

THE AMERICAN LAW INSTITUTE
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Eminent Domain and Land Valuation Litigation

January 26 - 28, 2017
San Diego, California

**Using The Client in the Valuation Case:
Effective Client Testimony**

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Condemnation cases are built around witness testimony and credibility. The use of an expert appraisal witness to put a stamp of approval on a claim for value and damages is almost universally favored. The appearance of a qualified witness with the proper credentials and experience who explains value on an impartial basis can provide a lasting impression on the jury. To demonstrate the value of property to juries in eminent domain proceedings, however, there are few witnesses better equipped to tell the story of the property and even directly testify to value than the owner. At trial, the condemnor is limited to relying on retained experts to prove value of property who lack intimate knowledge and cannot convey the story. For the condemnee, an expert witness is not the only option or even the best option in every case. The property owner can and should always testify about the property itself not only because she has the most information to offer, but also because she can personalize the property for the jury. In this sense, the owner is the "expert" about the property without having to be qualified as an expert under evidentiary requirements.

Having the client property owner testify directly to value can be tricky. As just compensation typically is the most important question in eminent domain litigation, an owner can easily sway a jury with his or her opinions as to the value of the land and thus, can be the most important witness in the case. Many jurisdictions permit a property owner to go beyond the story to give an opinion of value of the property being taken or damaged without qualifying as an expert in the traditional sense.¹ In contrast, a poorly presented owner's testimony can come across to the jury as unduly emotional

¹ See 7 Nichols on Eminent Domain § G1.07[1] (rev. 3d ed. 2007).