

## Expert Witness Reliability in Agricultural Litigation

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### Overview

In *Ragsdale v. Timmer*,<sup>1</sup> the United States District Court for the District of Kansas addressed a common friction point in agricultural litigation - the attempt to exclude highly experienced but "non-scientific" expert witnesses. The defendants sought to exclude the testimony of a long-time Land Grant University extension specialist, challenging his qualifications, methodology, and the relevance of his opinions.

The court's decision to deny the defendant's motion to exclude the expert's testimony serves as a sharp reminder of the high burden required to exclude expert testimony, particularly in the agricultural context where "experience" is often the currency of reliability.

### Factual Background

The litigation centered on a dispute between the defendants, a married couple that owned farm and pasture ground, and the plaintiff, a service provider/operator regarding pasture rental, custom farming, and alleged land impairment. The central conflict involved the plaintiff's use of the defendants' pastures in Phillips County. The defendants claimed that the plaintiff's usage was unsanctioned and resulted in material impairment to the land. The plaintiff claimed that the usage was appropriate, supported by rental rates consistent with local market averages, and did not cause the damage alleged.

The parties also disagreed on the appropriate compensation for custom-farming services provided. The defendants claimed that a specific "handwritten document" governed the rates for these services. The plaintiff disputed the applicability of this document, instead relying on standard market rates for custom-farming services as published by the Kansas Department of Agriculture and Kansas State University.

Another point of contention was the condition of the defendants' farmland and pastures. The defendants claimed that the property was in poor condition and required specific care. The plaintiff, utilizing an agricultural expert, claimed that the land was of standard quality and that the usage did not require any deviation from standard regional farming practices.

During the discovery phase of the case, a question arose regarding site visits. The parties were unable to agree on a time for the plaintiff's expert to physically inspect the property because the defendants insisted on being present during any such visit. As a result, the expert conducted an evaluation of the land and crop fields primarily via "roadside" visual inspection. This led to a conflict over the admissibility of the testimony of the expert, an agricultural expert and long-time extension specialist. While the defendants challenged the expert's ability to

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<sup>1</sup> *Ragsdale v. Timmer*, No. 24-1170-DDC, 2026 U.S. Dist. LEXIS 41310 (D. Kan. Feb. 27, 2026), *motion denied*, No. 24-1170-DDC, 2026 U.S. Dist. LEXIS 86105 (D. Kan. Apr. 20, 2026).



assess land quality via roadside inspection and his use of regional (rather than field-specific) data, the court ultimately allowed the testimony to proceed, noting that these factual disputes (such as the impact of 2023 drought conditions or the validity of regional data) are matters for cross-examination and the determination of the weight of evidence, rather than admissibility.

**Summary of Factual Divergence**

Point of Contention	Defendants' Position	Plaintiff's Position
Pasture Rental	Usage was unsanctioned and resulted in material impairment.	Usage was standard; rates were at local market levels (\$18.85/acre).
Custom Farming	Governed by an alleged "handwritten document."	Governed by regional market rates (K-State/KDA data).
Land Quality	Land was in poor condition; required specialized care.	Land was of "standard" quality; followed average production metrics.
Expert Access	Expert required supervision on-site.	Standard evaluation methods were sufficient.

**The Legal Standard: *Daubert*<sup>2</sup> in the Agricultural Context**

The court’s decision to deny the motion serves as a sharp reminder of the high burden required to exclude expert testimony, particularly in the agricultural context where "experience" is often the currency of reliability. The court’s gatekeeping obligation under Fed. R. Evid. 702 remains the threshold for admissibility. However, *Ragsdale* clarifies how this applies to agricultural experts - who typically rely on decades of practice, extension data, and market observation rather than laboratory studies.

