ExpertsDirect Pro Bono

2022 marks the fourth year of the ExpertsDirect Pro Bono Service. We reflect on trends that have characterised our pro bono work and thank all lawyers and experts who have lent their valuable time and labour to the service. ExpertsDirect was founded on the understanding that the provision of effective and reliable expert witness evidence significantly affects the outcome of cases. We also believe in the importance of equal access to justice.

By Daniel Sosa

Trends from the last three years

The last three years of the ExpertsDirect Pro Bono Service reveal some clear trends in the institutions and firms accessing our service as well the matters that most frequently require low-cost or free expert witnesses.

Some statistics have remained the same since the service's inception. Overwhelmingly (90%) of enquiries seek medical and psychiatric expert opinions on alleged mistreatment of disadvantaged Australians in state custody, or on the psychological and physical deterioration of asylum seekers held in detention centres.

In 2021, 62% of enquiries we received came from community legal centres and not-for-profit organisations.

EXPERTSDIRECT

One case demonstrative of this trend, as well as of the significant impact of expert evidence in those matters, involved an assault by corrections officers on an Indigenous man which left him with permanent damage to his face and breathing passage. ExpertsDirect sourced an otolaryngologist (ENT doctor) to provide an opinion on the permanent harm suffered by the client from the assault, as the basis of a personal injury claim. Expert evidence in that matter, as in numerous others with which the service has assisted, helped to secure a settlement – a rare outcome in the relevant jurisdiction where laws effectively prevent persons in custody from obtaining compensation for such assaults.

Requests for medical expert witnesses have remained diverse and included specialisations in oncology, obstetrics, gastroenterology, ENT, orthopaedics and paediatrics. Most requests for psychiatric expert opinions relate to the effects of aggravated physical injuries or illnesses on the mental health of the client.

In 2021, 62% of enquiries we received came from community legal centres and not-for-profit organisations. The figure shows a continuation of the growth of enquiries from law firm pro bono programs, which only comprised a fifth of all our pro bono queries in 2019.

Half of all enquiries in 2021 sought the assistance of a psychiatric expert, a marked increase from 29% of enquiries in 2020.

About the Service

ExpertsDirect finds and curates pre-eminent expert witnesses for litigation.

After witnessing the powerful impact of well-sourced experts in commercial practice, ExpertsDirect extended our service to pro bono and community lawyers representing clients experiencing significant disadvantage.

After establishing a partnership with the Australian Pro Bono Centre, ExpertsDirect sourced over 100 pro bono experts in diverse professions. The Service regularly provides pro bono clients with free, or low-cost, highly qualified experts for their matters. The Australian Pro Bono Centre has been critical to the administration of the service, including in standardising the service's eligibility test.

Lawyers and experts alike have noted the utility and impact of our service on their work with pro bono clients:

"ExpertsDirect Pro Bono has linked us with medical experts who have provided high quality independent reports in coronial inquest and civil matters. From start to finish, the service has been a pleasure to work with. They are efficient, follow up throughout the matter, and provide ongoing support in working with experts. Because of ExpertsDirect's pro bono service, we are able to provide our clients with the highest quality legal services."

- Sarah Schwartz, Senior Lawyer, Victorian Aboriginal Legal Service

The Future of the Service

In the years to come, ExpertsDirect will build lawyers' and experts' understandings of the demands of expert witness engagement and reporting to consolidate efficient case management practices. Our pro bono arm receives the highest rate of very urgent applications for expert opinions. The service therefore frequently relies on the goodwill of experts who are amenable to producing reports within very strict timeframes, sometimes working with documents requiring additional administration or organisation.

Overall, ExpertsDirect is honoured to have been able to assist with the provision of expert witness services for pro bono matters. It is our hope that the service continues to grow so that we may continue to bridge some of the vast inequalities in access to justice.

Our pro bono service relies on the generosity of our volunteer experts and the altruism of community legal organisations and law firm pro bono programs.

We would like to say a big thank you to all our experts who have worked on pro bono matters this year as well as the lawyers, barristers, law firms and community legal services who requested our services. ■

Daniel Sosa is a Senior Researcher and Pro Bono Coordinator at ExpertsDirect. He leads the team at ExpertsDirect who source experts for pro bono matters. Prior to joining ExpertsDirect, Daniel was a Junior Associate at Gramelis Attorneys where he worked on family, criminal, and commercial law matters. His experience with sourcing expert witnesses extends to the selection of very niche and industry-recognised experts for international arbitration and prominent class action matters. Daniel is appreciative of the opportunity to apply his skills to assist pro bono clients.

BACK TO COVER