

## 2023 Expert Witness Research Survey Results

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### Introduction

Expert witnesses are a critical component of litigation, often impacting case outcomes. Yet in our [2017 survey](#), we identified a lack of standardization in expert research and selection methods. Furthermore, professionals reported numerous obstacles to research, including unreliable or incomplete information, inadequate resources, and strict time constraints. Courtroom Insight has partnered with DRI, Expert Witness Profiler, and Daubert Tracker to conduct an updated survey on expert witness research and selection. The survey aimed to develop a more contemporary understanding of the significant procedures, sources, and trends within expert witness research & selection.

### Methods

#### A. Procedure

The survey was conducted online through Survey Monkey's platform, and respondents' personal identities remained anonymous. Respondents were prompted to respond to a set of 18 questions regarding expert witness research methods, resource utilization, timing, standardization, obstacles faced, and other relevant factors. The questions were designed to gather information about the respondents' experiences with expert witness research and their

opinions about the current state of the field. The survey was open to all legal professionals with experience in expert witness research, and participation was voluntary.

## **B. Participants**

In total, 956 individuals responded to the online survey. The participants were from various professional backgrounds, including knowledge management (21.5%), library/information (20%), information technology (19.9%), attorneys (17%), paralegals (11.44%), and claim professionals (9%). Most participants (92.3%) were employed by law firms ranging in size. The size of the law firms varied, with 34.11% of respondents working for medium-sized law firms (50-199 attorneys), 30% working for large law firms (200+ attorneys), and 28.2% working for small law firms (under 50 attorneys). The remaining respondents were either solo practitioners or employed by a corporation or insurance company. Respondents were primarily based in the United States, with 26.89% residing in the Midwest, 26.26% in the South, 23.32% in the Northeast, and 19.54% in the West. Additionally, 38 international professionals completed the survey.

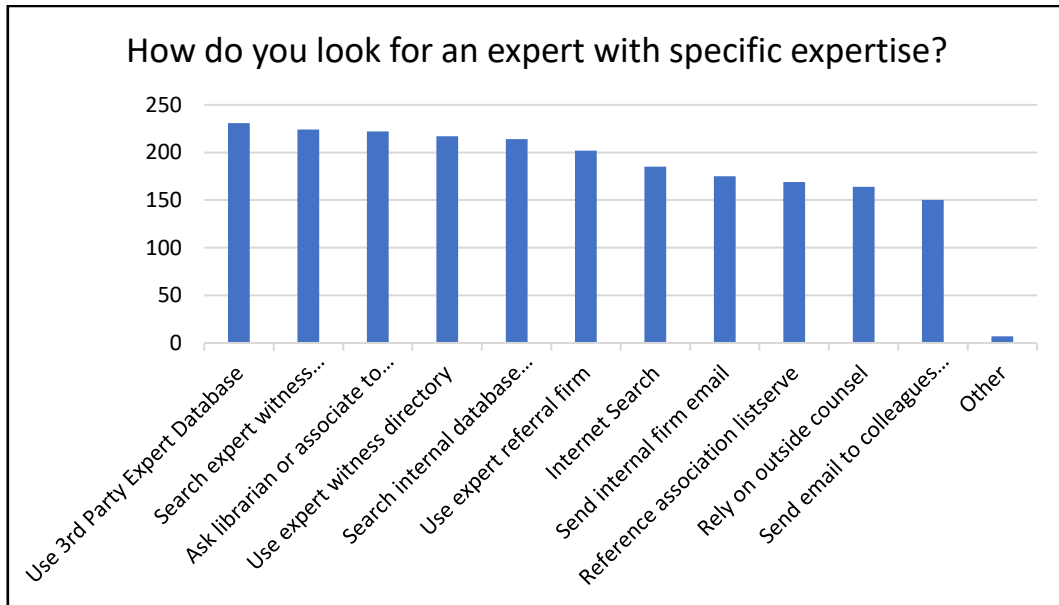
## **C. Data Analysis**

The data collected from the survey were analyzed using descriptive statistics. The results were tabulated and presented using tables and charts to facilitate interpretation. The analysis focused on identifying patterns and trends in the responses to the survey questions, as well as exploring the relationships between different variables.

