

RETAINING EXPERTS

By

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I. Research the Area of Expertise

First, it is important to do some general research on the area of expertise for which you require an expert. You need to gain a general understanding of the field to intelligently search for and interview potential experts. This is true whether you are seeking a mechanical engineer for a product liability case, an accident reconstruction expert for an automobile accident case, or a financial advisor for a predatory lending case.

You need to learn enough about the field to make a decision on the adequacy of the expert's qualifications, experience, education and training to testify on the issues involved in your case. The internet is a convenient source of information for these general educational purposes. Once you have identified the field of expertise you require, you can learn a little about the subject matter by visiting the internet search engines and searching for key words, visiting sites of book sellers like Barnes & Noble or Amazon, searching the Library of Congress (<http://catalog.loc.gov/>), searching college library websites, etc. Sometimes a very general knowledge is all that is required and can be obtained from encyclopedias or dictionaries. Websites like Wikipedia and the American Heritage Encyclopedia, for example, may be all that you need to get a general introduction to the field of interest. Expert database websites are also potential sources of general information.

II. Finding An Expert

a. Jury Verdict Reporters and Case Law

Look for tried and true experts who have testified and whose testimony has been allowed in court and successful with juries. An expert who has testified and brought success for their attorneys and their clients in the past will often be found in the databases of jury verdict report publications such as the Florida Jury Verdict Reporter or Verdict Search.

b. Expert Witness Databases and Referral Companies

There are many free expert witness databases to consult. Use them. Be careful in making your final decision, but use them. FindLaw, JurisPro, TASA, and many others are available.

c. Educational Institutions and Professional Organizations

Colleges and universities with well-known credentials in a certain field of interest are excellent sources of experts. Likewise, professional organizations in certain fields and subspecialties often have membership listings that are good sources of experts.

d. Referrals and Email Discussion Groups

Of course, referrals from trusted colleagues and list serves or discussion groups are excellent sources of experienced expert witnesses. Belonging to bar associations, litigation groups, discussion groups, and the like are well worth the time and money for the ease they provide attorneys in searching the country for the right expert for a deserving client.

III. Interviewing The Expert

- a. Meet with him/her and assess demeanor and appearance.
- b. Give the expert a general overview of the case.
- c. Ask about the expert's experience and knowledge on the particular issues of the field that are germane to the case.
- d. Discuss the expert's note-taking practice.
- e. Review *curriculum vitae* and identify any potential discrepancies and cure them.
- f. Confirm there are no conflicts with your law firm or its clients.
- g. Ask for publications and articles the expert has written, edited, or collaborated upon; review those articles and publications.
- h. Ask for the expert's websites and review them.
- i. Ask for expert's advertising and marketing methods and review ads.
- j. Ask for information regarding similar cases or topics handled by the expert and review any public information on those cases.
- k. Ask the expert:
 - Testimony ever excluded by a court?
 - Testimony ever been limited by a court?
 - Testimony ever been in a written court opinion?
 - Personal civil or criminal litigation you should be aware of?
 - Ever been subject to discipline or sanction by any professional organizations or associations or licensing authority?
 - Number of total cases ever reviewed?

- Number of timed deposition taken? Or testified live at trial?
- Percentage of work for plaintiffs vs. defendants?
- What percentage of income is from legal consulting?
- What is his/her hourly fee?
- What are his/her estimated charges or budget for the case?

IV. Investigate Your Own Expert

Investigate your expert to confirm that he/she has not been the subject of some unfavorable opinions and information concerning your expert. Use the internet, litigation groups, bar associations, etc. and thoroughly convince yourself that the expert you are about to select doesn't have any skeletons in his/her closet that will become landmines for you or your client at inopportune times in the litigation.

V. Some Helpful Websites

- a. Daubert Tracker: <http://www.dauberttracker.com/>
- b. Library of Congress: <http://catalog.loc.gov>
- c. National Library of Medicine: <http://gateway.nlm.nih.gov/gw/Cmd>
- d. Expert4Law: www.expert4law.org
- e. FindLaw: www.findlaw.com
- f. Law.com: www.law.com
- g. JurisPro: www.jurispro.com
- h. TASA: <http://www.tasanet.com>
- i. MedQuest: www.medquestltd.com
- j. Forensis Group: www.forensisgroup.com
- k. TrackEm: www.trackem.net
- l. Daily Journal: <http://www.dailyjournal.com>
- m. National Association of State Jury Verdict Publishers: www.juryverdicts.com
- n. Trial Smith: www.trialsmith.com
- o. Verdict Search: <http://www.verdictsearch.com/index.jsp>
- p. Florida Jury Verdict Reporter: <http://www.flajury.com/>
- q. Experts.com: <http://www.experts.com/>
- r. All Experts: <http://www.allexperts.com/>
- s. Expert Pages: <http://expertpages.com/>
- t. HG Experts: <http://www.hgexperts.com/>
- u. ALM Experts: <http://www.almexperts.com/ExpertWitness/>
- v. ARC Network: <http://www.accidentreconstruction.com/expertsearch.asp>
- w. Expert Info: <http://www.expertinfo.com/>
- x. Juris Solutions: <http://www.jurissolutions.com/index.shtml>
- y. Internet Legal Research Group: http://www.ilrg.com/experts_ref.html
- z. Rominger Legal: <http://www.romingerlegal.com/expert/>