

# HOW TO SUCCEED AS AN EXPERT WITNESS

Best Practices





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# INTRODUCTION

As an expert in your field, standing out from the competition and finding success with expert witness work can be as difficult as it is rewarding.

GLG has years of experience connecting attorneys to the right expert witnesses for their cases, and we've learned from both sides what makes for a winning match.

As the world's largest expert witness network, we know how to navigate the common hurdles that you can face when seeking expert witness work.

This eBook includes tips and considerations for aspiring expert witnesses. We want to help you win work and — once won — succeed.

In these pages, you'll learn:

- How to get hired as an expert witness
- The questions you should ask in a screening call
- How to set up your expert witness engagement for success
- Strategies for handling confrontational questions as an expert witness

We hope you enjoy reading this eBook as much as our team enjoyed writing it.

Because they are experts in their respective fields, our network members are automatically considered for expert witness engagements that align with their experience. If you haven't already, I'd encourage you to [join our network of subject-matter experts](#).

**DAVID SOLOMON, GLOBAL GENERAL MANAGER, GLG LAW**

# HOW TO GET HIRED AS AN EXPERT WITNESS

DAKOTAH KENNEDY, CLIENT SOLUTIONS, GLG LAW

Are you an expert in your field? Expert witness work might be ideal for you, but where should you begin? What are attorneys looking for? How can you find these opportunities? What is the best way to stand out as an expert witness candidate?

GLG is the world's largest expert witness network, with years of experience connecting attorneys to the right expert witnesses for their cases. Because we are "experts in finding experts," we can help you avoid the common hurdles that you might face when seeking expert witness work.

What are those hurdles? Often an expert lacks trial experience. Sometimes, it's simply that experts have a hard time finding opportunities that match their skill set. Luckily, there are ways to overcome these obstacles. We've gathered our top tips for strategically pursuing these opportunities and ultimately making yourself an attractive candidate for winning expert witness work.

## Update Your LinkedIn

When an attorney is seeking a candidate with particular attributes (e.g., educational background, certifications, or specific geographic experience), LinkedIn is an invaluable tool. To look like an ideal candidate, your LinkedIn profile should reflect your most up-to-date professional information. Add specific job titles, skills, certifications, applications (e.g., Microsoft Office Suite), and keywords to your profile so your name appears in searches. The issues experts opine on in litigation can be very niche, so the more detailed the information on your profile, the easier it will be for an attorney to find you for an opportunity.

## Be a Leader in Your Field

We recently hosted a panel called "Becoming a Successful Expert Witness." Jim McGovern, a panelist, expert witness veteran, and one of GLG's approximately 1 million expert Network Members, pointed out the importance of being a thought leader in your field. Alongside a strong internet presence, becoming a reputable name in your field not only increases the likelihood of outreach from law firms but also further supports your credibility in your field (and on the stand!). We recommend working to get published in peer-reviewed journals, writing articles, participating in conferences, speaking at lectures, and sharing your knowledge any way you can to reach a wider audience. That said, be thoughtful about what you publish. Experts can leave themselves vulnerable to cross-examination if they publish opinion pieces that contradict the testimony they give in deposition or at trial.

We've gathered our top tips to make yourself an attractive candidate for winning expert witness work.



Experience is vital, but don't discount the importance of personal presentation.

### **Network, Network, Network!**

Getting to know attorneys is certainly the most direct way to learn more about expert witness work and opportunities that could be a fit for your expertise. Equally important is networking with colleagues, specifically those already doing expert witness work. In our expert witness panel, GLG Network Member Fil Waters shared an instance when he was retained for a case and needed to consult with another expert knowledgeable on a specific aspect of the topic at hand, resulting in the law firm hiring his colleague as an additional expert witness.

### **Work with Organizations That Will Connect You to Attorneys**

If expert witness work is something you want to pursue, collaborating with an organization like GLG can help you get your foot in the door. These types of companies, which have strong attorney relationships, can help connect you with attorneys and specific cases that match your expertise, providing a more targeted experience.

### **Presentation Matters**

While extensive experience is vital, don't discount the importance of personal presentation. If you are approached about an opportunity, speaking with attorneys will be the first step in ensuring this opportunity is the right fit. You'll need to have a strong grasp on the case's topic and be able to present your knowledge in a personable and concise manner.

