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Legal Professionals Use an Implicit Checklist to Assess Expert Witness Credibility

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ABSTRACT

In a court of law, some forms of evidence are too technical to interpret without the help of an expert witness. However, expert testimony sometimes leads to wrongful conviction. We used an online survey to quantitatively compare how legal professionals ($n = 122$) and lay people ($n = 109$) understood what makes an expert witness credible. Both groups rated the importance of 22 criteria describing a hypothetical expert either in positive terms (e.g., “...has peer reviewed publications...”) or negative terms (e.g., “...not licensed or accredited...”). Nine criteria showed significant differences between groups, and for other criteria, there was agreement. Compared to lay people, legal professionals placed more importance on criteria such as domain expertise (knowledge in one's field), and ability to answer the legal question at hand. It appears that legal professionals have refined credibility assessments potentially due to their education, knowledge of policy and guidance, and first-hand experience.

1 | Introduction

What makes someone a credible “expert” witness in court? This question is debated around the world (Garrett and Mitchell 2018; Ireland and Beaumont 2015; Wahlberg and Dahlgren 2021, etc.). In law, a *credible* witness is defined as a persuasive, truth-oriented person who provides information worthy of belief (J. A. Simon-Kerr 2021; J. Simon-Kerr 2023). In court proceedings, forensic evidence is often a key determinant within a case (Rix 2021). Unfortunately, both judicial and lay members of the court often struggle to understand the scientific and technical information (Hans and Saks 2018; Kutnjak Ivković and Hans 2003), and so, the expert witness can help. For example, an expert in deoxyribonucleic acid (DNA) can provide an estimate of the likelihood that a particular DNA sample can be confidently matched to a specific person at a particular crime scene (Weathered et al. 2020). Other times, an expert witness (e.g., clinical psychologist) might provide an assessment or diagnosis of a defendant in a case (Van Es et al. 2020). In ideal circumstances, the judge should be able to say to the jury: “Just

sit and listen. Let the scientists do all the talking because they know far more about it than you” (Goymer 2014, 14).

The general purpose of any forensic investigation (Tilstone 2014), whose findings are then relayed to the court as evidence, is to generate factual answers to several questions about a given crime scene (*what—where—how—who—when—why*). The judge plays a major role in constructing the narrative (Berger 2013), aimed at making a *causality determination* (Freckleton 2011) to help establish legal responsibility (e.g., where a defendant caused an outcome that caused harm to a victim or damage to a plaintiff). In adversarial justice systems (e.g., Anglo-American), competition is thought the best way to pursue truth, and each party has the right to be represented by an attorney who is partisan (Johnston and Lufrano 2002). Here, it is normal for plaintiff or defendant parties to appoint their own expert (Mnookin 2008). The expert witness assists the court's factfinders by conducting and/or reporting empirical research that reveals the answer to one or more of these questions (Tilstone 2014; Tottenham 2021; Wahlberg and

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Dahlman 2021). Unlike eyewitnesses, whose testimony is confined to direct observation, expert witnesses are permitted to offer professional opinions (Ireland and Beaumont 2015), including those presented in written reports. The whole point of an expert witness is to be a credible source.

Regrettably, there are numerous cases where expert testimony has led to wrongful conviction (Cole 2014; Ireland and Beaumont 2015; Sangero 2021; Shorter et al. 2022), suggesting that, for example, these expert witnesses should not have been invited to give testimony in the first place, and/or their testimony should have been disregarded. Miscarriages of justice have occurred when the expert was unqualified or lacked impartiality, the court misinterpreted the information, the court placed undue weight on unreliable evidence, or where fresh evidence was shown to contradict older evidence (Freckleton 2011; Hans and Saks 2018; Sangero 2021; Shorter et al. 2022). Even in highly respected and established fields such as DNA forensics (Royal Society and The Royal Society of Edinburgh 2017), injustices have occurred due to erroneous conclusions about how DNA samples were transferred to a scene, miscalculation of DNA probability matches, and failure to prevent lay misinterpretations of statistical statements (Cole 2014; Weathered et al. 2020).

