

Arborist in the

HE'S THERE because people realize trees have value. A difference of opinion exists as to how much value the particular tree or trees actually have. In the careful, deliberate manner courts employ, all the facts are being examined. The arborist is to furnish an expert opinion, based on his thorough understanding of trees and the contribution they make to the value, beauty, usefulness and desirability of the property involved. His testimony will be used to arrive at a dollars and cents figure.

Most of us who have worked with trees, diligently learning daily all we can about them, obviously know more about trees than the average man-on-the-street. It isn't far amiss to say therefore, any one of us might find himself in the witness chair, should just the right set of circumstances arise. For that reason you may well visualize the arborist in the witness chair as being you.

A farm woodlot was being logged by an out-of-town firm. The logger, according to the owner of the woodlot, used destructive and wasteful methods, killing or damaging many desirable trees as he tried to gain access to the specific trees he wanted. An opinion was desired as to the value of the trees damaged and killed. In this instance a nurseryman who could furnish specific prices on specific sizes of trees was asked to list prices applicable as a basis for determining what it would cost to restore some of the value lost as a result of poor logging practice. There were many questions asked about how one would replant trees in a woodlot where terrain is steeply sloping, and what kinds and sizes of trees would be used. Emphasis was strictly on the practical; the esthetic values

*The author is a member of American Society of Consulting Arborists. He also owns and operates Webster's Nursery in Waterloo, Iowa.

were ignored.

But the arborist-nurseryman was not the only expert whose opinion was sought. Information on soils and how logging practices would affect erosion came from an environmental biologist. He also showed how the change in the forest canopy would have an effect on the value of the woodlot. The point this illustrates is that no one person had all the information or answers needed.

In other cases the emphasis is on the esthetic value of a tree. Where a large tree casts its comforting shade on a house at just the right place, and during the warmest time of the day, it obviously would be difficult to replace that tree. Consider also the fact that the tree is simultaneously serving as an integral part of the home. It is a very real part of graciousness and beauty that characterizes the home; a part of what instantly appeals to the passerby or prospective buyer. The arborist will need to carefully avoid being carried away in poetic description, and yet be realistic enough to determine an actual dollar value, should the tree be condemned, damaged or destroyed.

Should you become that arborist in the witness chair, you need not fear a traumatic experience as inevitable. Nor should you think of it as a lark. In the role of expert witness you can do a great deal to help the public realize your professional status as an arborist. It is a place for your very best, most professional, performance. If one has kept up to date on all aspects of his daily activity with trees, then being an expert witness for a day in court can be an interesting addition to the sum of experiences that make a good arborist better.

Suppose an attorney asks you to be an expert witness, what can you do by way of preparation? You can get acquainted with the attorney,

and talk with him — well before the trial date — on different aspects of the problem. Suggest questions he can ask you during the trial to further the case. Ask him to suggest appropriate clothes for the occasion, since he'll know the jury and how they might react to, say, a jacket that's a bit too sporty, or clothes that are too casual. Help him establish how well you are qualified as an expert by telling him all the facets of your background that could possibly be helpful. The professional organizations you belong to — and may have held office in — such as International Shade Tree Conference, National Arborists Association or American Society of Consulting Arborists (ASCA) are assets an attorney will quickly recognize. List all the ways you have continued your education in seminars and shortcourses, as well as your years of practical experience.

When the day comes for you to assume the witness chair it will help you to remember to be the courteous, confident professional in everything you do. When the varied and many questions are asked, answer simply, clearly, positively, and with integrity. If you're "cornered" with having to give a yes or no answer and you feel sure it can't be honestly answered that way, ask permission of the judge to give a qualified answer. If that is denied, then say you don't know. There's no advantage in going out on a limb to answer questions. More than likely you'll find the limb cut off behind you, so keep your answers simple and direct. Always answer honestly on your grounds. Remembering to be courteous can help when questions tend to be exasperating. Losing one's temper when in the witness chair may be human, but later it will be sorely regretted. As a witness you will be talking to the jury or the judge, so speak to them,

Witness Chair

By ARNOLD WEBSTER*

not the lawyers. Ask yourself: If I were a juror, what kind of a witness would I like?