### **Ensure a Mutual Fit**

An expert witness opportunity should be a mutual fit for you and the attorneys. To ensure that fit, there are some questions you should ask in your screening calls. By asking targeted questions up front and maintaining strong lines of communication, you can set your opportunity up for success. Sometimes investment on the front end will lead to bigger returns in the long run.

It's not easy to answer the question of how to win more expert work. The above tips will help you become a more visible (and attractive) candidate, but they are just the first steps toward finding and securing more expert witness opportunities. There will always be elements that are out of your control. Personality fit, case timeline, geographic location, etc. are factors that may bar you from working on a case. But the more you market yourself, the more likely you are to get work.

# WHAT SHOULD A POTENTIAL EXPERT WITNESS ASK IN A SCREENING CALL?

DAKSHATHA DAGGALA, CLIENT SOLUTIONS, GLG LAW

Screening calls are typically used by litigators to gauge a potential expert witness's qualifications and expertise as it relates to a case. But for a potential expert witness, a screening call is an opportunity to get to know the case better and decide if their experience matches the expertise required. You need to understand if the case is right for you. To demystify the process, let's go through what qualifies an expert witness and how to uncover the information you need to evaluate an opportunity.

## Who Can Be an Expert Witness?

According to the Federal Rules of Evidence, a qualified expert witness either practices in the relevant profession or has specialized knowledge by means of training or education. Their testimony is expected to be reliable using facts and data as well as helpful to the overall argument being presented. Federally, this is examined under the Daubert standard, the test used by trial judges in federal and some state courts to assess the validity of an expert's scientific testimony.

In a screening call with an attorney, you will likely be asked questions regarding your employment, specializations, academic degrees, licenses, publications, and past testimony experience. These questions will help the attorney decide if your expertise fits their case, but there are also questions you should ask to better understand the opportunity.

## Is the Opportunity a Match for My Expertise?

In order to gauge whether or not you can confidently opine on the subject matter, you must understand the qualifications necessary for the opportunity. Any information or expertise you share must be truthful and an accurate representation of your experience.

Here are some questions to ask to help you evaluate an opportunity:

- What do you need an expert to discuss?
- What specific expertise do you need?
- How does my expertise fit into your case?

If you encounter a case that is outside your expertise, be up-front about that. Taking on a case that is not a good fit can potentially damage your reputation and professional credibility.

If you conclude that you cannot reliably opine on a subject but know someone who can, you can refer that person. It may be more common than you think. GLG has a formal referral program so you can recommend someone from your personal network into ours. If that person ends up being the right fit, you will be rewarded for your referral.

If you encounter a case that is outside your expertise, be up-front about that.

Be honest  
about your  
availability.

### **Time Frames, Deadlines, and Turnarounds**

Scheduling conflicts are one of the top reasons that an expert witness opportunity may not be a good fit. Litigation has tight deadlines and quick turnarounds. The interviewing attorney should go through the timeline for substantive work with you, but if this does not come up, you should bring it up. It's important to be honest about your availability so that no foreseeable issues arise in the duration of the case.

To understand the expected time frame of the opportunity, you can ask:

- Is there flexibility on the deadlines?
- Have you filed for any extensions on the deadline?
- Are there specific dates that I need to block on my calendar?

### **Scope of Work and What Needs to Be Done**

The work required for each case differs and may include anything from behind-the-scenes consulting to trial testimony. As with time constraints, the interviewer should bring up expectations regarding the scope of work they expect from you. Take this time to learn about the attorney's needs and decide if you have the bandwidth for the work.

Scope of work and estimated time frame can go hand in hand. Sometimes there is a very small amount of work needed up front, but significant work will be required down the line.

To ensure you understand the scope of work for the entirety of the case, ask the interviewer:

- Approximately how long do you think it will take to complete X task?
- What are your expectations for the report in terms of substance and length?
- What kind of discovery have you already received?
- Do you expect that I will be working with any of your colleagues when completing this work?

### **Conflicts and Whom You Should Think About**

When dealing with cases related to your expertise, there is always a chance that you may come across a conflict of interest. This is defined as a situation in which a person has an obligation to more than one organization or person and cannot do justice to either party without jeopardizing the integrity of the case.

Whether it occurs on the plaintiff's or defendant's side, it's important to address potential conflicts during the screening call. Discussing any and every potential conflict that you may foresee will save the inconvenience of addressing them later on, once work has already been completed and time has already been billed.

Use screening calls to familiarize yourself with the case, ask questions, and decide if it's a match.

