

## Searching for a Safe Expert

Experts, unfortunately, are not always honest about their credentials, as numerous examples have recently proven. A dramatic example in 2007 occurred when a New Orleans federal judge threw out a jury verdict in favor of pharmaceutical giant Merck & Co. after a cardiologist who testified for the defense in a Vioxx trial was found to have misrepresented his credentials. In 2009, the expert witness for a suspended NASCAR driver was found to not have the medical degrees or certifications he claimed. A year later, a Northampton County grand jury found fire investigator Edmund G. Knight III guilty of lying about his credentials. At the time, District Attorney John Morganelli said that Knight's case was important because of the "integrity of our judicial system, particularly expert witnesses." As these cases prove, knowing how to verify the background of an expert - whether yours or your opponent's - could prove critical to your case. What can you do to confirm the credentials of experts? The internet has, in recent years, hosted a variety of resources and tools that contain potentially valuable information but that many attorneys overlook in researching an expert's background. Of course, these tools are neither foolproof nor exhaustive. No website can substitute for using a reputable expert search service.

## **Vetting an Expert**

To start, you can confirm an expert's existence with the SSN Validator. This site will tell you if the social security number has been issued, in which state it was issued, when it was issued, and whether any death claims exist against the number. It will *not* tell you the identity of the holder of the number. Next, you can begin your basic internet search. The most valuable free tool for vetting an expert is Google. Between the standard Google search, Google Blogs and Google Groups, you can discover an expert's social media accounts, what they have written in blogs and their discussions in a variety of groups. Through Google Scholar, you can search for an expert's articles, patents and published legal opinions. Although Google Blogs is a good source to search out words *written* by an expert, it is not the best site to locate words *spoken* by an expert. PodScope is a site that allows you to search through the text of audio podcasts and video. With millions of people posting to blogs and participating in Internet discussion groups, we are creating permanent records of our words and thoughts. The power of the internet lies in our ability to access these records. It is now fairly easy to confirm that an expert has the same experience and credentials listed on a resume, personal website and LinkedIn account. This same information can then be compared to what was previously posted on various sites. The Internet Archive Wayback Machine allows you to track historical changes to a website. For example, you can enter LinkedIn's URL and see what the website looked like in past years. *The Wayback Machine can show what a website looked like in past years, such as this image of LinkedIn in October of 2005.* In regards to corporate records, you can search the U.S. Securities and Exchange Commission's EDGAR database for corporate filings by an expert. Their documents can provide information on an individual's business affiliations, employment arrangements, investments and occasionally an individual's education and employment history. Another securities database to look into is the

National Futures Association's Background Affiliation Status Information Center (BASIC) which provides information on the professional backgrounds of registered futures dealers. Other industries have their own searches. DocFinder lets you confirm a medical license and many states have their own site to confirm bar admission, such as Massachusetts. Legal searches can reveal if your expert is a party to pending litigation or has ever failed a *Daubert* challenge. Justia's Federal District Court Filings & Dockets and Who's Suing Whom are sites that search through federal dockets. The Daubert Tracker is a website developed specifically to help attorneys track cases involving the admissibility of expert testimony and, in particular, find out how specific experts fared in the courts. There are numerous other sites based on industry and practice area but these (mostly free) sites provide useful supplements to more expensive research services. When it comes to checking someone's background, more is better.