



Surveying the Courtroom : A Land Expert's Guide to Evidence and Civil Procedure

By John Briscoe

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An outstanding reference that demystifies the legal process for expert witnesses in land and natural resource disputes

A vast and complex body of laws surrounds the ownership and disposition of land resources today--so it is no wonder that land experts who assist in land and natural resource disputes often find themselves grappling with the challenging intricacies of the modern legal process. This book offers a vital road map through the labyrinth of civil laws and procedures that professionals who assist in such cases must navigate.

In Surveying the Courtroom, Second Edition, John Briscoe explains--in plain English--all pertinent rules of evidence and procedure. From the filing of a complaint to its resolution, he guides you through each phase of a land or natural resource lawsuit, clearly describing the land expert's role at each step along the way. He supplies numerous fascinating and instructive case studies and vignettes to illustrate his points and to better prepare you for crucial developments that may arise during the course of a trial. He also provides copious references to applicable codes, statutes, and court decisions, making it easier for you to find the resources needed to verify or refute points, or to arrive at a more profound understanding of a particular subject.

Surveying the Courtroom, Second Edition is an indispensable working resource for land surveyors, title abstractors, property appraisers, geologists, hydrologists, geographers, oceanographers, civil and environmental engineers, and all other professionals who are called upon to help courts reach decisions in land and natural resource disputes.

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Editorial Review

Review

There are many business and professional subjects that the modern surveyor is required to be competent in or knowledgeable about in order to be successful (let alone licensed). There are ancient and fundamental issues such as making and analyzing measurements and conducting research for boundary location. There are business issues such as new developments in software and equipment. Lastly, there are practice issues related to governmental agencies such as local land development regulations or state wetlands rules. Good training is available on all of these topics. But there is one subject in the business of land surveying that receives much press, in this magazine and others, that for which one can find little, if any training—that is, testifying in court, and the related workings of courts.

Surveyors on the Witness Stand

I go to court several times a year to testify either on civil matters concerning my employer's interests in land, or regarding the location of criminal matters that may have occurred in the city. I was not aware that testifying in court was included in the job description of a surveyor. The subject was never mentioned during the interview. I was greatly surprised (and ill-prepared) when I received the first in a long list of subpoenas. In order to prepare for my first time on the witness stand, I called some friends who regularly testify as part of their practices. They told me not to panic, to be thoroughly familiar with my work, and to just answer the lawyer's questions. I called the lawyer who subpoenaed me and heard roughly the same words. I took their advice and my part in the trial was over quickly, but I knew I displayed nervousness out of all proportion to the small part I played. I wished I had some training on the subject; I wish I had read John Briscoe's book.

Surveying the Courtroom was written with two primary objectives in mind. First, to give the reader an acquaintance with courtroom rules and procedures for handling evidence, and the second, to show and explain how well "engineered" the legal process is for determining facts and resolutions. The author is a California attorney who seems to sincerely enjoy his work. He writes with enthusiasm and wit and displays open admiration for the capability of legal proceedings to find and solve problems. His examples are well-chosen and the sometimes humorous quotes he includes from literary figures and famous jurists keep the presentation of the technical material lively. The book may have come to your attention in the past. It was originally published by Landmark Enterprises back in the 1980s and was regarded then as a book specific to California. The author tells us in the current edition that due to a wider adoption of federal rules of evidence by more states, the book is now applicable in 40 of the 50 states. The states that do not adhere to the rules and procedures described in the book are Connecticut, Massachusetts, New York, Georgia, Pennsylvania, Kansas, Illinois, Missouri, New Jersey, and Virginia. Even though I reside and practice in one of the states that does not use federal rules, I found the book to be nonetheless useful and enlightening.