To assess any potential conflicts, ask in your screening call:

- Who are the parties involved in the case?
- What law firms/attorneys are involved in the case?
- Are there other conflicts I should be aware of?
- I have worked with X person or company in the past. Would this be an issue?
- What would the opposition know about me before the trial?
- What experts has the other side retained?
- Will there be other experts on this case with me?

Screening calls are your opportunity to familiarize yourself with the case, ask questions, and decide if your experience matches the expertise required. By getting a better grasp on the expertise required, expected time frame and scope of work, and any potential conflicts, you can make an informed decision on the opportunity before proceeding.



# SETTING UP YOUR EXPERT WITNESS ENGAGEMENT FOR SUCCESS

CLAUDIA MURATORE, CLIENT SOLUTIONS, GLG LAW

Whether you are an experienced expert witness or considering taking on your first litigation assignment, every expert witness wants to ensure their engagement runs as smoothly as possible. Because GLG has years of experience helping connect litigators with the right experts, we've heard many stories from expert witnesses about what makes for a successful engagement, as well as the most likely scenarios that can cause an engagement to go awry.

We recently spoke with two tenured expert witnesses, GLG Network Members Jim McGovern and Tim Wahlers, about best practices for avoiding problematic situations and positioning yourself for a seamless expert witness engagement.

## Ask Targeted Questions Up Front

As simple as it sounds, one of the best ways to avoid potential pitfalls in an expert witness engagement is to thoroughly vet the opportunity from the outset. As our Network Member Jim McGovern notes, “[you] don’t want to commit to something that doesn’t allow you to handle the case in a proper way.”

Use your early conversations with the attorneys to answer these questions:

1. Does the case/anticipated work seem well-suited to your background and expertise?
2. Do you agree with the client’s core position?
3. Do you have any actual or perceived conflicts with any of the parties involved in the case?
4. Do you have the time to dedicate to the potential opportunity?

It’s also important to understand the law firm’s relationship with their client. Specifically, try to get a sense for their alignment on anticipated work for you, if there is a work history between the law firm and the client, and how trusting the law firm seems to be with their clients.

Clarifying these points from the outset can help you avoid issues or miscommunication on the back end. With “three players [yourself, the law firm, and their client],” veteran expert witness Tim Wahlers notes, “it’s important to understand the roles and the relationship.”

You don’t want to commit to something that doesn’t allow you to handle the case in a proper way.

Inform your client if you think a task will take longer than originally forecast.

### **Maintain Strong Lines of Communication Throughout the Engagement**

While it's important to align on expectations at the outset of the engagement, cases often change in strategy and/or scope, meaning that your role as an expert witness may evolve over the course of your engagement with the client. As a result, it's imperative that you and the attorneys establish regular meetings or calls to ensure all parties remain on the same page.

On a practical level, strong lines of communication should ensure that you keep your attorney client apprised of any changes/developments related to your expert work. That means informing your client as soon as you have a sense that a task will take more time than originally forecast and keeping your clients apprised of any hesitations regarding your ability to fully support their underlying argument.

### **Determining the Appropriate Method of Communication**

Equally essential to frequently communicating with your attorney client is ensuring that you know how best to communicate throughout the engagement, particularly with regard to client preferences surrounding discoverability.

What is discoverability and why does it matter for expert communication? Discoverable information is that which must be exchanged between parties during the litigation process. Specifically, this refers to information concerning witnesses and evidence that is presented during trial.

Crowell & Moring's resources on discoverable information outline a few overarching areas of discoverable counsel-expert communications, including those that:

1. Relate to compensation for the expert's study or testimony;
2. Identify facts or data that the party's attorney provided and that the expert considered in forming the opinions to be expressed; or
3. Identify assumptions that the party's attorney provided and that the expert relied on in forming the opinions to be expressed.

It's important for experts to be mindful of any potentially discoverable information that they put in writing when working with a client. Drawing from his own extensive expert witness experience, Jim McGovern cites a few recommendations regarding discoverability:

- **Impact of Venue:** The court in which your case is heard can change what qualifies as discoverable information. Because rules vary between federal and state courts (and between different state courts), McGovern notes that it's important to understand what venue you are in when thinking about discoverability.
- **Descriptions of Tasks:** If you're ever in doubt of how much detail to provide when it comes to listing descriptions for time spent on expert work on timesheets for billing and invoicing, McGovern recommends "us[ing] pretty generic descriptions of the work [you've] done," such as "phone call" or "reviewing documents."
- **"Controversial" Questions:** When it comes to controversial questions or issues, McGovern's advice is to always call an attorney before putting anything in writing. What makes a question "controversial"? Generally, anything that calls the client's argument into question or casts doubt on their/your credibility is best reserved for a phone call instead of an email.

