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The role of Expert Witnesses in the United States Legal System

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I would be stating the obvious if I talk about the importance of expert witnesses in courts of the United States. There are several organizations dedicated to expert witness research and there are directories that list experts.

Testifying as an expert is a lucrative opportunity for many as they draw hourly wages between 250-450 USD for depositions and live testimonies. An expert witness is important to the attorney because the courts tend to rely extensively on the opinions given by experts and the whole case, at times, can swing on the basis of the expert testimony.

Hence, it becomes very important to conduct a thorough check on an expert before retaining or opposing one and at times, the tools that we know about might not be sufficient to get the complete picture.

There are many services available where information about an expert's past performance in court can be found. Both Lexis and Westlaw have Expert Witness research sections and others such as the [Daubert Tracker](#) are dedicated completely to the cause. However, the question that arises here is whether these tools are enough for a complete assessment of an expert's competence.

In one of my many conversations with Jim Robinson, the President of [JurisPro](#) (a leading expert witness directory), he pointed out the importance of non-case law information regarding an expert. For example, if you know that an appraisal expert, who is arguing for a high value of property in a particular locality, has his own house up for a sale at a much lower price in a similar locality, wouldn't that information be more important than having 10 opinions/judgments where the expert had testified?

This was just a small example of 'other information' an attorney should try to find out about the prospective expert. There are many other issues like Disciplinary Actions, UCC Filings, Liens etc. that might be helpful to attorneys while trying to discredit or endorse an expert's credibility.

In the last three years, I have seen numerous judgments where expert witnesses have been challenged and there have been several instances where the court has given more importance to such information and attributes of an

expert instead of only his/her gatekeeping history.

This blog is dedicated to various such topics where [Offshore Research Partners](#) has unmatched expertise and I will be writing regularly about the various research skills that might help attorneys in the United States. Any feedback or comments are most welcome.

About the Author:

Ashish Arun is the Managing Partner at Offshore Research Partners (ORP), a Legal Process Outsourcing firm based in Kolkata, India with offices in Chicago and New Delhi. He has more than three years of experience in the field of expert witness research in both Federal and State jurisdictions and has been the editor of the Daubert Tracker in the past.

Through ORP, he aims to bring innovative services to attorneys in the United States. Besides outsourcing, ORP also aims at building its own database of customized legal information that can be used by attorneys all over the United States. He can be contacted at ashish.arun@orp-india.com

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