## Results

### A. What are the most common approaches for locating an expert with specific expertise?

Searching a 3rd party expert database was the most common method for locating an expert with specific expertise. Other top methods included searching a large expert witness company website, using an expert witness directory, and searching an internal firm database. Most respondents preferred to conduct the research themselves, as opposed to using an outside research firm.



### B. What are the most utilized expert witness research firms?

Of the 21.5% of respondents who use expert witness research firms, the top 3 most popular firms were the American Medical Forensic Specialists (AMFS), Cahn Litigation Services, and Forensis Group.



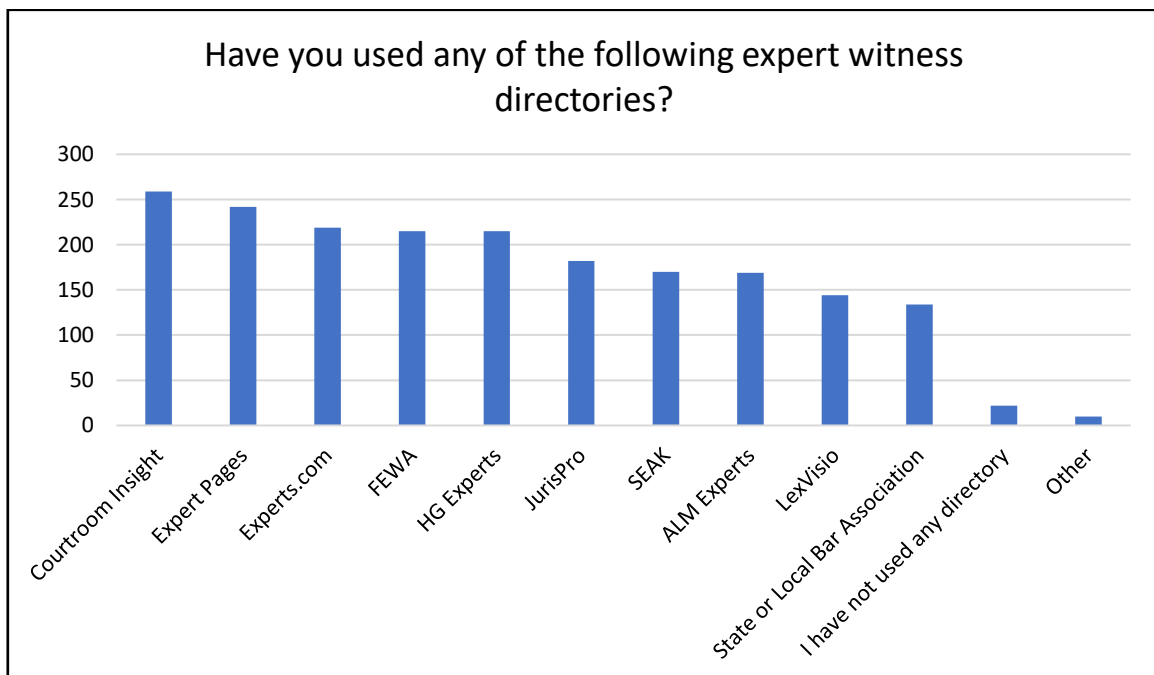
**C. Which expert witness referral firms do legal professionals intend on using in the next 12 months?**

Out of the respondents who use expert referral firms, many foresaw using Expert Connect, Cahn Litigation Services, and Gerson Lehman Group (GLG).



