

ExpertsDirect: providing pro bono expert witness services

A service for pro bono and community lawyers, connecting them with professionals who are willing to provide expert witness services for free or at low cost in legal cases assisting those experiencing disadvantage or marginalisation.

The provision of an admissible and reliable expert witness report can often decide the success of a contested matter. In many cases, the credibility and accuracy of an argument depends on the strength of supporting expert opinions.

ExpertsDirect was established in 2013 with the purpose of connecting lawyers with top expert witnesses from around Australia and the globe. Our founder, Richard Skurnik, a former solicitor, set out to create a service which could remove the challenges faced by many legal professionals in hiring expert witnesses for litigation—a process often fraught with last-minute contracting and the placement of trust in potentially unreliable sources.

Today, ExpertsDirect hosts a stable of over 5,000 experts with specialisations across a multitude of industries, including medicine, engineering, finance, property, design, construction, I.T., and employment.

ExpertsDirect Pro Bono

After establishing a partnership with the Australian Pro Bono Centre, we reached out to experts across Australia who were willing to provide low cost or free reporting and expert witness services. After sourcing more than 100 pro bono experts in diverse professional fields, we launched the ExpertsDirect Pro Bono Service in November 2018.

The service aims to provide pro bono and community lawyers who are representing clients experiencing signifi-

cant disadvantage with greater access to expert witnesses. Our goals include not only providing our pro bono clients with free (or low-cost) and highly qualified experts for their matters, but also emboldening pro bono and community lawyers to take on litigation that may require expensive and specialised expert witness assistance. We hope that this will contribute effectively to the wider effort in the Australian legal sector to bridge inequalities in access to justice.

Successfully supporting Community Legal Centres and pro bono initiatives

In 2019, ExpertsDirect Pro Bono provided experts for over 30 pro bono matters. Approximately 95% of these matters came from community legal centres and not-for-profit organisations across Australia. ExpertsDirect Pro Bono's range of expert witness specialties this year has been broad. Our team of 20 staff provided witnesses with expertise in areas including psychiatry, oncology, nursing, obstetrics, and otolaryngology, amongst others.

We have found that an overwhelming percentage (90%) of enquiries have sought medico-legal expert reports, particularly in the form of psychiatric or mental health assessments. This influx of enquiries for expertise in these areas has highlighted to us the need for further support to clients in the form of pro bono expert reporting; our pro bono matters have reflected high demand from clients

from low socio-economic backgrounds with serious mental health conditions.

This year, approximately 60% of our pro bono matters sought an expert to support an allegation against a state or territory body with respect to their treatment of clients. Of the total number of enquiries to ExpertsDirect Pro Bono, approximately 23% requested experts to support claims of mistreatment of Indigenous Australians by state institutions.

Feedback from experts

ExpertsDirect have noticed the marked success of this project amongst legal practitioners as well as industry experts.

Notably, feedback from our pro bono experts has highlighted the ways in which their experiences with the service have broadened their understanding of the limitations and systemic under-servicing of facilities in various state institutions and correctional facilities.

Our experts have overwhelmingly expressed an eagerness to share this knowledge with their colleagues and continue to assist the efforts of pro bono projects as a means of helping to rectify what they perceive to be serious systemic social injustices. Our experts have found their witness reporting work meaningful, and an effective method of contributing to access to justice.

One of our pro bono experts provided the following reflection:

Earlier in the year, I was approached by ExpertsDirect to be an expert witness for an Aboriginal prisoner with cancer. Being a medical oncologist for more than a decade, this is my first project of this kind and the project gave me a glimpse into medical services for the underprivileged in an Australian prison facility. I was asked to review the chronological events of the presentation of the symptoms reported by the elderly Aboriginal man who is a prisoner at a NSW prison, and the diagnosis of the incurable cancer. I discovered the limited services, resources and time allocated to the prisoners, contributing to the potential delayed diagnosis...I have had multiple conversations with the lawyers from the National Justice Project. They are dedicated to advocating for a fair medical care system in prison for the underprivileged. I was inspired by their persistence, dedication and genuine concern for these minorities in our society...Overall the experience was very rewarding to me. I am inspired by the positive supportive attitude of ExpertsDirect and the generosity of Australian Pro Bono Centre. Definitely one of the highlights in my oncological career.

Feedback from lawyers

The lawyers we worked with on pro bono matters this year similarly emphasised the utility and ease of using of our pro bono expert witness service:

In our Asylum Seeker Health Rights Project at the Public Interest Advocacy Centre, we regularly require opinions from medical experts to assist us in our casework for our clients. The ExpertsDirect Pro Bono Service provides us with timely access to crucial medical experts who are willing to assist us on a pro bono basis or at a reduced cost. The service is fast and professional. We are able to access experts for complex medical issues in cities all around Australia. The service is essential in the community sector where the cost of expert evidence is often a barrier to delivering legal services.

Mary Flanagan, Senior Solicitor
at Public Interest Advocacy Centre

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The National Justice Project is a not-for-profit law firm that acts for clients on a pro bono or no-win-no-fee basis in order to use the law to effect positive change in our society. The majority of our clients are impecunious, vulnerable and marginalised. If we didn't appear for them they would unlikely be able to seek justice through the court systems at all. Access to justice comes at a price, expert reports are often required to provide critical evidence to the court about the circumstances of our clients' injuries and how they have been adversely affected. However, neither the NJP nor its clients can afford to fund the necessary expert reports. ExpertsDirect's partnership with the Australian Pro Bono Centre has meant our vulnerable clients get access to high quality experts and reports for their proceedings.

Recently, ExpertsDirect facilitated two reports by an experienced psychiatrist for two of our Indigenous clients. The Aboriginal mother was violently assaulted by her partner, however she was arrested by police who left her 10 month old son in a location where he was abducted. It took the police over 10 hours before they took her and her dad's (the baby's grandfather's) concerns seriously, by which time, unfortunately the baby had been assaulted and murdered. Experts Direct found us an expert to assist this family. Their assistance in arranging and obtaining the reports was invaluable. The process ran smoothly from start to finish and they always communicated effectively. Without ExpertsDirect, and their experts' willingness to provide reports at reduced rates, our clients would be unable to pursue justice and, in this case, demand changes to the way that the police treat victims of domestic violence and their children.

Emma Hearne, Senior Solicitor
at the National Justice Project

The future of ExpertsDirect Pro Bono

We expect our capacity to assist with pro bono matters to grow next year. As our service continues to gain traction amongst community legal centres and pro bono lawyers, we look forward to the challenge of assisting more pro bono matters.

Finally, we would like to acknowledge the generosity of all legal practitioners, pro bono expert witnesses, and pro bono services, including the Australian Pro Bono Centre. We believe our work together on these matters has contributed effectively and meaningfully to efforts to reduce social inequality and thank you greatly for all your help. ■

Jessica Sheridan is a Senior Legal Project Manager and Pro Bono Service Coordinator at ExpertsDirect. She has overseen the administration and expansion of the firm's pro bono service since December 2018. Jessica possesses previous experience in the Community Legal sector and is passionate about the potential of pro bono work to resolve social injustices. Over the past year, Jessica has witnessed the capability of the pro bono service to assist its most disadvantaged clients, as well as the willingness of experts to give back to the community through their generous work. She looks forward to continuing ExpertsDirect's good work in pro bono matters.

This article was co-authored by Shelley Jiang, Marketing Assistant at ExpertsDirect.

