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2022

Expert Witness Fees & Practices Survey Comprehensive Report

BY Gerry H. Goldsholle, Member California & New York Bars

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About This Report

As we have done on a biennial basis since 2006, Advice Company's ExpertPages unit conducted a detailed survey among experts in multiple fields who were actively working as expert witnesses or litigation consultants.

In addition to inviting participation from a cross-section of ExpertPages Members, we also invited participation response from a cross-section of non-member experts to both expand the universe of experts surveyed and to serve as a control group.

This ExpertPages 2022 Expert Witness Fees & Practices Report provides real-world answers to the following questions and many more:

What do experts charge when serving as expert witnesses or litigation consultants?

How do experts' rates and practices differ among professions and fields of practice?

How often, and under what circumstances, do experts vary their rates?

How standard is the use of an up-front retainer?

What problems do experts encounter when dealing with their clients?

The Survey, conducted entirely online, is based on confidential responses from more than 350 experts in numerous fields throughout North America. Of the total, approximately one third were current ExpertPages Members and, 67% were not. The Survey questionnaire asked more than 25 questions, with several additional questions sometimes automatically added to enable respondents to elaborate based on their field of expertise or earlier responses.

The experts candidly shared facts about their work, fees and arrangements with clients, knowing that their individual responses would be kept completely confidential, not attributed to them, and only be used in aggregate form.

We retained DeBow Communications, Ltd., an independent market research firm, to conduct the survey and compile the results, and together with them have carefully analyzed the data to ensure that this Comprehensive Report would be as reliable and valuable as possible for experts as well as attorneys, other members of the legal profession that retain experts and for academicians. Unless otherwise noted, the data reported is based on a sufficient number of responses to provide statistical validity.

To help determine relevant trends, where meaningful, we have also compared the results of this Survey with previous ExpertPages Fees & Practices Surveys.

Gerry H. Goldsholle
Founder & CEO
Advice Company

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Terminology

Expert Witness / Litigation Consultant

The term "expert witness" generally refers to experts who are expected to prepare a formal report to be filed with a court or administrative agency and/or to testify as an expert in a pre-trial deposition and/or at trial in the litigation.

The term "litigation consultant" typically refers to an expert, often a professional, who works with attorneys to analyze and confidentially report on relevant factual issues requiring special expertise, either before or after litigation commences. Most experts generally serve in both capacities. In this report, unless otherwise specified, we will describe all experts surveyed as an "expert."

Case / Engagement / Assignment / Project

Attorneys and insurance company executives typically use the term "Case," whereas experts themselves tend to use the terms "Engagement," "Assignment," or "Project" when referring to the same matter. In this report, we will use the terms "case" and "engagement" synonymously.

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Methodology

Advice Company's ExpertPages unit retained DeBow Communications Ltd., New York, NY (www.debow.com), an independent market research firm, to conduct an online survey of professionals identified as expert witnesses or litigation consultants.

More than 350 responses from experts in numerous fields throughout North America contributed to the Survey. Of the total, approximately one third (33%) were current ExpertPages accredited Members. The detailed Survey covered numerous facets of each professional's involvement in expert witness or consulting work. The Survey was conducted from 1/15/2022 through 3/5/2022. At the 95% confidence level, the margin of error is +/- 5.23 percentage points overall, although margins of error are higher in sub-groups. Due to rounding, numbers presented throughout this report may not add up precisely to the totals provided, and percentages may not precisely reflect the absolute figures. Subsequent to the closing date, numerous individual and sub-group interviews were conducted to clarify certain verbatim comments.

This project is a collaborative effort with invaluable input and analysis from our consulting statistician, Suzy Fuquea, and key staff members of Advice Company.



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Executive Summary

What Experts Charge

Just as in prior surveys virtually all experts continue to base their charges using an hourly rate[1] plus expenses, either exclusively or using a combination of a flat fee and an hourly rate. Reported rates for expert's services ranged from a low of $150 per hour to over $900 per hour. On average, slightly more than a quarter (28%) of respondents reported a general hourly rate of less than $300 per hour. Less than a third (29%) said their general hourly rate was between $300 and $400 per hour, and an additional 41% charged in excess of $400 per hour. A few (2%) charged more than $700 per hour.

Utilizing an average of the ranges, our 2022 estimated composite average hourly rate overall is $408, an increase of $23 (5.9%) over 2020's average hourly rate of $385. This meaningful change continues the upward trend from 2018 ($367 [up 4.9%]) and 2016 ($341 [up 4.6%]) and 2014 ($326 [up 3.8%]) whereas from 2008 ($308), 2010 ($312), to 2012 ($314) average hourly rates were statistically unchanged.

We further explored the many factors that contribute to the variation in hourly rates and earnings among individual experts, including Field of Expertise, Geographical Location, Number & Duration of Engagements, and Expected Earnings on a per Engagement basis.

Field of Expertise, as in the past, proved to be the most consistent predictor of an expert's average hourly rates. Economics ($555), Legal Service Providers ($525), and Physicians ($525) lead all fields, while experts in Insurance ($300), Medical Services ($225), and Non-Physician Psychology & Counseling ($225) trail all others.

[1]See Section 2.1, Page 16, for a brief explanation of experts who charge on a Flat Fee rather than an Hourly Rate basis.

Our examination of other factors contributing to the variation in hourly rates showed no clear predictive patterns, although they help provide a much better understanding of the totality of the highly complex expert witness space.

For example, Design & Manufacturing experts have relatively lower hourly rates ($413 vs. $525 for Physicians), and average fewer new engagements (7 vs. 16 per year for Physicians). However, Design & Manufacturing experts report that, on average, each engagement requires them to devote a dramatically greater number of hours (125) per assignment than Physicians (20). The important caveat is that these are all averages, and most experts – as we discuss at length in this report – do their expert witness work on a less than full-time basis.

Experts have become more willing to negotiate their rates & fees. Many expert's base rate contain built-in adjustments involving a higher fee for depositions and court appearances and a lower base rate for non-productive travel time. Almost six-in-ten (58%) experts said that they sometimes negotiated their Rates & Fees, while 42% said that their Rates & Fees were non-negotiable except for Current or Former Clients or Government Agencies. This is a meaningful increase from pre-pandemic levels where 6% fewer (52% vs 58%) experts said they were willing to negotiate their Rates & Fees.

This willingness to negotiate is no doubt due to the impact of the Covid-19 pandemic where Court houses in many parts of the Country were closed for significant periods, delaying proceedings and reducing the demand for experts. Among the experts who said they would vary their fees – either higher or lower – by case, their reasons for doing so ranged from "Whether I have to pay a referral fee" (mostly higher) to "The ability of the client to afford my fees" (mostly lower).

How Experts Construct Their Rates

Beyond "Field of Expertise," the other factors we found to have the most effect on experts' rates were Experience, Prominence/Celebrity/Insider, and Nature of Clients. As expected, we found that experts' average hourly rates tended to rise with experience. On average, "New" experts – those with less than one year of experience – charge lower hourly rates than "Veteran" experts with more than three years of experience, but they catch up very quickly. Other factors, including "Nature of Clients" and "Celebrity/Prominence/Insider" discussed on the following pages, appear to have far more impact on experts' hourly rates than years of experience.