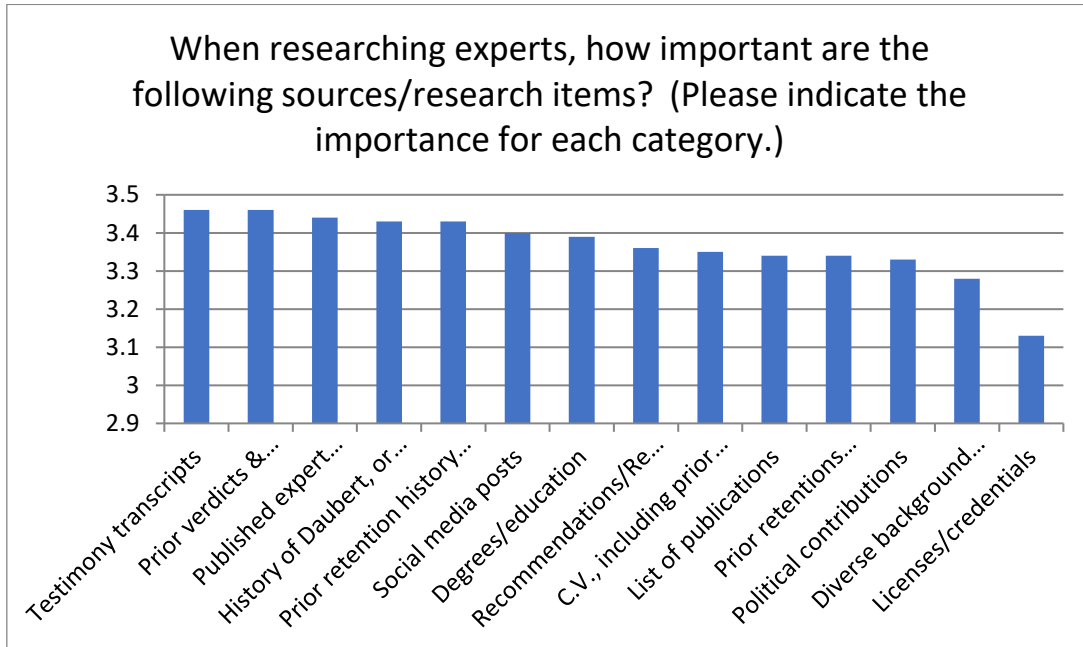
**D. What are the most popular expert witness research directories?**

The most popular expert witness research directory was Courtroom Insight, followed by Expert Pages, and Experts.com. Other directories utilized by respondents included FEW, HG Experts, and ALM experts.



**E. What sources/research items are the most important for researching experts?**

There were several critical criteria for evaluating experts. Prior verdicts, settlements, and testimony transcripts were the top priority, followed closely by published expert witness reports. Additionally, history of prior retention and Daubert challenges ranked third in importance.



