

Reports: The Write Way

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FORMATTING



USE A COVER PAGE



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REPORT OF FINDINGS

ASSIGNMENT NAME

PREPARED FOR:

Company Name
c/o Recipient Name
Company Street Address
Company City, State, Zip

Lori Ballard

Lori Ballard
Certified Arborist, #FL – 6083A, TRAQ
FNGLA Certified Horticulture Professional (FCHP) –
HCI 6717

ASSIGNMENT NAME

ENGAGEMENT:

USE TOPIC HEADING
CAPITALIZED AND IN BOLD

ASSIGNMENT:

USE A LESS COMMON FONT OF AT
LEAST 11 POINTS

SUMMARY OPINION:

USE 1 ½ OR 2 LINE SPACING

- Stay within your area of expertise.
- Do your homework.
- Use active voice. I conducted...
- Do not guess.
- Don't use absolute words (always, never)
- Don't be vague.
- Don't be wishy washy.
- Don't bold or underline anything but headings.
- Be precise.
- Avoid third person.
- Define industry terms.
- Be specific.
- Explain abbreviations and acronyms.
- Avoid speeches.
- Avoid superfluous statements.
- Avoid pronouns (he, she, it, they...)
- Avoid slang.
- Don't use hedge words (could, may, it seems)

SEAK, Inc. *How to Write a Bulletproof Expert Witness Report*

Assignment: ASSIGNMENT NAME
Author: Lori Ballard
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July 16, 2015



REPORT LOOKS GREAT!





THE BEST REPORT IS THE REPORT THAT IS NEVER WRITTEN

WHY?

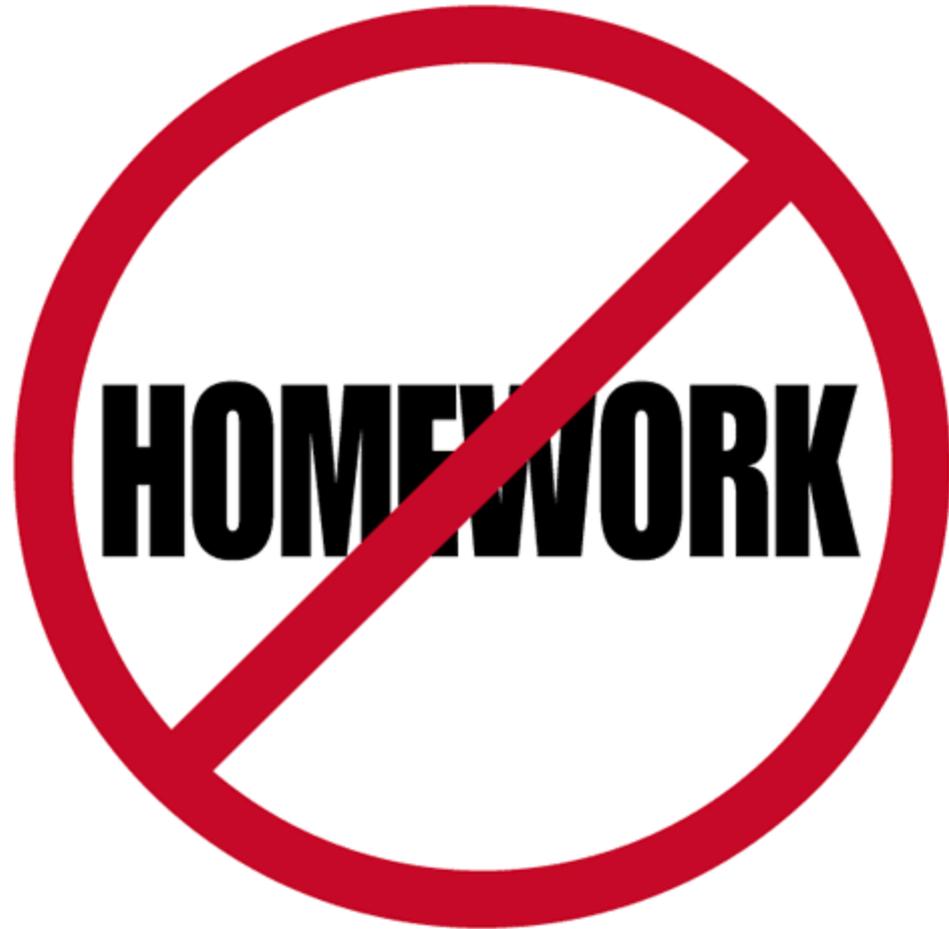


WHY??????????



