

Robert A. Evans, Ph.D.

Licensed School Psychologist, Lic. No. SS361

The Center For Human Potential of America, Inc.

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Expert Testimony Agreement

Case: **Petitioner:** _____
 Respondent: _____
 Case Name: _____
 Court & Judicial District: _____
 Case No.: _____

This Agreement is between _____ and Robert A. Evans, Ph.D., hereafter referred to as Dr. Evans, concerning the nature of the professional services to be rendered by Dr. Evans and the fees to be charged by Dr. Evans for those services.

Purpose: Dr. Evans is being retained to provide expert witness testimony on the above case. Dr. Evans provides forensic services such as conducting Parenting Plan and Time-Sharing Evaluations or Social Investigations in child custody or related cases. Dr. Evans' testimony educates/instructs Courts on the psychological components and scientific validity of the facts in a case that are relevant to children's best interests. As a retained expert, Dr. Evans can read case-related documentation, review research and the professional literature that is relevant to the issues in a case, and then go on to testify. In some cases, his services forego document review and through examination and cross examination may consist of applying how the facts in a case compare to the relevant research and how these may assist the trier of fact. Dr. Evans' testimony may address such issues as the phenomenon of resist and refuse, including Parental Alienation, relocation, intimate partner violence, child abuse, gatekeeping, parenting time, and parent conflict and decision-making.

Most recently because of the pandemic his services are typically provided virtually, most commonly through Zoom but other virtual applications are also used. It is anticipated that future testimony and other professional services will continue to be through virtual applications unless otherwise agreed upon or court ordered.

Testifying Expert

Once identified as a testifying expert in your case, all documentation reviewed can be subpoenaed along with Dr. Evans' deposition taken. Dr. Evans will then be examined and cross-examined on the stand and give his expert opinion as to the significance of the content of the various documentation. While Dr. Evans cannot give case specific recommendations as to what may be in a child's best interest in a particular case, he can give his opinions based on reviews of documentation received, his experience with similar cases, the relevant research and what is commonly done given the case facts similar to one in question based on his education, training and experience.

The attorney or client's signature on this Agreement, as well as a paid retainer is necessary to finalize a decision to place Dr. Evans in the role of a "retained expert" and secure consultation and scheduled testimony. It is understood that Dr. Evans will not be identified as a testifying expert in any reports, motions, affidavits, declarations, etc. submitted on his behalf without the permission of Dr. Evans. Any document filed with the court in which Dr. Evans' credentials are outlined and/or in which his anticipated testimony is described must be approved by Dr. Evans before it is filed.

Review and Critique of Social Investigations

In addition, Dr. Evans is frequently asked to review court-ordered Parenting Plans and Time-Sharing Evaluations, Child Custody Evaluations, Social Investigations, and Guardian ad Litem Reports. Regardless of who pays for the evaluation, Dr. Evans is expected to perform the evaluation as though he was employed by the Court. Dr. Evans may provide the court with issues to consider as his role is to provide the Court with the recognized science, guidelines and standards to which these reports should conform about the issues under consideration. Dr. Evans generally may express opinions about such issues as the strengths and weaknesses of the information provided to the court regarding parenting time, decision making, relocation, etc. Dr. Evans will, at times, describe the relative advantages and disadvantages associated with alternative parenting plans and decisions the Court may choose to order.

Experience: Dr. Evans is the author of several articles on such topics as forensic consultation and work product review, treatment considerations for alienated children, prevalence of parental alienation in family law cases, and others. He has co-authored the book *Essentials of Parental Alienation*. He has been approved by numerous state bar associations to provide CLEs to attorneys on such topics as *Reviewing and Critiquing Parenting Plan and Time-Sharing Evaluations* (i.e., *Child Custody Evaluations*.), *Parental Alienation, Estrangement, Reunification Programs for Alienated Children*, and other topics. His organization, The Center For Human Potential of America, Inc. is an American Psychological Association approved sponsor of continuing education for psychologists. As the instructor, Dr. Evans provides continuing education on *Comprehensive Evaluation of Family Cases with Parental Alienation*. He has been recognized in numerous courts across the U.S. as an expert in Parental Alienation, Parental Alienation Syndrome, Forensic Psychology, Family Psychology, Child Psychology, and other areas. In addition, he is a co-founder for the National Association of Parental Alienation Specialists, Inc. an organization that focuses on education and training in Parental Alienation.