Another possible factor that appears to have contributed to these survey results is what may be termed the Prominence or Celebrity of the expert. This phenomenon also occurs in several fields and experience bands.

As would be expected, those experts who are sought after and retained equally by Plaintiffs (Civil Plaintiffs, Claimants, Prosecutors) and Defense (Civil or Criminal Defendants, Insurers) earn significantly higher average hourly rates ($442) versus those who work either mostly for Plaintiffs ($401) or Defense ($395). Whatever their unique qualifications may be, the inability of opposing counsel to label them as "Hired guns" certainly enhances their credibility.

Of those experts working "Exclusively" for either Plaintiffs or Defense, working for Plaintiffs is the most lucrative. On average, experts who work Exclusively for Plaintiffs earn 20% more per hour ($397 vs. $330) than those that work Exclusively for Defendants. In large part, this appears to result from the fact that the defendants' insurance companies are ultimately paying many experts hired by defense counsel in civil actions. Insurers are known to leverage their high volume of recurring work into significant discounts in exchange for an ongoing relationship's explicit or implicit promise.

As with any discussion of experts' fees, there are important caveats here. The survey data shows that experts who work exclusively, or mostly, for Criminal Prosecutors or Criminal Defendants earn substantially lower rates – some in the $200 – $300 per hour range – likely due to strict budget constraints government prosecutors and government-paid public defenders have to operate under. There are major exceptions, of course, particularly for experts who testify in defense of wealthy criminal defendants or major corporations in SEC, IRS, anti-trust and Whistleblower cases where experts sometimes charge in excess of $1,000 per hour.

Most Experts require a minimum fee for engagements. A clear majority (68%) – Always (51%) or Usually (17%) – require a minimum fee for engagements. Approximately one-in-five (21%) experts – Rarely (10%) or Never (11%) – require a minimum fee. A majority (58%) set that minimum fee between $1,000 and $5,000.

Experts Rarely have trouble collecting fees. Other than the occasional slow pay experienced by many businesses today, most experts (89%) – only occasionally (39%), rarely (23%) or never (27%) – have collection issues. Very few (2%) reported that they quite often experience collection issues.

Use of Written Fee Agreements (WFA) continues. Almost three-out-of-four (73%) experts responding now use formal, signed Retainer Agreements all the time (48%), most of the time (15%), or sometimes (10%) except with Former Clients or Government Agencies (10%). The remainder either use a WFA sometimes (10%), or only when a client insists (18%).

Other Important Takeaways

Most Experts do some work through expert referral agencies. More than four-out-of-five experts (81%) responding to our survey reported they currently are registered with one or more referral agency. However, most of those report that they personally receive the same rates (74%) as when they are working directly with attorneys, although one-in-five (20%) report that the rates they receive when working through a referral agency are lower than the rates they earn when dealing directly with attorneys.

As most referral agencies significantly mark-up the hourly fees the expert normally would charge when they refer an expert and / or charge for finding the expert, the law firm / client pays meaningfully more than if it had retained the expert directly.

Practice Development Activities Increasing. No doubt a result of Covid-19, we saw increased utilization of virtual meeting technologies (62%), replacing the perennial leader Listed in Online Directories (57%) as the most likely to be engaged in practice development activity.

Participation in Referral Services (49%), and One-on-One Networking (38%), were both very popular. Online activities, including Starting or Upgrading a Website (32%), Social Networking on LinkedIn, Twitter, etc., (16%), and Publishing Articles (24%), are increasing each year. Other online activities, including Blogging (8%) continue to grow in popularity. Video creation (7%), one of the newer online practice development activities, is slowly gaining more traction.

While the majority of experts do some travel, most do relatively little. Nearly three-quarters of all Experts (73%) do some travel away from their primary workplace, with the notable exception being those Physicians who limit their expert work to conducting Medical Case Reviews based on records.

Of the almost three-quarters of experts (73%) who do some travel away from their primary workplace, most (65%) do so less than 10% of the time. An additional 27% travel from 11% – 25% of the time and none (0%) spend more than half of their time away from their primary workplace.

Experts generally do this work on a less than full-time basis. Less than one-in-five (18%) experts spend 90% or more of their professional time as "Full-time" expert witnesses. Somewhat more (26%) spend less than 10% of their time as an "Occasional" expert. The majority (56%) spend between 11% and 89% of their professional time as an expert witness or litigation consultant.

This data clearly supports the oft-quoted claim that experts generally do this work on a part-time basis.

ExpertPages Members have higher average hourly rates and more yearly engagements than non-members. In the past year, the average hourly rate of ExpertPages Members ($423) was $5 higher than the average hourly rate of non-members ($418). ExpertPages Members also averaged a 21% higher number of engagements (17 vs. 14) when compared to non-members.

Detailed Findings

Section 1. What Experts Charge

1.1 Average Hourly Rate

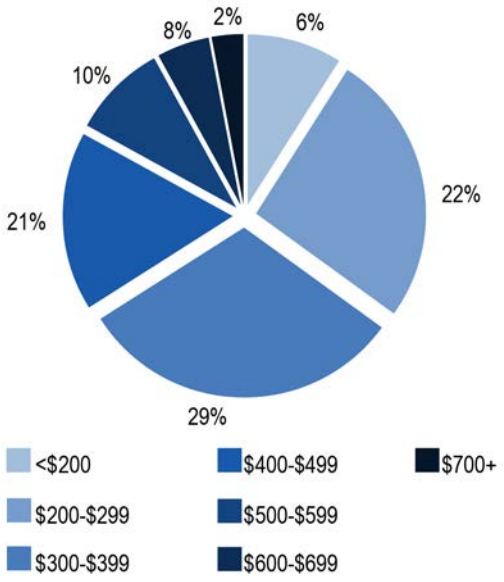
Just as in prior surveys virtually all experts base their charges using an hourly rate[1] plus expenses, either exclusively, or by using a combination of a flat fee and an hourly rate. Reported rates for an expert's services ranged from a low of $150 per hour to over $900 per hour. On average, slightly more than a quarter (28%) of respondents reported a general hourly rate of less than $300 per hour. Less than a third (29%) said their general hourly rate was between $300 and $400 dollars per hour and an additional 41% charged in excess of $400 per hour. A few (2%) charged more than $700 per hour.

Utilizing an average of the ranges, our 2022 estimated composite average hourly rate overall is $408, an increase of $23 (5.9%) over 2020's average hourly rate of $385. This meaningful change continues the upward trend from 2018 ($367 [up 4.9%]) and 2016 ($341 [up 4.6%]) and 2014 ($326 [up 3.8%]) whereas from 2008 ($308), 2010 ($312), to 2012 ($314) average hourly rates were statistically unchanged.

We further explored the many factors that contribute to the variation in hourly rates and earnings among individual experts including Field of Expertise, Geographical Location, Number & Duration of Engagements and Expected Earnings on a per Engagement basis.

