Boom in credit crunch litigation puts expert witnesses in short supply

Shortage could have a negative impact on the quality of court judgments

The surge in credit-crunch related litigation means that expert witnesses are in increasingly short supply reveals research by Sweet & Maxwell, the leading legal information provider.

According to Sweet & Maxwell's survey more than a quarter (28%) of law firms says that they are now finding it “extremely difficult” or “difficult” to find the right expert witness for their case.

Expert witnesses provide independent evidence for court cases and tribunals based on their professional or academic experience. Sweet & Maxwell says that demand for expert witnesses has been increasing over the years as the issues being tackled by claims in sectors such as construction, engineering, IT and finance become ever more complex.

Figures from City law firm Reynolds Porter Chamberlain show that even before the credit crunch had really bitten litigation was rising with the number of High Court commercial law cases jumping 25% in 2006 (latest figures available) to 61,691 after six years of decline.

Sweet & Maxwell explains that although the number of expert witnesses has gradually been increasing to meet this demand the sudden surge in litigation has meant some expert witnesses have started to run out of capacity to take on new work.

One forensic accountant interviewed by Sweet & Maxwell explained that his team had “almost more work than we can handle”. Another expert witness explained that “This year there has been a massive surge in banking litigation and now expert witness work is taking up almost all my time.” Another expert witness admitted that they had to “consistently turn down work.”

Sweet & Maxwell explains that as many lawyers prefer to instruct expert witnesses that have been vetted by other solicitors and are near the peak of their professional skills pay rates for expert witnesses may start to rise.

Sweet & Maxwell says that if higher rates do not attract more expert witnesses into the market then the operation of tribunals, arbitrations and trials may suffer.

Sweet & Maxwell’s research also shows that lawyers are becoming increasingly sophisticated in the way in which they appoint expert witnesses. 54% of law firms said that they now select expert witnesses from a panel of pre-approved experts. 59% of law
firms said that they found written references for expert witnesses an important or very important criteria for their selection.

Sweet & Maxwell, a Thomson Reuters business (NYSE: TRI; TSX: TRI; LSE: TRIL; NASDAQ: TRIN), is the publisher of the Expert Witness Directory www.legalhub.co.uk

ENDS

Notes to Editors:

Sweet & Maxwell (www.sweetandmaxwell.thomson.com) is a leading provider of information and solutions to the legal and professional markets in the UK and Ireland. With over 200 years of history and heritage in legal publishing, Sweet & Maxwell offers detailed and specialist knowledge, understanding, interpretation and commentary across a wide range of subjects in a variety of formats to meet customers’ needs - books, journals, periodicals, looseleafs, CD-ROMs and the market leading online services, Lawtel and Westlaw UK. Sweet & Maxwell is part of Thomson Reuters.

Thomson Reuters is the world’s leading source of intelligent information for businesses and professionals. We combine industry expertise with innovative technology to deliver critical information to leading decision makers in the financial, legal, tax and accounting, scientific, healthcare and media markets, powered by the world’s most trusted news organization. With headquarters in New York and major operations in London and Eagan, Minnesota, Thomson Reuters employs more than 50,000 people in 93 countries. Thomson Reuters shares are listed on the New York Stock Exchange (NYSE: TRI); Toronto Stock Exchange (TSX: TRI); London Stock Exchange (LSE: TRIL); and Nasdaq (NASDAQ: TRIN). For more information, go to www.thomsonreuters.com.

Press enquiries:

Nick Mattison or Emily Jupp
Mattison Public Relations
Tel: 020 7645 3636

Peter Wylie
Corporate Communications Manager
Sweet & Maxwell
Tel: 020 7393 7123