



National Tile and Stone Authority

NTSA Forensic Principles Series

When Expert Work Is Measured by the Clock

The Hidden Cost of Undervaluing Expert Work

An expert receives a call from an attorney about a construction dispute.

The assignment sounds straightforward. Review several reports, examine photographs and project records, inspect the installation, determine what failed, and explain why.

Then comes a familiar question:

"How many hours do you think this will take?"

It is a reasonable question. Attorneys have budgets. Clients want predictability. Litigation costs matter.

The problem begins when the estimated number of hours quietly becomes the measure of whether the expert's work is efficient.

A twenty-hour investigation begins to look excessive if someone believes it should take ten. A detailed report may appear unnecessary when a shorter one seems capable of stating the same conclusion. Additional testing may be questioned because the expert already has enough information to "form an opinion."

But forensic work is not measured reliably by how quickly an expert reaches an answer.

The real measure is whether the answer can withstand scrutiny.

Federal Rule of Evidence 702 similarly focuses on whether expert testimony is based on sufficient facts or data, reliable principles and methods, and a reliable application of those methods, rather than on how quickly the expert reached an opinion.

A conclusion may take five minutes to state and fifty hours to earn.

The Work Attorneys Never See

A finished expert report can create a misleading impression of simplicity.

The attorney sees the final opinion.

What is less visible is everything required to reach it.

Before writing a few paragraphs about causation, an expert may have reviewed hundreds of photographs, construction drawings, specifications, product data, installation records, applicable standards, correspondence, prior reports, deposition testimony, and laboratory findings.

Some documents confirm what the expert already suspects.

Others change the investigation entirely.

Still others appear irrelevant until they are compared with a physical condition observed months later.

The expert must decide what matters and, equally important, what does not.

That process rarely appears in the final report.

It should not.

A report is not supposed to document every thought the expert had along the way. It should communicate the relevant findings, methodology, reasoning, and opinions clearly enough for the reader to understand how the conclusions were reached.

For retained experts in federal litigation, Federal Rule of Civil Procedure 26(a)(2)(B) similarly requires the written report to contain a complete statement of the expert's opinions and the basis and reasons for them, together with the facts or data considered in forming those opinions.

Efficiency and Speed Are Not the Same Thing

Experienced experts should work efficiently.

They should know where to look, which documents deserve attention, which tests are meaningful, and which investigative paths are unlikely to produce useful information.

Experience should reduce wasted effort.

It should not reduce necessary effort.

That distinction is important because pressure to work faster can subtly change the nature of an investigation.

Instead of asking:

“What do I need to understand this failure?”

the question becomes:

“What can I accomplish within the hours available?”

Those are not the same assignment.

There is nothing inherently wrong with limiting scope. Litigation often requires it.

The danger is failing to recognize what that limitation means.

If an expert is asked to perform a preliminary review, the resulting opinion should reflect a preliminary review.

If destructive testing is excluded, conclusions dependent on concealed conditions may need to remain qualified.

If only selected documents are provided, the expert should not imply that the entire project record was considered.

A limited investigation can produce useful information.

It should not produce unlimited certainty.

The Cost of the Question Not Asked

The greatest risk in compressing expert work is not that something obvious will be missed.

It is that something plausible will be accepted too quickly.

That is precisely where experienced experts can be vulnerable.

A familiar failure pattern appears. The photographs support it, the installation contains a recognizable deficiency, and the first explanation seems to fit.

That is often the moment when the investigation is most vulnerable.

Forensic failures can turn on the one detail that does not fit the obvious explanation. It may be buried in a product specification, visible in an earlier photograph, revealed through testing, or discovered only by asking what the evidence should look like if the

initial theory were actually correct.

Finding that inconsistency takes time.

Forensic failures can turn on the one detail that does not fit the obvious explanation. It may be buried in a product specification, visible in an earlier photograph, revealed through testing, or discovered only by asking what the evidence should look like if the initial theory were actually correct.

Finding that inconsistency takes time.

Ignoring it can take considerably more.

More Work Does Not Automatically Mean Better Work

The opposite mistake is equally important.

A longer investigation is not necessarily a better investigation.

Experts can spend enormous amounts of time pursuing irrelevant issues, documenting conditions unrelated to the claimed failure, or producing reports whose length obscures rather than clarifies the opinion.

Word count is not a measure of quality in either direction.

Neither is the number of hours billed.

The objective is not maximum effort.

It is appropriate effort.

The investigation should be sufficiently thorough to address the technical questions presented, evaluate reasonable alternatives, recognize important limitations, and support the opinions ultimately expressed.

The objective is not more work or less work. It is the work the opinion requires.

The Report Is the End of the Investigation, Not the Investigation Itself

Attorneys understandably focus on the report because it becomes the visible work product.

But the report should be the final expression of the investigation, not a substitute for it.

A polished report cannot repair an inadequate factual foundation.

Strong language cannot compensate for missing testing.

Additional pages cannot transform an assumption into evidence.

And a short report is not necessarily superficial if substantial investigation stands behind every sentence.

In many cases, the strongest report may be the shortest one that fully explains the opinion.

The important question is not: "How long is the report?"

It is:

"Can the expert show how the evidence supports the conclusion?"

That is what opposing counsel will eventually test.

What Happens at Deposition

Time spent during the investigation often becomes most valuable when the expert is under oath.

A report may contain a single sentence stating that a particular condition caused the failure.

An hour of deposition may be spent examining that single sentence.

What evidence supports it?

What alternatives were considered?

What testing was performed?

What documents were reviewed?

What evidence contradicts the conclusion?

What assumptions were made?

What would cause the expert to change the opinion?

At that point, the efficiency of the investigation is no longer measured by how quickly the report was produced.

It is measured by how well the reasoning survives those questions.

The hours saved before the report was issued can become extraordinarily expensive when the foundation of an opinion begins to unravel afterward.

A Better Way to Evaluate Expert Work

Cost matters.

Efficiency matters.

Experts should respect both.

But neither should be confused with speed.

When evaluating the scope of an expert assignment, the better question is not simply how many hours the work should take.

The better question is:

What work is reasonably necessary to develop a reliable opinion?

Once that is understood, the attorney and expert can make informed decisions about scope, testing, priorities, and cost.

Those decisions may sometimes require compromise.

What matters is that the compromise remains visible.

When the scope of an investigation is limited, the expert must recognize what those limitations permit the evidence to establish and what remains outside the reliable reach of the investigation.

That is not inefficiency.

It is intellectual honesty.

Final Thoughts

Expert work should never become an open-ended exercise in accumulating hours.

But neither should it become a race to reach an answer.

The value of an expert is not measured by the number of pages produced, the number of hours billed, or the speed with which a conclusion is delivered.

It is measured by whether the work necessary to support that conclusion was actually performed.

Sometimes that work is simple.

Sometimes it is extensive.

The expert's responsibility is to know the difference.

Because the most expensive expert opinion is rarely the one that took too long to develop.

It is the one that was finished before the investigation was.

Technical References

- [Federal Rule of Evidence 702, Testimony by Expert Witnesses](#)
 - [Federal Rule of Civil Procedure 26\(a\)\(2\)\(B\), Witnesses Who Must Provide a Written Report](#)
-

Gil Chotam, CTC, CSI, CDT

Principal Forensic Consultant
and

Greg Andrews, CTC

Principal Forensic Consultant

National Tile and Stone Authority

For forensic consulting or expert-witness assistance involving tile, stone, waterproofing, or pool-tile matters, submit a brief [NTSA inquiry](#).