1.1 | Recognizing Expertise Witnesses in the Courtroom

Clearly, courts need to be careful when selecting the right expert. This is especially important given that people adopt a credulous view towards an expert witness simply because the expert was employed by the court in the first place (Schweitzer and Saks 2009). In the United States, the *Daubert standard* is used to help courts identify expert witnesses who are not only qualified, but whose testimony is also relevant and reliable, and based on sound scientific methodology (Daubert v. Merrell Dow Pharmaceuticals, Inc. 1993). In the United Kingdom (UK), where the present study is based, there is no equivalent to the *Daubert standard*, although, in practice, UK courts tend to show “tacit acceptance” of Daubert (Goymer 2014, 8; see also Fournier 2016; Saks and Faigman 2005). UK legislation merely states that the expert has a duty to interpret evidence “within the expert’s area or areas of expertise” (Ministry of Justice and e 2025, s 19 (1) (a) (ii)). Beyond this minimal stipulation, the court itself has the autonomy to make its own decisions vis-à-vis the assessment of the expert’s credentials and conduct, and on the necessity and admissibility of that expert’s opinion (Forensic Science Regulator 2020; Rix 2021).

Unfortunately, the legal profession generally suffers from inadequate means to differentiate between experts and pseudo-experts (Garrett and Mitchell 2018; Hans and Saks 2018; Martire et al. 2025; Rix 2021). Even when credentials are valid, it does not guarantee competence (Croce and Marsili 2025; Mnookin 2008). Sapir (2007) claimed that courts often fail to engage in the appropriate due diligence. When recruiting an expert, they focus too much on credentials and prestige, and then fail to apply further scrutiny (Garrett and Mitchell 2018; Hans and Saks 2018). This happens because “judges and jurors alike are often blinded

by the aura of science” (Sangero 2021, 223; cf. Hans and Saks 2018; Martire et al. 2025).

Inevitably, there is a wide gap between the expert’s knowledge and the knowledge of lay people (Mnookin 2008). One possible way to bridge the gap is for members of the court (e.g., judges, juries, lawyers) to be provided with some extent of science education (Hans and Saks 2018). However, this is difficult to implement beyond the provision of introductory primers (e.g., Royal Society and The Royal Society of Edinburgh 2017). Well-written as these primers are, they cannot even come close to emulating the years of education and experience that goes into becoming an expert (Hans and Saks 2018; cf. Feldon 2016). Therefore, we cannot expect lay people to do most of the interpretative work. That is the expert’s job. In fact, the expert witness has a *legal duty* to make the testimony understandable. They must enable the court to make accurate decisions based on that expert’s interpretations of evidence (see Forensic Science Regulator 2020, citing case law). This duty puts the expert in a sort of teaching role, providing just enough detail in their explanations to sufficiently elucidate the expert’s line of reasoning to the court, in context, with appropriate transparency (Hans and Saks 2018; Kutnjak Ivković and Hans 2003; Sjerps and Berger 2012). The expert witness must have the ability to finesse their knowledge into easily-understood chunks of information (Garrett and Mitchell 2018; Kutnjak Ivković and Hans 2003; Martire et al. 2025; Rix 2021).

Science and law are both truth-seeking endeavors, but they fundamentally differ in their aims. Science aims to generate a multiplicity of empirically-based scientific theories and laws, revisable through further testing. In contrast, the law aims to solve particular cases, needing science only to make the causality determinations that resolve a case (Diamond and Lempert 2025; Sanders 2009). Because of such differences, an academic who has never previously appeared as a witness can find it quite a challenge (Prestwich 2012). In a survey, Diamond and Lempert (2025) discerned two distinct populations of American scientists, those with experience of being an expert witness, and those without. The former group showed greater knowledge of how an adversarial legal system works (in negative and positive aspects) and their expected role in it. The experienced ones had adapted to the legal system.

As Garrett and Mitchell (2018, 944) argued, “Courts should be reluctant to qualify experts for whom no proficiency data is available”. How can such data be found? We might begin our search by looking at psychology, and specifically the gold standard of measurable expertise: the study of chess players. There is a highly precise numerical scale for quantifying chess expertise called the Elo rating (Elo 1967). It is a calculation based on how many recorded games an individual has won or lost (also considering draws), and this generates a quantified means of providing an expectation of future performance based on past performance (Elo 1967; Gobet 2016). The Elo rating is an example of what cognitive psychologists would call “show-it” expertise (Martire et al. 2025) that is, “easy to observe and measure in real time, and success is usually simple to define” (p. 267). Furthermore, it makes it easy to filter out pseudo-experts (e.g., those with

low Elo scores). However, there is no Elo score equivalent for expert witnesses, and therefore instead we should look at another type of expertise called “know-it” expertise (Martire et al. 2025), which involves “synthesis, interpretation, judgment and decision-making” (p. 266). “Know-it” expertise is more applicable than “show-it” for the study of expert witnesses. Unfortunately, for “know-it” expertise, it is more difficult to spot pseudo-experts because the relevant actions are powered by unseen cognitive resources. If one seeks to assess the credibility of know-it expertise in advance, then it would need to involve some assessment of the expert’s depth and accuracy of knowledge, and how to deploy it.

