

**SAMPLE EXPERT WITNESS RETENTION LETTER**

**[Insert Date]**

**[NAME OF RETAINING LAWYER OR LAW FIRM]  
[ADDRESS]**

**Re: Retention as Expert Witness**

Dear **[Name of Retaining Lawyer or Law Firm]**:

This will confirm that you **[or retaining law firm]** have/has engaged me individually to serve as an expert witness to testify for **[name of retaining lawyer or law firm client]**, regarding **[describe subject matter of testimony]** in **[describe matter]** ("the matter"). This letter sets forth the terms of the engagement.

My engagement in this matter is solely as a testifying expert witness. No attorney-client relationship is intended or will arise out of this engagement. Because the attorney-client privilege will not apply to communications with me, neither you **[or retaining law firm]** nor your **[or retaining law firm]**'s client should provide me with any information about the subject matter of the underlying litigation that you **[or retaining law firm]** expect me to maintain in confidence. Rather, you **[or retaining law firm]** should only provide me with information that I will be free to disclose to the opposing party in explaining the basis for my opinions in the matter. In addition, you **[or retaining law firm]** and your/its client agree that my service as an expert witness in the matter will not give rise to any conflict of interest that would preclude my law firm, **[Law Firm]**, from accepting employment as counsel to clients who may have interests adverse to your **[or retaining law firm]**'s client on any matter other than that which is the subject of my testimony.

My fees will be billed on the following basis. My hourly rate is \$\_\_\_\_\_ **[and I may need the assistance of other attorneys and/or paralegals in the firm whose hourly rates range from \$\_\_\_\_\_ to \$ \_\_\_\_\_.]** In addition, I am requesting an initial retainer in the amount of \$\_\_\_\_\_. I will submit monthly invoices to you for my services. You will be responsible for all costs expended and costs deposits may be requested for material expenditures. Costs include items such as photocopying, long distance calls, telefax, courier, etc.

If the terms described above and in the attached terms of engagement are satisfactory, please so indicate by signing and returning the enclosed copy of this letter, keeping a copy for your records. **[Insert if the return of the signed letter is to take place via facsimile and the appropriate fax number, or insert language that a stamped, addressed envelope is enclosed for return of the signed letter.]**

Thank you for the confidence you have shown in me by engaging me as an expert in the matter. I look forward to working with you **[or retaining law firm]** and assisting your **[or retaining law firm]**'s client.

Sincerely yours,

\_\_\_\_\_  
[Name of individual lawyer to be expert witness]

**Agreed and accepted:**

\_\_\_\_\_  
**[NAME OF RETAINING LAWYER OR LAW FIRM]**

By: \_\_\_\_\_

Date: \_\_\_\_\_