

the index Review

WINTER 2001

A PUBLICATION FOR DEFENSE ATTORNEYS, INSURANCE COMPANIES & SELF-INSURED

THE IDEX TICKER

Expert involvements added this year
■ 53,344 ■

Frequency of successful searches this year
■ 80.0% ■

Total database records as of Dec. 15, 2001
■ 764,678 ■

Number of defense offices in the network
■ 3,481 ■

The new improved idex.com

If you have not been to idex.com lately, then you are in for a surprise! You will find a whole new look, lots of new information and, more important for members, increased functionality. Although it may take a little time to learn this new application, we believe after the first pass or two using the site will become very intuitive.

The site continues to be the most common method members use to make a request for IDEX's research services. All of IDEX's services can be ordered online. Other enhancements include the ability to search for and add multiple experts to the same request. If multiple experts are ordered under one request, each expert's

searches can be customized so that you are ordering only what you need on that particular expert. Also, to help you save time when filling out a request form, you can select default shipping information at the time you create your profile.

Go to the site and be sure to go through the login process to create a login name, password, and a profile. Once this is completed, you will never be asked this again and will be able to go directly to the new "Member Area".

If, while on the site, you wish to have someone at IDEX walk you through the pages...just call us at 800-521-5596 and we will be happy to spend some time with you. ☺

Just what do you get in a Testimonial History?

Your attorney or defense colleague suggests to you that you do an IDEX search on the opposing counsel's expert. You call IDEX or fill out a request for information form online and in a day or two you receive this report labeled "Testimonial History of Expert Witness." Great, now what do you do? How do you use the information you now hold in your hand?

For 17 years IDEX has helped the defense community learn more about both Plaintiff and Defense experts. Although our services have expanded since the company started, it is the Testimonial History Search that continues to be the most frequently requested IDEX service.

What advantages come from using the Testimonial History Report?

■ Establishes the fact that the expert is involved in cases quite often, and may be considered a "professional expert"; likewise, if IDEX has little or no case history of an expert, that may be a strong indication that the expert is not a high profile or "professional expert."

■ Enables an attorney to gather prior deposition and trial transcripts.

■ Facilitates networking with other defense counsel with first-hand knowledge of the expert in question.

■ Learn of case information spanning two decades. ☺

CHECK OUT
THE NEW
idex.com

The IDEX database is continually updated through a member network of over 3,300 actively participating defense firms, insurance companies, and numerous other sources coast to coast. The IDEX Defense Network would like to welcome members who have recently joined:

Abrams & Smith	Guess & Rudd	Nelson, Kinder, Mosseau & Saturley
Adler, Pollock & Sheehan	Hall, Block, Garland & Meyers	Nelson, Levine, De Luca & Horst
Alvarez & Notzon	Halleland, Lewis, Nilan, Sipkins & Johnson	Nelson, McCormick, Hancock & Newton
Arnett, Draper & Hagood	Hancock & Estabrook	O'Donnell & Shaeffer
Ball & Rubin	Hancock, Rothert & Bunshort	Ogden & Sullivan
Bateman, Coley, Yospin et al	Hanna, Campbell & Powell	O'Hagan, Smith & Amundsen
Benjamin & Loss	Hartel, Kane, Desantis	Ortale, Kelley, Herbert & Crawford
Bergmann & Dacey	Haynsworth, Sinkler & Boyd	Polewski & Associates
Betancourt, Van Hemmen & Greco	Hicks & Lucky	Radna & Androsiglio
Bill Greenberg Special Services	Hinman, Howard & Kattell	Rawls & McNelis
Blake, Kirchner, Symonds et al	Hofstein & Widman	Ricotta & Personius
Boyd & Jenerette	Holland, Brady & Grabowski	Roman & Associates
Bozeman, Neighbour, Patton & Noe	Inquiry LTD	Saba, Endler & Associates
Braff, Harris & Sukoneck	Ireson & Weizel	Scarritt Law Firm
Cokinos, Bosien & Young	Jenkins, Fenstermaker	Schirrmeister & Ajamie
Conner & Winters	Jenkins, Pisacano, Robinson & Bailey	Simmons, Jannace & Stagg
Davidson & Troilo, PC	Jenner & Block	Smith, Robertson, Elliott & Glen
Dechert	Jennings, Strouss & Salmon	Sowell, Gray, Stepp & Laffitte
Dickson, Ashenfelter, Slous et al	Kane, Pugh, Knoell & Driscoll	Stevens & Johnson
Donovan Hatem, LLP	Katz, Huntoon & Fieweger	Stubbeman, McRae, Sealy, Laughlin et al
Ellis & Winters	Katz, Huntoon & Fieweger	Sullivan, Sullivan & Nahigian
Feder, Goldstein & Tanenbaugh	Kenyon & Kenyon	Taylor, Burrage, Foster et al
Fowler, Rodriguez, Kingsmill, Flint & Gray	KJP Associates	Tharrington, Smith
Fox Galvin	Kravit Partners	The Health Law Firm
Franklin, Cardwell & Jones	Kring & Brown	Tribble & Sanders
Freeman, Mathis & Gary	Kroger & Associates	Trinchard & Trinchard
Gachassin Law Firm	Lasky, Haas & Cohler, PC	Venable, Baetjer & Howard
Gerolamo, McNulty, Divas & Lewbart	Law Offices of Mark Korn	Vickers, Riis, Murray & Curran
Gibbs, Armstrong, Harmon	Lee & McInish	Whitney & Bogris
Gjording, Garrett & Fouser	Lemery, Mackrell & Greisler	Williams, Venker & Sanders
Gold, Butkovitz & Robins	Lunga, Evers & Johnson	Woodward, Hobson & Fulton
Gray & Prouty	Merry, Rarnen & Ryan	Young & McGilvery
Greensfelder, Hemker & Gale	Milligan & Coleman	
	Moyer & Bergman	
	Mullen, Lackey & Atwood	

Bulletin Board

EXPERTS NEEDED

If you know of an expert who can meet these requirements, please call IDEX at 1-800-521-5596. We'll pass along the information to the member who requested our help.

