

## 2014 Expert Witness Fees & Practices Survey

### Top-Line Data Report

#### Overview

This Top-Line Data Report provides the media with a brief look inside the fascinating, and rarely understood, world of expert witnesses and litigation consultants.

It provides answers to the tens of thousands of lawyers, experts, insurance professionals and others who come to ExpertPages.com each month to seek and learn about expert witnesses. Among their most frequent questions is: "How much do Expert Witnesses charge?" For the media, extracts from this report may be quoted with attribution and citation to: <http://ExpertPages.com>.

Since its founding as the first online directory of experts in 1995, ExpertPages has been committed to providing its Members with a comprehensive, research-based resource dedicated to assisting them in starting, running, and managing their professional expert witness and/or litigation consulting practices. ExpertPages.com has also served the legal, governmental and insurance communities as the premier resource to find highly qualified and credentialed experts online.

As the data clearly shows, serving as an expert witness or consultant in litigation is NOT an everyday, full-time activity for most experts. Nor is retaining an expert typically a regular activity of lawyers. Thus, keeping abreast of all the latest trends that are shaping expert witness fees and practices can be daunting. The ExpertPages biennial surveys comprehensive report – provided at no cost to each of our Members – provides them with invaluable insights into the activities of their peers.

#### Methodology

Advice Company's ExpertPages unit retained DeBow Communications Ltd., New York, NY ([www.debow.com](http://www.debow.com)) an independent market research firm, to conduct an online survey of professionals identified as expert witnesses or litigation consultants. Nearly 600 responses from experts in numerous fields throughout North America contributed to the survey. Of the total, approximately half were current ExpertPages accredited Members and half were not. The detailed survey covered numerous facets of each professional's involvement in expert witness or consulting work. The Survey was conducted from 4/14/14 through 5/21/14. The margin of error is +/- 4.1 percentage points overall, although margins of error are higher in sub-groups.

## Advice Company

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## A Portrait of a “Typical” Expert Witness

Although defining a “typical” expert witness is about as easy as defining a “typical” snowflake, a closer inspection revealed some defining observations.

### Experience -

Median Years of Experience as Expert Witness / Litigation Consultant falls in the 10-19 year range. More experts answered that they had > 20 years than any other range.

< 3 years	7%	10 – 19 years	29%
3 - 5 years	9%	> 20 years	43%
6 – 9 years	12%		

Most Experts spend only a portion of their time doing expert witness / litigation consultant work.

### % Time Doing Expert Witness Litigation Consultant Work

Median falls in the 34-66% range. Largest number of answers fall in the <10% and >90% ranges.

<10%	24% (136)	67-89%	15% (78)
11-33%	21% (118)	> 90%	24% (138)
34-66%	18% (103)		

57% on average, spend less than 50 hours on each engagement.

Less than 10 hours	14%	50-99 hours	16%
10-24 hours	32%	100-249 hours	9%
25-49 hours	25%	250 hours, or more	4%

## A Portrait of a “Typical” Expert Witness ... contd.

Nearly all experts are paid, at least in part, on an hourly basis for their expert work.

### Compensation

98% charge on an Hourly Fee or combination of Hourly Fee and Flat Rate basis.

### Hourly Fees

Average overall hourly fee is \$326 (using an average of the ranges)

<\$200	16%	\$400 - \$499	14%
\$200 - \$299	34%	\$500 - 599	8%
\$300 - \$399	25%	>\$600	3%

The Highest Average Hourly Fees are Charged by Physicians, followed by Economists and Computers / Technology.

### Average Hourly Fees by Field

Physicians	\$470	Health & Hospitals	\$408
Economics	\$430	Business	\$391
Computers / Technology	\$411	Insurance	\$367

The Highest Average Total Compensation per Engagement is in the High Tech Computer / Internet Technology field.

### Average Compensation per Engagement (Top Fields)

Computers, Internet, and Technology	\$66,326
Economics	\$34,821
Accounting, Business, and Financial	\$33,020

## Key Findings

- Seven out of ten respondents (72%) have been doing expert witness or litigation consulting work for more than ten years, while only 6% have less than three years' experience.
- Over half of survey respondents (53%) take on less than ten cases each year, while only one in ten takes on fifty, or more.
- Interestingly almost one in four (24%) experts spend 10% or less of their professional time doing expert witnesses / litigation consulting work, making them classically "occasional" experts, while an equal percentage (10%) spend almost all their time as full time experts.
- Over all, more than half (57%), average between ten and forty-nine hours on each engagement . Of interest are the 13% who spend 100 hours or more (9%) and the almost one in twenty (4%) who average 250 hours or more.
- Almost two out of three (64%) use written fee agreements substantially all (90%, or more) of the time, while 14% "Only use written fee agreements when other party insists."
- A clear majority of experts (59%) require a minimum fee to take on a new engagement. Relatively few (17%) never do so, although one in four (26%) do not on a regular basis.
- A majority's (63%) minimum fee falls within the \$1,000 - \$5,000 dollar range. Approximately one in five (22%) experts charge a minimum fees of less than \$1,000 - \$5,000 dollars, and very few (3%) have a minimum fee of \$10,000 dollars, or more.
- Virtually all (98%) experts charge a an hourly rate (87%), or a combination of a flat fee and hourly rate (11%). Few (2%) exclusively charge a per-case flat fee.
- Half (50%) of respondents reported a general rate of less than \$300 per hour. One in four (25%) said their general hourly rate was between three and four hundred dollars. An additional one in four (25%) charged in excess of \$400 per hour including very few (3%) charging \$600 per hour. Utilizing an average of the ranges our estimated average hourly fee overall is \$362.
- More than four in ten experts (42%) earn more than \$10,000 per each expert engagement, Sixteen percent of that group, (7% of overall experts), expect to earn more than fifty thousand dollars on a typical case. Only one in three experts (33%) typically earns less than \$5,000 per typical assignment.