You may wonder where a prospective witness can find help. If you were a member of the American Society of Consulting Arborists, you would have access to all case histories submitted (nation-wide) to the executive director by your fellow members. You could phone any member for his ideas or experiences. National meetings of the society bring information to members that can pay many times over the cost of attending those meetings.

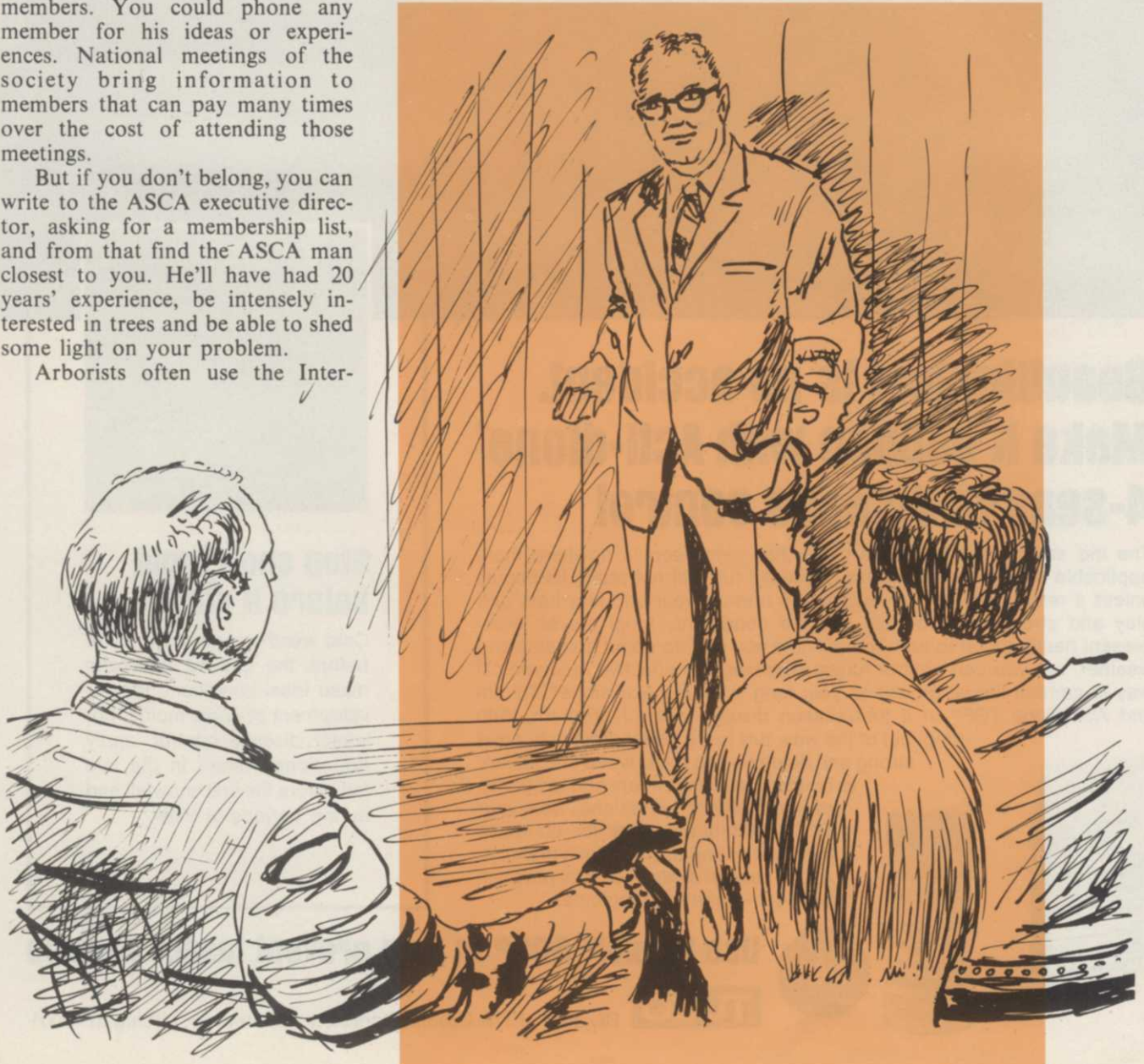
But if you don't belong, you can write to the ASCA executive director, asking for a membership list, and from that find the ASCA man closest to you. He'll have had 20 years' experience, be intensely interested in trees and be able to shed some light on your problem.

