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Researching Expert Witnesses: Be Not Afraid

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At some point in every law firm librarian's career, a request will more than likely come in from an attorney to do research about an expert witness. The question is usually phrased something like "Find me everything you can about [insert expert witness name here]." Although each of these requests is as different and unique as each expert, there are some common resources and research strategies that can be used to identify and uncover expert witness information.

To CV or Not To CV

If you are lucky enough to be provided with the expert's curriculum vitae (or CV), the research request is a little bit easier, since you now have a starting point for your research. However, all CVs are not created equal, so in order to be comprehensive in your research, you will probably have to do some more research beyond finding the materials listed on the CV. But, with a CV, you can at least find all the information on the CV first, and provide those to the requesting attorney. It is sometimes the case that CV entries are not entirely accurate or complete, so often you need to provide the correct information and then follow up with any additional information you have found. Also, depending on how much (or little) is known about the expert and the expert's specialty areas, the CV may help you determine what sources to search for additional information.

If you don't have the expert's CV, the first thing to do is try to see if you can find it. If you can find information about what schools or organizations the expert is affiliated with, you may be able to find a CV or other biographical information by doing searches on the school or organization web sites. There are also expert directories out there, such as Martindale-Hubbell Experts Directory, ALM Experts, and Experts.com, that can be searched to find biographical information on experts. If none of these work, then you are essentially going to be creating a CV for the expert as you go through the research process.

The Search's The Thing

The first step is to run literature searches in the expert's relevant subject area, whatever it may be. Common areas include searching in scientific, medical, economic, sociology, or psychology databases, to turn up any articles written by the expert. Make sure to look at hits where the author is not your expert, since your expert might be cited to in a footnote and the cited article might not be one that you would have found otherwise. Since there are many sources, both free and subscription based, you may have to do lots of different searches in order to be comprehensive. One of the best subscription services to use is Dialog, which contains hundreds of files in which to search, including the Gale Group databases and the Reader's Guide to Periodical Literature. Some free services that may be useful include Medline (<http://www.ncbi.nlm.nih.gov/entrez>) and other sources that can often be accessed for free through your local public library's web site, such as JSTOR, a full text academic journals database, or ArticleFirst, an index of articles from over 16,000 journals. In addition to articles, many experts have also authored books, so searches in

online library catalogs, such as the Library of Congress (<http://catalog.loc.gov/>) or the Catalog of the University of California Libraries, also known as MELVYL (<http://melvyl.cdlib.org>) may also uncover relevant results. Finally, if you have information on where the expert received his or her degrees, a search of the library catalogs of those institutions may pull up relevant hits such as dissertations or theses.

Google? Google? Wherefore Art Thou Google?

I would be remiss if I didn't mention Google and other search engines as tools to get at expert witness information. Searches in Google and some of its counterpart search engines, such as Google Scholar (<http://scholar.google.com>) or Google Books (<http://books.google.com>), may prove to be very good sources of additional information. However, to make sure your search is comprehensive, any web search results should be supplemented with search results from fee-based or subscription services.

All The World's a Courtroom

The next step is to look for information relating to the expert's previous trial experience and testimony. Both Lexis and Westlaw have various databases that can be searched to uncover this kind of information. Searches in jury verdicts and settlements is a good place to start, but keep in mind that there is no one comprehensive database of verdicts and settlements, since publishers rely on submissions by the lawyers involved in the case. Searches can also be done using one of the court docket subscription services to find mentions of the expert in the case docket and then obtain the transcripts of or documents related to his testimony. It is also a good idea to search in case law, too, since sometimes a judge will include information in his written opinion about the expert and, in some instances, even include excerpts of the expert's testimony. Finally, litigation reports that are published by companies such as Andrews and Mealey's include things like copies of complaints and other pleadings and reports on expert witness testimony.

Ending Is Such Sweet Sorrow

As a final step, some other resources can be checked to see if searches in them will garner any more potentially relevant information. Depending on the types of cases the expert has been involved in, a search of general news sources may lead to news reports about the expert's testimony. An expert may have testified before Congress, so a search of the *Congressional Record* may unearth relevant documents. The expert may have patents or patent applications so pulling the details about those may be of interest. Information on whether the expert holds any professional licenses may be relevant as well, so searches in public records databases for this information may be useful.

Although each expert witness research request is different, and the sources to be searched vary based on the expert's specialty areas, using these overall research strategies will allow you to be comprehensive and confident in the results you find the next time one of these requests comes your way.

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