How do we measure “know-it” for an expert witness? Psychology provides a richly detailed theoretical framework (Martire et al. 2025), but it does not give us detailed instructions for approving a good expert witness. Since the earliest days of experts appearing in court, the core competency has always been identified as deep expertise in a technical area (Milroy 2017) beyond the comprehension of lay people (Hans and Saks 2018; Roberts and O’Brian 2014; Sapir 2007). It is obvious that an expert should be accurate and knowledgeable (Croce and Marsili 2025)—but numerous popular accounts (e.g., Solomon 2019) put emphasis on the expert’s presentational and teamwork skills. There are a small number of previous studies in this area. For instance, Brodsky et al. (2010) devised a *witness credibility scale* (WCS), intended as a prescriptive checklist for legal professionals. The scale consists of 20 adjectives, rated on a 10-point scale (“self-assured”, “confident”, “relaxed”, “respectful”, “well-mannered”, “truthful”, “logical”, “educated”, etc.). Other studies put the focus on participants’ self-reported opinions of what kind of expert they prefer. For example, in one between-subjects design, Weschler et al. (2015) asked real US attorneys ($n = 78$) to rate a fictional expert described in a written vignette. Across four conditions, the vignette utilized a set of descriptors to portray a fictional expert as either (1) high or (2) low expertise, and either a (3) social or (4) forensic scientist. Using 10-point Likert scales, participants rated their likelihood of recruiting the expert for a given court case and the expert’s likely credibility in court. Participants preferred forensic scientists over social scientists, but high-expertise experts were rated more highly overall. This was based on signs of more trustworthiness, good communication skills, and on the quality of the conclusions they made. In study using a (mostly) qualitative paradigm, McCarthy Wilcox and Nic Daéid (2018) interviewed actual US jurors ($n = 29$) after the real-life trials they sat in (jurors from nine trials were contacted; those who responded were interviewed). When probed about their opinions of the expert witnesses they observed in court, the most common markers of high credibility—as perceived by participants—were a confident demeanor, good academic qualifications and professional status.

The findings reported by McCarthy Wilcox and Nic Daéid (2018) and Weschler et al. (2015) appear to show some difference between legal professionals and lay peoples’ views of expert witnesses. However, it is difficult to directly compare studies with such different methodologies. Despite the valuable contributions of the studies we have cited, there is a significant gap in the literature for gaining a realistic picture of the evaluative perceptions of the legal professionals themselves (those who are directly

exposed to expert witnesses in their working lives), the attorneys, judges, and others.

1.2 | Comparing Legal Professionals and Lay People

Overall, legal expertise has been defined as the ability to engage in meta-reasoning, to use former instances of reasoning (e.g., precedents in case law) as tools for constructing new legal arguments (Jiménez 2024). A legal education (see Macedo Júnior 2023) entails that law students learn decision-making skills to employ bodies of law (and associated concepts and theories) to solve problems in a legal context (e.g., determining culpability). To be clear, legal professionals are experts in law but *not* the scientific or technical discipline of the expert witness. Yet, we posit that a legal professional has acquired a measure of wisdom (based on training and experience) when thinking about which experts are more suitable than others. If that legal professional thinks about which expert to employ (candidate 1, candidate 2, etc.) then the evaluation likely comprises a mental checklist of some kind (e.g., this one has PhD credentials, check... good track record, check..., etc.). This process may be entirely implicit, not verbalized to oneself (Patterson and Eggleston 2017), but nonetheless important.

We anticipated what some of those naturally-occurring checklist items might be, and then devised 22 items (full sentences) about the characteristics of a hypothetical expert. In doing so, we have also taken a step towards refining the Brodsky et al. (2010) methodology by employing full-sentence items instead. Their WCS relied on isolated descriptors (1–2 words) which likely limit its sensitivity to the nuanced and context-dependent nature of expert testimony. Furthermore, Brodsky et al. (2010) provided a prescriptive list (what people *should* find important). In contrast, our approach was not prescriptive but empirical (what people *do* find important). We asked our survey participants to read each of the 22 descriptors (e.g., item 8: “Witness has professional appearance and demeanor”) and then rate the sentence using an 11-point scale to rate how important the descriptor would be for their decision to employ that expert. Based on the literature we have cited, we made two a priori hypotheses. The first was that legal professionals assess prospective expert witnesses differently from lay people. The second is that there are clear patterns in how some attributes are valued more highly than others. In fact, we devised our list of 22 items with this in mind. We expected that some would rate more highly than others.