Ensure you're aware of a specific client's preferences from the outset.

What's the best way to avoid running into problems with discoverable information? Ensure you're aware of a specific client's preferences from the outset. When it comes to discoverability, McGovern notes that he always aims to "establish the expectations and ground rules up front."

**What if I do everything right and something still goes wrong with my expert witness process?**

There is always the possibility that, even if you have done everything possible to prepare for a smooth expert witness process, things will run off course — you may be faced with a scope of work that is far greater than anticipated or unexpected billing disputes may arise.

In these scenarios, communication with your clients is key. Let them know from the outset how changes in scope of work might affect any forecasted hours estimates or budgets and be realistic about what you can take on if the scope of work does change. If billing disputes arise, be open and honest with your clients and discuss how best to get ahead of similar situations in the future.

Ultimately, the process of serving as an expert witness can come with its challenges. But, with strong communication and forethought, you can avoid many of them and set yourself up for a smooth expert witness engagement.

# HANDLING QUESTIONING AS AN EXPERT WITNESS

OLIVIA SERRANO, BUSINESS DEVELOPMENT, GLG LAW

As a testifying witness, you can expect to receive some confrontational questions from opposing counsel while on the stand. When the time comes, it may feel difficult to answer these questions while keeping your cool. How can you best remain professional while effectively defending your position? We've outlined some tips from seasoned expert witnesses below.

## Collaboration and Preparation

Even though you'll take the stand alone, each engagement you participate in as an expert witness should be a collaborative effort. In a recent GLG-hosted panel with three tenured expert witnesses, GLG Network Member Fil Waters recommended establishing ground rules and expectations up front with the attorneys on your team. Regardless of your experience, collaboration and communication are essential to understanding the context of the case and your expectations going into a deposition or trial.

Use your preparation time to coordinate your approach with your counsel and prepare to take the stand. Are you relaying the pertinent information without rambling? Can you field more antagonistic questioning while maintaining composure? Excelling in depositions and trials is a skill that is best honed through practice and preparation.

Work with your legal team to counter the strategies that opposing counsel often employs. Collaboration is as much for their benefit as your own. Your collective work will serve to solidify the team's argument and case in court.

## Depositions: Active Listening, Specific Answers

Testifying at a deposition is typically less structured than appearing at trial.

Generally speaking, the rules around questioning are looser. This means when you take the stand, opposing counsel might try to disarm you and derail your train of thought. During the deposition, you'll likely be asked open-ended questions. These may take your answer beyond the scope of the original question.

This is perfectly normal and understandable.

After all, you're a subject-matter expert and thought leader in your field who likely has much to say. It is important to remember that your role is that of an expert witness, and as such, to be mindful and rein in your answers.

To avoid losing yourself in the opposing side's line of questioning, first listen to each question and answer it directly. If you remain focused on the question at hand, you can reduce the likelihood of changing an answer or incorrectly explaining your position. Also, answer only the questions the attorneys directly ask you. It is the job of the counsel to redirect and ask for clarification — don't elaborate on a related topic unless asked.

Even though you'll take the stand alone, each engagement is a collaborative effort.

Pay attention to the way you present your answers to the court as much as the answers themselves.

Many attorneys will demonstrate this with a seemingly innocent question during deposition preparation — they will ask you if you know what time it is. Naturally, most experts will look at their watch and tell the attorney the current time. The attorney will then remind them that the question was “Do you know what time it is?” You were not asked to “please tell me the current time.” Keep this in mind as you prepare for open-ended deposition questions — answer only what is asked, no more.

If you need to, Fil Waters told us, take a breath and take your time before answering — this not only allows you to better collect your thoughts and produce a well-formed response, but it also gives your team the chance to object to a question. When you’ve taken the time to reflect, your answers will be more concise.

### **Trials: Credibility Is Key**

Unlike depositions, a judge (and sometimes a jury) will be present at trial. If you’re tapped to testify, it’s your job not only to express your opinion but also to establish yourself as a credible figure in your field. Below are a few considerations to keep in mind when speaking to a larger, in-person audience.

