

## [I Am Back in Court](#)

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Donald Trump's so-called falsifying-business-records trial brought my mind back to when I was actively testifying in court as an expert witness. In Trump's case, it was blatantly obvious that the judge did what he could, ethically or unethically, to find Trump guilty. With few exceptions, most of the prosecutor's objections to the defense team's testimony were overruled by the judge. In contrast, most of the objections to the prosecutor's witnesses testimony were sustained.

I was called as an expert witness in close to 300 cases and testified in court in close to 100 cases. One reason I was called to be an expert witness was due to the relevance of several of my over 2,000 publications, including those in law journals, now in 16 languages, and of my 60 books. My work experience included serving in the Oakland County Probation Department and the Oakland County Circuit Court, plus my employment inside of the walls of the Southern State Prison, Southern Michigan (SPSM).

I also completed a 886-page doctoral dissertation in corrections titled *Evaluation of an Experimental Program Designed to Reduce Recidivism Among Second Felony Criminal Offenders*. To complete this dissertation, we obtained over a million dollars of funding from the *National Council on Crime and Delinquency*.

I have 45 years of college teaching at Defiance College, The University of Toledo, Bowling Green State University, The Medical College of Ohio, and other colleges. Corrections-related courses I have taught included *Introduction to Corrections*, *Criminal Justice Organization and Administration*, *Juvenile Delinquency*, *The Sociology of Deviant Behavior*, and *Forensics*. My chemistry and biology background

was critical to teach Forensics. These qualifications must be presented to convince the judge to accept me as an expert witness. The attorney for the other side can object, which they often do. In all cases, the court accepted me as an expert witness.

One of the major reasons I have been called to testify was through referrals. Lawyers often ask other lawyers for names of people that they can recommend for specific expert witness testimony. I have been quite successful, consequently my involvement in close to 300 cases. This has caused problems, however, which I will describe using two examples.

In one murder case where I testified in Texas, a week later I was sent a certified letter from the Texan Board of Psychology accusing me of practicing psychology in Texas without a license. I responded that I am licensed in Ohio where I live, and do not have an office in Texas. I have testified in close to 20 states and this concern was never raised. Criminal court trials often require expert witnesses who happen to live in another state. In areas such as blood splatter, toxicological analysis, dental evaluations of bite marks, and fabric and glass comparisons there are very few leading experts. After a month-long investigation, Texas dropped the charges. The purpose was obviously to harass me. My nemesis knew that their charges were bogus. Harassing often works, as it eventually did in my case.

The only area I was generally unsuccessful in was in custody cases, most of which we lost. All involved husbands attempting to gain custody of their children. It became clear that, unless the wife was a certified alcoholic or drug addict, she was going to get custody. After this fact became obvious, when an attorney contacted me, I contacted his male client and explained to him that the chances of his achieving custody were small.

This reality was very difficult for many fathers to handle. I have had more than one man lose control and sob on the phone when I informed them of this fact. The best suggestion I could offer was to remarry and start another family. This solution did not go over very well.

In a rape case in Pennsylvania when I was on the stand, after being sworn in, the attorney representing the other side walked up to me carrying a thick folder with the name Dr. Bergman written on it. The first question he asked was about an article I authored in a magazine called *The Futurists*. The article had nothing to do with the

case I was flown into Pennsylvania to testify as an expert witness. He then asked me a few questions about somebody I had known in high school. At this point the judge interrupted him, exclaiming that he was not going to allow this line of testimony in his court. "We are here to deal with the charges against Mr. Smith (not his real name), not Dr. Bergman's romantic interests, or lack thereof, in high school." The attorney who was questioning me, wisely agreed, then asked me two more questions and sat down! He had no case against my testimony. There is a saying in corrections, if you have the facts, you hammer on them in court. If not, you hammer on the expert witnesses and others giving testimony.

In time, as my wife correctly observed, I was spending far too much time preparing for, and flying around the county, to testify in court cases. And to be honest, I was somewhat disillusioned by some of my experiences. If at all possible, we should follow the Bible scriptural directive in 1 Corinthians 6:1-8 not to take our brother in Christ to court.

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