We emulated the classic paradigm (used in cognitive psychology) of investigating expertise through a comparison of expert-novice differences (Gobet 2016). In chess paradigms, the findings for the lay sample (e.g., novice chess players) are used as a baseline from which to compare the experts (e.g., chess grandmasters). This helps us to understand the minds of those who win chess championships. Being a law expert is quite different from being a chess grandmaster. Yet, the expert-novice paradigm can apply more generally. For our online survey, our “expert” group consisted of the legal professionals and the

novices were lay people (i.e., those who filled out the survey but were not legal professionals). Judging from the wider literature showing that experts think differently from novices (Gobet 2016; Martire et al. 2025), we expected to see differences between groups. Although we recruited lay people primarily as a baseline upon which to investigate the legal professionals—we also know that lay people are interesting to study in their own right, given that legal systems around the world make heavy use of lay participation (Saks 2008). Lay people are potential jurors who must attend to, process, and interpret the evidence presented by an expert.

2 | Method

2.1 | Participants

The full sample comprised 231 individuals, and this was divided into two groups that is, 122 legal professionals and 109 lay people. The inclusion criterion for participants in the legal professional group was that they had formal training in the legal profession. Within the legal professional group, 73% ($n = 89$) were lawyers (non-prosecutors), and the remainder were other types of legal professionals (judges $n = 2$; prosecutors $n = 8$; paralegals $n = 2$; other $n = 21$). The inclusion criteria for recruiting lay people were age (18+) and residency (in the UK for at least 5 years since the age of 13), as these are two main criteria for jury eligibility in the UK. We used a similar recruitment method to Craig and Expert Witness Advisory Group (2021) who studied expert witnesses themselves, which includes convenience, snowballing and purposive sampling (see also Ayhan 2011). The first author recruited participants by sending the weblink from Qualtrics to people on his professional network on LinkedIn, and through the email listserve at the University. Based on a power size calculation for comparing two independent groups (G*Power 3.1.9.7; Faul et al. 2009), we aimed for a minimum full sample of 210 participants (evenly split between groups), which we exceeded. We originally recruited 293 participants, but excluded responses from 24 participants due to ineligibility and an additional 38 responses due to incomplete responses.

2.2 | Survey

Each participant completed a 22-item survey (see Appendix 1). Each item was a description of a prospective expert witness. Sixteen items were positively-valenced (e.g., “Witness has education, study, knowledge, or training which is relevant to their testimony”) and six were negatively-valenced (e.g., “Witness cannot handle the pressure of intense cross-examination”). Participants were not primed with a description of the ideal expert witness in advance. The first page of the survey merely mentioned the necessity of experts when there is complex information in a case and how jurors are often required to assess the credibility of the expert. For every item, participants were asked: “Please rate how important each of the following criteria are when considering someone a credible EXPERT forensic witness in court”. Participants responded on 11-point rating scales from 0 (“not at all important”) to 10 (“extremely important”). A final item asked: “Using the text box below, please specify any other criteria or factors that are important when considering someone an expert

forensic witness?” The findings of this qualitative data are shown in Appendix 1. Prior to running the main study, the survey material was piloted with eight individuals that is, three academics from law and three from three psychology, and two members of the public. The aim here was to identify potential issues related to sentence structure, clarity and content. Feedback from this preliminary testing informed revisions to the wording of several items to enhance clarity and ensure the questionnaire was comprehensible to both legal professionals and lay people.

2.3 | Procedure

Data collection occurred online (Himes and Brandner 2021; Newman et al. 2021) in a similar fashion to other recent studies on the same general topic (e.g., Craig and Expert Witness Advisory Group 2021; Diamond and Lempert 2025; Johan 2024). The survey was preceded by a consent form and information page, and followed by demographic questions: age, UK residency status, whether in legal profession, and (if applicable) what kind of legal profession (judge, lawyer, prosecutor, coroner, paralegal, etc.). The survey was followed by a debriefing page. On average, the survey took approximately 10–12 minutes to complete. The study was approved by the Research Ethics Committee of the authors’ University.