- Keeps the other side guessing.
- Opposing council wont know what to ask you at deposition.
- Other side can't catch you if you make a mistake.

Do you do your homework?



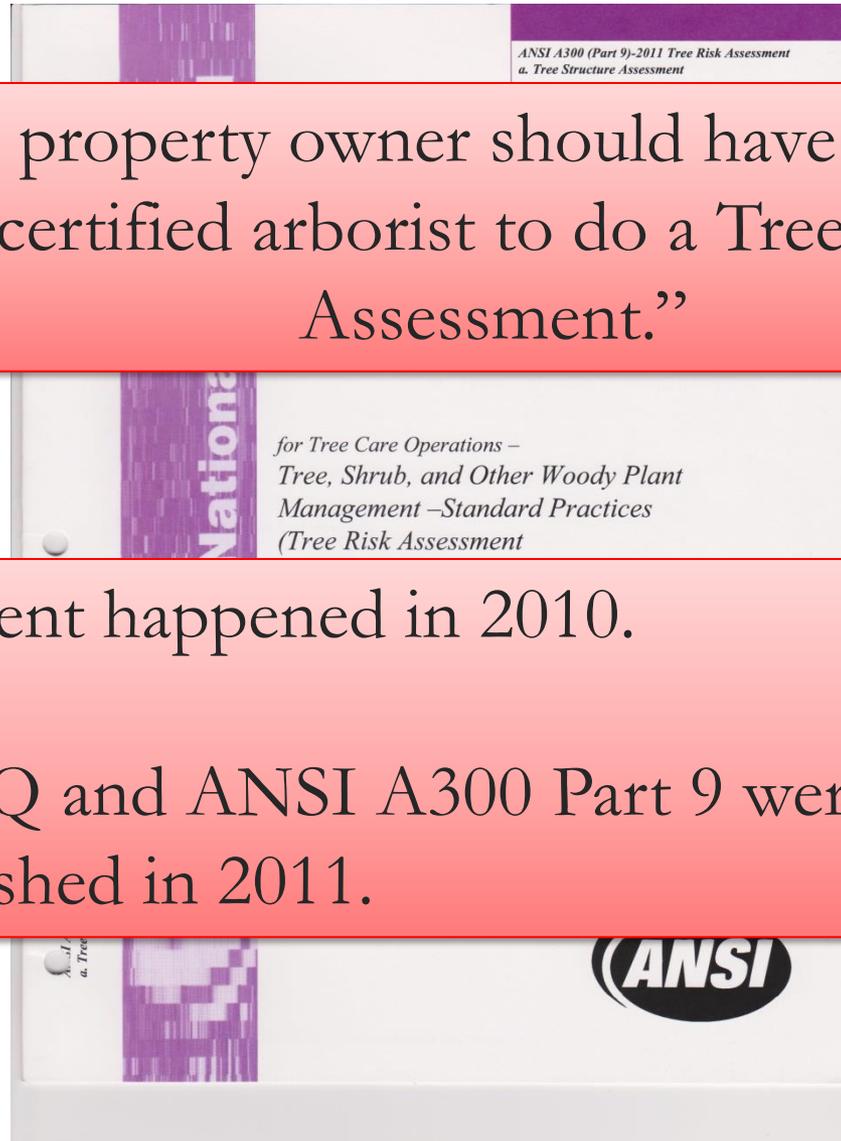
WAIT...DON'T!



IF IT IS WRITTEN IN A REPORT
WE WILL GET YOU EVERY TIME

GOTCHA!





“The property owner should have retained a certified arborist to do a Tree Risk Assessment.”

Incident happened in 2010.

TRAQ and ANSI A300 Part 9 were published in 2011.

40% RULE - WHAT?



“The results of the Resistograph determined that 40% of the incident tree had decay, therefore; the tree should have been removed.”

There is no threshold established in the industry that determines at what percentage of decay the tree should be removed.