Two Main Sections

Surveying the Courtroom is divided into two main sections. The first is on the rules of evidence and the second is on the procedures of civil cases. The section on rules of evidence contains chapters on relevance, documentary evidence, hearsay, personal knowledge, proof, presumptions, privileges, judicial notice, and opinions. The section on civil trials has chapters on pleadings and motions, discovery, trial, and post trial proceedings. It also has appendices on depositions and certification of documents. This is an immense amount of material to be contained in a mere 200 pages. However, the author states clearly that his goal is to

have surveyors become more acquainted with the courtroom, not to become experts on it. Most of us would be satisfied with just a simple understanding of the activity taking place around us. It is the general explanation of how courts and lawyers operate that makes this book so appealing to me. Its specifics may not apply to my state but the generalities do. After reading it I have a better idea of what is happening and why, and I can ask more informed questions of the lawyers on "my side." After all, I know how the city council does its business and I understand the role of various boards and commissions in land development work. Why shouldn't I have the same level of appreciation of the workings of the court? I think most licensed surveyors will find this to be a useful book to have around the office. --*Professional Surveyor Magazine*, May 2001 Volume 21, Number 5 (Patrick Toscano is the City Surveyor for New Britain, Connecticut, and the Book Review Editor for the magazine)

From the Back Cover

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About the Author

JOHN BRISCOE is a senior partner at Washburn, Briscoe & McCarthy in San Francisco, California.

Users Review

From reader reviews:

Alexandra Dickey:

This *Surveying the Courtroom : A Land Expert's Guide to Evidence and Civil Procedure* book is absolutely not ordinary book, you have it then the world is in your hands. The benefit you will get by reading this book is actually information inside this reserve incredible fresh, you will get data which is getting deeper an individual read a lot of information you will get. This particular *Surveying the Courtroom : A Land Expert's Guide to Evidence and Civil Procedure* without we understand teach the one who studying it become critical in considering and analyzing. Don't become worry *Surveying the Courtroom : A Land Expert's Guide to Evidence and Civil Procedure* can bring if you are and not make your bag space or bookshelves' become full

because you can have it inside your lovely laptop even telephone. This Surveying the Courtroom : A Land Expert's Guide to Evidence and Civil Procedure having very good arrangement in word and also layout, so you will not feel uninterested in reading.

Tom Carter:

Reading can called head hangout, why? Because while you are reading a book especially book entitled Surveying the Courtroom : A Land Expert's Guide to Evidence and Civil Procedure your mind will drift away trough every dimension, wandering in every aspect that maybe unknown for but surely can become your mind friends. Imaging every word written in a e-book then become one form conclusion and explanation that will maybe you never get prior to. The Surveying the Courtroom : A Land Expert's Guide to Evidence and Civil Procedure giving you a different experience more than blown away your brain but also giving you useful information for your better life in this era. So now let us explain to you the relaxing pattern is your body and mind will be pleased when you are finished studying it, like winning a sport. Do you want to try this extraordinary shelling out spare time activity?

Jack Bemis:

Your reading sixth sense will not betray you actually, why because this Surveying the Courtroom : A Land Expert's Guide to Evidence and Civil Procedure book written by well-known writer who knows well how to make book which can be understand by anyone who read the book. Written in good manner for you, leaking every ideas and creating skill only for eliminate your own personal hunger then you still skepticism Surveying the Courtroom : A Land Expert's Guide to Evidence and Civil Procedure as good book but not only by the cover but also by content. This is one reserve that can break don't determine book by its cover, so do you still needing a different sixth sense to pick this kind of!? Oh come on your studying sixth sense already alerted you so why you have to listening to another sixth sense.

Trisha McClain:

That guide can make you to feel relax. This particular book Surveying the Courtroom : A Land Expert's Guide to Evidence and Civil Procedure was vibrant and of course has pictures around. As we know that book Surveying the Courtroom : A Land Expert's Guide to Evidence and Civil Procedure has many kinds or variety. Start from kids until adolescents. For example Naruto or Investigator Conan you can read and think that you are the character on there. So , not at all of book tend to be make you bored, any it offers up you feel happy, fun and chill out. Try to choose the best book for you personally and try to like reading that will.

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