3 | Results

The dataset is available at <https://osf.io/a67u8/overview>. For analysis, the negatively-valenced items (2, 3, 4, 9, 12, 14) were reverse-scored. First, we assessed if the items could be reduced (aggregated). In order to do this, we first computed inter-item correlations. This revealed that although there were some statistically significant associations among some of the items, none of these were sufficiently high (i.e., ≥ 0.80) to suggest they were redundant (Clark and Watson 1995). Second, we performed “top-down” grouping by collapsing the items into five groups labeled as follows: (1) “knowing-that”, (2) “knowing-how”, (3) “integrity”, (4) “testimony presentation”, and (5) “decoy” (see Appendix 1 for detailed descriptions of these groups). However, application of Cronbach’s alpha suggested that the reliability of these groupings was too low to proceed on this basis. Therefore, for our main analyses, we treated each of the 22-items as distinct.

We compared the responses of the legal professionals and lay people using independent samples *t*-tests. A Bonferroni correction was applied to the alpha level for multiple testing ($\alpha = 0.002$). As Table 1 shows, there were significant differences among the two groups for nine of the 22 items (i.e., 1, 3, 4, 8, 10, 12, 13, 17, 22). For all but one of these items (i.e., item 13) legal professionals’ ratings were significantly higher than lay people’s, indicating that legal professionals deemed these criteria to be significantly more important for determining if someone is a credible expert witness.

For the remaining 13 items (i.e., 2, 5, 6, 7, 9, 11, 14, 15, 16, 18, 19, 20, 21), where there was no significant difference between the two groups’ ratings, a one-sample *t*-test was conducted to examine if the ratings across both groups were statistically significantly above the midpoint of the 0–10 scale (i.e., 5). Again, a Bonferroni correction was applied to the alpha level for

TABLE 1 | Statistical comparison of legal professionals' and lay people's ratings of criteria for determining credibility of an expert witness (measured on a 0–10 Scale).

Items	M (SD)		t-test
	Lay people	Legal prof.	
1. Witness has extensive practical experience (e.g., 15 years or more) within domain of expertise	7.68 (2.56)	8.93 (1.85)	$t(195) = 4.22, p < 0.001, d = 0.57$
2. Witness has not received any training in being a court witness	5.99 (3.14)	6.29 (2.20)	$t(190) = 0.82, p = 0.413, d = 0.11$
3. Witness has been subject to criticism in a previous court appearance (e.g., previous testimony unreliable, questioning credentials, etc.)	7.76 (2.64)	9.82 (1.91)	$t(194) = 6.73, p < 0.001, d = 0.90$
4. Witness does not have any previous experience as an expert witness in court	4.93 (3.05)	6.60 (2.12)	$t(189) = 4.78, p < 0.001, d = 0.64$
5. Witness has several peer-reviewed publications on the topic relevant to their testimony	7.33 (2.26)	7.75 (1.86)	$t(210) = 1.55, p = 0.124, d = 0.21$
6. Witness has good presentation skills (e.g., uses clear language to explain things)	8.64 (1.94)	9.20 (1.88)	$t(229) = 2.24, p = 0.026, d = 0.30$
7. Witness has formal qualifications and training (i.e., knowledge) of their domain of expertise which is beyond that known by the judge/jury	9.44 (2.09)	10.13 (1.26)	$t(173) = 3.00, p = 0.003, d = 0.41$
8. Witness has professional appearance and demeanour	6.64 (2.60)	8.07 (2.24)	$t(214) = 4.46, p < 0.001, d = 0.59$
9. Witness is not licensed or accredited with (or a member of) a professional body in the domain of expertise	7.93 (2.92)	7.89 (2.09)	$t(193) = 0.12, p = 0.903, d = 0.02$
10. Witness can apply their expert knowledge to the legal question they have been asked	9.22 (2.27)	10.36 (1.35)	$t(171) = 4.58, p < 0.001, d = 0.62$
11. Witness has been recommended to either the prosecution or defense by others in the criminal justice domain (e.g., police, other lawyers, etc.)	5.96 (2.79)	6.79 (1.85)	$t(183) = 2.61, p = 0.010, d = 0.35$
12. Witness has not attained a high status (e.g., consultant, professor, chief, etc.) within their profession	5.87 (2.24)	6.89 (2.23)	$t(229) = 3.47, p < 0.001, d = 0.46$
13. Witness is independent to the parties in the legal proceedings (i.e., able to provide unbiased, impartial and objective evidence on the matters within their field of expertise)	10.49 (1.18)	9.95 (1.40)	$t(228) = 3.15, p < 0.002, d = 0.41$
14. Witness is from a field that is not very well-established (e.g., forensic linguistics, ear print analysis, etc.)	6.08 (2.72)	6.32 (2.05)	$t(199) = 0.74, p = 0.460, d = 0.10$
15. Witness has education, study, knowledge, or training which is relevant to their testimony	10.09 (1.50)	10.46 (1.11)	$t(197) = 2.10, p = 0.037, d = 0.28$
16. Witness is capable of providing transparent testimony (e.g., reasoning process is clear)	9.97 (1.29)	10.37 (1.48)	$t(228) = 2.16, p = 0.032, d = 0.28$
17. Witness cannot handle the pressure of intense cross-examination	7.40 (3.05)	9.07 (2.02)	$t(183) = 4.83, p < 0.001, d = 0.65$
18. Witness has been assessed by an external body as being proficient in their domain or specialism	9.04 (1.55)	8.48 (1.59)	$t(229) = 2.71, p = 0.007, d = 0.36$
19. Witness tends to work for a particular side/party (e.g., prosecution, defense or both)	6.66 (3.17)	6.64 (2.31)	$t(195) = 0.06, p = 0.954, d = 0.01$
20. Witness is a holder of an endowed chair (i.e., position) in their specialty at a reputable university	5.06 (3.03)	5.70 (2.32)	$t(201) = 1.82, p = 0.071, d = 0.24$
21. Witness can provide reliable evidence (e.g., it has a scientific basis, or the opinion evidence is based on validated laboratory techniques or technologies)	9.89 (1.47)	10.28 (1.30)	$t(216) = 2.12, p = 0.036, d = 0.28$
22. Witness has previously provided testimony to higher tier courts (i.e., crown court or appeal courts)	5.71 (2.54)	6.74 (1.89)	$t(197) = 3.47, p < 0.001, d = 0.46$

