

2021 Survey of Expert Witness Fees

-SUMMARY OF RESULTS-

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INTRODUCTION

This summary report has been prepared to provide the reader with expert witness fee and billing information using a large sample size (almost 1,100 experts – all SEAK clients - many of whom had more than one area of expertise). All survey information was provided by the responding experts in January of 2021. 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 must rule on the reasonableness of expert witness fees.

ANALYSIS OF SURVEY RESULTS & RECOMMENDATIONS

Expert Rates

Expert rates have increased beyond the rate of inflation since SEAK's last survey in 2017. Average fees for testifying at trial have increased a total of **7.1%** over this three-year period for an annual increase of **2.3%**. The current average fee for testifying at trial is **\$550/hour**. Average fees for file review and case preparation have increased **10.2%** since 2017, or **3.4%** per year. The average fee for file review and case preparation is now **\$422/hour**. Average hourly fees for depositions are up **8.5%** for an annual increase of **2.8%**. The average fee for testifying at deposition is now **\$524/hour**. These hourly fees vary substantially by specialty. Average rates for certain specialties were **\$200/hour** on the low end and as high **\$888/hour**. For complete fee information by specialty, please [click here](#).

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

Retainers

The average retainer has remained essentially flat since 2017 at **\$3,546**.

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

Rate Increases

43% of surveyed experts reported that they did not raise their rates in the last 5 years. Of the 57% of experts who reported raising their rates, **only 1% reported that raising their rates was a bad business decision that 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

34% of experts do not require retaining counsel to sign a written retention contract. A large majority of experts (**66%**) do require retaining counsel to sign a written retention contract. These figures are essentially unchanged from 2017. 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*

Collection Difficulties

A large majority of experts (**72%**) report that they ultimately collected all of the fees owed to them in the last 3 years. A significant minority (**28%**) reported at least one instance of an ultimate failure to be paid. Experts who work mainly for plaintiffs were significantly more likely to report collection difficulties.

***Recommendation:** Expert witnesses can be expected to experience collection difficulties occasionally. This is a manageable problem if sound business practices and a well-thought-out retention agreement are utilized.²*

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

² For more information regarding starting your Expert Witness Practice, we recommend our course "How to Start, Build and Run a Successful Expert Witness Practice." This course is available to [stream online](https://www.seak.com).

Credit Cards

26% 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.*

Conclusion

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

2021 SURVEY RESULTS IN AGGREGATE - ALL EXPERTS

All Experts	
Number of Experts Responding:	1096
HOURLY FEES	
Testifying in Court	
MEDIAN	\$ 500.00
AVERAGE	\$ 549.55
HIGH	\$2,500.00
LOW	\$ 100.00
Case Review/Preparation	
MEDIAN	\$ 400.00
AVERAGE	\$ 422.16
HIGH	\$1,800.00
LOW	\$ 80.00
Deposition	
MEDIAN	\$ 475.00
AVERAGE	\$ 524.00
HIGH	\$2,500.00
LOW	\$ 100.00
MONEY BILLED ON SINGLE CASE	
Most Money Billed	
MEDIAN	\$24,000.00
AVERAGE	\$62,049.81
HIGH	\$2,400,000.00
Typical Total Billings	
MEDIAN	\$7,000.00
AVERAGE	\$12,097.57
HIGH	\$150,000.00
LOW	\$ 300.00
Retainer (of those who require retainers)	
MEDIAN	\$2,600.00
AVERAGE	\$3,546.34
HIGH	\$35,000.00
LOW	\$ 250.00
Raising Rates	
Percentage RAISING RATES during Last Five Years	57%
Percentage of Those who Raised Rates Reporting that RAISING RATES Backfired Because They May Have Priced Themselves out of the Market	1%
Retention Agreement	
Percentage Usually Requiring Counsel to Sign a Written Retention Agreement	66%
Payment	
Percentage Reporting Ultimate Failure to be Paid in Last Five Years	28%
Percentage Accepting Credit Cards for Payment	26%

SURVEY RESULTS BY AREA OF EXPERTISE

The list of the specialties/areas of expertise covered in SEAK's 2021 expert witness fee survey and the number of responses for each specialty are as follows:

