

LexisNexis® Expert Witness Checklist

Experts play a critical role in today's litigation, so you need to be prepared with more information about each expert—whether it is one you are thinking of retaining or one identified by the opposing side.

Fortunately for you, LexisNexis® has more information about experts than any other online provider¹—more news, more public records, more transcripts and even more verdict and settlement information. To assist you in using these resources, we've created this checklist.

On the back page, get details on special LexisNexis expert witness resources—such as report products that search many sources simultaneously and compile the results, as well as a *new service* from LexisNexis, made available through the acquisition of IDEX®, that gives litigators additional research support.



LexisNexis® Expert Witness Checklist

Source:	What Litigators Need to Know:	At LexisNexis® Total Litigator Go To:	At <i>lexis.com</i> ® Go To:
<input type="radio"/> Federal & State Opinions (and non-U.S. e.g., Canadian)	Case opinions can be useful for finding challenges to an expert's testimony—whether successful or not. (And don't forget to research Canadian opinions).	Gather Intelligence tab > Investigate an Expert > Individual Sources > Case-Related Information > <i>Then select a source</i>	Legal tab > Cases - U.S. > Federal & State Cases, Combined
<input type="radio"/> Daubert Tracker—Case Reports	Daubert Tracker Case Reports summarize opinions in which expert testimony has been challenged. NOTE! Editors correct misspellings of experts' names that sometimes occurs in opinions and also track down the names of experts who are not named in opinions. <i>Plus, some reports cover state trial court opinions not online otherwise.</i>	Gather Intelligence tab > Investigate an Expert > Individual Sources > Case-Related Information > Daubert Case Tracker Reports	Legal tab > Expert Witness Analysis, Jury Verdicts and Settlements > Daubert Tracker—Case Reports
<input type="radio"/> Verdict Reports NEW! The combination of the various LexisNexis verdict sources, with the addition of Expert Witness Verdicts and Settlements (IDEX), gives you access to more than one million revealing documents , including details on settled cases retrieved directly from law firms nationwide.	Verdict reports usually indicate which experts have worked on particular lawsuits, so use them to evaluate potential biases (e.g., Does he/she repeatedly testify for the same attorney/firm or the same side?). Moreover, because these reports usually include the case name, case number, jurisdiction and the attorneys involved, you can use them to find additional information about experts (e.g., reports, transcripts, etc.). NOTE! Search verdicts nationwide via a group source because experts often testify outside their resident state.	Gather Intelligence tab > Investigate an Expert > Individual Sources > Case-Related Information > <i>Then select a source</i>	Legal tab > Expert Witness Analysis, Jury Verdicts and Settlements > <i>Then select a source</i>

More About LexisNexis Total Litigator: LexisNexis Total Litigator (available via *lexis.com* or at www.totalitigator.com) is a task-based research platform, i.e., it suggests appropriate resources based on the task the researcher chooses. In addition to individual sources, you can select the *Multiple Sources* options after choosing *Investigate an Expert* at the *Gather Intelligence* tab. The Multiple Sources options are designed to be complimentary not duplicative and to give you access to the vast collection of expert witness resources LexisNexis offers (when you select all available check boxes).