## Narrative Summary

### 1. *How long have you been doing expert witness or litigation consulting work?*

<1 year	2%		
1 - 2 years	2%	<b>Two Years or Less</b>	<b>7%</b>
3 - 5 years	10%		
6 - 9 years	12%	<b>Ten Years or More</b>	<b>72%</b>
10 - 19 years	30%		
20 years or more	42%		

Seven out of ten respondents (72%) have been doing expert witness or litigation consulting work for more than ten years, while 7% have less than 3 years' experience.

### 2. *Approximately how many new cases/engagements do you take on each year?*

1-3 cases	24%		
4-9 cases	29%	<b>Less than Ten Cases</b>	<b>53%</b>
10-24 cases	27%		
25-49 cases	10%	<b>More than Fifty Cases</b>	<b>10%</b>
50+ cases	10%		

More than half of respondents (53%) take on less than ten cases each year, while only one in ten take on fifty, or more.

### 3. *What percentage of your professional activity consists of work as an expert witness and/or a consultant in legal related matters?*

10% or less	24%		
11-33%	20%	<b>10% or Less</b>	<b>24%</b>
34-66%	18%		
67-89%	14%	<b>90% or More</b>	<b>24%</b>
90% or more	24%		

Interestingly almost one in four (24%) spend 10% or less of their professional time as expert witnesses making them classically "occasional" experts, while an equal percentage (10%) spend almost all of their professional time as experts.

### 4. *On average, how many hours do you spend on each engagement?*

Less than 10 hours	14%		
10-24 hours	32%	<b>10 to 49 Hours</b>	<b>57%</b>
25-49 hours	25%		
50-99 hours	16%	<b>100 Hours or More</b>	<b>13%</b>
100-249 hours	9%		
250 hours, or more	4%		

Overall more than half (57%), average between ten and forty-nine hours on each engagement. Of interest are the 13% who spend 100 hours or more (9%) and the almost one in twenty (4%) who average 250 hours or more.

## Narrative Summary ... contd.

### 5. *How often do you use written fee agreements?*

10% of the time, or less	8%	<b>Ninety-percent of the Time</b>	<b>64%</b>
10-33% of the time	5%		
34-66% of the time	4%	<b>Only when other party insists</b>	<b>14%</b>
67-89% of the time	5%		
90% of the time, or more	64%		
Only when other party insists	14%		

Almost two out of three (64%) use written fee agreements ninety-percent of the time, while 14% “Only use written fee agreements when other party insists.”

### 6. *Do you require a minimum fee to take on a new engagement?*

Always	39%	<b>Always, Most Often</b>	<b>59%</b>
Most Often	20%		
Never	17%	<b>Rarely, Never</b>	<b>26%</b>
Rarely	9%		
Sometimes	15%		

A clear majority (59%) require a minimum fee to take on a new engagement. Relatively few (17%) never do so, and around one in four (26%) do not do so on a regular basis.

### 7. *What is your minimum fee?*

Up to \$499	9%	<b>\$1,000 - \$4,999</b>	<b>63%</b>
\$500-\$999	13%		
\$1000-\$2499	35%		
\$2500-\$4999	28%	<b>More than \$10,000</b>	<b>3%</b>
\$5000-\$9999	12%		
\$10,000-\$24,999	2%		
\$25000+	1%		

A majority’s (63%) minimum fee falls within the one thousand to five thousand dollar range. Approximately one in five (22%) charge less than one thousand dollars, and very few (3%) have a minimum fee of ten thousand dollars, or more.

### 8. *Do you generally charge an hourly rate or a per-case flat fee?*

Hourly Rate	87%	<b>Hourly Rate or Combination</b>	<b>98%</b>
Per-Case Flat Fee	2%		
Combination of flat fee and Hourly rate	11%	<b>Per-Case Flat Fee</b>	<b>2%</b>

Virtually all (98%) experts charge an hourly rate (87%), or a combination of a flat fee and hourly rate (11%). Few (2%) exclusively charge a per-case flat fee.

## Narrative Summary ... contd.

### 9. What is your general hourly rate?

< \$200	16%		
\$200 - \$299	34%	<i>Less than \$300 per hour</i>	<b>50%</b>
\$300 - \$399	25%		
\$400 - \$499	14%	<i>More than \$400 per hour</i>	<b>25%</b>
\$500 - \$599	8%		
>\$600	3%		

Half (50%) of respondents reported a general rate of less than \$300 per hour. One in four (25%) said their general hourly rate was between three and four hundred dollars. An additional one in four (25%) charged in excess of \$400 per hour including very few (3%) charging \$600 per hour. Utilizing an average of the ranges our estimated average hourly fee overall is \$362.

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

< 2,499	13%		
\$2,500 - \$4,999	20%	<i>Less than \$5,000</i>	<b>33%</b>
\$5,000 - \$9,999	25%		
\$10,000 - \$24,999	27%	<i>More than \$10,000</i>	<b>42%</b>
\$25,000 - 49,999	8%		
>\$50,000	7%		

Only one in three (33%) experts expect to earn less than five thousand dollars on a typical engagement, while more than four in ten (42%) report earning more than ten thousand dollars. Sixteen percent of that group (7% of overall experts) expect to earn more than fifty thousand dollars on their typical case.