#### **Measure the Judge (and Jury)**

Pay attention to the way you present your answers to the court as much as the answers themselves. You should formulate your answers with your audience in mind.

Ask yourself:

- Who is my audience?  
Tailoring your approach based on the finder of fact in your case helps you deliver your message more effectively. Sometimes a judge will be your audience, and they may even engage with you directly. Sometimes a jury of laypeople will be there to hear your responses. Discuss these details with your trial team beforehand to coordinate on the best approach, given the specific audience.
- Will my reaction, correction, or argument about my subject area impact my image in the eyes of the finder of fact?  
Opposing counsel may try to bait you into losing your cool, correcting them, or even arguing with them in open court about matters you know more about than they do. The temptation to set the record straight, especially about your area of expertise, is understandable. However, if you do so in the wrong way, you may lose credibility with your audience. If you prove your point but lose the respect of the finder of fact in the process, it is at best a pyrrhic victory.

Handling conflict as an expert witness is a difficult task.

### Stay Calm When Your Integrity Is Questioned

As an expert witness, attorneys will also sometimes attempt to discredit your testimony by attacking your personal integrity. Before defending yourself, remember that they're trying to elicit an emotional or angry reaction from you.

Avoid giving them what they want by remaining collected when defending yourself against their claims. Address their attempts to discredit you, when called for, and calmly speak without getting emotional. Doing so will bolster your own reputation in front of the court and avoid playing into their hand.

Positioning yourself as a credible expert witness is as much about your demeanor as it is about your knowledge of the subject matter.

Ultimately, handling conflict as an expert witness is a difficult task. Garnering the respect of the judge and/or jury while also defending yourself is crucial, but it's also a precarious balancing act. However, by preparing for questioning, responding with specificity and tact, and maintaining credibility, you can successfully navigate confrontational situations while on the stand.





## **Interested in starting expert witness work?**

**Join our network** to be considered for upcoming expert witness opportunities.



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## The World's Insight Network

Powering every great professional decision.

### How We Help

GLG identifies expert witness candidates for our law firm clients from our screened network of approximately 1 million Network Members. When clients come to us with expert witness opportunities, we quickly connect them with members whose experience best matches the need.



#### GLG Member Interactions

GLG Member Interactions connects you directly with experts in specific topics, businesses, or industries through calls, private meetings, placements, or expert witness services. This direct access helps you gain powerful insights that can drive better decisions.

- GLG Calls connects you with trusted experts for a one-on-one, translated, or multiparty call.
- GLG Private Meetings lets clients meet with experts face-to-face or virtually.
- GLG Placements brings industry professionals directly to you so you can quickly get your team up to speed with deeper expertise.
- GLG Expert Witness Services enables litigators to engage an expert throughout the litigation life cycle.



#### GLG Surveys

Whether you need to evaluate entry into a market, quickly test a new idea, or optimize your messaging, our experienced team of quantitative researchers can help you reach the right groups and execute surveys that meet your research objectives on your timetable.

GLG Surveys assembles trusted samples from the world's most diverse source of first-hand B2B expertise, so you can quickly field-test your hypotheses or gain deeper understanding.



#### GLG Integrated Insights

Leaders face countless critical decisions with limited time and resources. GLG Integrated Insights engages our experts for longer-term and more in-depth engagements, so you can efficiently draw on relevant expertise.

GLG Integrated Insights combines several offerings, applying our best-practice quantitative and qualitative methodologies to address your broader needs, all led by a team member with deep industry knowledge. Our work includes fully managed market assessments, due-diligence studies, competitive landscape analyses, brand analyses, and voice-of-customer studies.



#### GLG Qualitative

GLG Qualitative provides you with in-person or virtual focus groups, workshops, discussion panels, moderated calls, or other insight-gathering experiences with Network Members — harnessing the power of a live interaction to support your research objectives.



#### GLG Events

When market-moving news breaks, you need fast and relevant insights. GLG Events brings the world's leading voices together to share perspectives and discuss industry trends and implications through virtual and live roundtables, webcasts, teleconferences, and other interactive conversations.



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Support your research, diligence, and growth efforts with a subscription to GLG Library.

Accessed through MyGLG, our digital content library connects you to thousands of teleconference transcripts and on-demand webcasts, led by our global subject-matter experts. New content is added daily on timely topics, including market-driven conversations, expert-led industry insights, and company and industry analysis.

**Interested in starting expert witness work?**  
**Join our network to be considered for upcoming expert witness opportunities.**