“The rainfall was unseasonably high and the subject trees died from being planted in sandy soil which has a slow percolation rate...”

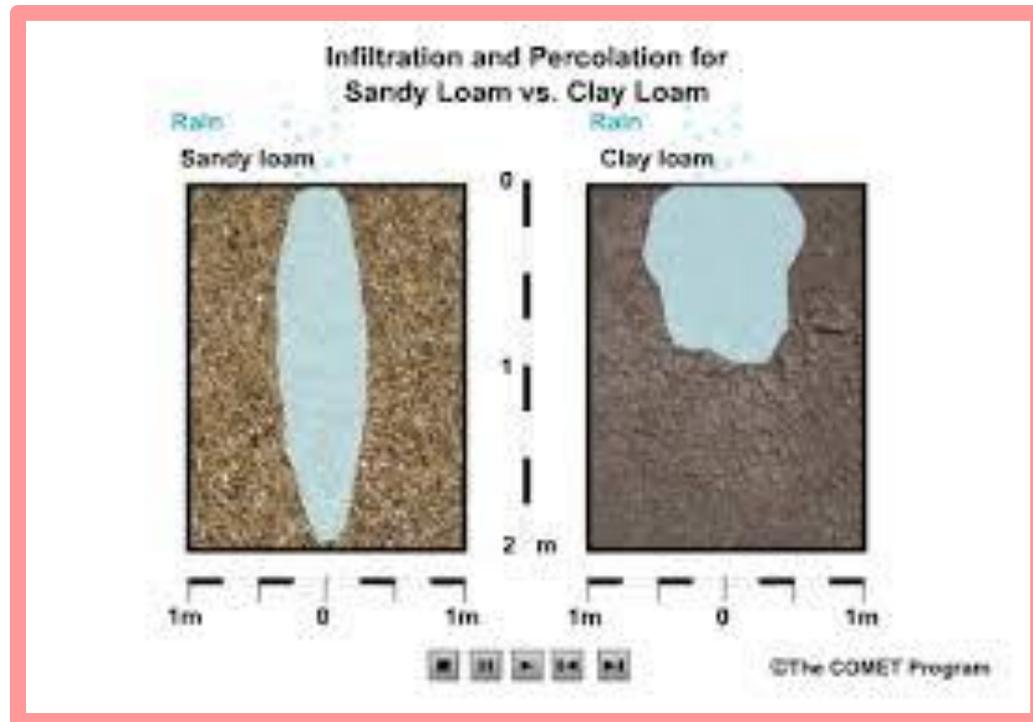


Exhibit show sandy soil with high percolation rate.



