



15 Questions to Ask Potential Equine Appraisers Before Litigation

By Tracy L. Dopko, Senior Equine Appraiser

Equine Law Cases

While you probably hired a successful equine attorney, an equine appraiser provides important keys to help unlock your equine law case, especially if it gets to litigation. Therefore, an equine appraiser should be knowledgeable about the breed of horse they are appraising and the horse's discipline. As with any profession, there are various areas of focus. Consequently, many equine appraisers will often specialize in a specific breed or discipline. Some equine 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 horse breed for your equine appraisal. For example, if you need your reining Quarter Horse stallion appraised for insurance purposes, you are likely don't 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 equine appraiser should claim expertise in every breed or discipline.

In fact, an equine 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 equine appraiser your hire is experienced and knowledgeable regarding your horse appraisal needs. Don't be afraid to ask for the appraiser's resume, background, and references.

Equine Litigation

If an appraisal is needed for litigation, it may be beneficial to choose an appraiser who is given the option to see the horse in person. A sight unseen appraisal may cause problems if the other party's appraiser is able to view the horse in person. There are certain types of appraisals for equine litigation scenarios that do not require the horse 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 horse 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



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necessary. In other instances, the appraiser may not have access to the horse. As a result, it is always best to discuss options with legal counsel.

Horse Appraisal Services

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

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

In order to adequately write an equine appraisal report, it is critical that the equine appraiser understands the value of the horse. They must also be aware of the current equine 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 equine appraiser is able to testify in court. They will need to testify as an expert witness regarding the appraisal report they completed.

Before Hiring an Equine Appraisal Expert

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

1. Does the equine 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 equine appraiser have courtroom experience?
4. How many times have they been qualified by the court as an equine expert witness?
5. What were the outcomes in those equine 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 equine valuation? If so, have them explain why.
8. Does the equine appraiser have the proper or adequate credentials for your equine legal case?
9. What makes them an expert to testify as an equine expert witness regarding the horse(s) involved in the equine litigation?
10. Will they be able to confidently argue the equine valuation in mediation if opposing counsel's appraiser has a different valuation?
11. How many horses have they appraised in total?



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12. What is their background or experience with the discipline and/or breed of horse(s) for your appraisal?
13. Are they willing to provide you with references that can attest to their competency in the courtroom i.e. attorneys, horse owners?
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?

Equine Expert Witnesses

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

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

It is important that your equine expert witness communicates effortlessly. Depending on the topic, some equine 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 equine expert witness in the courtroom. Therefore, the equine 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.

