



Verifying the Expert's Credentials

Prepared by:
Mark Giangrande
DePaul University



LORMAN[®] Alt

Published on www.lorman.com - March 2018

Verifying the Expert's Credentials, ©2018 Lorman Education Services. All Rights Reserved.

INTRODUCING

Lorman's New Approach to Continuing Education

ALL-ACCESS PASS

The All-Access Pass grants you **UNLIMITED** access to Lorman's ever-growing library of training resources:

- ✓ Unlimited Live Webinars - 120 live webinars added every month
- ✓ Unlimited OnDemand and MP3 Downloads - Over 1,500 courses available
- ✓ Videos - More than 1300 available
- ✓ Slide Decks - More than 2300 available
- ✓ White Papers
- ✓ Reports
- ✓ Articles
- ✓ ... and much more!

Join the thousands of other pass-holders that have already trusted us for their professional development by choosing the All-Access Pass.



Get Your All-Access Pass Today!

SAVE 20%

Learn more: www.lorman.com/pass/?s=special20

Use Discount Code Q7014393 and Priority Code 18536 to receive the 20% AAP discount.

*Discount cannot be combined with any other discounts.

Verifying the Expert's Credentials

Written by Mark Giangrande, DePaul University

One of the reasons for investigating an expert is to make sure the expert's credentials are accurately represented. A lawyer may not offer evidence that is false, and that includes an expert's credentials. Any discrepancies will be exploited by the other side to undermine the credibility of the expert, and potentially expose the attorney to ethics charges.

Experts should be able to supply evidence of their educational experience and professional associations. They should also have copies of their writings/publications or other documents that are part of a public record in prior litigation. The opposing side's expert may require independent examination for verification.

The expert's resume is a good starting point as it will include bibliographic citations to professionally published material. That makes it easier to locate articles and other writings. However, it is possible that some articles or other writings may be omitted, whether out of negligence or other reasons, some of which may be relevant to the expert's thought processes or analytical methodology in the current case. Aside from the fact that discovery rules may require accurate lists of publications, it is up to the opposing attorney to locate and examine the actual texts. An expert's credibility or opinion may be attacked depending on the analysis of these materials.

Locating Books and Articles

One aspect of a literature search is to understand how libraries collect and make literature available, particularly technical literature. One cannot assume that obscure technical journals are contained in a library collection. Certainly, law libraries will not collect large volumes of medical or technical journals, even those tangentially related to law. General libraries may subscribe to mainstream technical journals, but few will have the space or budget to acquire them all. However, many libraries subscribe to online journal collections to fill in these gaps in the print holdings. Whether these online are available to general users has more to do with the contracts the library signs with the publishers. Academic libraries, in most cases, must limit access to online journals to their affiliates. Some of these contracts, however, can offer access to non-affiliates if they are physically present in the subscribing library.

There are, however, generally available tools that can locate a source for articles at the very least, whether these be in print or electronic form. In many cases, publishers are more than happy to sell single electronic copies of the article. A short description of these tools and the strategies for using them follows.

WorldCat (<http://www.worldcat.org/>) is an online database that searches combined library catalogs worldwide for bibliographic information on books, serials, multimedia, and other holdings. Essentially, one can search WorldCat for obscure technical publications

by journal title. WorldCat will identify that library in its records even if one library has cataloged the item as part of their collection,. Note that WorldCat does not index the contents of books or journals, and search results do not include results based on that information. Search is by author, title, keyword, and standard number (ISSN/ISBN) contained in the bibliographic record.

Libraries use WorldCat to create the records found in the local online catalog. A version of the database as it appears on computers in a subscribing library has a different interface with a more detailed search and retrieval interface. WorldCat is the largest free bibliographic database available with approximately 2 billion records.

Unfortunately, blind literature searches are a bit more complicated as the number and types of indexes available vary with their subject focus, form (print or online), and whether a subscription is required to use them. Some of the tools that can circumvent this problem include the average search engine, and some specialized web collections.

The first of these is Google Scholar. This site is available <https://scholar.google.com/>. Scholar identifies only those materials in the search engine that originate in a scholarly publication. There are no ads and Google does not attempt to sell any product in Scholar. Results include materials that appear in subscription only online literature collections. Publishers realize that making these materials available through Google Scholar drives traffic to their sites, making possible the sale of individual articles. PDF copies of articles may generally be had for \$3 to \$40 or so directly from the publisher.

Google Scholar is merely a conduit that leads to the article in question. Google will also list free sources for an article if one is available. Many universities have established online faculty commons, for example, where faculty members have posted individual articles available for free download.

Google Books is another source of bibliographic detail. Google Books is a scanning project devised by Google in cooperation with major academic and national libraries to digitize the complete contents of those libraries. Search locates keyword or phrase terms in the full text of library materials. Display is based on whether the copyright holder has given permission for full, limited, or no display. Materials in the public domain normally appear without restrictions and may be downloaded.

