

2017 SEAK, Inc.

Survey of Expert Witness Fees

JAMES J. MANGRAVITI, Jr., ESQ.

STEVEN BABITSKY, ESQ.

NADINE NASSER DONOVAN, ESQ.

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About the Authors

James J. Mangraviti, Jr., Esq., has trained thousands of expert witnesses through seminars, conferences, corporate training, training for professional societies, and training for governmental agencies including the FBI, IRS, Secret Service, NYPD, and Department of Defense. He has designed dozens of expert witness training programs and has personally taught experts in a group setting over 200 times since 1997. He is also called by experts, their employers, and retaining counsel to train and prepare individual expert witnesses for upcoming testimony in high stakes cases such as patent litigation, antitrust, murder, catastrophic injury, wrongful death, product liability, and medical malpractice. Mr. Mangraviti also assists expert witnesses one-on-one with report writing, mentoring, and practice development. He is a former litigator who currently serves as Principal of the expert witness training company SEAK, Inc. (www.testifyingtraining.com). Mr. Mangraviti received his BA degree in mathematics *summa cum laude* from Boston College and his JD degree *cum laude* from Boston College Law School. He is the co-author of thirty books, including: *How to Become a Successful Expert Witness: SEAK's A-Z Guide to Expert Witnessing*; *How to Be an Effective Expert Witness at Deposition and Trial: The SEAK Guide to Testifying as an Expert Witness*; *How to Write an Expert Witness Report*; *How to Prepare Your Expert Witness for Deposition*; *The Biggest Mistakes Expert Witnesses Make and How to Avoid Them*; and *How to Market Your Expert Witness Practice: Evidence-Based Best Practices*. Mr. Mangraviti was the co-founder in 2000 of SEAK's Expert Witness Directory (www.seakexperts.com), which is the premier national resource for attorneys to locate expert witnesses. **He may be contacted at 978-276-1234 or jim@seak.com.**

Steven Babitsky, Esq., is the President and founder of SEAK, Inc., the Expert Witness Training Company. He was a personal injury trial attorney for twenty years and is the former managing partner of the firm Kistin, Babitsky, Latimer & Beitman. Steve has helped expert witnesses and their attorneys prepare for deposition in a broad range of cases, including antitrust, patent, medical malpractice, wrongful death, computer forensics, and many others. He has trained the Federal Bureau of Investigation and the Federal Aviation Administration, and he has worked with numerous forensic and financial companies including Fortune 500 companies and has worked with numerous experts to help them expand and grow their practices. Mr. Babitsky is the co-author of thirty-three books including the texts *How to Become a Successful Expert Witness: SEAK's A-Z Guide to Expert Witnessing*; *How to Be an Effective Expert Witness at Deposition and Trial: The SEAK Guide to Testifying as an Expert Witness*; *How to Write an Expert Witness Report*; *How to Prepare Your Expert Witness for Deposition*; *The Biggest Mistakes Expert Witnesses Make and How to Avoid Them*; and *How to Market Your Expert Witness Practice: Evidence-Based Best Practices*. Attorney Babitsky is the co-developer and trainer for the "How to Be an Effective Expert Witness" seminar and has been the seminar leader since 1990 for the Annual National Expert Witness and Litigation Conference. Mr. Babitsky trains hundreds of experts every year. **He may be contacted at 508-548-9443 or stevenbabitsky@seak.com.**

Nadine Nasser Donovan, Esq., is one of SEAK, Inc.'s leading expert witness trainers. She has been on the SEAK, Inc. faculty since 2002 and has trained hundreds of experts in deposition and trial testifying skills, opinion report writing, and marketing through SEAK's scheduled programs, invited presentations, customized on-site expert witness training programs, and via one-on-one training. Via SEAK, Nadine also provides testifying training to medical malpractice defendants (www.malpracticetestifyingtraining.com). Nadine is the co-author of the SEAK texts *How to Write an Expert Witness Report*, *How to Be A Successful Expert Witness: SEAK's A-Z Guide to Expert Witnessing*, and *How to be a Successful Expert Witness at Deposition and Trial: The SEAK Guide to Testifying as an Expert Witness*. Ms. Donovan is also a Legal Writing Instructor at Boston University School of Law, and serves as a Dispute Resolution Arbitrator for the Financial Industry Regulatory Authority. She is a former Adjunct Professor at New England School of Law, Boston, where she taught in the areas of medical malpractice and hospital law. Ms. Donovan previously practiced litigation for 21 years. She spent 18 years in the defense of medical professionals in medical malpractice actions and before medical licensing boards. In addition, Ms. Donovan started off her litigation career in New York City, first as a prosecutor in Queens, and then as counsel for the City of New York. Ms. Donovan received her J.D. *cum laude* from Boston College Law School. She graduated from Fordham University *summa cum laude* with a B.A. in French Literature. **She may be contacted at 617-791-4282 or nadine@seak.com**