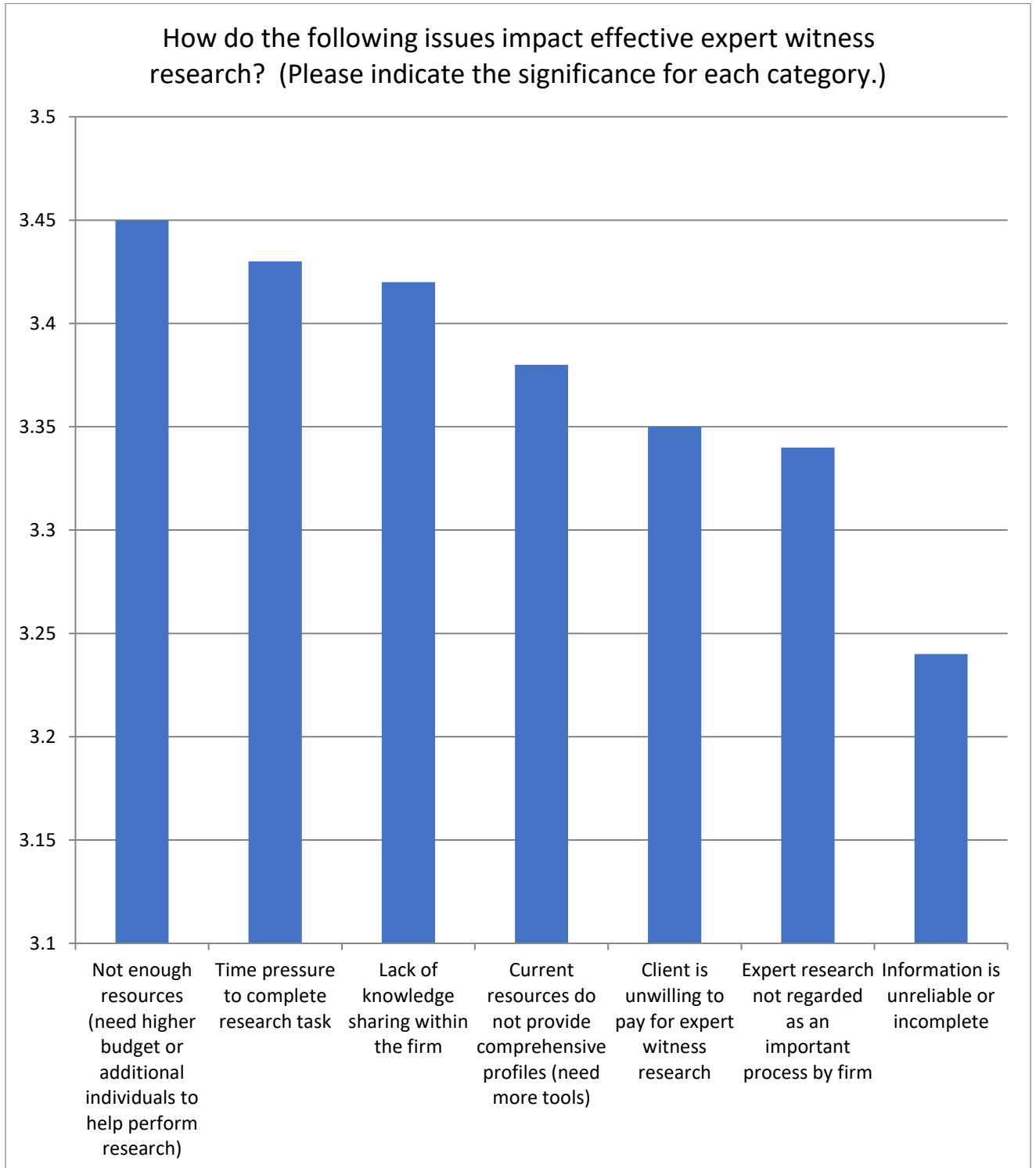
**F. What are the most popular sources for locating information about an expert witness?**

The top three sources for expert witness information included Daubert Tracker (23.54%), Courtroom Insight (21.97%), and DRI (20.50%). Other frequently utilized sources included EBSCO (18.51%), Expert Witness Profiler (18.51%), EROD (17.36%) and Docket Alarm (17.36%).