1. Comparisons based on data available as of March 31, 2009.

Source:	What Litigators Need to Know:	At LexisNexis® Total Litigator Go To:	At <i>lexis.com</i> ® Go To:
<p>● Statements (including Transcripts, Affidavits and Reports)</p> <p>NEW! The latest addition of transcripts and depositions from IDEX gives you 80,000+ full-text depositions and trial transcripts</p>	<p>Transcripts of prior testimony given by experts can be used to understand their “attitude,” evasiveness, and, of course, prior statements that may contradict testimony they are likely to give in a deposition or at trial. Affidavits, declarations and reports can also be used to find contradictory statements.</p>	<p>Gather Intelligence tab > Investigate an Expert > Individual Sources > Case-Related Information > Expert Witness Transcripts and Depositions (Including IDEX) or Expert Witness Affidavits and Reports</p>	<p>Legal tab > Expert Witness Analysis, Jury Verdicts and Settlements > Expert Witness Transcripts and Depositions (Including IDEX)</p>
<p>● Curricula Vitae and Résumés</p> <p>NEW! With the addition of IDEX information, <i>lexis.com</i> now gives you access to more than 13,000 CVs and résumés.</p>	<p>How is an expert presenting himself? How does he describe his strengths and specialties?</p>	<p>Gather Intelligence tab > Investigate an Expert > Individual Sources > Case-Related Information > Expert Witness Curricula Vitae and Resumes (IDEX)</p>	<p>Legal tab > Expert Witness Analysis, Jury Verdicts and Settlements > Expert Witness Curricula Vitae and Resumes (IDEX)</p>
<p>● Briefs & Motions</p>	<p>The <i>lexis.com</i> collection of briefs and motions (e.g., “All Federal and State Briefs and Motions, Combined”) can uncover motions to exclude, bar, limit, strike, etc., the testimony of certain experts.</p>	<p>Gather Intelligence tab > Investigate an Expert > Individual Sources > Case-Related Information > All Federal & State Briefs and Motions, Combined</p>	<p>Legal tab > Court Records, Briefs and Filings > Then select a source</p>
<p>● Expert Directories</p>	<p>Check out how an expert has related her credentials via a marketing tool, such as an expert directory (e.g., <i>Martindale-Hubbell® Experts & Services Directory</i> or <i>JurisPro</i>). By comparing various versions of biographical information, you may be able to determine if an expert has “fudged” credentials somewhere along the line.</p>	<p>Gather Intelligence tab > Find an Expert > Investigate an Expert > Individual Sources > Biographical Information > Combined Expert Directories</p>	<p>Legal tab > Expert Witness Analysis, Jury Verdicts and Settlements > Expert Witness Analysis Combined Expert Directories</p> <p>(For free access to the <i>Experts & Services Directory</i> from Martindale-Hubbell, go to <i>experts.martindale.com</i>)</p>
<p>● Judgments & Liens</p>	<p>Because experts are like everyone else—they sue people and they get sued—it can be important to search for judgments and liens to better understand those lawsuits.</p>	<p>Gather Intelligence tab > Investigate an Expert > Individual Sources > Public Records (Courts & Filings) > Judgments & Liens</p>	<p>Public Records tab > Judgments & Liens</p>
<p>● Dockets and Docket Summaries</p>	<p>Docket Summaries indicate which lawsuits name an expert as a part. And dockets can be used to find reference to documents related to an expert’s work such as motions to exclude, affidavits, etc.</p>	<p>Enter your search in the Search Dockets & Document box on the main Total Litigator menu</p> <p>To search docket summaries, go to the Gather Intelligence tab > Investigate and Expert > Individual Sources > Public Records (Courts and Filings) > <i>Then select a source</i></p>	<p>Public Records tab > Public Records > Find Filings > Civil & Criminal Court Filings and Regulatory Actions > <i>Then select a source</i></p>
<p>● Arbitration Awards, Decisions & Opinions</p>	<p>Some of these awards, decisions and opinions mention experts’ names.</p>	<p>Gather Intelligence tab > Investigate an Expert > Individual Sources > Arbitration-Related Info > <i>Then select a source</i></p>	<p>Legal tab > Area of Law - By Topic > Labor & Employment > Find Arbitration Materials > <i>Then select a source</i></p>
<p>● Agency Decisions (Federal & State)</p>	<p>Because many experts work for agencies or testify before them, it may be fruitful to search agency decisions and then follow up to get transcripts of testimony, filed reports, etc.</p>	<p>Gather Intelligence tab > Investigate an Expert > Individual Sources > Agency Information > <i>Then select a source</i></p>	<p>Legal tab > Federal Legal - U.S. > Find Statutes, Regulations, Administrative Materials & Court Rules > Administrative Agency Materials > Federal Agency Decisions, Combined</p> <p>Legal tab > States Legal – U.S. > Combined States > Find Administrative Materials & Regulations > Agency Decisions > State Administrative Agency Decisions</p>

Source:	What Litigators Need to Know:	At LexisNexis® Total Litigator Go To:	At <i>lexis.com</i> ® Go To:
<p>● News</p>	<p>What an expert has said or done may come back to haunt him or her in the future. It's absolutely critical to search expansive collections of news to uncover comments made to the press, articles written, letters to the editor authored, even blog posts, etc.</p>	<p>Gather Intelligence tab > Investigate an Expert > Individual Sources > News > <i>Then select a source</i></p>	<p>To search the various News & Business sources available via <i>lexis.com</i>, select the News & Business tab</p>
<p>● Professional Licensing Information & Sanctions</p> <p>NEW! State license discipline searches can be conducted for you through LexisNexis® Full-Service Expert Witness Search powered by IDEX®. (See page 4 for more details.)</p>	<p>Just because an expert states he/she is licensed in a profession within a particular state does not necessarily mean it's true. So double-check such claims by searching professional licenses online. (And don't forget sanction and disciplinary information.)</p>	<p>Gather Intelligence tab > Investigate an Expert > Individual Sources > Public Records (Licenses) > <i>Then select a source</i></p> <p>Gather Intelligence tab > Investigate an Expert > Individual Sources > Biographical Information > New York Physician Disciplinary Decisions</p>	<p>Public Records tab > Professional Licenses</p>
<p>● Criminal History Records</p>	<p>Some experts have criminal backgrounds. They likely won't tell you, so you have to find major convictions yourself, especially ones concerning honesty.</p>	<p>Gather Intelligence tab > Investigate an Expert > Individual Sources > Public Records (Courts and Filings) tab > Criminal Records</p>	<p>Public Records tab > Criminal Records</p>
<p>● Law Review Articles</p>	<p>Though seemingly an unlikely source of information about experts, law review articles often mention experts, their publications or their testimony (and challenges to it).</p>	<p>Gather Intelligence tab > Investigate an Expert > Individual Sources > Miscellaneous Sources > Law Reviews All</p>	<p>Legal tab > Law Reviews & Journals > <i>Then select the source you need</i></p>
<p>● Congressional Information</p>	<p>Prominent experts submit documents (e.g., letters, reports, etc.) to Congress and some actually testify before Congressional Committees. Track down what an expert actually submitted and/or said.</p>	<p>Gather Intelligence tab > Investigate an Expert > Individual Sources > News > Congressional Record</p>	<p>Legal > Legislation & Politics - U.S. & U.K. > U.S. Congress > <i>Then select a source</i></p>
<p>● Technical Journal Articles</p> <p>NEW! Article searches—<i>Searches for Articles Naming an Expert and Searches for Articles Written by an Expert</i>—can be conducted for you through LexisNexis Full-Service Expert Witness Search powered by IDEX. (See page 4 for more details.)</p>	<p>NOTE! Do not rely on article/publication listings given to you by experts. Find publications yourself, e.g., through Elsevier Full-Text Journals and Medline® References. Then compare them to the list submitted by the expert. You may find an omission or inaccuracy.</p>	<p>Gather Intelligence tab > Investigate an Expert > Individual Sources > Miscellaneous Sources > Elsevier Full-Text Journals, All or Medline® References</p>	<p>News & Business > Science & Technology > Elsevier Full-Text Journals, All</p> <p>News & Business > Science & Technology > Medical & Health Care > Medline Review Article References, All</p>
<p>● Patent Applications</p>	<p>Some experts are also patent holders, so valuable information may be gleaned from patent applications filed by those experts.</p>	<p>Gather Intelligence tab > Investigate an Expert > Individual Sources > Miscellaneous Sources > Utility, Design and Plant Patents</p>	<p>Legal tab > Patent Law > Find Patents</p>