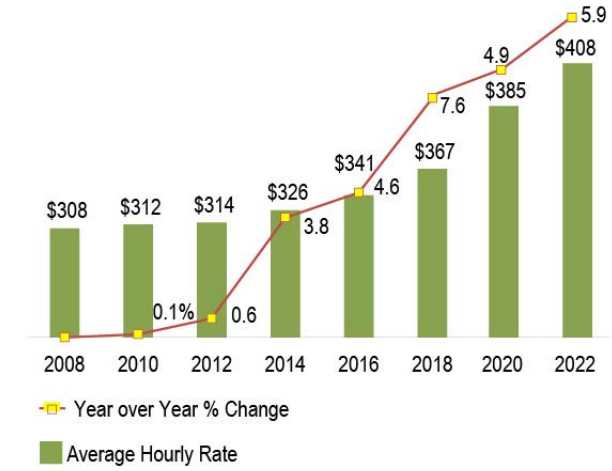
What is your general hourly rate?

Response Scale = < $200, $200-$299, $300-$399, $400-$499 $500-$599, $600-$699, $700+



Average Hourly Rate, Year over Year % Change

Response Scale = Year over Year % Change, Average Hourly Rate



[1]See Section 2.1, Page 16, for a brief explanation of experts who charge on a Flat Fee rather than an Hourly Rate basis.

Detailed Findings

Section 1. What Experts Charge

1.2 Average Hourly Rates by Field of Expertise

Field of Expertise, as in the past, proved to be the most consistent predictor of an expert's average hourly rates. Experts in Economics ($555), Legal Service Providers ($525) and Physicians ($525) lead all fields, while experts in Insurance ($300), Medical Services and Non-Physician Psychology & Counseling both at ($225) trail all others.



1.3 Average Hourly Rates by Region

Experts' practices vary greatly, with some working close to home while others have truly national practices, making accurate reporting of Regional variations based on the location of the expert's office problematic.

This is especially true in the North East where travel distances between Regions are typically so much shorter than those in the West, resulting in much lower travel and per diem costs for Clients to bring in an Expert from another Region (e.g., bringing an expert from Greenwich, Connecticut to a deposition in Alexandria, Virginia – two Regions away – can be done in one day. Experts traveling outside their Region from their office in Los Angeles, California will almost always involve overnights stays).

1.4 Average Hourly Rates - Other Factors

We explored the many factors that contribute to the variation in hourly rates and earnings among individual experts including Field of Expertise, Geographical Location, Number & Duration of Engagements, and Expected Earnings on a per engagement basis. Field of Expertise, as in the past, proved to be the most consistent predictor of average hourly rates.

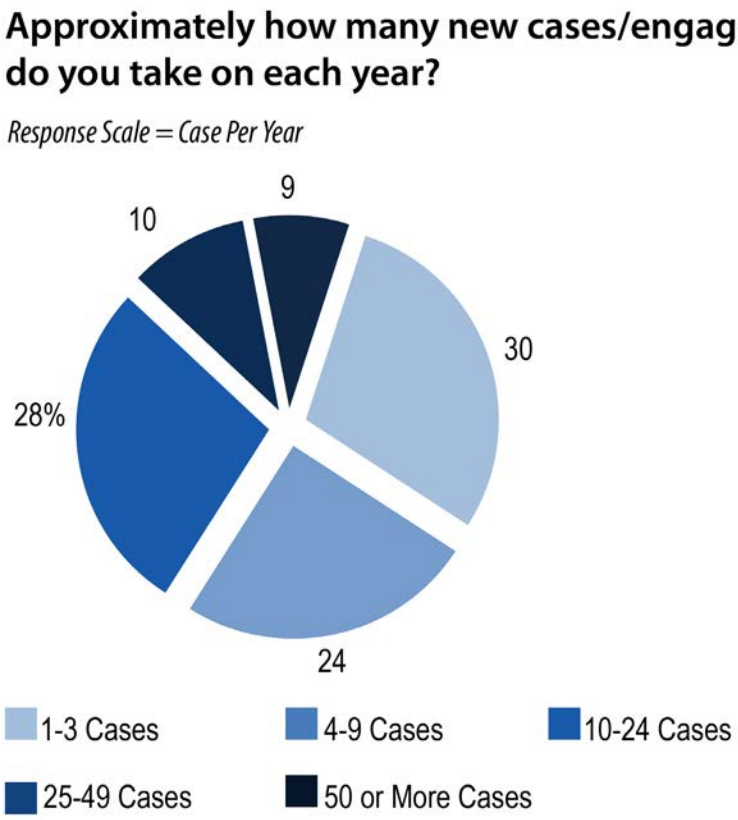
Our examination of other factors contributing to the variation in hourly rates showed no clear predictive patterns; however they provide a much better understanding of the totality of the highly complex expert witness space. Design & Manufacturing experts have relatively lower hourly rates ($413 vs. $525 for Physicians), and average fewer new engagements (7 vs. 16 per year for Physicians). However, Design & Manufacturing experts report that they average a dramatically greater number of hours per engagement (125) than Physicians (20).

The one important caveat being that these are all averages, and most experts – as we discuss at length in this report – do their expert witness work for a wide variety of clients, at substantially different fees.

Section 1. What Experts Charge

1.5 Average Number of New Engagements Per Year

Somewhat more than half of all experts (54%) take on fewer than 10 new engagements each year, while an almost three-in-ten (28%) take on 10 to 24 engagements. Approximately one-in-five (19%) take on more than 25 engagements each year.



Detailed Findings

Section 1. What Experts Charge

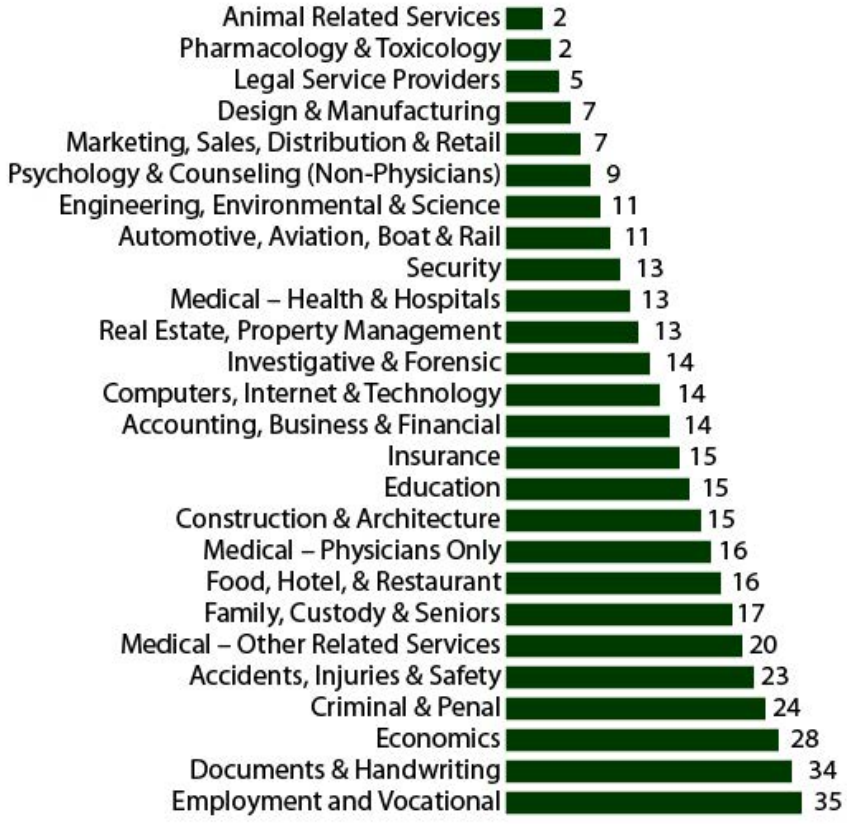
1.5.1 Average Number of New Engagements Per Year by Field

