



ASSESSING EXPERT WITNESS SUITABILITY

Selecting the right expert can have a radical impact on settlement negotiations and trial verdicts. Ultimately, you want the best expert for your case—one who is not only a respected, unimpeachable authority, but also a skilled communicator. Adequate time and attention to detail are the best means to successfully identify and vet potential expert witnesses, ensure their suitability and minimize surprises.



KEY ATTRIBUTES OF AN EFFECTIVE EXPERT

Can communicate effectively with four key audiences: legal team, judge, opposing expert, potential jury

Able to demonstrate expertise to the judge and respond to the opposing expert as a peer

Adept at presenting complex ideas simply enough for the average juror to understand

Maintains professionalism under pressure

VETTING YOUR EXPERT

- Does the expert have any prior relationship with either party?
- What is their grant history? What about grant applications? (Simple CV review may not reveal everything you need to know.)
- Have you investigated the expert's potentially controversial or contradictory publication history?
- Given today's social and political climate, what is the expert's perception of the client or issues surrounding the matter?
- What are the potential challenges to their credibility, and what, if any, credibility challenges have been made in the past?
- Have they been an expert witness, and, if so, were they effective? Talk with lawyers who have worked with that expert to get their perspective.
- Have you considered the expert's criminal, litigation and bankruptcy history?



Ask the expert if they have lectured to groups other than their peers, for example, at professional conferences.

Have they trained and/or managed junior employees?

Have they written grant proposals to nonscientific or nontechnical entities or have they published articles for a general audience?

Can the expert explain the subject matter as if they were talking to a young child or teenager?

EVALUATING COMMUNICATION SKILLS

- Has your expert ever taught before? Are they adept at using teaching tools such as visuals?
- If your expert is an academic, do they actually teach students and give lectures or are graduate students doing the bulk of the teaching?
- Has the expert submitted a report, presented at a conference, given a deposition or testified at trial?
- Are there any videos of your expert giving presentations or interviews?
- Will they merely be able to describe the subject matter at issue or do they have personal experience or specialized knowledge applicable to real-world usage?



Experts with ideal technical knowledge in a given matter may have to answer to an inquiry about reports, depositions or court testimony they gave in prior matters.