multiple testing ($\alpha = 0.004$). It was found that for 12 of these 13 items (the exception was item 20) both groups rated them significantly above the midpoint, indicating that they were deemed to be important indicators for determining if someone is a credible expert witness.

4 | Discussion

Expert opinion is valuable and highly consequential, but sometimes it pushes the court towards the wrong outcome (Cole 2014). These miscarriages of justice are preventable. In our study, we have addressed the gatekeeping aspect of employing an expert witness. We compared legal professionals and lay people in how they evaluate the credibility of a potential expert witness. We found some differences between professionals and lay people. Four sets of main findings emerged, and we discuss each of these below.

First, we found some overlap between what our participants valued and the sorts of criteria found in current legal policy and guidance. For example, the Forensic Science Regulator in the UK (2020, s 5.8.2) stipulates that the “expert must... provide sufficient information that the manner in which conclusions are drawn is clear”. Consistent with this, our participants put value on communicative ability (item 6 in Table 1; cf. Kutnjak Ivković and Hans 2003). Furthermore, it appears broadly true that our participants regarded cues of *know-it* expertise (such as competence, status, and experience) as important indicators of credibility overall.

Second, there was no significant difference between legal professionals and lay people on 13 of the 22 items, and for 12 of these we found that both groups considered them to be important for determining credibility of an expert witness (i.e., they were rated significantly above the midpoint of the scale). Several of the agreed-upon criteria are well-aligned with current legal policies and guidance (in Table 1, these were items 5, 7, 9, 14, 15, 16, 18, and 21).

Third, we also observed some notable differences between the two groups across nine items. Three examples are that legal professionals placed greater importance on a witness having extensive practical experience within their domain of expertise (item 1), on the issue of witnesses applying their expert knowledge to the legal question being asked (item 10), and on the issue of a witness has not attained a high status within their profession (item 12) (the latter was an example of a reverse-scored question; meaning that professionals viewed the negative impact of low status as more consequential than lay people did).

Fourth, beyond criteria from the Daubert standard and the UK's Ministry of Justice guidance, we also found that legal professionals have an implicit checklist for determining a credible expert witness. One of these factors is professional appearance and demeanor (item 8), which legal professionals rated more highly. Given the well-known fact that “demeanor is an unreliable guide to credibility” (Thomas 2023, 6), this may seem a somewhat counterintuitive result. We would not expect legal professionals to be more susceptible to “style over substance”

than lay people. However, it is possible that the legal professionals are not susceptible themselves—but are assuming that the lay people are (Mnookin 2008). Perhaps the legal professionals felt that, in an adversarial system, each side must avoid the pitfall of presenting an expert whose appearance falls beneath a certain standard of professionalism, causing jurors to unfairly underrate the credibility of that individual (and unfairly hurt their case). This is consistent with advice from professional guidebooks such as Tottenham (2021) who underscores the importance of expert witnesses maintaining a consistently formal demeanor, while also observing that persuasive testimony does not depend on exceptional eminence or distinction.