Arborists often use the Inter-

national Shade Tree Conference (ISTC) *Shade Tree Evaluation Manual*. The Internal Revenue Service (IRS) has at times demurred at values thus established, calling them contrived or unrealistic. ASCA has a committee actively working to establish a method of evaluation based on replacement costs, or a combination of tree cost from a

nursery plus the cost of a tree mover's service. Interestingly, some nurserymen have found that the ISTC evaluation system comes close to achieving the same figures, especially when trees less than 12 inches diameter are involved. When a system of evaluation acceptable to IRS is devised, it will likely be uni

(continued on page 19)



ISTC (from page 14)

plants and pollen. The best method of control is sanitation (removal of infected limbs and other host plants), he said.

Wednesday afternoon's educational session featured a three-member panel discussion on shade tree evaluation. Dr. L. C. Chadwick, executive director emeritus, presided. J. James Kielbaso, associate professor of forestry at Michigan State University, asked if hardiness zones and location should be made part of the ISTC shade tree evaluation formula. He defined hardiness zones as a key by nature that limits growth of certain species, usually by temperature.

Federal income tax laws are largely influenced by the fair market value of a tree, said Ray Gustin, Jr., Gustin Gardens, Gaithersburg, Md. He interpreted fair market value as the price which property will bring under no pressure to sell. One reason the Internal Revenue Service rejects the shade tree evaluation formula for determining the monetary value of a tree is its non-relation to the fair market value, he said. Gustin was also a member of Wednesday's shade tree evaluation panel discussion.

A slide presentation produced by Doyle Kincaid entitled "One Touch

of Nature" highlighted Wednesday evening's activities. The presentation was originally designed for nature appreciation in school-age children, but many grade school teachers are finding Kincaid's slide show helpful in stimulating creativity in children.

Two more slide presentations — one describing Georgia's utility arboriculture program and another 18-minute presentation on the proper use of pesticides — were also shown.

Following the audio-visual program was an ISTC Pesticide Committee meeting. Hyland Johns, Asplundh Tree Expert Co., Willow Grove, Pa., said pesticide problems were national in scope but local in solution. He emphasized the need for the Green Industry to work together "for effective legislation action in our state houses." A lengthy question and answer period followed. Members of the committee included Leo Creed, Utility Arborists Assn.; Robert Felix, National Arborists Assn.; Dave Shaw, Municipal Arborists Assn.; and John Weidhaas, Virginia Polytechnic Institute, Blacksburg, Va.

Thursday's educational sessions were divided into four sections: utility arboriculture, municipal arboriculture, commercial arboriculture,

and arboriculture research and education academy.

Robert Felix, National Arborists Assn., outlined a few basic business principles in a talk, "How to Manage an Arborist's Business." Felix discussed profit, selling the job, income for the job, personnel and wise planning.

Henry Pratt, B. G. Pratt Division, Gabriel Chemical, Paterson, N.J., said the popular environmental studies were causing most of the delays and problems in the classification and reclassification of pesticides. "Standards for pesticide classification will be met by the 1975 deadline but actual classification of specific chemicals will take longer than government officials have allowed," said Pratt.

Hyland Johns, taking a slightly different approach to new EPA regulations, suggested increasing awareness at the state level. Know your extension personnel, local pesticide applicators and be aware of changes made at state level, he said. Felix, Pratt and Johns made their presentation during the commercial arborists session on Thursday.

New president for ISTC is John Z. Duling, Duling Tree Expert, Inc., Muncie, Ind., vice president, Hyland Johns, Asplundh Tree Expert Co., Willow Grove, Pa., and president-elect is Jack R. Rogers, superintendent of Street Trees, City of Los Angeles, Pasadena, Calif. Total attendance for the meeting was 874. A special exhibit area in the Marriot Hotel featured the latest developments in tree care equipment, fertilizers and educational materials. Exhibitors were also given a chance to demonstrate their equipment at Stone Mountain State Park on Tuesday. There were 39 commercial exhibitors, 24 field exhibitors and 19 educational exhibits.