Specialized LexisNexis Expert Witness Searches and Report Products

LexisNexis® Expert Analyzer (report product):

LexisNexis Expert Analyzer simultaneously searches 28 expert-related sources from *lexis.com*, including case opinions, Daubert Tracker—Case Reports, verdict reports, agency decisions, expert directories, news and more. Importantly *LexisNexis Analyzer tests the search and shows you how many results potentially exist in each available source—before you incur any cost.*

LexisNexis Expert Analyzer is available at *lexis.com* on the main menu of the Legal tab. Select *Analyzer Litigation Reports: Company, Judge, Arbitrator, Expert, Counsel* and then select the Expert tab. If you are using Total Litigator, select Investigate An Expert under the Gather Intelligence tab then choose Expert Analyzer.

CourtLink® Single Search:

CourtLink Single Search simultaneously searches the CourtLink collection of 85+ million **federal and state dockets** plus more than three million court-filed documents—and the collection is growing rapidly. Use Single Search to uncover a wide variety of critical dockets and document information useful for investigating experts, such as affidavits, declarations, transcripts of testimony, motions to exclude and more.

Find the CourtLink Single Search box on the main LexisNexis Total Litigator screen or enter your CourtLink subscription throughout *lexis.com*.

Comprehensive Person Report, powered by SmartLinx® (report product):

The Public Records Comprehensive Person Report combs through **billions of public records** in a single search. The SmartLinx® data-matching technology can not only relate diverse records to a single person or entity but also retrieve public records you might miss elsewhere due to misspellings and name variations. Because the original documents are linked to the proper entity, you can quickly access them to learn even more. Such a report is invaluable for researching experts because it can be used to better understand their relationships (especially potential conflicts of interest), financial status and more.

Find the Comprehensive Person Report at the top of the *lexis.com* Public Records Tab. It's also available at LexisNexis Total Litigator on the Expert menu under the Gather Intelligence tab, Investigate an Expert.

No time for research? Leave the Searching to Us: LexisNexis® Full-Service Expert Witness Search powered by IDEX®:

As part of the recent LexisNexis acquisition of IDEX®, the preeminent source for expert witness information, LexisNexis is now able to offer a service to help overworked litigators. And it's surprisingly affordable.

Just call **800-521-5596**. Or go to www.lexisnexis.com/idx (select Join IDEX and complete the quick, one-time registration form). You can also link to the site when you select Expert Witness Analysis, Jury Verdicts and Settlements at the *lexis.com* Legal tab.

You select from available IDEX data searches, including testimonial history reports, state license discipline searches, challenge searches and more. (Researchers can even help attempt to identify an expert in jurisdictions of limited discovery.) IDEX research specialists complete the research and fax or e-mail a report to you.

Consider LexisNexis Full-Service Expert Witness Search powered by IDEX when you are:

- Short on research time (and/or support staff).
- Not familiar with expert witness research. (You can get some assistance).
- Looking for a summarized results report. (And if you need a testimony transcript procured, IDEX can try to retrieve it for you.)
- Trying to identify an expert, e.g., the opposing expert, when you don't have a name.
- Looking for expert witness information not available through *lexis.com*, e.g., state discipline board data.
- Researching a common expert name, like John Smith. IDEX assigns each expert a unique identifier so they can connect that expert's available information—and weed out irrelevant facts.