence has established all of the essential elements of the offence charged.
- A. True
~~B. False~~
63. Bailey, a Certified Fraud Examiner, is being cross-examined in court in an adversarial system on his expert opinion relating to a fraud matter. Darwin, a defence attorney, asks Bailey a question that is phrased in an overly and unnecessarily complex manner. Which of the following is the best way for Bailey to respond?.
- A. Ask the judge for a recess ✓
B. Avoid answering the question by talking about something else ✓
C. Object to the question's phrasing ✗
~~D. Request that the question be rephrased~~
64. During cross-examinations in adversarial systems, it is a general rule for opposing counsel to cross-examine a witness only if it would benefit the case.
- A. True
~~B. False~~
65. The testimony of an expert witness will be admitted if the testimony is relevant to any issue.
- A. True ✓
~~B. False~~
66. An expert witness may not express opinions or draw conclusions in his testimony during a legal proceeding.
- A. True ✓
~~B. False~~
67. Blake, a Certified Fraud Examiner, is testifying in court as a witness in an adversarial system. During cross-examination, opposing counsel keeps getting extremely close to Blake, invading his body space. What should Blake do?
- ~~A. Get through the questioning without complaining or arguing~~
B. Ask the judge to intervene ✗
C. Move towards opposing counsel, decreasing body space.
D. Attempt to move away from opposing counsel ✓
68. While the parties in adversarial systems may sometimes introduce expert witnesses, normally the court does so.
- A. True ✓
~~B. False~~
69. Under the ACFE Code of Professional Ethics, CFEs who testify as witnesses are prohibited from:
- A. Testifying to opinions that the trier of fact cannot test empirically ✓
B. Testifying to opinions regarding the quality of other witnesses' expert testimony.
~~C. Testifying that, according to the evidence, they believe the accused committed the offence~~ ✓
D. Testifying to opinions concerning the defendant's innocence
70. In adversarial systems, which of the following is generally NOT a purpose of opposing counsel during the cross-examination of a witness?

- ~~A.~~ To obtain information about the witness's testimony ✓
- B. To diminish the importance of the witness's testimony ✓
- C. To make the witness contradict former statements the witness made during the litigation process ✓
- D. To discredit the witness's testimony itself ✓
71. Which of the following statements concerning the examinations of expert witnesses in most inquisitorial jurisdictions is accurate?
- A. Only the parties may question the credibility of a court-appointed expert witness! ✓
- B. Neither the judge nor the parties may question the credibility of a court-appointed expert witness. ✗
- C. Only the judge may question the credibility of a court-appointed expert witness
- ~~D.~~ Both the judge and the parties may question the credibility of a court-appointed expert witness ✓
72. Which of the following best describes the differences between the appointment of expert witnesses in most adversarial and inquisitorial jurisdictions?
- ~~A.~~ Experts in inquisitorial jurisdictions are primarily appointed and presented by the court, whereas the parties usually select and present experts in adversarial jurisdictions ✓
- B. Expert witnesses are allowed to be appointed in adversarial jurisdictions, but not in inquisitorial jurisdictions. ✗
- C. Experts are usually selected and appointed by the court in adversarial systems, but the parties primarily select experts in inquisitorial jurisdictions. ✓
- D. The court has the power to appoint expert witnesses in inquisitorial jurisdictions, but not in adversarial jurisdictions. ✗