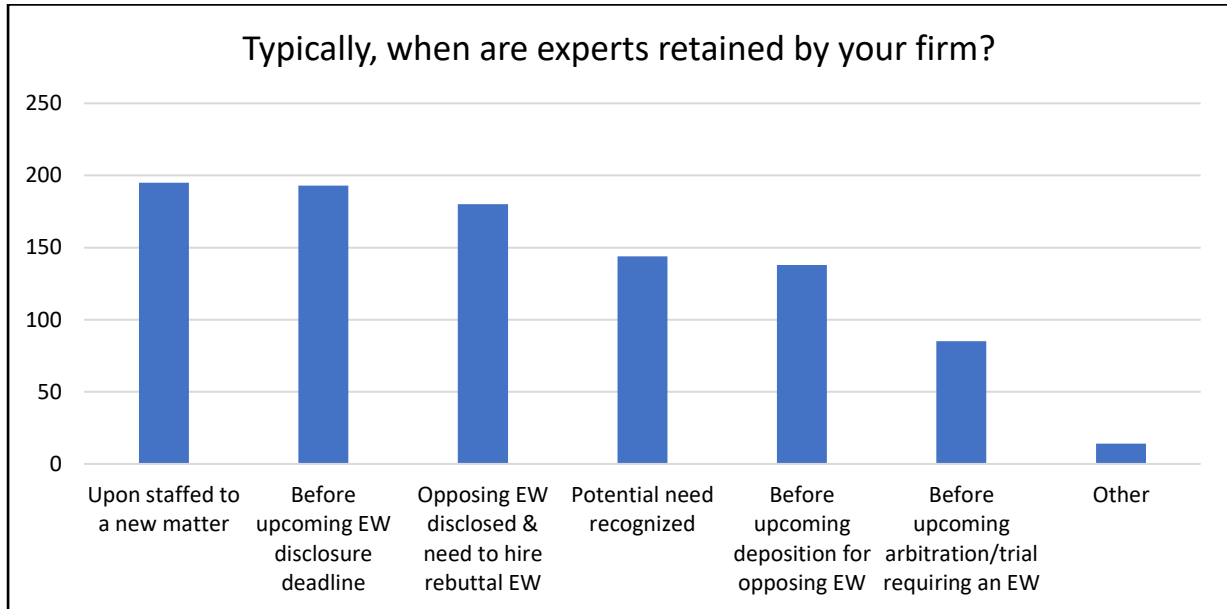
**G. What issues present the greatest obstacles to efficient expert witness research?**

Limited time and resources were the biggest obstacles to research efficiency. Additionally, lack of knowledge sharing within law firms was the second largest obstacle. Lastly, incomplete or unreliable information posed the third biggest roadblock to research efficiency.



### H. When is expert witness research typically conducted?

Most respondents initiated expert research as soon as they were staffed to a new matter. However, many respondents reported waiting to research until there was an upcoming expert witness disclosure deadline or once an opposing expert was disclosed and there presented a need to hire a rebuttal expert.



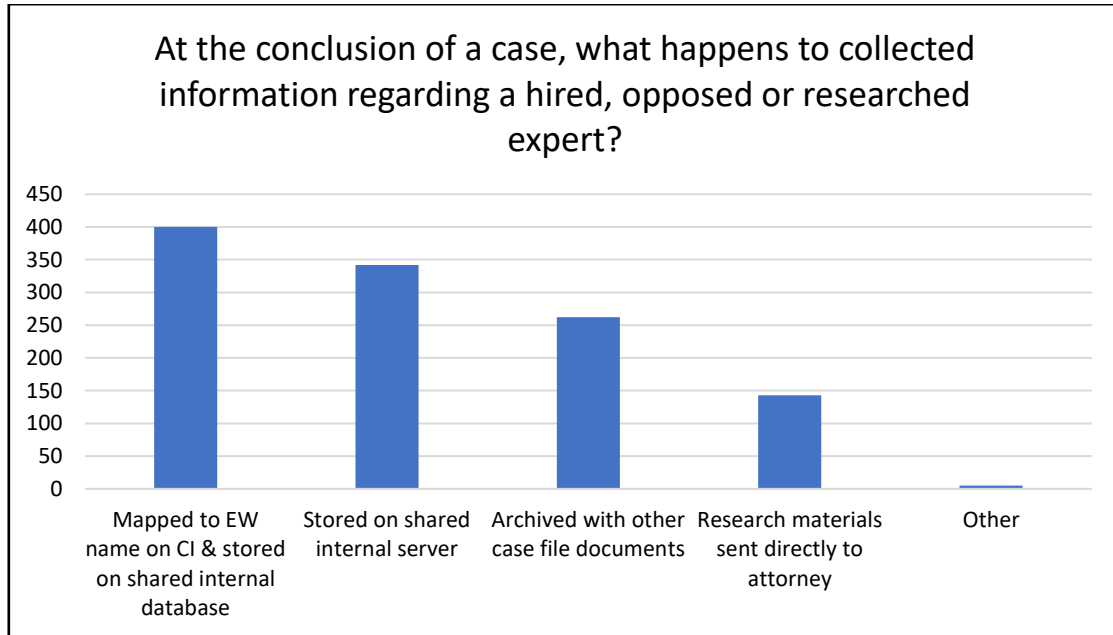
### I. What is the preferred timing for expert retention by a firm?