General Consent to Participate: By signing this agreement, I am giving consent to retain Dr. Evans.

Once Dr. Evans is retained to provide forensic consultation services and expert testimony, he follows professional guidelines that demand forensic psychologists always take an objective, impartial, and balanced approach to reviewing documents and analyzing forensic data. Attorneys and clients who are seeking to retain Dr. Evans' services need to concur with this philosophy and approach. It is ethically necessary for the forensic consultant to be objective, impartial, and unbiased.

Functioning as a consultant, Dr. Evans may or may not review documents and other case-related information and based on this information and his expertise, will formulate his opinions concerning this case. It is understood that Dr. Evans, in offering his opinions, will consider multiple hypotheses to prevent bias from interfering with his conclusions. If it appears that the conclusions drawn follow logically from the information considered, Dr. Evans will so inform the client and or his/her attorney. If the conclusions

are contrary to the direction the attorney and or the client wish to go, then Dr. Evans will charge a fee for time expended and offer no additional services if that is the request of the client or the attorney.

Finally, it is understood that the attorney and/or client is responsible for any necessary preparation required prior to testimony. Such preparation, including any documents necessary for review prior to a hearing or trial, need to be provided to Dr. Evans in a reasonable time prior to the trial but not less than a week before his expected appearance. Coordination and/or strategizing between the attorney and client, if pro se, needs to occur at least one week before Dr. Evans' expected appearance. Exceptions to these stipulations need to be discussed with Dr. Evans prior to retaining his services.

Cost and Payment:

Expert Testimony/ Instructional Testimony (No Document Review):

This service places Dr. Evans in the role of an expert witness for the retaining attorney. As such, he remains part of the retaining attorney's work product until he is revealed as a testifying expert witness. Dr. Evans is examined on the stand with hypothetical questions which are based on the facts in the case at hand. No documentation is reviewed. There is no contact with the litigants or children. The only contact is with the retaining attorney. This option includes one day of court testimony, limited to one day and can be extended at a rate of \$400.00 per hour. **The fee for this service is \$2,500.00, and is non-refundable.** Please note, if the scope changes and your legal team decides to have a forensic file review, you will be required to make a payment to increase the retainer, as listed below.

Expert Testimony with Forensic File Review:

This service includes Dr. Evans conducting a file review, referred to as a forensic file review. The litigant and his/her attorney are asked to complete a five factor worksheet (known as the Baker Model for Identifying Parental Alienation) and submit evidence to support the allegations in the five factor model worksheet. It is suggested that the evidence includes as much "objective" evidence such as court transcripts, depositions transcripts, evaluation reports, etc. The reason for this is to counter objections that Dr. Evans is biased and using objective evidence will mitigate, to some extent, such allegations and objections.

There is an initial retainer of **\$7,500.00** and must be paid prior services will commence and reserving dates. **THE \$7,500 RETAINER IS NON-REFUNDABLE.** The reason for this policy is that Dr. Evans may have to decline other cases because of his commitment to this case. Dr. Evans charges \$400 per hour against the retainer as well as applicable expenses. Once the retainer is depleted, a second **\$5,000.00** retainer will need to be remitted, and so on. I understand that if the case is terminated for any reason charges accumulated up to the time of termination will be calculated. Work on the case can cease if the retainer is not replenished. Please see the Fee Schedule below for itemization of costs that may be incurred.

Cost of Trial Preparation and Testimony: If the case goes to trial, the party who requests Dr. Evans to testify will bear the responsibility of the additional cost for his appearance at trial. If Dr. Evans is requested to testify as an expert witness his fee and applicable expenses, if any, shall be paid to him prior to the date of appearance. Exceptions may be made depending on the circumstances. **I understand the cost to travel for a trial requires additional funds not included in the original retainer and is non-refundable unless the cancellation for appearance is received 72 hours in advance, less any expenses occurred.** Charges are made for pre-trial attorney conferences, preparation for trial, and travel to Court.