RHEUMATOLOGIST

in New York City with expertise in fibromyalgia.

AGRICULTURAL

science or livestock expert. Any location.

NURSE

intensive care or cardiac unit nurse. South central U.S.

TRADE SECRETS

law from California.

EXPERTS NEEDED (con't)

SOCIAL WORKER

familiar with reuniting process and home evaluations. Prefer proximity to Virginia.

FIBER OPTIC

expert on severed lines, connectivity and construction. Any location.

DEMOLITION

expert in New England.

BONDS

expert on initial public offerings/high yield bonds. Southeast U.S.

WATER RESCUE

specialist from New Jersey.

Questions regarding testimonial history

Can the Report reflect that the expert is biased toward one side of the other?

Yes and no. When there is a preponderance of cases where the expert worked for one side or the other, it gives the appearance that the expert is biased toward that side. This may be misleading for two reasons. First, it is unlikely that we will have all the information on any expert relative to his or her involvement in previous cases. Second, and more important, since IDEX works only for the Defense Bar, the greatest percentage of requests for information involve the adversarial, or plaintiff, expert. The case information from these requests becomes part of the expert's file, thus creating the appearance that the expert seldom, if ever, testifies for the defense. This "built-in" bias is mitigated by the fact that we do gather information from several public records sources which would reflect cases in which the expert may have represented the defense, and the fact that our members also make requests on their own experts from time to time. Bottom line—we suggest that any assumptions about an expert being a "plaintiff hired gun" based solely on our report should be carefully considered and supported by other sources.

Does the term "Testimonial History" mean that IDEX sends information on every case in which an expert has testified?

IDEX will search the network's database of nearly 800,000 case records and report details of cases in which an expert has been involved that have come to the attention of the network. These most likely represent only a fraction of an expert's real level of activity. Although over 3300 defense law firms and insurance claims offices are actively participating in the IDEX defense network, not every expert, and certainly not every case, finds its way into the database. In addition to 3000 case records added monthly through requests from the network, IDEX proactively researches cases where experts are involved, adding yet another 3000 case records monthly to the database. In about eight out of ten requests, IDEX will have a record of an expert's involvement in a previous case or cases.

Does the term "Testimonial History" mean that the expert gave actual deposition or trial testimony in every case on the report?

In every case? Probably not. Depending on the expert in question, the Testimonial History Report may be largely comprised of cases IDEX learned of from a request made early in the discovery process. Oftentimes, these cases may settle before the expert testifies. Approximately 20% of IDEX members making requests follow up and update the record of expert's testimony in their case. You will note that when IDEX does not know if an expert has testified there is a statement that **"IDEX has no record of testimony at this time."** This

IDEX Pro Files

Dora Mae Currie comes to us as a part-time employee after serving 37 years as a teacher and administrator in the Kansas City, Kansas school system. Although her primary responsibility is run distribution, she helps out at IDEX in several other areas when needed. Dora Mae says she still looks forward to coming to work after four years because the staff is so pleasant and friendly and is always glad to see her!



Dora Mae Currie

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ADDRESS CORRECTION REQUESTED



Questions

(Continued from page 3)

statement does NOT mean that the expert did not testify. In fact, the expert may very well have testified by deposition and/or at trial. It simply means that IDEX does not know for sure.

Why include case information when IDEX learns that the expert did not testify in that case?

- An expert report or letter of opinion may have been provided prior to settlement.
- The defense attorney may have gathered valuable information during discovery that could be helpful.
- The fact the expert was named as a witness may say something about the expert's level of activity.

How can you tell from the IDEX report whether IDEX has transcripts available?

When IDEX has archived material such as deposition or trial transcripts relative to a given expert, it is noted on the first page of the Testimonial History report. At the present time IDEX archives in excess of 22,000 deposition or trial transcripts, expert reports, and CVs that have been scanned and can be either emailed or sent in hard copy via regular or expedited mail.

How soon will I receive the information?

Typically we respond to a request for a Testimonial History within two business days. When you need a "rush" response we try to meet your needs generally

within 24 hours. There is no additional charge for a "rush" response; however, we ask that IDEX members make "rush" requests only when they are truly under the gun and need the information as soon as possible. **What if I just don't "get" it?**

Whenever you receive a report from IDEX that is not clear, please feel free to contact us at 800-521-5596, and ask for an explanation. We certainly want you to feel that the information you receive from IDEX is clear, thorough and, most of all, helpful. Our goal is to make your life easier and to help you best prepare for the tasks at hand. ⌘

Now scheduling an In-Service near you:

January--Los Angeles/Atlanta/Columbia, SC

February--Central coast, CA /Atlanta

March--Phoenix/Houston/Galveston

April--Tampa/Sarasota/Nashville

May--Denver

June--Boston/Wichita

July--Dallas/Connecticut

August--Minneapolis/Columbus/Cincinnati