Accident Reconstruction	32
Accounting	11
Actuarial	1
Addiction Medicine	12
Addiction Psychiatry	4
Advertising	2
Agriculture	5
Allergy & Immunology	6
Anesthesiology	19
Appraisal & Valuation	20
Aquatics Safety	1
Architecture	15
Athletics & Recreation	7
Automotive	11
Aviation & Aerospace	10
Banking	11
Bariatric Surgery	2
Biomechanics	4
Business Damages	12
Business Operations	15
Business Valuation	7
Cardiology	16
Cardiothoracic Surgery	4
Chemistry & Chemicals	9
Chiropractic	8
Colon & Rectal Surgery	3
Computers/Information Technology	15
Construction/Construction Defects	63
Correctional Healthcare	8
Critical Care Medicine	10
Critical Care Surgery	3
Cybersecurity	2
Dentist	15
Dermatology	5
Diagnostic Radiology	4
Dram Shop & Alcohol Services	1
Economics	17
Education & Schools	12
Electricity /Electrician	10
Electronics	7
Electrophysiology	2
Elevators & Escalators	1
Emergency Medical Services	13

Emergency Medical Toxicology	2
Emergency Medicine	65
Employment	19
Endocrinology	2
Engineering	99
Environmental	12
Family Medicine	23
Financial	21
Fire	8
Firearms & Ballistics	4
Food	6
Foot & Ankle Surgery	1
Forensic Pathology	4
Forensic Psychiatry	13
Forensic Psychology	9
Forensic Science	14
Fraud	14
Gastroenterology	7
General Medical Practice	3
General Surgery	22
Geriatric Psychiatry	4
Geriatrics	16
Gynecology	9
Hand Surgery	6
Health Informatics	1
Hematology	5
Horses	2
Hospice and Palliative Care	6
Hospitalist	20
Hotel & Restaurant	12
Human Factors	8
Hydrology	3
Industrial Design	2
Industrial Hygiene	5
Infectious Diseases	10
Insurance	30
Intellectual Property	29
Internal Medicine	37
Internet	2
Interventional Cardiology	3
Laboratories & Testing	3
Land Surveying	4
Landscape Design	5

Law Enf & Criminal Justice	15
Legal	12
Life Care Planning	36
Management	9
Manufacturing	11
Maritime /Boating	8
Marketing	4
Medical Billing/Medical Coding	9
Medical Management/Hospital Liability	12
Metallurgy	7
Meteorology	8
Midwife	3
Mining	2
Mold	1
Motorcycle	4
Neonatal - Perinatal Medicine	7
Nephrology	2
Neurological Surgery	15
Neurology	22
Neurophysiology	4
Neuropsychiatry	2
Neuropsychology	21
Neuroradiology	6
NONE OF THE ABOVE	146
Nuclear Medicine	1
Nurse	24
Nurse Anesthetist	3
Nurse Practitioner	8
Nursing Administration	4
Nursing Home Administration /Long Term Care	13
Obstetrics & Gynecology	28
Occupational Medicine	8
Occupational Therapy	2
Oil and Gas	7
Oncology	13
Ophthalmology	12
Oral Surgery	4
Orthopedic Surgery	44
Otolaryngology	10
Otology	2
Pain Management - Medicine	29
Pathology	4
Pediatric Anesthesiology	2
Pediatric Critical Care Medicine	5
Pediatric Emergency Medicine	8
Pediatric Neurology	2

Pediatric Psychiatry	4
Pediatric Pulmonology	3
Pediatrics	17
Periodontics	3
Pharmaceutical Regulation/Research	4
Pharmacist	17
Pharmacology	7
Pharmacology- Clinical	7
Physical Medicine & Rehab	19
Physical Therapy	10
Physician Assistant	5
Plastic Surgery	8
Plastic Surgery Within the Head and Neck	6
Plumbing	6
Podiatry	3
Police Practices & Procedures	10
Premises Liability	22
Preventive Medicine	3
Products Liability	11
Prosthetics	2
Psychiatry	35
Psychology	23
Public Health	4
Pulmonary Critical Care Medicine	2
Pulmonary Disease	6
Radiation Oncology	1
Radiology	24
Real Estate	26
Reproductive Endocrinology	2
Rheumatology	1
Risk Management	17
Safety	40
School Safety	10
Securities & Investments	10
Security	17
Sleep Medicine	11
Slip Trip & Fall	10
Social Work	5
Software	9
Speech-Language Pathology	2
Spine Surgery & Spine Care	15
Sports Medicine	8
Statistics	7
Technology	7
Telecommunications	5
Thoracic Surgery	1
Toxicology	18

Transportation	15
Trauma Surgery	9
Travel & Tourism	3
Ultrasound	3
Urgent Care Medicine	6
Urology & Urological Surgery	8

Vascular & Interventional Radiology	5
Vascular Surgery	4
Video	3
Vocational Rehabilitation	27
Warnings & Labels	4
Wound Care	18

To obtain the full results of the 2021 Expert Witness Fee Survey including detailed data on each of the areas of expertise listed above please [click here](#).