As discussed further in this report (see Section 4.2 on Page 28), the majority of experts do Expert Witness or Litigation Consultant work on less than a full-time basis so the data reflects the relative, not the actual number of new engagements experts in various fields undertake each year. As such, it serves a good indicator of overall economic conditions for expert witnesses.

We compared the results from this 2022 Survey to those of the 2019, '20 and '21 Tracking Surveys to see the difference, if any, caused by the Covid-19 pandemic and found that the average number of new cases in many fields decreased by as much as 20% during 2020-21 and have now fully recovered or exceed 2019 averages.

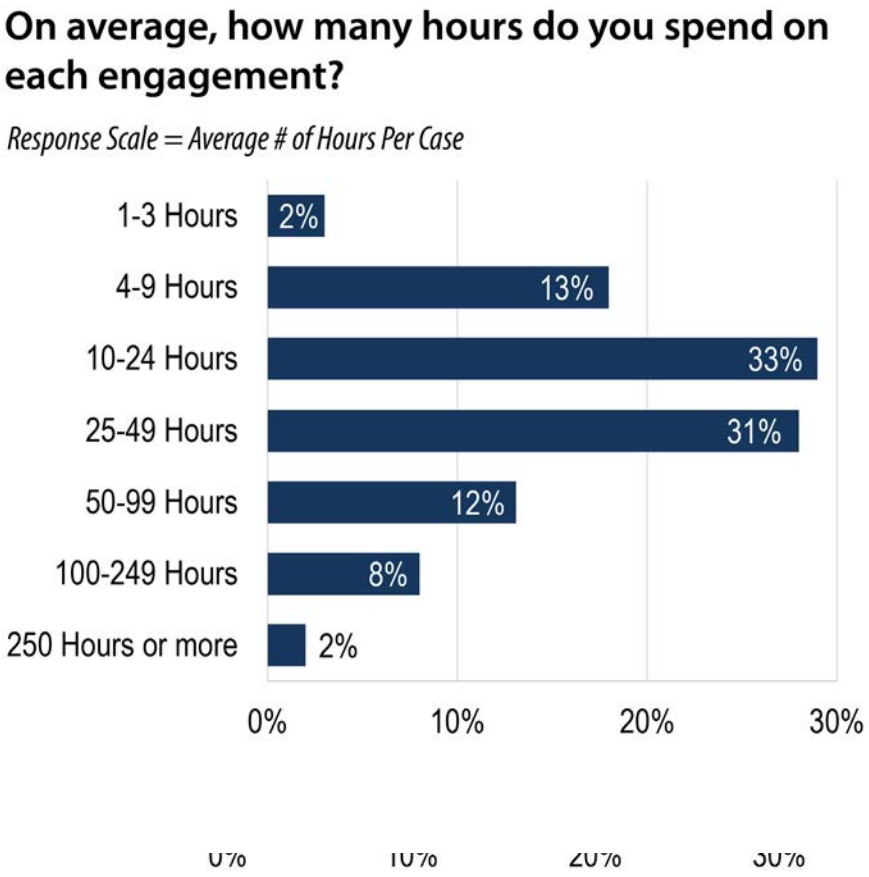
Approximately how many new cases/engagements do you take on each year? / In what field are you an expert?

Response Scale = Average # of Cases Per Year



1.6 Duration of Average Engagement (Hours per Case)

On average almost half (48%) of all experts spend less than 25 hours on each engagement, with an additional third (31%) spending between 25 and 49 hours, and 12% spending between 50 and 99 hours. Few (8%) spend between 100 – 249 hours, and fewer still (2%) spend more than 250 hours on their average engagement.



Detailed Findings

Section 1. What Experts Charge

1.6.1 Duration of Average Engagement (Hours per Case) by Field

According to the verbatim comments of survey respondents, it is clear that the number of hours experts spend on each engagement varies significantly not only by field of expertise as indicated in the chart below, but by the circumstances of the individual case (i.e., stakes involved, demands of attorneys, scope of the report, number and duration of depositions, assistance at trial, etc.)

On average, how many hours do you spend on each engagement? / In what field are you an expert?