The opinion underscores two critical distinctions for practitioners with cases involving farmers and ranchers:

1. **Scientific vs. Non-Scientific Reliability:** The traditional *Daubert* factors (peer review, publication, error rates) are often inapplicable to non-scientific testimony. For agricultural experts, reliability is a function of "accepted practice in the area of expertise." If an expert uses established tools - such as the Kansas Department of Agriculture’s custom-farming rate books or K-State Research and Extension lease summaries - the court will generally view this as a reliable methodology.
2. **The Bench Trial Factor:** The court explicitly noted that because the case was set for a bench trial, the usual concerns about unreliable evidence misleading a jury carry significantly less weight. This relaxes the court's gatekeeping intensity, as the judge is deemed capable of weighing the evidence accurately and disregarding the unreliable portions.

<sup>2</sup> *Daubert v. Merrell Dow*, 509 U.S. 579 (1993).



## Why This Case Matters for Rural Attorneys

Rural practitioners often rely on experts who are "practitioners" (extension agents, retired farmers, ag economists) rather than academic researchers with white papers. *Ragsdale* provides a blueprint for defending these experts and, conversely, for identifying the limits of a motion to exclude.

**"Shaky but Admissible."** The court reinforced the principle that weaknesses in an expert's underpinning (e.g., failing to explicitly account for drought conditions or using a slightly broader geographic data set) go to the weight of the testimony, not its admissibility. If the expert has a logical basis for their opinion, the appropriate remedy is vigorous cross-examination and the presentation of contrary evidence—not exclusion.

**The Limits of Procedural Challenges.** The defendants attempted to leverage Rule 37(c)(1) to exclude testimony based on late disclosure (a supplemental affidavit attached to a summary-judgment reply). The court declined to "enforce a procedural rule for the rule's own sake," finding the late disclosure "harmless." While this is a cautionary tale to ensure timely reporting, it also demonstrates that courts are increasingly reluctant to punish technical violations if they do not result in unfair surprise or prejudice.

**Visual Inspections as Expert Evidence.** The court flatly rejected the argument that a "roadside" visual inspection by an expert with decades of experience is insufficient to support an expert opinion. For counsel, this validates the use of experienced agricultural professionals to provide expert commentary on crop quality or field conditions, provided they have a deep enough resume in the industry to justify their observations.

## Key "Take-Home" Points

For rural attorneys litigating agricultural disputes, *Ragsdale* offers these strategic takeaways:

- **Pivot from Exclusion to Cross-Examination:** Do not waste resources filing motions to exclude based on minor methodology quibbles or the "nitpicking" of an expert's experience. Unless the expert is fundamentally unqualified or relying on "junk" science, focus your efforts on developing a record for cross-examination. Attack the *reliability* of the data in the courtroom, not the *admissibility* of the expert in a pre-trial motion.
- **Leverage "Accepted Practice" Data:** When retaining experts, prioritize those who utilize state-sanctioned or industry-standard data (e.g., K-State Extension bulletins, USDA data, state custom-rate books). These documents insulate the expert against reliability challenges because they constitute "accepted practice."
- **The Bench Trial Strategy:** If you anticipate a bench trial, temper expectations for excluding the opposition's expert. Courts are generally more permissive in bench trials, preferring to hear the evidence and judge its credibility themselves rather than gatekeeping it out of the record.
- **Avoid the "Sandbagging" Trap:** While the court in *Ragsdale* found the late disclosure of an affidavit "harmless," do not bank on that leniency. Procedural shortcuts, like adding substantive explanations to supplemental affidavits that should have been in the initial report, create an unnecessary and avoidable risk of exclusion.



- **Contextualize Geographic Data:** If your expert must use data from a broader geographic area (e.g., two reporting districts), ensure they are prepared to explain *why* (e.g., "The farm is on the border," "This provides the most accurate average for weather patterns"). As seen in *Ragsdale*, a logical, documented justification for blending data sets effectively survives a reliability challenge.

## Conclusion

The *Ragsdale* decision serves as a pragmatic roadmap for rural practitioners, reinforcing that in the agricultural context, "experience" remains the primary currency of reliability. The court's reluctance to exclude an expert based on roadside inspections or methodological nuances demonstrates a clear preference for allowing the trier of fact to weigh the evidence rather than engaging in aggressive, exhaustive pretrial gatekeeping. By shifting the focus from the admissibility of the witness to the reliability of their data, practitioners can better manage the court's expectations and effectively highlight the merits of their client's position in the courtroom.

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