



15 Questions to Ask Potential Agricultural Appraisers Before Litigation

By Tracy L. Dopko, Senior Agricultural & Livestock Appraiser

Agricultural Law Cases

While you probably hired a successful attorney, an agricultural appraiser provides important keys to help unlock your agricultural or livestock law case, especially if it gets to litigation. Therefore, an agricultural appraiser should be knowledgeable about the breed of animal they are appraising, type of farm equipment, or in the case of horses, knowledgeable about the horse's discipline. As with any profession, there are various areas of focus. Consequently, many agricultural appraisers will often specialize in a specific breed or equine discipline. Some agricultural appraisers will have a diverse background and offer appraisals for multiple breeds and disciplines.



It is important to find an appraiser who is knowledgeable and specializes in your breed for your appraisal. For example, if you need your reining Quarter Horse stallion appraised for insurance purposes you're likely not going to want to hire an equine appraiser who specializes in hunter/jumper horses. Why is this so important? This can affect the final valuation of your horse if the appraiser has limited knowledge regarding reining and Quarter Horse bloodlines. Likewise, if you need an appraisal done for a Grand Prix Dressage horse that is involved in equine litigation, you probably shouldn't hire an equine appraiser who is only experienced with Western Pleasure horses.

Be aware that no agricultural appraiser should claim expertise in every breed or discipline.

In fact, an agricultural appraiser should be upfront with potential clients if they are in unfamiliar territory. A good appraiser knows they should consult with other experts. They may even recommend another qualified appraiser who can fulfill your needs if the breed or discipline falls outside of their own expertise. Consequently, it is up to you to ask questions and make sure the agricultural appraiser your hire is experienced and knowledgeable regarding your appraisal needs. Don't be afraid to ask for the appraiser's resume, background, and references.

Agricultural Litigation

If an appraisal is needed for litigation, it may be beneficial to choose an appraiser who is given the option to see the animal(s) or farm equipment in person. A sight unseen appraisal may cause problems if the other party's appraiser is able to view the animals or items in person. There are certain types of appraisals for agricultural litigation scenarios that do not require the animal(s) or farm equipment to be seen in person. For example, if both parties agree to hire the same appraiser jointly, then you can agree that the appraiser does not need to see the animal(s) or farm equipment in person. As long as the appraiser is properly following Uniform Standards of Professional





Appraisal Practice (USPAP) guidelines, an on-site inspection may not be required. In situations involving a stolen or deceased animal or if an appraisal is needed for a specific date in the past (retrospective appraisal), an on-site inspection may not be possible or necessary. In other instances, the appraiser may not have access to the animal(s) or farm equipment. As a result, it is always best to discuss options with legal counsel.

Agricultural Appraisal Services

A competent agricultural appraiser may spend approximately ten hours appraising a single animal or item. Although, time may vary depending on the information provided about the item or if the appraisal is needed for litigation. An agricultural appraiser's job may include researching an animal's pedigree, conformation, movement, show record, training history, offspring, veterinary records, and more. Additional appraisal services include an appraisal review which involves critiquing an appraisal report done by another agricultural appraiser. A client may request an appraisal review if the appraisal is done poorly or is inaccurate. An appraisal review can become a crucial element during litigation.

Poorly written appraisal reports might include everything from spelling mistakes, grammatical errors, important information missing or stated incorrectly. A misleading appraisal report may cause a gross over or under-valuation of an animal's value. Before hiring an agricultural appraiser to perform an appraisal review, ask how many appraisal reviews they have done in the past. Additionally, find out their success rate when arguing against a poorly done appraisal.

In order to adequately write an appraisal report, it is critical that the agricultural appraiser understands the value of the animal or farm equipment. They must also be aware of the current agricultural market and the condition of the overall economy. In some situations, parties involved in a lawsuit are unable to negotiate or settle and must proceed to court. It then becomes crucial that the agricultural appraiser is able to testify in court. They will need to testify as an expert witness in regards to the appraisal report they completed.

Before Hiring an Agricultural Appraisal Expert

Before choosing an agricultural appraiser for litigation, ask these questions first:

1. Does the appraiser conduct themselves and their business in a professional manner?
2. Do they speak well on the phone and use proper punctuation and spelling when conversing with you through email?
3. Does the appraiser have courtroom experience?
4. How many times have they been qualified by the court as an expert witness?
5. What were the outcomes in those law matters?
6. How many went to trial? Settled prior?
7. Do they have the confidence to sit on a witness stand and argue their valuation? If so, have them explain why.
8. Does the appraiser have the proper or adequate credentials for your agricultural legal case?
9. What makes them an expert to testify as an expert witness in regards to the animal(s) or farm equipment involved in the litigation?





10. Will they be able to confidently argue the valuation in mediation if opposing counsel's appraiser has a different valuation?
11. How many horses, livestock and farm equipment have they appraised in total?
12. What is their background or experience with the species or breed of animal for your appraisal, or in the case of horses, the type of discipline the horse is trained for?
13. Are they willing to provide you with references that can attest to their competency in the courtroom, i.e. attorneys, past clients?
14. Are they willing to testify if your case goes to trial?
15. If so, what are their fees for travel expenses, trial preparation and testifying at deposition or trial?

Agricultural Expert Witnesses

Since some agricultural appraisers deem themselves as legal experts, look at their past successes and qualifications when hiring. Ask yourself, what makes the individual the best expert witness for your lawsuit or arbitration? Additionally, some may offer consulting services as well. Agricultural expert witnesses may specialize in topics that include:

- animal welfare;
- accident investigations;
- care, custody, and control;
- livestock fencing standards;
- livestock feed and contaminants;
- livestock transportation;
- and more.

It is important that your agricultural expert witness communicates effortlessly. Depending on the topic, some agricultural experts may deal with complex issues. Even so, it is necessary that they answer questions for your attorney and even the judge in a way that the information is easy to understand. This is part of their job as an expert witness in the courtroom. Therefore, the appraiser needs to be professional and have excellent verbal and teaching skills for the courtroom. Additionally, it is important the appraisal report is easy to understand while remaining professional.