Response Scale = Average # of Hours Per Case by Field

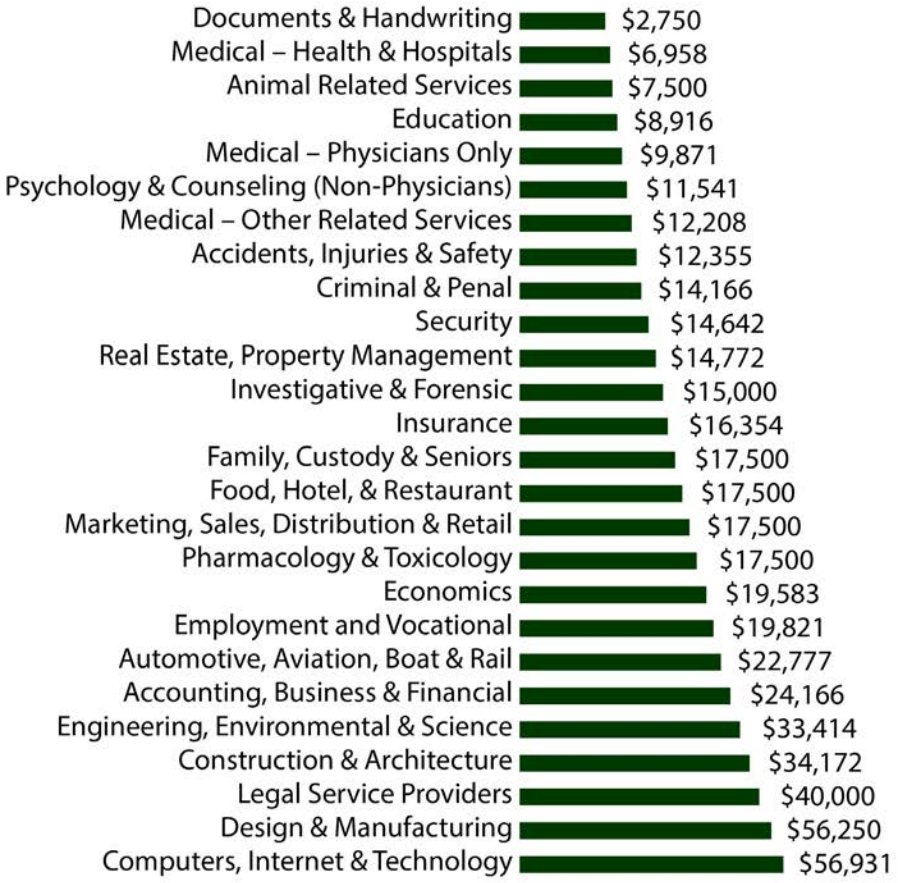


1.7 Average Expected Earnings per Engagement by Field

As can be readily seen here, and in the previous Charts, experts' hourly rates, as well as the number of engagements and the amount of time spent on each engagement, vary widely but are a fairly accurate indication of the nature of the work in an expert's particular field. For example, Document and Handwriting experts, who tend to charge lower average fees and spend less time on each engagement, yield relatively low expected earnings per engagement. However, as can be seen on Page 12, their average number of new cases per year is typically as much as five times higher than that of experts in other fields. Additionally, many Physicians limit their work to Medical Case Reviews typically performed on a per case, flat-fee basis. The data here is based on Physicians who report doing traditional expert work including testifying at deposition and trial.

What is the total compensation you expect to earn on a typical engagement?

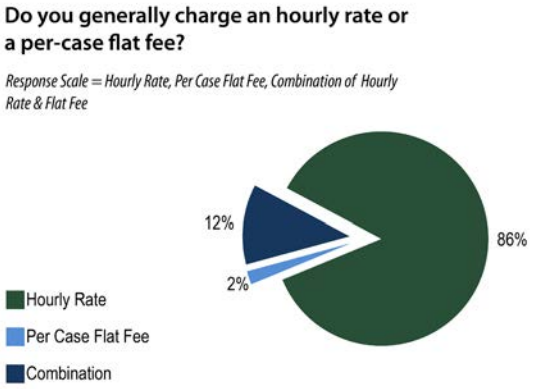
Response Scale = Average $ Per Case by Field



Section 2. How Experts Construct Their Rates

2.1 Nearly All Experts Charge by the Hour

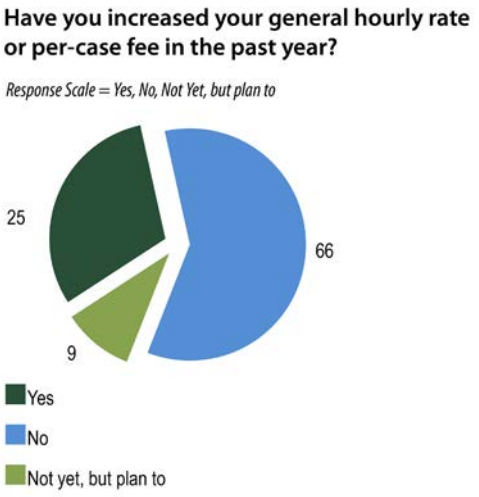
Virtually all experts (98%) charge based on an hourly rate, either exclusively (86%), or by using a combination of a flat fee and an hourly rate (12%). Few experts (2%) – primarily Document Examiners, a field in which a flat fee per document or per case is predominant, and those Physicians who limit their litigation consulting work to conducting initial Medical Case Reviews – exclusively charge based on a per-case flat fee.



Even in those instances where experts normally charge a flat fee, most experts reserve the right to charge an additional hourly fee if the review involves extensive material, lengthy consultation, or requires testimony, preparing affidavits or participation at deposition or trial.

2.1.1 Most Experts Have Not increased Their Rates & Fees this Year, but Many Plan To

Although two thirds (66%) of experts have not increased their rates & fees in the past year, one-in-four (25%) have, and an additional one-in-ten (9%) plan to.



Section 2. How Experts Construct Their Rates

2.2 Major Factors in Determining Experts' Hourly Rates

As reported earlier on Page 9, in our discussion of the impact of "Field of Expertise" in determining experts' hourly rates, there are many other factors that contribute to the variation in average hourly rates among experts in the same field. The three most prominent factors after Field of Expertise are: Experience, Prominence / Celebrity / Insiders, and Nature of their Clients.

2.2.1 Experience

Clearly, on average, "New" experts – those with less than one year of experience – charge lower hourly rates than "Veteran" experts with more than three years of experience, but they catch up very quickly. Other factors including "Nature of Clients" and "Celebrity / Prominence / Insider" discussed on the following pages appear to have far more impact on experts' hourly rates than years of experience as an expert.

What is your general hourly rate by How long have you been doing expert witness or litigation consulting?

Response Scale = 20 years or more, 10-19 years, 6-9 years, 3-5 years, 1-2 years, < 1 year



2.2.2 Nature of Clients

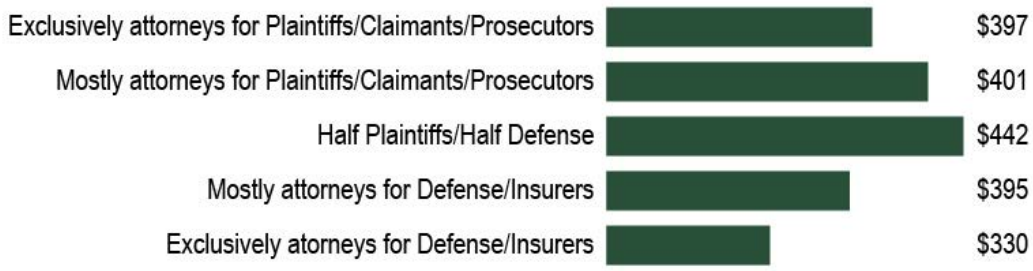
As might be expected, those experts who are sought after and retained equally by Plaintiffs (Civil Plaintiffs, Claimants, Prosecutors) and Defense (Civil or Criminal Defendants, Insurers) earn significantly higher average hourly rates ($442) versus those who work either mostly for Plaintiffs ($401) or Defense ($395). Whatever their unique qualifications may be, the inability of opposing counsel to label them as a "Hired gun" certainly enhances their credibility.

Of those experts working "Exclusively" for either Plaintiffs or Defense, working for Plaintiffs is the most lucrative. On average, experts who work Exclusively for Plaintiffs earn 20% more per hour ($397 vs. $330) than those that work Exclusively for Defendants. In large part, this appears to result from the fact that the defendants' insurance companies are ultimately paying many experts hired by defense counsel in civil actions. Insurers are known to leverage their high volume of recurring work into significant discounts in exchange for an ongoing relationship's explicit or implicit promise.

As with any discussion of experts' fees, there are important caveats here. We generally find that experts who work exclusively, or mostly, for Criminal Prosecutors or Criminal Defendants earn substantially lower rates – some in the $200 – $300 per hour range – due to strict budget constraints on funding for government prosecutors and government-paid public defenders. That does not apply to all defense experts, especially those who testify in Defense of wealthy criminal defendants or major corporations in SEC, IRS, or Whistleblower cases where experts' fees can sometimes exceed $1,000 per hour.

What is your general hourly rate by which attorneys typically retain you as an expert withness/ consultant?