TRUNK FORMULA METHOD



Property: _____
Date: _____

Trunk Formula Method

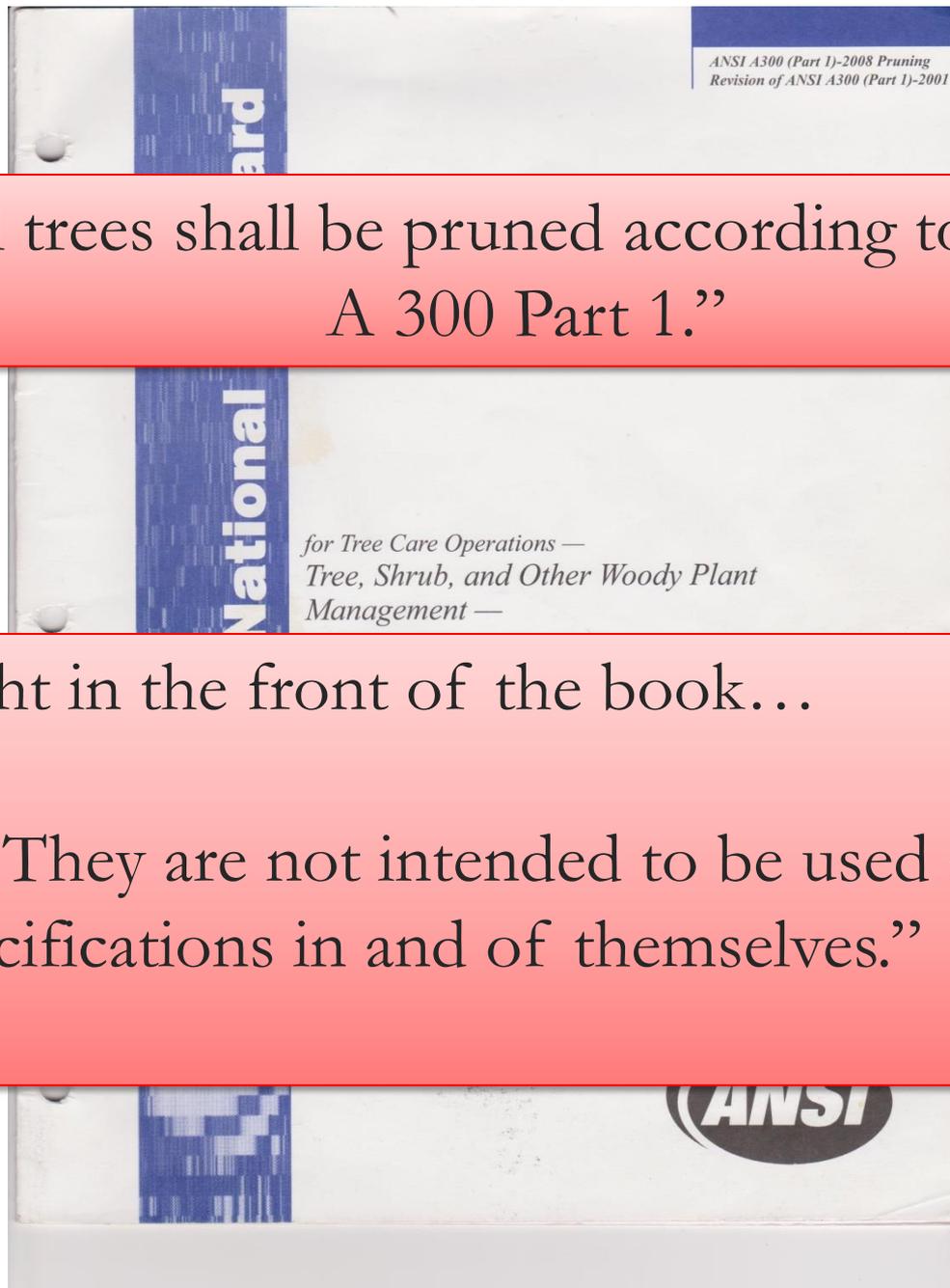
Field Observations	
1.	Species: _____
2.	Condition % = _____
3.	Trunk Diameter = _____
4.	Location% = [Site % + Contribution % + Placement %] / 3
	Site % = _____
	Contribution % = _____
	Placement % = _____
	Location % = _____ 0%
5.	Species rating % = _____
6.	Replacement Tree Size (diameter) = _____ 3
	(Trunk Area) in ² = _____
7.	Replacement Tree Cost = _____
8.	Installation Cost = _____
9.	Installed Tree Cost (#7 + #8) \$ _____ -
10.	Unit Tree Cost (#7 / #6) #DIV/0! _____ per in ²
11.	Appraised Trunk Area: (Utilize table) = _____
12.	Appraised Tree Trunk Increase = (#11) - (#6)
	#11 = _____ 0
	#6 = _____ 0
	Appraised Tree Trunk Increase = _____ 0
13.	Basic Tree Cost = Appraised Trunk Area (#12) X Unit Tree Cost (#10) per in ² + Installed Tree Cost (#9)
	#12 = _____ 0
	#10 = #DIV/0! _____
	#9 = \$ _____ -
	Basic Tree Cost = #DIV/0! _____
14.	Appraised Value = Basic Tree Cost (#13) X Species rating (#5)
X Condition (#2) X Location (#4)	
	Basic Tree Cost #13 = _____ #DIV/0!
	Species rating #5 = _____ 0%
	Condition #2 = _____ 0%
	Location #4 = _____ 0%
	Appraised Value = \$ _____ -
15.	If the Appraised Value is \$5,000 or more, round it to the nearest \$100; if it is less, round to the nearest \$10.
16.	Appraised Value (#14 rounded) = _____

TINKER WITH THE FORMULA –
A LITTLE BIT OF THIS A LITTLE BIT
OF THAT

LARGEST MOST COMMONLY
AVAILABLE TREE

SOME STATES PROVIDE YOU WITH
LARGEST MOST COMMONLY
AVAILABLE TREE– USUALLY
OUTDATED

MATH MISTAKES



“All trees shall be pruned according to ANSI A 300 Part 1.”