Other factors that legal professionals rated as showing more credibility included: having been subject to criticism in a previous court appearance (item 3), not having any previous experience as an expert witness in court (item 4), not being able to handle the pressure of intense cross-examination (item 17), and having previously provided testimony to higher courts (item 22). Many of these results are commonsensical. For example, regarding previous experience in court (item 3), as Thomas (2023), said: “An expert witness who's been cross-examined hundreds of times will generally fare better than a nervous witness who's in court for the first time” (p. 6). Other results we obtained, however, are not as easily interpretable. An example is the topic of independence (item 13), that is, “able to provide unbiased, impartial and objective evidence”. This is another somewhat counterintuitive result because lay people rated independence more highly than legal professionals. If this result is true, then we might conjecture that legal professionals showed less emphasis on independence than lay people did because the legal professionals are aware of the realities of the adversarial model of justice (Thomas 2023) “focussed on winning and losing” (p. 2); and where it is necessary that “both sides... vigorously advocate for their positions” (p. 1). In other words, a bit of tendentiousness is to be expected.

As mentioned earlier, courts in the US (and elsewhere) aim to identify expert witnesses who are not only qualified, but also whose testimony is relevant and reliable, and based on sound scientific methodology (Forensic Science Regulator 2020). Our results appear to show that legal professionals are better able to hone in on some of the factors that makes someone a credible expert witness than are lay people. Legal professionals need to utilize their education and experience to be proficient in handling an expert witness. That said, it is important to focus on where it goes wrong. As we mentioned earlier, legal professionals are *lay people* in relation to forensic science and the cognitive psychology of expertise. They may possess great acumen and sagacity (experts in their profession), but they are still vulnerable to misinformation (cf. Croce and Marsili 2025). A vivid example from the past is the now-discredited pseudoscience of bitemark analysis (Bowers 2018). Bitemark analysis was forcefully debunked by Saks (2008) and others, but only after decades had already passed where courts had accepted bitemark analyses as valid. In other words, the well-meaning legal professionals correctly applied their skills at legal argumentation, but they were fed the wrong information. Even the most logically tight arguments are vulnerable to false premises (as in: dogs can fly; my pet is a dog; my pet can fly). Thinking of

expertise in general, there is ample empirical evidence that expertise does *not* transfer across disparate domains (Sala and Gobet 2017). In other words, we cannot assume that an expert in one field is expert in another. Because the legal professionals were not experts in science, bitemark pseudoscience got in.

4.1 | Strengths, Limitations and Future Directions

There were limitations to our study. The bitemark example (Bowers 2018) highlights the difference between being credible and being true. We can imagine that in the past, the bitemark expert on the stand seemed very credible (authoritative demeanor, credentialled prestige, etc.), and so legal professionals at that time accepted the bitemark evidence in good faith. An interesting way that our study could be extended is to make links between our cues of credibility and two other factors: (1) the accuracy of the information, and (2), in the adversarial context, whether the case was won. This would need post hoc analyses of courtroom evidence rated for accuracy and records of whether the expert was supporting the plaintiff or defendant, and the outcome of the case. It would be interesting to see if some of our cues are indicators of more accurate testimony (such as good credentials), whereas other cues are better for winning (such as good communication). Incidentally, a win-lose measure could allow an Elo-type score (“show-it” expertise) as a variable (Elo 1967).

Another research limitation is that we did not provide a definition for our participants for what we meant by “credible” and so it is possible that there was variation in how participants applied the concept of credibility in their replies. Yet, even if all participants understood the term in the same way, the assessment of credibility is a highly personal thing. A perceiver subjectively assesses the characteristics of a person (the information source) through the filter of their own biases and motivations (Rosenberg and Siegel 2022; Wahlberg and Dahlman 2021). Furthermore, the impression of an expert witness is not a static thing. In general, the social evaluation of a person can change from one moment to the next (e.g., Sutherland et al. 2016). One can imagine an impression of an expert starting off well at the beginning of court proceedings but then worsening if the expert were revealed to be incompetent.