Bibliographic Indexes – Print and Online

One characteristic of online bibliographic databases is their coverage over time. Many commercial online indexes may only cover between 10 and 50 years of records. At the same time, current articles are more useful than older ones. A list of selected list of scientific, and medical indexes appear in Appendix C. The two major legal indexes are Current Law Index from Cengage/Gale, and the Index to Legal Periodicals and Books provided by the H.W. Wilson Company. Both start coverage at around the year 1980, though Wilson provides a back file that starts in 1908. Print copies of these indexes are available in most law libraries. Current Law Index is marketed online

as Legal Resources Index or LegalTrac. Some of these indexes are available in Westlaw and Lexis.

Free Scientific and Medical Literature Sources

A fair number of scientific journals have made their content free in the spirit of open scientific inquiry. Some of these are highly technical journals created by professional societies and other science or medical related organizations. A list of free or inexpensive source of scientific literature appears in Appendix B.

Commercial Literature Sources

Not everyone shares in the spirit of open literature sources, including highly respected journals managed by commercial publishing groups. A common way to locate these publications is through a general search via Google or another search engine. Search by publication name. The host site for a journal will usually have a browse feature by volume, issue, and date. These sites usually include content search feature to locate relevant material by author or keyword. Individual articles are generally available for paid download as described above.

Using a Library to Gather Publications

A large firm library will usually have formal contacts with a regional or state library network to gather material not immediately available online. Copies of articles or books are requested through interlibrary loan procedures depending on the firm library and affiliations. For

those law offices without an established internal library, it may be possible to utilize local libraries to get materials not immediately available. Whether this is possible depends on the affiliation an individual has with the local library and their policies regarding interlibrary loan. It should be noted that there may be potential costs involved, even with public or special libraries. A lending library may charge for duplication services, shipping costs, or other fees associated with processing a loan. WorldCat's feature of showing libraries holding a title is a useful tool to determine how available an individual title may be.

Appendix B -- Free or Inexpensive Scientific Literature sites

- Highwire Press (<http://highwire.stanford.edu/>). This database is produced by the Stanford Universities Libraries. It contains the full text of more than 1.8 million articles, many of which are free or pay-per-view. Articles are available in full text and PDF format. Search is by author, by title, and by keyword in the text.
- PubMed Central (<http://www.pubmedcentral.nih.gov/>). PubMed Central is a free digital archive of biomedical and life sciences journal literature at the U.S. National Institutes of Health (NIH). Articles are available in full text and PDF format. Advance search is by author, topic, keyword, or limited by selection in 34 different document fields.

Appendix C – Commercial/Pay Scientific and Medical Index Electronic Sources

- SciSearch/Science Citation Index
Recommended for advanced research on where authors and articles have been cited for 4,500 journals from 1974 to the present. The SCI is included in a larger index called the Web of Science which also includes citations in social science, and arts and humanities.
- Annual Reviews
Annual Reviews provides researchers, professors, and scientific professionals with a definitive academic resource in 32 scientific disciplines. Annual Reviews synthesizes vast amounts of primary research literature and identifying the principal contributions in a field. Editorial committees comprised of the most distinguished scholars in the discipline select all topics for review, and the articles are written by authors who are recognized experts in the field. The results include a list of articles which have cited each review paper and the ability to set up a search alert for new

articles that have cited a review paper. Coverage begins in 1930.

- CINAHL
This site indexes nursing journals, practice acts, and conference proceedings; with abstracts and some full text. It is included with EBSCO Host, which offers citations to a variety of educational, medical, scientific, and other specialty publications.
- EBSCO Host
EBSCO Host indexes journals in many academic fields; with full text and some full-image articles. Search is available for individual publications and subject areas.
- PsycINFO
This database indexes journals, dissertations, books and book chapters in all areas of psychology; with abstracts. It now includes PsycARTICLES, full text articles from selected journals.
- MEDLINE
The MEDLINE database is a product of the National Library of Medicine and indexes biomedical and life science journals. Results are in the form of citations. Some commercial database publishers also offer a version of MEDLINE, usually with enhancements.
- Science Citation Index
Indexes references lists in scientific and technical journals. Recommended for advanced research on where authors and articles have been cited.
- ScienceDirect
ScienceDirect indexes over 1800 journals in science, health and social sciences and includes references from the Medline database.

The material appearing in this website is for informational purposes only and is not legal advice. Transmission of this information is not intended to create, and receipt does not constitute, an attorney-client relationship. The information provided herein is intended only as general information which may or may not reflect the most current developments. Although these materials may be prepared by professionals, they should not be used as a substitute for professional services. If legal or other professional advice is required, the services of a professional should be sought.

The opinions or viewpoints expressed herein do not necessarily reflect those of Lorman Education Services. All materials and content were prepared by persons and/or entities other than Lorman Education Services, and said other persons and/or entities are solely responsible for their content.

Any links to other websites are not intended to be referrals or endorsements of these sites. The links provided are maintained by the respective organizations, and they are solely responsible for the content of their own sites.