Response Scale = Exclusively For Defense/Insurers, Mostly For Defense/Insurers
Half Plaintiffs/Half Defense, Mostly For Plaintiffs/Claimants/Prosecutors
Exclusively For Plaintiffs/Claimants/Prosecutors



Section 2. How Experts Construct Their Rates

2.2.3 Celebrity / Prominence / Insider

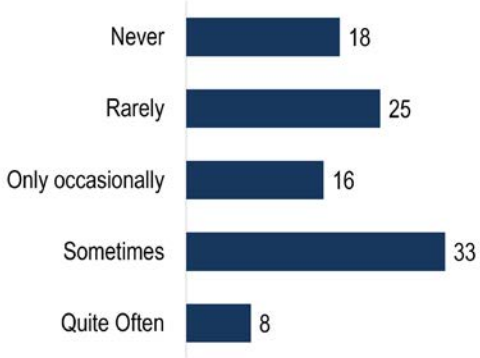
Although difficult to quantify, the impact of Celebrity or Prominence on enabling experts to command higher fees fees can be substantial – often 20% or more – in some observed cases. The question for retaining attorneys, of course, is how to measure the impact on a jury when hearing testimony from the expert who appears regularly on their favorite TV Network or from a Nobel Prize winner?

2.2.4 Other Clients

In addition to their work for attorneys, more than half of experts (57%) reported that they work Sometimes (33%), Quite Often (8%) or Occasionally (16%) for government agencies, courts and other 3rd parties. This work is primarily consultative in nature.

In addition to your work for attorneys do you also take on engagements for government agencies, courts, or third parties?

Response Scale = Never, Rarely, Only occasionally, Sometimes, Quite Often

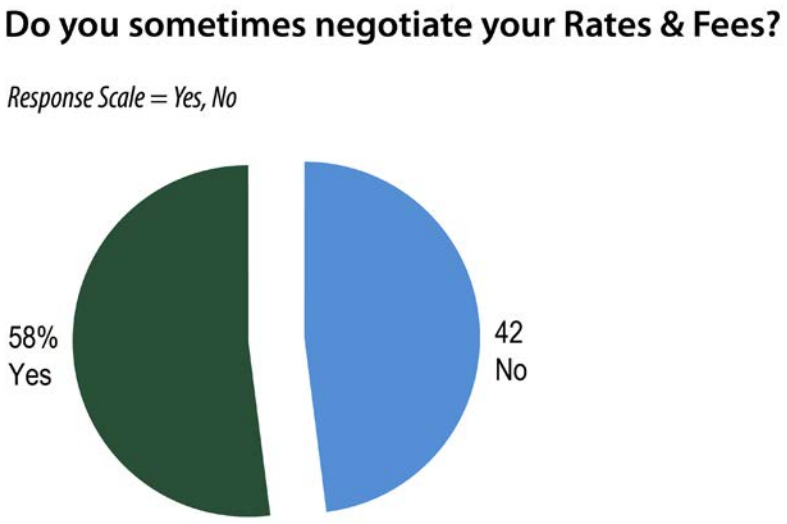


Section 3. Experts Business Practices

3.1 Many experts sometimes negotiate their Rates & Fees

Almost six-in-ten (58%) experts said that they sometimes negotiated their Rates & Fees, while 42% said that their Rates & Fees were non-negotiable except for Current or Former Clients or Government Agencies. This is a meaningful increase from pre-pandemic levels where 6% fewer (52% vs 58%) of experts said they were willing to negotiate their Rates & Fees.

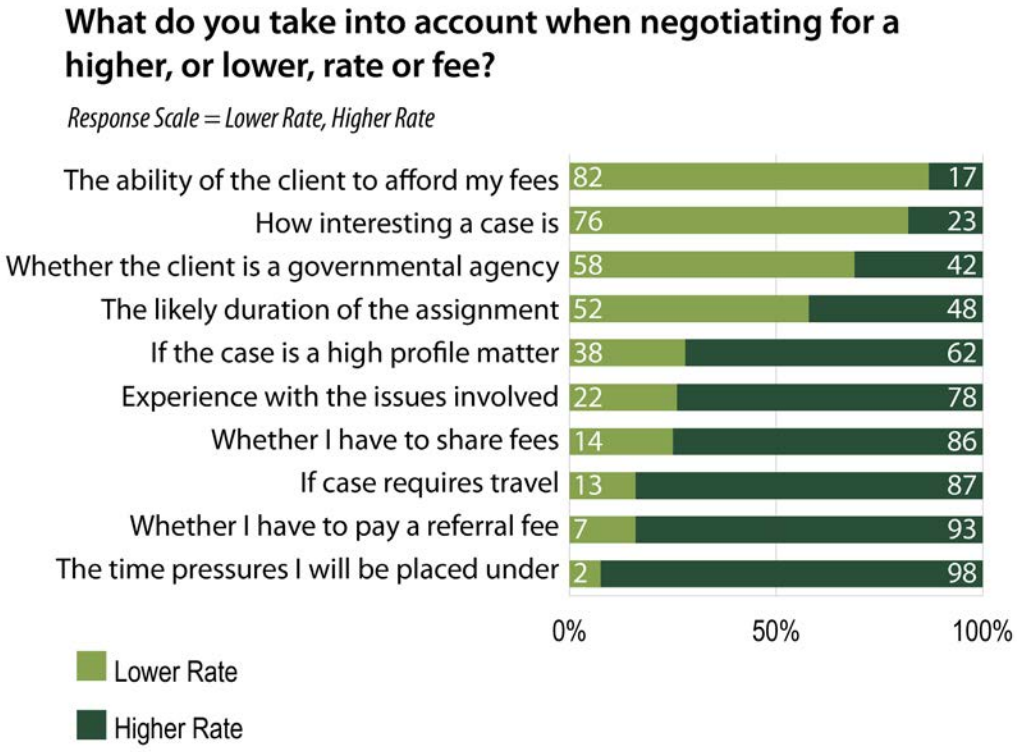
This willingness to negotiate is no doubt due to the impact of the Covid-19 pandemic where courts in many parts of the country were closed for significant periods of time, resulting in much slower movement of cases prior to trial and far fewer trials.



3.1.1 The Reasons Experts Negotiate for Higher or Lower Rates are Varied

We asked the almost six-in-ten (58%) respondents who answered Yes to "Do you sometimes negotiate your Rates & Fees" to tell us what they take into account when negotiating for a higher or lower rate or fee. As expected, the number one reason for negotiating for a lower rate was "The ability of the client to afford my fees" with 82% saying lower and only 17% saying higher. Somewhat unexpectedly, the number two reason, at 76% saying lower, was "How interesting a case is." Clearly experts are willing to charge lower rates for cases they enjoy working on, and equally clear is the fact that they do not want to be put under a great deal of pressure, with almost all (98%) saying that they demand a higher fee based on "The time pressure I will be placed under."

Interestingly, two closely related questions – "Whether I have to pay a referral fee" and "Whether I have to share fees" – asked to determine if raising or lowering fees was equally considered, brought essentially the same number (93% & 86% respectively), saying that they almost always demand a higher rate when they must pay a referral or share a fee.