WITNESS (from page 17)

versally accepted, a boon to the man in the witness chair and all of us. It would help present to the public a picture of an arborist profession whose members are not widely divergent in tree evaluations, but are both uniform and practical.

You may find additional help from foresters, biologists, entomologists, pathologists, landscape architects, nurserymen and others.

(continued on page 28)



The all-delegate event at Stone Mountain State Park featured equipment demonstrations as well as a southern barbecue. There were 24 manufacturers represented at the outing. Delegates viewed the equipment in operation and were given the chance to operate nearly all the units.

It is certainly wiser to call in a specialist than to try to answer questions outside your field.

If being an expert witness sounds like something you could do, you've probably already asked this next question: How much would it pay me? The answer is as varied as the circumstances. Your attorney may want to establish that you and he have not previously discussed any pay. In that case you are dependent on the attorney. Some consultants have a base fee that is understood — often a written contract — when the job is undertaken. Certainly one should expect to be paid for time, research, travel and meals according to the exigencies of the day.

Though it should never be dismissed lightly, the witness chair is not necessarily a hot seat to be avoided. A competent professional arborist can be of genuine service to his community and a credit to his profession when serving as an expert witness. It behooves us all to become as thoroughly competent and well informed as possible in case we find ourselves the arborist in the witness chair.

Pest Management Degree Offered at UC Riverside

A new master of science degree program in pest management will be offered by the University of California, Riverside (UCR), beginning fall quarter, 1974.

Cooperating in the program will be members of UCR's entomology, nematology, plant pathology and plant sciences departments. Instruction will include theory, principles and practices of integrated control of pest organisms in the agricultural, urban and aquatic environments.

Prerequisites are a B.S. or B.A. degree in one of the biological or agricultural sciences or related fields. Course deficiencies can be corrected, according to Dr. Mack Dugger, dean of the College of Natural and Agricultural Sciences at UCR, if undergraduate or other previous studies have not included certain minimum requirements.

Dugger said the term "pest management" implies the use of various methods of pest reduction, compatible with and in combination with one another, with full awareness of pest and damage lev-

els and of ecological considerations.

Pest management specialists are in short supply today, according to Dugger, and the outlook for employment in this field is bright. It recently has been estimated that some 11,000 jobs exist nationally for pest management specialists.

Wisconsin Marine, Inc. Appoints Distributors

Wisconsin Marine, Inc., manufacturer of the Bob-Cat line of lawn and snow removal equipment, announced the following distributor appointments: Farmers Supply & Equipment Ltd., Brampton, Ont., distributor in southern Ontario; Kaye Corporation, Mankato, Minn., distributor in Minnesota, North Dakota and western Wisconsin; The Ed Short Company, Seattle, Wash., distributor in Washington and Oregon; Lawn Equipment Corporation, Royal Oak, Mich., distributor in eastern Michigan; Olsen Distributing Company, Barrington, Ill., distributor in northern Illinois; and Ross Lawn Equipment Company, Tonawanda, N.Y., distributor in western New York.

GRASS

When you talk GRASS, you're really talking about a combination of several important characteristics.

Strong disease resistance. Aggressive root development. Good color. Excellent turf performance.

At E. F. Burlingham & Sons, we know. Because we've spent the last 70 years continually upgrading and developing new and better varieties for your use.*

The results speak for themselves. In 1962, a distinctively new Kentucky Bluegrass variety was developed through a special breeding project at Rutgers University. The name of the Bluegrass: Bonnieblue.

We recognized its potential and conducted further testing. In trials across the country over a 5-year period, Bonnieblue consistently ranked among the highest in overall turf quality.

It proved to maintain a rich dark green color over a long growing season. Showed good rhizome and tiller development. Low growth with excellent density. Best of all, an outstanding resistance to leaf spot, stripe smut, rust and snow mold.

Bonnieblue from E. F. Burlingham & Sons. Just one of many reasons why... when you talk about GRASS, you talk about Burlingham.

E. F. Burlingham & Sons, P.O. Box 217, Forest Grove, OR 97116. Phone: (503) 357-2141; Telex: 36-0274; Cable: Burlingham.

E. F. BURLINGHAM & SONS



*Bonnieblue, Majestic, Sydsport and Birka Kentucky Bluegrasses and Koket Chewings Fescue.