

Resource Guide: Experts: Getting Your Money's Worth

William S. Boyd School of Law, University of Nevada, Las Vegas

May 15, 2009

Background Materials

Samuel R. Gross and Jennifer L. Mnookin, "Expert Information and Expert Evidence: A Preliminary Taxonomy," 34 SETON HALL LAW REVIEW 139 (2003), available at <http://ssrn.com/abstract=477202>.

Bernalyn D. McGaughey, "The Role and Responsibility of an Expert Witness," 3 DRAKE JOURNAL OF AGRICULTURAL LAW 227 (1998).

Faust F. Rossi, *Expert Witnesses* (American Bar Association, 1991).

Edward J. Imwinkelried, "The 'Bases' of Expert Testimony: The Syllogistic Structure of Scientific Testimony," 67 NORTH CAROLINA LAW REVIEW 1 (1988).

Selection of Experts

Cecil C. Kuhne, *A Litigator's Guide to Expert Witnesses* (American Bar Association, 2006).

David Sonenshein, John Chesney, and Anthony Bocchino, "Selecting and Preparing the Expert Witness," [videorecording] (National Institute of Trial Advocacy, 2006).

David Theodore Tirella, "Trial Lawyers Forum: Winning Strategies: The Four Ps of Expert Witness Selection, 80 FLORIDA BAR JOURNAL 65 (2006).

Martha Rabaut, "Whers's (Dr.) Waldo? Finding the Medical Malpractice Expert Witness Who Has Earned His Stripes," 9 MICHIGAN STATE JOURNAL OF MEDICINE AND LAW 289 (2005).

Use of Experts

Sandra F. Gavin, "No Second Chances: Best Practices for Expert Advice," 38 STETSON LAW REVIEW 41 (2008).

L. Richard Fried, Jr., "Choosing and Using an Expert Witness," 12 HAWAII BAR JOURNAL 4 (2008).

Burgess J. W. Raby and William L. Raby, "Tax Practitioners As Expert Witnesses," 95 (5) TAX NOTES (April 29, 2002), available at <http://ssrn.com/abstract=309751>.

Edward J. Imwinkelried, "A Minimalist Approach to the Presentation of Expert Testimony," 31 STETSON LAW REVIEW 105 (2001).

Admissibility and Ethics of Expert Testimony

David C. Hricik, "Conflicts and Confidentiality: The Ethical and Procedural Issues Concerning Experts" (2007), available at <http://ssrn.com/abstract=917164>.

Paul C. Giannelli and Kevin C. McMunigal, "Prosecutors, Ethics, and Expert Witnesses," 76 FORDHAM LAW REVIEW 1493 (2007), available at <http://ssrn.com/abstract=1084044>.

"Flexibility Standards, Deferential Review: Daubert's Legacy of Confusion," 29 HARVARD JOURNAL OF LAW AND PUBLIC POLICY 1085 (2006).

John H. Mansfield, "Expert Admissibility Symposium: What is the Question? What is the Answer? How Should the Court Frame a Question to Which Standards of reliability are to be Applied? Commentary and Question: An Embarrassing Episode in the History of the Law of Evidence," 34 SETON HALL LAW REVIEW 77 (2003).

Douglas R. Richmond, "Expert Witness Conflicts and Compensation," 67 TENNESSEE LAW REVIEW 909 (2000).

Douglas B. Maddock, Jr., "Federal Rules of Evidence: Raising the Bar on Admissibility of Expert Testimony: Can Your Expert Make the Grade After Kumho Tire Co. v. Carmichael?," 53 OKLAHOMA LAW REVIEW 507 (2000).

Steve Lubet, "Expert Witnesses: Ethics and Professionalism," 12 GEORGETOWN JOURNAL OF LEGAL ETHICS 465 (1999).

Eileen A. Scallen and William E. Wiethoff, "The Ethos of Expert Witnesses: Confusing the Admissibility, Sufficiency and Credibility of Expert Testimony," 49 HASTINGS LAW JOURNAL 1143 (1998).

Bonnie J. Davis, "Admissibility of Expert Testimony After Daubert and Foret: A Wider Gate, A More Vigilant Gatekeeper," 54 LOUISIANA LAW REVIEW 1307 (1994).

Nevada Specific

Brian Irvine, "Waiting for Daubert: The Nevada Supreme Court and the Admissibility of Expert Testimony," 2 NEVADA LAW JOURNAL 158 (2002).

Reform of Expert Witness

M. Neil Browne and Ronda R. Harrison-Spoerl, "Putting Expert Testimony in its Epistemological Place: What Predictions of Dangerousness in Courts Can Teach Us," 91 MARQUETTE LAW REVIEW 1119 (2008).

Mariam J. Masid, "Hydrology and the Courts: The Role of Expert Witness- A Study on Potential Reforms," 11 UNIVERSITY OF DENVER WATER LAW REVIEW 1 (2007).

Jeffrey L. Harrison, "Reconceptualizing the Expert Witness: Social Costs, Current Controls and Proposed Responses," 18 YALE JOURNAL ON REGULATION 253 (2001), also available at <http://ssrn.com/abstract=932449>.

"Toward a Model Expert Witness Act: An Examination of the Use of Expert Witnesses and a Proposal for reform," 80 IOWA LAW REVIEW 1269 (1995).

Comparative Studies of Experts

M. Neil Browne, Carrie L. Williamson and Linda L. Barkacs, "The Perspectival Nature of Expert Testimony in the United States, England, Korea and France," 18 CONNECTICUT JOURNAL OF INTERNATIONAL LAW 55 (2002).