

Best Practices for Verifying an Expert Witness in Background Screening

By Robert Capwell, RIMS-CRMP

Abstract:

Attorneys often use evidence and eyewitnesses when presenting court cases. But an expert witness who provides insider knowledge and credible, convincing testimony can help attorneys [win cases](#). However, the wrong expert witness can potentially break a case.

An expert witness is a professional in a specific field or industry. Attorneys hire expert witnesses to examine research, make an evaluation, and present their professional opinion about their findings.

Consider the employment screening and background check industry - it's niche, complicated, and filled with regulations, process, and varying federal and state guidelines. It's critical an attorney hires a [verified subject matter expert witness](#) within the employment screening and background check industry who is credible, knowledgeable, and effective in delivering testimony that can support your case.

Here are several key factors to look for in a background check expert witness:

Relevant Industry Experience

A background check expert witness requires deep and specific knowledge about the employment screening process, including federal and state guidelines, industry practices, and technical standards. The witness must demonstrate familiarity with the Fair Credit Reporting Act (FCRA), state laws specific to background screening, and the types of data sources used in the background check process.

Professional Certifications

The federal, state, and local legal requirements for conducting compliant background checks constantly evolve. An expert witness

in background screening must have long-standing knowledge of the employment screening industry, including continuous education through the Professional Background Screening Association (PBSA). Attorneys should seek a background check expert witness who has a thorough understanding of the PBSA's Background Screening Agency Accreditation Program. Knowledge of this program confirms an expert witness grasps all operational aspects of a background check provider and understands how a consumer reporting agency must follow industry-recognized practices to be accredited.

Experience in Legal Settings

Look for an expert witness in background screening with previous experience testifying in court or providing depositions or testimony related to background screening.

This experience is crucial as it means the expert will likely be comfortable and persuasive under cross-examination.

Reputation and References

Checking the expert's professional reputation and obtaining references from other attorneys or firms that have used the expert can provide insights into their reliability and effectiveness in court. Conduct a comprehensive background check on your background check expert witness to validate they have the industry knowledge, experience, and clean criminal history you are looking for in someone who can support your case.

Publications and Contributions

Background check expert witnesses are experts for a reason. They are likely published in peer-reviewed journals or have contributed to industry discussions, articles, and presentations on background screening. Attorneys may ask their expert witness in background screening to provide a Curriculum Vitae (CV) as proof of their industry expertise.

Education and Background

Relevant educational qualifications or experience in criminal justice, human resources, law, or data management can add to the credibility of an expert

witness in background screening. The expert must have vast knowledge of employment and education verification standards along with a comprehensive understanding of the United States criminal and civil court system.

Impartiality and Objectivity

A background check expert witness should be seen as unbiased and impartial. They must be able to present facts and their professional opinion without any appearance of favoring one side. Seek out an expert that can provide insights based on facts no matter if they are working on behalf of a plaintiff or defense counsel.

Communication Skills

An effective background check expert witness must be able to explain complex information in a clear, concise, and accurate manner. Solid communication skills will help to ensure the judge and jury understand the testimony. Look for a background screening expert witness who has successfully delivered presentations and speeches to various audiences.

Availability and Willingness

The expert should be available to discuss the case, prepare a report, and testify as needed. Their willingness to commit time and effort to the case is crucial to helping reach a successful outcome.

Conclusion

By carefully considering these factors, an attorney can select an expert witness in background screening who is well-equipped to provide authoritative and impactful testimony on matters related to the employee screening process.

About Capwell Consulting Group

Recognized as the premier background check and risk mitigation consulting service in the employment screening industry, Capwell Consulting Group specializes in litigation support and expert witness services involving the Fair Credit Reporting Act (FCRA), Equal Employment Opportunity Commission (EEOC), workplace violence, and negligent hiring and retention. Recognized for our deep subject matter expertise on employment screening and drug testing, Capwell Consulting Group provides expert testimony as a background check witness on behalf of Consumer Reporting Agencies and end-users alike.