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Introduction

This report has been prepared to provide the reader with detailed expert witness fee and billing information using a large sample size (almost 1,200 experts – all SEAK clients - many of whom had more than one area of expertise). All survey information was provided by the responding experts in August of 2017. It is our hope that the information in this report will be useful to expert witnesses, the trial attorneys who retain them, and the judges who have to rule on expert witness fees.

PART I: ANALYSIS OF SURVEY RESULTS & RECOMMENDATIONS

Expert Rates

Expert rates have increased well beyond the rate of inflation since SEAK's last survey in 2014. Average fees for testifying at trial have increased a total of 14% over this three-year period for an annual increase of 4.6%. The current average fee for testifying at trial is \$513/hour. Average fees for file review and case preparation have increased 15% over five years, or 5% per year. The average fee for file review and case preparation is now \$383/hour. Average hourly fees for depositions are up 13% over the past three years for an annual increase of 4.3%. The average fee for testifying at deposition is now \$483/hour. Experts who work mostly for defendants reported significantly higher hourly fees across the board than plaintiff experts or experts who work equally for defendants and plaintiffs.

Recommendation: *Experts should review their fees annually and most should consider periodically increasing these fees.*

Retainers

The average retainer has increased 16% (5.3% annually) to \$3,541.

Recommendation: *Experts should review their retainer requirements annually and most should consider periodically increasing such retainer amounts.*

Rate Increases

A full 41% of surveyed experts reported that they did not raise their rates in the last 3 years. Of the 59% of experts who reported raising their rates, **only 1% reported that raising their rates was a bad business decision that backfired.** Defense experts were twice as likely to report that raising their rates was a bad business decision which backfired.

Recommendation: *Experts who haven't raised their rates to market rates should consider doing so. The odds are heavily in favor of this being a good business decision.*

Written Retention Contracts

35% of experts do not require retaining counsel to sign a written retention contract. A large majority of experts (65%) do require retaining counsel to sign a written retention contract. This is essentially unchanged from 2014. Experts who work mostly for plaintiffs were more likely to require a written retention agreement.

Recommendation: *A well-written retention contract can eliminate or mitigate much of the risk involved in expert witnessing (financial, reputational, etc.). A large majority of experts require counsel to sign such contracts. The authors strongly recommend that every expert utilize a well-written retention contract.¹*

¹ See for example [SEAK's Expert Witness Retention Contract](#) available for download from www.seak.com

Collection Difficulties

A large majority of experts (71%) report that they ultimately collected all of the fees owed to them in the last 3 years. A significant minority (29%) reported at least one instance of an ultimate failure to be paid. Experts who work mainly for plaintiffs were far more likely to report collection difficulties.

Recommendation: *Expert witnesses can be expected to experience collection difficulties every once in a while. This is a manageable problem if sound business practices and a well-thought-out retention agreement are utilized.*

Credit Cards

22% of experts reported accepting credit cards as a form of payment.

Recommendation: *Accepting credit cards can help facilitate rapid payment and help minimize collection difficulties.*

Conclusions

Every expert's business practices are somewhat dependent on their unique situation. That said, seeing how other experts conduct their business and charge for their work can be very instructive. It is the hope of the authors that this report will assist experts in making optimum business decisions.

PART II: SURVEY RESULTS IN AGGREGATE

ALL EXPERTS

Number of Experts Responding In Survey	1,156
Hourly Fee for Testifying in Court AVERAGE	\$ 513
Hourly Fee for Testifying in Court HIGH	\$ 4,000
Hourly Fee for Testifying in Court LOW	\$ 90
Hourly Fee for Case Review/Preparation AVERAGE	\$ 383
Hourly Fee for Case Review/Preparation HIGH	\$ 3,000
Hourly Fee for Case Review/Preparation LOW	\$ 50
Hourly Fee for Deposition AVERAGE	\$ 483
Hourly Fee for Deposition HIGH	\$ 3,000
Hourly Fee for Deposition LOW	\$ 90
Retainer AVERAGE (of those who require retainers)	\$3,541
Retainer HIGH (of those who require retainers)	\$75,000
Retainer LOW (of those who require retainers)	\$ 50
Percentage RAISING RATES during Last Three Years	59%
Percentage of Those who Raised Rates Reporting that RAISING RATES Backfired Because They May Have Priced Themselves out of the Market	1%
Percentage Usually Requiring Counsel to Sign a Written Retention Agreement	65%
Percentage Reporting Ultimate Failure to be Paid in Last Three Years.	29%
Percentage Accepting Credit Cards for Payment	22%