In general, respondents expressed a preference for earlier expert witness retention than what typically occurs in law firm settings. Majority of respondents expressed a preference for retaining an expert upon receiving an expert witness disclosure deadline. This sentiment was followed closely by the preference to hire an expert upon being staffed to a new matter.



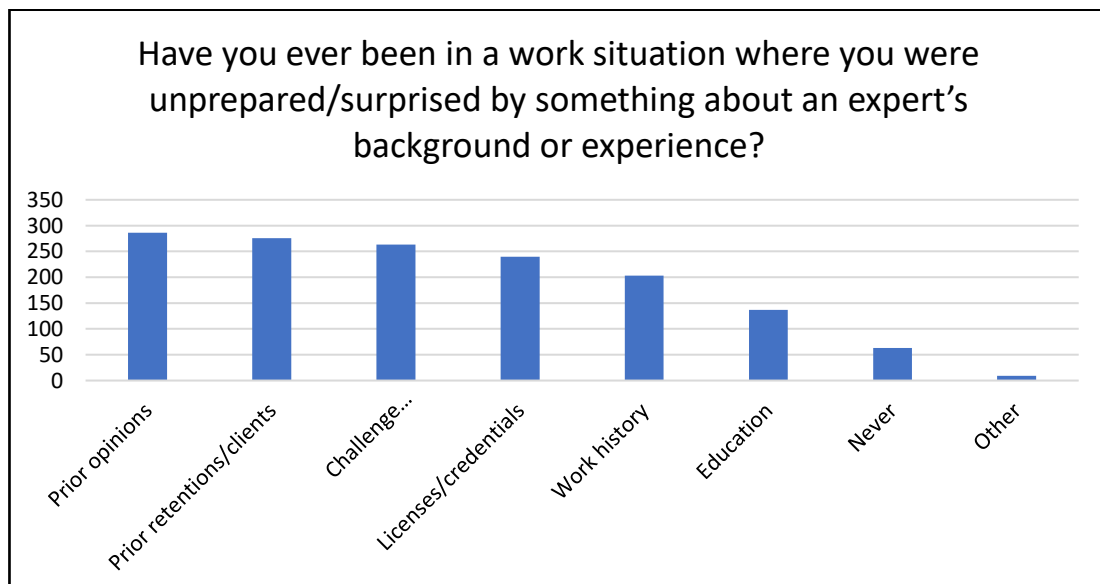
**J. What actions are taken with the information collected from expert witness research at the conclusion of a matter?**

The majority of respondents mapped the collected information to the expert’s name on Courtroom Insight and stored it on a shared internal database. Other actions taken included storing the information on a shared internal server or simply archiving the information with other case file documents.



**K. Have professionals ever been surprised or unprepared by an expert witness? If so, what factors have been surprising about an expert’s background or experience?**

An overwhelming 99% of respondents have been unprepared or surprised by an expert’s background or experience. The most surprising factor was an expert’s prior opinions. Experts’ prior retentions/clients, and history of challenges/exclusions were other surprising factors.





**L. How well defined and consistent are law firms' approaches to expert witness research and due diligence?**

On average, law firms' approach to research and due diligence consisted of some standardization with large openness to discretion. However, most law firms had some standardization where some discretion was still exercised.



### **Comparison between 2017 to 2023 Expert Witness Research Survey Results:**

Since 2017, there has been a notable shift in various aspects of expert witness research and selection. First, methods used to search for experts with specific expertise have become more reliant on specialized sources. There has been a transition from relying on Google, internal emails within the firm, and searching internal databases in 2017 to utilizing third-party expert databases, large expert witness company websites, and expert witness directories in 2023. This shift suggests an increased reliance on specialized platforms and external resources for finding experts, potentially driven by advancements in technology and the availability of comprehensive databases.

