



January 9<sup>th</sup>, 2025

**Honorable R. David Proctor, Committee Member**

Hugo L. Black United States Courthouse  
1729 5th Avenue North  
Birmingham, AL 35203

Dear Honorable R. David Proctor,

**Re: Length of Expert Depositions**

I am writing to request that the Committee on Civil Rules consider shortening the length of expert depositions from seven hours to four hours.

When I consider the future of our justice system, I believe it is essential to address outdated conventions that may deter good people from entering the profession. There is a shortage of accountants and an even greater shortage of honest, credible expert witnesses. The world of justice needs dedicated individuals who are willing to serve in the expert role.

I am a testifying expert with 27 years of experience, and at 58 years old, I have a few years left in my career. I have testified at trial over 90 times and participated in approximately 40 depositions. I am one of four Chambers-ranked CPAs in 2024, notable for my service as an expert witness.

The grueling experience of testifying in a seven-hour deposition has caused me to consider leaving the profession on several occasions. I do not believe that a seven-hour expert deposition serves the cause of justice for the following reasons:

1. **Efficiency and Redundancy:** Experts are required to disclose the basis for their opinions in an expert report. Consequently, not as much time is needed to discover what the expert intends to say at trial compared to a fact witness.
2. **Time and Cost:** In my experience, a significant portion of an expert deposition is a waste of time and client money. Several hours are spent on lengthy background sections, making the expert explain what is already in the report, or on late-afternoon repeated questioning aimed at trapping the deponent into a sound bite for use in a Rule 702 motion. A shorter deposition will force attorneys to prepare and ask only the most relevant questions.
3. **Civility and Conduct:** Often, depositions are uncivil and intended to intimidate the expert. Our justice system has weak processes for preventing incivility. On several occasions, I have been subjected to seven hours of personally demeaning and hostile questioning. Shortening the duration would minimize the negative impact on those of us who need to endure the long haul of an expert career.
4. **Attention Spans:** Attention spans have significantly shortened with the advent of digital media and the COVID-19 era remote work. A seven-hour intense cross-examination session, replete with uncivil attacks, feels inhumane in today's world.

I am concerned about my ability to recruit and mentor young, credible experts if they know they have to suffer through this kind of experience. Please consider changing the rules to reduce the length of expert depositions to four hours.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Serena Morones".

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