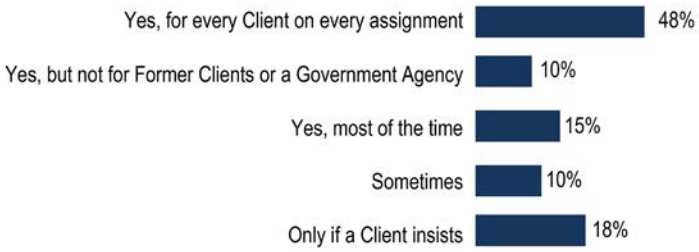


3.2 Majority Use Formal, Signed *Written Fee Agreements* (WFA), Most of the Time

Almost three-out-of-four (73%) experts responding now use formal, signed Retainer Agreements all of the time (48%), most of the time (15%), or except for Former Clients or Government Agencies (10%).

Do you always insist on a formal, signed, Retainer Agreement?

Response Scale = Yes,for every client on every assignment, Yes,most of the time, Yes,but not for Former Clients or Government Agency, Sometimes, Only if a client insists

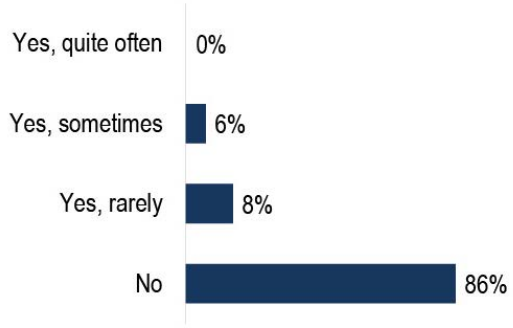


3.2.1 Clients Generally Agree to Sign Retainer Agreements (WFA)

100% of experts say that they have "never" (86%), "rarely" (8%) or "sometimes" (6%) had a client – other than a Government Agency – refuse to sign a formal, written, Retainer Agreement. None (0%) said that their clients refused "quite often."

Have you had instances where a Client (other than a Government Agency) has refused to sign a Retainer Agreement?

Response Scale = Yes,quite often, Yes,Sometimes, Yes,rarely, No



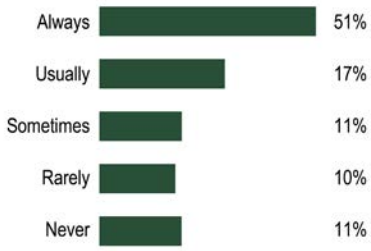
Section 3. Experts Business Practices

3.3 Most Experts Require a Minimum Fee for Engagements, and the % saying "Always" has increased dramatically this past year.

A clear majority (68%) – Always (51%) or Usually (17%) – require a minimum fee for engagements. Approximately one-in-five (21%) – Rarely (10%) or Never (11%) – require a minimum fee. While the % of those saying "Always" has shown a slight trend upward over the past years, the difference this year has been dramatic with more than a 20% increase, no doubt another effect of Covid-19 on experts' practices.

Do you require a minimum fee to take on a new engagement?

Response Scale = Always, Most Often, Sometimes, Rarely, Never



Do you require a minimum fee to take on a new engagement? Percent saying "Always" Year over Year.

Response Scale = % Always Requiring Minimum Fee, Year over Year

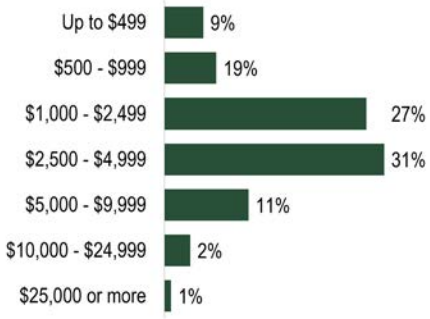
Year	2022	2020	2018	2016	2014
Always	51%	42	41	40	39

3.3.1 What Experts Charge as Their Minimum Fee

Among the previously discussed almost seven-of-ten (68%) experts who do require a minimum fee for engagements, a majority of those (58%) charge between $1,000 and $5,000 ($1,000 – $2,499, (27%), and $2,500 – $4,999, (31%). While 11% charge a minimum fee in the $5,000 – $9,999 range, very few (3%) require a minimum fee of $10,000 or more.

What is your Minimum Fee?

Response Scale = $25,000 or more, $10,000 - $24,999, $5,000 - $9,999 $2,500 - $4,999, $1,000 - $2,499, $500 - $999, Up to $499



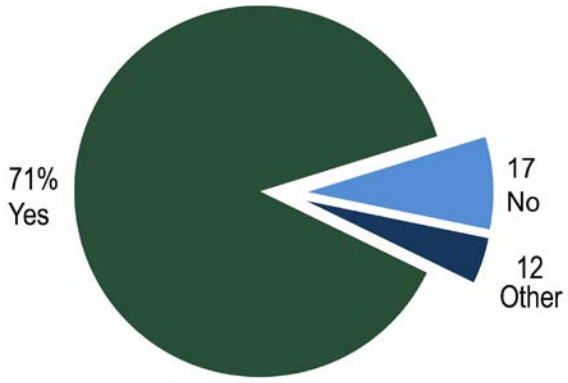
3.3.2 Most Experts Regard the Minimum Fees as a Non-refundable Deposit

Of those requiring minimum fees, seven-out-of-ten (71%) regard the minimum fee as a non-refundable deposit against future hours charged. Some (17%) will refund unused time, while fewer (12%) regard it simply as a Retainer fee with no credit against future hours.

Those experts regarding their minimum fees as non-refundable deposits view this as protection from attorneys who might seek to foreclose them from being retained by an adversary or blocking them from accepting other work.

Is that minimum fee regarded as a deposit to be applied against future hours charged?

Response Scale = Yes, No, Other



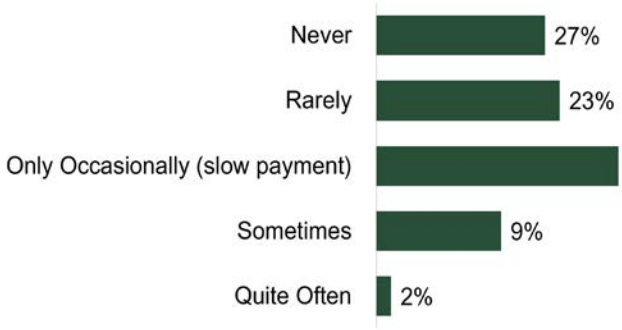
3.4 Collection Issues

Other than the occasional slow pay experienced by many businesses today, most experts (89%) – only occasionally (39%), rarely (23%) or never (27%) – have collection issues. Very few (2%) reported that they experience collection issues quite often.

Anecdotal comments suggest that some experts began insisting on written fee agreements after experiencing significant collection issues, or hearing about collection issues other experts experienced.

In the last 2 years have you had any proble collecting fees?

Response Scale =Quite Often, Sometimes, Only Occasionally, Rarely, Never



3.5 Working with Referral Agencies

In addition to their listings in expert directories, most experts (81%) reported they are currently registered at one or more referral agencies.