PLAINTIFF EXPERTS

Number of Experts Reporting They Work Mainly for Plaintiffs	342
Hourly Fee for Testifying in Court AVERAGE	\$ 506
Hourly Fee for Testifying in Court HIGH	\$ 1,500
Hourly Fee for Testifying in Court LOW	\$ 100
Hourly Fee for Case Review/Preparation AVERAGE	\$ 370
Hourly Fee for Case Review/Preparation HIGH	\$ 1,200
Hourly Fee for Case Review/Preparation LOW	\$ 85
Hourly Fee for Deposition AVERAGE	\$ 471
Hourly Fee for Deposition HIGH	\$ 3,000
Hourly Fee for Deposition LOW	\$ 100
Retainer AVERAGE (of those who require retainers)	\$2,794
Retainer HIGH (of those who require retainers)	\$15,000
Retainer LOW (of those who require retainers)	\$ 250
Percentage RAISING RATES during Last Three Years	54%
Percentage of Those who Raised Rates Reporting that RAISING RATES Backfired Because They May Have Priced Themselves out of the Market	1%
Percentage Usually Requiring Counsel to Sign a Written Retention Agreement	61%
Percentage Reporting Ultimate Failure to be Paid in Last Three Years.	35%
Percentage Accepting Credit Cards for Payment	18%

DEFENSE EXPERTS

Number of Experts Reporting They Work Mainly for Defendants	238
Hourly Fee for Testifying in Court AVERAGE	\$ 567
Hourly Fee for Testifying in Court HIGH	\$ 4,000
Hourly Fee for Testifying in Court LOW	\$ 125
Hourly Fee for Case Review/Preparation AVERAGE	\$ 398
Hourly Fee for Case Review/Preparation HIGH	\$ 3,000
Hourly Fee for Case Review/Preparation LOW	\$ 90
Hourly Fee for Deposition AVERAGE	\$ 545
Hourly Fee for Deposition HIGH	\$ 3,000
Hourly Fee for Deposition LOW	\$ 90
Retainer AVERAGE (of those who require retainers)	\$3,153
Retainer HIGH (of those who require retainers)	\$24,000
Retainer LOW (of those who require retainers)	\$ 50
Percentage RAISING RATES during Last Three Years	55%
Percentage of Those who Raised Rates Reporting that RAISING RATES Backfired Because They May Have Priced Themselves out of the Market	2%
Percentage Usually Requiring Counsel to Sign a Written Retention Agreement	55%
Percentage Reporting Ultimate Failure to be Paid in Last Three Years.	21%
Percentage Accepting Credit Cards for Payment	22%

PART III: SURVEY RESULTS BY AREA OF EXPERTISE

Accident Reconstruction

Number of Experts Responding	52
Hourly Fee for Testifying in Court AVERAGE	\$325
Hourly Fee for Testifying in Court HIGH	\$750
Hourly Fee for Testifying in Court LOW	\$150
Hourly Fee for Case Review/Preparation AVERAGE	\$274
Hourly Fee for Case Review/Preparation HIGH	\$600
Hourly Fee for Case Review/Preparation LOW	\$125
Hourly Fee for Deposition AVERAGE	\$323
Hourly Fee for Deposition HIGH	\$750
Hourly Fee for Deposition LOW	\$150
Most Money Billed on a Single Case (Highest Reported)	\$1,300,000
Most Money Billed on a Single Case (Average of Reported)	\$82,851
Typical Total Billings Single Case AVERAGE	\$14,873
Typical Total Billings Single Case HIGH	\$150,000
Typical Total Billings Single Case LOW	\$900
Retainer AVERAGE (of those who require retainers)	\$3,012
Retainer HIGH (of those who require retainers)	\$10,000
Retainer LOW (of those who require retainers)	\$500
Percentage RAISING RATES during Last Three Years	62%
Percentage of Those who Raised Rates Reporting that RAISING RATES Backfired Because They May Have Priced Themselves out of the Market	0%
Percentage Usually Requiring Counsel to Sign a Written Retention Agreement	58%
Percentage Reporting Ultimate Failure to be Paid in Last Three Years.	31%
Percentage Accepting Credit Cards for Payment	19%