Courts have historically been ill-informed about the findings of behavioral science (Commons and Miller 2007). As many authors have suggested (e.g., Martire et al. 2025), people need to know more not only about forensic science and forensic evidence, but to have a realistic understanding of “know-it” expertise, something not easily observable in advance (in other words, it is not easy to judge the expert’s proficiency until the point of actually observing the expert’s actual performance on the stand). Lay people have an intuitive understanding of the psychology of expertise which is not entirely wrong (see Keating and Walker 2025), but which falls short of a scientifically accurate view. There have been various proposals to improve the system. Garrett and Mitchell (2018) proposed a proficiency test for experts, where incoming experts need to answer a set of questions which would indicate a level of knowledge in their putative domain of expertise. Other authors (Ireland and

Beaumont 2015; Johan 2024; Sangero 2021) propose more structured methods for evaluating the evidence itself, allowing the court to see the expert’s-eye-view on the evidence itself. In other words, they should understand how the expert’s perspective in the process of evaluating the data for sufficiency, reliability, general acceptance in the scientific community, and then following every step in how a legal argument is constructed on the basis of that evidence (e.g., see reasoning checklist in Johan 2024, 81). Our research is a step towards developing realistic cognitive models of what legal professionals are currently doing right—and what they might be doing wrong—when employing an expert witness. We need to stay aware that expertise itself is multifaceted, evidence is complex, legal professionals are not immune to flawed reasoning, and that legal professionals and scientists do not necessarily understand each other (Hans and Saks 2018; Roberts and O’Brian 2014; Shorter et al. 2022).

The present study identified 22 cues that are utilised to qualify expert witness credibility. Subsequent research could examine how specific combinations of these cues shape perceptions of expert reliability and admissibility. This could be operationalized in future through factorial vignette experiments, wherein legal professionals and lay participants evaluate mock expert profiles systematically varied by—for instance—qualifications, experience, affiliations, and presentation style. Such designs would clarify which cues exert the greatest influence and whether certain combinations elicit heuristic biases or promote more accurate assessments. Furthermore, factorial designs could be extended to explore discipline-specific biases (e.g., forensic psychology vs. digital forensics) and the impact of sociodemographic variables—such as expert gender, ethnicity, and communication style—on credibility ratings.

Conflicts of Interest

The authors declare no conflicts of interest.

Data Availability Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.

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Appendix 1

Table A1

TABLE A1 | Using the scale below, please rate how important each of the following criteria are when considering someone credible EXPERT forensic witness in court.

Not at all important	0	1	2	3	4	5	6	7	8	9	10	Extremely important
1.	Witness has extensive practical experience (e.g., 15 years or more) within domain of expertise											
2.	Witness has not received any training in being a court witness											
3.	Witness has been subject to criticism in another court case (e.g., previous testimony unreliable, questioning credentials, etc.)											
4.	Witness does not have any previous experience as an expert witness in court											
5.	Witness has several peer-reviewed publications on the topic relevant to their testimony											
6.	Witness has good presentation skills (e.g., uses clear language to explain things)											
7.	Witness has formal qualifications and training (i.e., knowledge) in domain of expertise that is beyond which is known by the judge/jury											
8.	Witness has professional appearance and demeanour											
9.	Witness is not licensed or accredited with (or a member of) a professional body in the domain of expertise											
10.	Witness can apply their expert knowledge to the legal question they have been asked											
11.	Witness has been recommended to either the prosecution or defense by others in the criminal justice domain (e.g., police, lawyers, etc.)											
12.	Witness has not attained a high status (e.g., consultant, professor, chief, etc.) within their profession											
13.	Witness is independent to the parties in the legal proceedings (i.e., able to provide unbiased, impartial and objective evidence on the matters within their field of expertise)											
14.	Witness is from a field that is not very well-established (e.g., forensic linguistics, ear print analysis, etc.)											
15.	Witness has education, study, knowledge, or training which is relevant to their testimony											
16.	Witness is capable of providing transparent testimony (e.g., reasoning process is clear)											
17.	Witness cannot handle the pressure of intense cross-examination											
18.	Witness has been assessed by an external body as being proficient in their domain or specialism											
19.	Witness tends to work for a particular side/party (e.g., prosecution or defense)											
20.	Witness is a holder of an endowed chair (i.e., position) in their specialty at a reputable university											
21.	Witness can provide reliable evidence (e.g., it has a scientific basis, or the opinion evidence is based on validated laboratory techniques or technologies)											
22.	Witness has previously provided testimony to higher tier courts (i.e., crown court or appeal courts)											
23.	Using the text box below, please specify any other criteria or factors that are important when considering someone an expert forensic witness?											