While a majority of those experts (74%) working with a referral agency reported that they usually receive the same rates on referral agency-generated engagements as they do when working directly with attorneys, one-in-five (20%) reported that they receive a lower rate when working with referral agencies. A very small group (6%) reported receiving higher rates when working with referral agencies.

Anecdotal evidence and previous Attorney / Expert relationship studies posited that many, if not most, attorneys believed that working with referral agencies did not cost more as experts reduced their fees to allow for agency mark-ups. With more than three-quarters of experts (80%) saying that they receive the same (74%) or higher (6%) rates on referral agency engagements, that is clearly not the case.

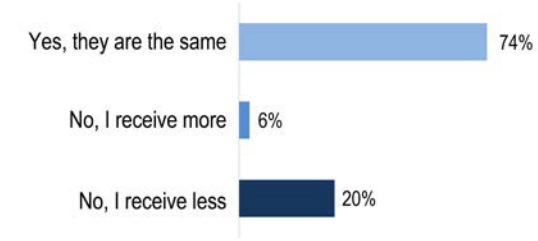
Are you currently working through referral agencies?

Response Scale = Yes, No



When working through referral agencies, are the rates you receive the same as what you receive when working with attorneys directly?

Response Scale = Yes,they are the same, No,I receive less, No,I receive more



3.6 Practice Development Activities

No doubt a result of Covid-19, we saw Increased utilization of virtual meeting technologies (62%) replacing the perennial leader becoming Listed in Online Directories (57%) as the most likely to be engaged in practice development activity. Participation in Referral Services (49%) and One-on-One Networking (38%) were both very popular. Online activities including Starting or Upgrading a website (32%), Social Networking on LinkedIn, Twitter, etc., (16%), and Publishing Articles (24%) are increasing each year.

Other online activities, such as Blogging (8%), continued to grow in popularity. Video creation (7%), one of the newer online practice development activities, is slowly gaining more traction.



3.7 Most Experts do Some Travel

Nearly three-quarters of all Experts (73%) do some travel away from their primary workplace, the notable exception being those Physicians who limit their work to Medical Case Reviews. This is significanly lower than previous years where some 80% to 90% experts did some travel. This dramatic reduction is no doubt a result of the impact of Covid-19 and overall increased use of video technology.

Does your work as an expert witness involve travel away from your primary workplace?

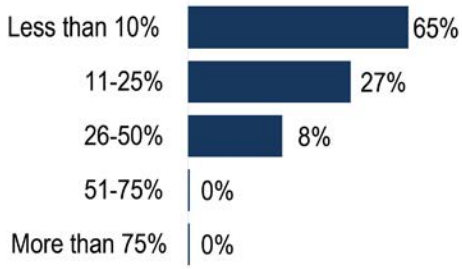
Response Scale = Yes, No



While most experts do some travel, the overwhelming majority (92%) are away from their primary workplace less than 10% of the time (65%) or between 11 – 25% (27%).

Approximately what percentage of your time as an expert is spent away from your primary workplace?

Response Scale = Less than 10%, 11-25%, 25-50%, 51-75% More than 75%



Detailed Findings

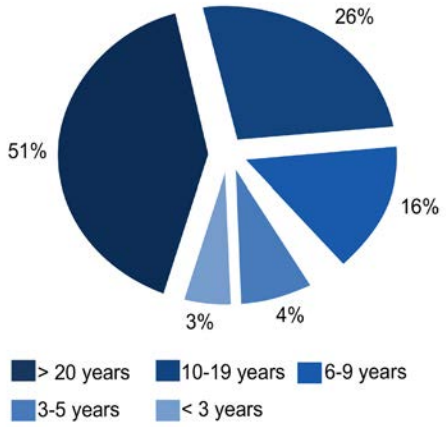
Section 4. Demographics

4.1 Years of Experience as an Expert Witness

Three-out-of-four respondents (77%) have been engaged in Expert Witness or Litigation Consultant work for more than ten years, with (26%) reporting 10-19 years and (51%) reporting 20 years or more. Few (3%) have less than three years of experience serving as an Expert Witness or Litigation Consultant.

How long have you been doing expert witness or litigation consulting work?

Response Scale = > 20 years, 10-19 years, 6-9 years, 3-5 years, < 3 years

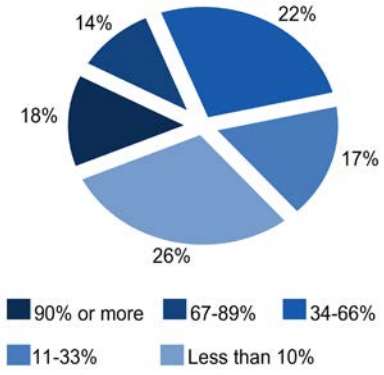


4.2 Percent of Time Spent as an Expert

Only one-in-three experts (32%) spend more than a third of their professional time as an Expert Witness or Litigation Consultant with 14% spending 67-89% and 18% spending 90% or more. This data clearly supports the oft-quoted claim that experts generally do this work on a part-time basis.

Approximately what percentage of your professional time is spent as an Expert Witness and / Litigation Consultant?

Response Scale = 90% or more, 67-89%, 34-66%, 11-33%, Less than 10%

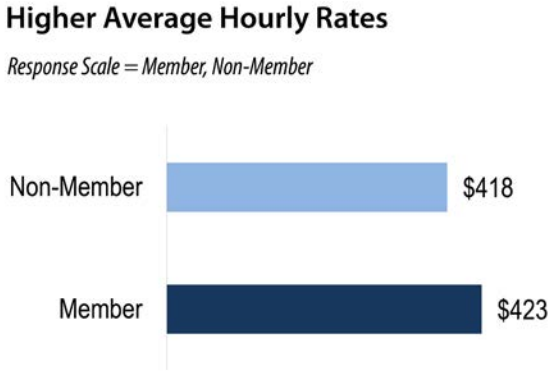


4.5 ExpertPages Members vs. Non-Members

This year, as in every year for the past twelve years, ExpertPages Members have reported higher average hourly rates and more yearly engagements than non-members.

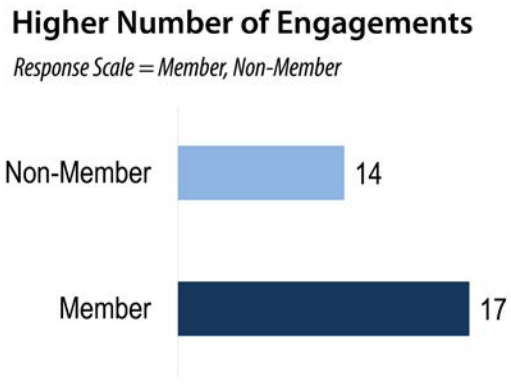
4.5.1 Higher Average Hourly Rates

In the past year, the average hourly rate of ExpertPages Members ($423) was $5 higher than the average hourly rate of non-members ($418).



4.5.2 Higher Number of Engagements Per Year

ExpertPages Members also averaged a 21% higher number of engagements (17 vs. 14) when compared to non-members.



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