Second, the popularity of many top expert witness referral firms have shifted since 2017. In 2017, TASA, Round Table Group, and Forensis Group were the most popular choices. In contrast, in 2023, AMFS, Cahn Litigation Services, and Forensis Group were the most common referral firms. This change suggests a dynamic landscape in expert witness referral firms, with different firms gaining or losing popularity over time. It could reflect shifts in the perception of these firms' credibility, expertise, or marketing efforts.

Furthermore, the speculated future use of various expert witness referral firms changed as well. In 2017, respondents foresaw using TASA, The Expert Institute, and Round Table Group as the preferred choices, while 2023 respondents indicated future use of Expert Connect, Cahn Litigation Services, and AMFS. Respondents' shift in preferences may have been influenced by referral firms' changing track record, expertise, or reputation in the industry.

As for expert witness directories, there was a decline in the popularity of the most popular directories identified in 2017. In 2017, respondents emphasized the significance of State or Local Bar Associations, ALM Experts, and SEAK, whereas 2023 respondents revealed that Courtroom Insight, Expert Pages, and Experts.com became their most popular choices. This shift suggests a changing preference for directories that offer more comprehensive and reliable information about expert witnesses, potentially reflecting advancements in directory platforms and the credibility of the information provided.

The importance of certain sources and research items changed since 2017 due to an increased emphasis on an expert's practical experience and track record. In 2017, licenses and credentials, C.V.s (including prior versions), and education were considered critical. However, in 2023, prior verdicts, settlements, testimony transcripts, published expert witness reports, and history of prior retention and Daubert challenges took precedence. This suggests that the legal industry has become more focused on actual performance and results, rather than just credentials and qualifications.

Additionally, while DRI remains a popular resource, some of the other popular sources for locating expert information shifted due to an emphasis on more specialized platforms. DRI, Westlaw, and Lexis Advance were prominent choices in 2017, whereas Daubert Tracker, Courtroom Insight, and DRI took precedence in 2023. This shift indicates a growing reliance on specialized platforms that provide detailed information on expert witnesses, potentially driven by the need for comprehensive and reliable data.

Interestingly, many of the challenges afflicting expert witness research's efficiency remain pervasive to date. In 2017, major issues included unreliable or incomplete information, a lack of sufficient research tools, time pressure, and client unwillingness to pay for expert research. In 2023, limited time and resources, lack of knowledge sharing within law firms, and incomplete or unreliable information emerged as the most significant obstacles. These findings underscore the persistent challenges in conducting thorough and efficient expert witness research, despite advancements in technology and access to information.

Regarding the fate of collected information at the conclusion of a case, there has been an increased emphasis on centralized information storage. In 2017, the information was archived with other case file documents, stored on internal servers, and mapped to the expert's name on Courtroom Insight. In 2023, the information was mapped to the expert's name on Courtroom Insight and stored on a shared internal database, as well as being stored on a shared internal server and archived with other case file documents. This illustrates a shift towards more streamlined and centralized storage and organization of expert witness information.

Lastly, there has been an increase in reported surprises or unpreparedness related to an expert's background or experience. In 2017, 60% of respondents reported being surprised, with the most common causes being prior opinions, history of challenges/exclusions, and prior retentions/clients. In 2023, an overwhelming 99% of respondents reported being surprised, with the most surprising factors being prior opinions, prior retentions/clients, and history of challenges/exclusions. This highlights the ongoing challenge of finding complete and reliable information on experts, as well as the need for better knowledge sharing and communication within law firms to avoid surprises in expert witness selection.

## **Conclusion**

Overall, these findings highlight the importance of efficient and effective expert witness research in the legal profession, and the need for further research in this area. The legal industry is constantly evolving, and with it, the demands for expert witness research and selection are changing, as evidenced by the differences between our 2017 and 2023 survey results. As new areas of expertise emerge and new technologies are developed, research must be conducted to ensure that legal professionals have access to the most up-to-date and relevant information.