Right in the front of the book...

“...They are not intended to be used as specifications in and of themselves.”

QUOTING SPECS



“The newly planted 3 inch caliper trees that are in decline are receiving approximately 5 gallons of water a day.”

LA Specifications:
“Trees should be watered according to the following schedule: Three (3) gallons of water per caliper inch per day for the first month...”



PICTURE CAPTIONS



“Tree number 32 is a 12” live oak tree with a co-dominant trunk and included bark.”



TREE #32

PHOTOS



“There are three (3) palm trees that should be removed due to close proximity to the existing building.”

Author did not specify how close is too close and did not label the photo with distance.

I need a report...



When do you have to write a report?

- Federal Case – Can only testify to what is in your report. 26(2)(b) - Rule
- Bluff – Counsel wants to scare the other side with what you know so they will settle.
- When you are the plaintiffs' expert – it is difficult not to write a report.



RULES

- Number One Rule – Don't write a report unless retaining counsel requests one.
- Make them pay for your opinion, don't give it away.
- Don't let retaining counsel bully you into writing a report until you have completed ALL of your research/opinion making.



LESS IS MORE



Less is More Approach

- Don't give the shop away.
- Stay on the surface; keep strong points and pressure points for depo and trial.
- You don't get paid by the pound – keep it short and sweet.
- Don't write your report like you are the smartest person in the room.



LESS IS MORE APPROACH



“In my opinion the subject tree was struck by lightning on May 16, 2012. There was an unusually strong storm that lasted from 6:12 PM – 6:37 PM. During the storm there were 152 recorded lightning strikes. The lightning entered on the east side of the canopy and exited two (2) feet above grade. The lightning strike caused a three foot long by 2 foot wide wound that will never close.”

In my opinion the subject tree was struck
by lightning.

Less is More Approach

“In my opinion the subject tree that failed was a 32” DBH laurel oak. The subject tree had a very large wound with decay. Laurel oaks are poor compartmentalizers and therefore the structural integrity of the tree was compromised causing it to fall on and paralyze Ms. Smith.”

In my opinion the subject tree was a 32” DBH laurel oak with visible decay.



LESS IS MORE APPROACH



“In my opinion the trees subject to this assignment are typical forest trees and are all competing for light and are not in very good condition. There are a few larger trees in the pasture area that have plenty of room to grow and are in better condition.”

My per tree findings may be found in the Discussion section of this report.

Less is More Approach



#	NAME	SIZE	CONDITION
1	LIVE OAK	34"DBH	GOOD*
2	LIVE OAK	24"DBH	GOOD
3	LIVE OAK	26"DBH	GOOD
4	LIVE OAK	31"DBH	GOOD
5	LAUREL OAK	26"DBH	GOOD
6	LAUREL OAK	28"DBH	GOOD
7	LIVE OAK	26"DBH	GOOD
8	LIVE OAK	34"DBH	GOOD*
9	LIVE OAK	34"DBH	GOOD*
10	LIVE OAK	26"DBH	GOOD
11	LIVE OAK	35"DBH	GOOD*
12	LIVE OAK	26"DBH	GOOD
13	LIVE OAK	24"DBH	GOOD
14	LIVE OAK	24"DBH	GOOD
15	LIVE OAK	36"DBH	GRAND TREE
16	LIVE OAK	23"DBH	EXEMPT
17	LIVE OAK	29"DBH	GOOD
18	LAUREL OAK	29"DBH	GOOD
19	LIVE OAK	33"DBH	GOOD
20	LIVE OAK	32"DBH	GOOD
21	LIVE OAK	33"DBH	GOOD
22	LAUREL OAK	43"DBH	GOOD
23	LIVE OAK	26"DBH	POOR
24	LIVE OAK	26"DBH	GOOD
25	LIVE OAK	29"DBH	GOOD

QUESTIONS?

