



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

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Angie Dean:

Do you have favorite book? For those who have, what is your favorite's book? E-book is very important thing for us to be aware of everything in the world. Each e-book has different aim as well as goal; it means that guide has different type. Some people sense enjoy to spend their time and energy to read a book. They are reading whatever they consider because their hobby is reading a book. Think about the person who don't like reading through a book? Sometime, individual feel need book whenever they found difficult problem or even exercise. Well, probably you'll have this *Surveying the Courtroom : A Land Expert's Guide to Evidence and Civil Procedure*.

Antoine Harris:

People live in this new day time of lifestyle always aim to and must have the extra time or they will get wide range of stress from both lifestyle and work. So , when we ask do people have free time, we will say absolutely indeed. People is human not really a robot. Then we ask again, what kind of activity are you experiencing when the spare time coming to you actually of course your answer may unlimited right. Then do you ever try this one, reading guides. It can be your alternative within spending your spare time, the actual book you have read is Surveying the Courtroom : A Land Expert's Guide to Evidence and Civil Procedure.

Henry Reavis:

Playing with family in a park, coming to see the marine world or hanging out with buddies is thing that usually you might have done when you have spare time, and then why you don't try factor that really opposite from that. A single activity that make you not experiencing tired but still relaxing, trilling like on roller coaster you are ride on and with addition info. Even you love Surveying the Courtroom : A Land Expert's Guide to Evidence and Civil Procedure, you could enjoy both. It is great combination right, you still need to miss it? What kind of hang type is it? Oh seriously its mind hangout people. What? Still don't buy it, oh come on its named reading friends.

Jean Cunningham:

Surveying the Courtroom : A Land Expert's Guide to Evidence and Civil Procedure can be one of your starter books that are good idea. Many of us recommend that straight away because this guide has good vocabulary that will increase your knowledge in vocab, easy to understand, bit entertaining but delivering the information. The author giving his/her effort that will put every word into enjoyment arrangement in writing Surveying the Courtroom : A Land Expert's Guide to Evidence and Civil Procedure but doesn't forget the main stage, giving the reader the hottest in addition to based confirm resource facts that maybe you can be considered one of it. This great information can certainly drawn you into brand new stage of crucial considering.

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