Applicable Travel Expenses: Applicable expenses can include (1) airfare; (2) hotel (actual cost); (3) meals (a \$125 a day per diem covers all meals); (4) rental car; (5) travel time is charged at \$3,000 round trip of travel. A round trip is one day prior to trial when Dr. Evans leaves his office to the court's location and another day when he returns home; (6) miscellaneous expenses (e.g., copy costs, taxi, etc.) Note: Dr. Evans will arrive the day before a hearing/trial, unless more time is needed for preparation, and in most cases, he will depart the following day of a hearing/trial. As noted above, when this case can be handled virtually, these expenses will not apply.

Cost of Providing a Deposition: If a deposition is requested by one party, then a subpoena is required. Whichever party issues the subpoena to Dr. Evans is responsible for payment. The fee for participation in a deposition is \$2,000 for a half day and \$4,000 for a full day. Payment must be received one week in advance and 72 hrs. advance notice is required for cancellation refunds. Dr. Evans typically does not travel for depositions, and any depositions required in this case will be conducted either virtually or at his office in Clearwater, Florida.

Providing a Photocopy of the File: I understand that if my attorney or I, acting as my own attorney, the cost of providing a copy of the case file is \$1.00 per page paid in advance, plus a \$50.00 delivery fee. If there is an outstanding balance for the evaluation the file will not be made available for reproduction until the balance is paid.

Documentation: Pictures, videos and documents that Dr. Evans is requested to review must be shared with his office no later than thirty days (30) prior to the hearing date. A Baker Model for Identifying Parental Alienation (formerly the Five Factor Model) will be requested and will likely be included in the Expert Disclosure Statement and must be received no later than thirty (30) days prior to the due date for the statement.

Signature of Understanding and Release of Information: I have thoroughly reviewed this document. I understand Dr. Evans' services will proceed upon payment of the initial retainer.

I choose the following service option:

- Expert Testimony/ Instructional Testimony (No Document Review)
- Expert Testimony with Forensic File Review

Expert Testimony Agreement

My signature below indicates that (1) I have received, read, and understood this document; (2) I will abide by the office procedures described in this document; (3) I acknowledge and agree that all face-to-face and/or video contact with Dr. Evans will be recorded; (4) I am authorizing the release of information, to my attorney(s).

I understand and agree to the above conditions and stipulations. I understand that this document constitutes a contract between Robert A. Evans, Ph.D. and me.

Signature

Date

Printed Name

Home Address (Street, City, State, Zip)

Cell Phone

Home Phone

Email Address

Attorney Contact Information:

Attorney Firm

Attorney Name

Attorney Street Address

City

State

Zip

Phone, and Email Address

General Information

Children (in birth order)

Child #1: _____ DOB: _____

Child #2: _____ DOB: _____

Child #3: _____ DOB: _____

Child #4: _____ DOB: _____

Other Parent Information:

Date of Divorce (or separation, if not divorced): _____

Other Parent Name: _____

Other Parent's Spouse (or significant other, if any): _____

Other Children (including stepchildren): _____

Your Current Relationship Status:

Your Spouse (or significant other, if any): _____

Other Children (including stepchildren): _____

Other People Significant to this Case:

Name: _____ Relationship: _____

Name: _____ Relationship: _____

Name: _____ Relationship: _____

Name: _____ Relationship: _____

Name: _____ Relationship: _____

Fee Schedule

Initial Attorney Consultation: No charge

Original Retainer Amount: \$7,500.00

Additional Retainer Replenishment: \$5,000.00

Hourly Rate: \$400.00

Deposition Fees:

Full Day Virtual Deposition \$4,000.00 per day

Half Day Virtual Deposition \$2,000.00 per day

Full Day In Person Deposition \$4,000.00 per day
(at Dr. Evans' office in Clearwater, FL)

Half Day In Person Deposition \$2,000.00 per day
(at Dr. Evans' office in Clearwater, FL)

Trial Fees:

Full Day Virtual Trial \$3,200.00

Half Day Virtual Trial \$1,600.00

Full Day In-Person Trial \$3,200.00 per day plus travel expenses
(All in person trials are billed at full day)

Travel Expenses:

Travel to location \$3,000.00 (round trip) plus travel expenses

Per diem \$125.00 per day for food

Applicable Travel Expenses TBD (includes airfare, car rental, hotel, tolls, etc.)