
Expert News

The Practice Building Newsletter for Expert Consultants

July 2009

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**You can market your expertise without
sacrificing your integrity.**

MARKETING BRIEF

Expert Witnessing - A Unique Practice

Being an expert consultant/expert witness is a unique practice. If I've said that once, I've said it a thousand times, but, doubtless, I'll say it another thousand times.

Your practice has similarities to other professional services, such as perhaps even your own "day job" if you provide services to private individuals, businesses, or industry. But, despite seeming obvious, the most critical difference in an expert consulting/testifying practice and a non-legal practice or business is that your clients and prospective clients are attorneys.

In case you haven't realized it yet, the characteristics of this unique target market impact your practice tremendously. For instance, what you say (and write) can and will be used against you. Once you offer your services to the legal community your life is an open book (no expectation of privacy) and this includes prior acts as well.

"OK," you say, "I've got the idea. What does this mean in terms of function?"

What it means for one thing is that you need to adopt a conservative tone in your advertising. Unlike product and some services advertising, you can't promise results, such as helping one side win. You can edge over from features -- credentials, availability, accommodations, etc., to benefits such as retaining counsel and then the triers of fact (judge and usually jury) benefiting from the effectiveness of your communication skills, but that is about as far as you can go.

The difference in your promotional strategy and tactics can be subtle. I urge my clients to write articles for us to put on their website, get published in their trade publication or a legal journal, or for us to distribute as a news release. But, and it is a big but, we carefully edit and bulletproof such writing.

A blog, on the other hand, is usually “looser” writing, almost a “stream of consciousness” from some bloggers. Therefore, I urge expert witnesses to blog with caution. Meredith writes a blog for us, <http://expertcommunications.blogspot.com>, but, not to sound like a broken record, our clients and prospective clients are not attorneys, so we can afford to and do present controversial topics.

Although some experts blog, some quite successfully because the proliferation of a blog is viral, expert witnesses who blog should do so with caution.

You may be thinking, “But some attorneys blog, and it is working great for them in getting their name and practice known.” That’s true. However, the broken record again: attorneys usually don’t testify, so their writing likely won’t be brought up in court.

“Law firm marketing” -- the marketing OF a law practice, is not the same as “legal marketing” -- the marketing of expert witness services TO law firms because of who the clients and prospective clients are.

This reminds me to mention why I seldom refer you to read other consultants' advice. There are many capable and wise marketing gurus, and Meredith and I read as much of what they write as we possibly can, to improve our work for our clients and to pass on nuggets of advice to you, our readers. But, because you as expert witnesses drive under the yellow caution light, I hesitate to recommend much outside advice to you lest you take it “as is” without noticing the sometimes subtle differences in how you should apply the advice to your legal (read conservative) practice.

When discussing a point on the website I was creating for him, I once got a laugh out of an engineer by saying, “Gary, it’s my job to make your information even more boring than it already is.” You can tell by the testimonials on our website that the results of my approach to marketing my expert witness clients have been far from boring. But you get the idea.

Regarding billing and collection procedures, you know you must accept that attorneys can be “a different breed of cat” as clients and consequently you must institute firm policies to ensure payment. I’ve had clients say to me, “Rosalie, even though you get a retainer for a marketing or coaching project, you don’t require me to sign a contract, despite consistently pushing us to get a signed contract from our clients to cover any work not paid for in advance with a retainer.”

Thanks for making my point for me again -- my clients are not attorneys! They are expert witnesses, who rarely ever become a collection challenge.

If I've belabored this issue, please excuse me. Until the day I no longer see such things on a website as "I can help your side win" or in an advertisement "Work primarily for defense," or until I no longer hear expert witnesses say, "I never thought they wouldn't pay me; I did the work for them!" -- until that day I will continue reminding you that you work in a unique business -- the legal consulting business -- and the strategies and tactics of your practice should be appropriately unique as well.

-- Rosalie Hamilton is the Expert's Expert on marketing. She is a consultant, coach, outsourced marketing provider and the author of ***The Expert Witness Marketing Book***
<http://www.expertcommunications.com>

QUOTE

After Captain Chesley "Sully" Sullenberger II, 58, skillfully splashed US Airways Flight 1549 into the Hudson River on January 15 -- saving all 155 passengers and crew in the process -- he had a simple, yet compelling, explanation. "One way of looking at this," he told CBS news anchor Katie Couric, "might be that, for 42 years, I've been making small, regular deposits in this bank of experience, education and training. And on January 15 the balance was sufficient so that I could make a very large withdrawal."

-- AARP May&June 2009, p.52

TRAINING CENTER

Different Learning Styles -- CDs and DVDs

We frequently talk about books on expert witnessing in this section and, honestly, it's because that's my preferred method of learning. But, I realize that everyone learns differently and, in our hectic lives, many of you probably multi-task and can listen as you do something else.

So, do you know about the CDs and DVDs we carry in our web store?

Some examples include CDs ***Expert Report Writing*** and ***How to Be Picked But Not Picked Apart***, and CD sets such as ***Law School for Experts*** and the ***Advanced Marketing Program for Experts***. DVDs include ***The Expert Deposition*** and ***Winning Over the Jury***.

In fact, just last week I heard this from one business expert:

"Every time I go to court, I watch the DVD I got from you, ***The Most Difficult Questions for Experts with Answers***, three times. And just last week I had an attorney call me specifically to thank me for the good job he said I did."

You can see more about ***The Most Difficult Questions*** DVD at <http://tinyurl.com/mxakrm> and the other CDs and DVDs (as well as books of course!) in our web store at <http://www.expertcommunications.com/cart/>

Get Your Qualifications Known - Write an Article

by Jim Robinson, Esq.

One of the best ways to get known to a large number of attorneys is to demonstrate your expertise through a well written article. This type of “educational marketing” is also one of the most cost efficient marketing avenues.

Why Writing Articles is Important

Attorneys often do not take the time to learn what questions to ask before retaining an expert. Make it easy for them. Inform them what they should be looking for. When you help attorneys understand your area of expertise, you are leading the attorney to contacting you when they receive a case in your field.

Articles have a desired “stickiness” to them -- attorneys hang onto them. It is common for attorneys to save articles that are helpful to their practice, and to make copies for other associates.

The only cost is your time, and writing an article related to your expertise should not take very long. Most legal publications request that articles be about 1,000 to 1,500 words (about two to three typewritten pages). In contrast, a full page ad in the American Bar Association's Journal magazine costs over \$20,000.

Perhaps most importantly, writing an article about your expertise helps to build your stature as “the” authority in your field. Although publications generally will not pay you, most allow you to include a short biographical sketch and your contact information. If you needed an expert, and had just read an article by an authority on the matter, wouldn't you contact that expert? Attorneys do just that.

What to Write

It is imperative that you give the attorney something of substance in your article. As you write, continually ask, “Would this information be helpful to an attorney who had a case in this area?” If you are not sure, ask an attorney to provide feedback. A managing editor of a large legal publication stated: “We do not accept sales pieces. We want substance. I advise authors to submit something that will be valuable to readers who want to know more about a particular subject matter.”

Your article should *not* be self promotion. Do not talk about your qualifications directly, and do not use the word “I” or “me.” Instead, demonstrate your knowledge by authoritatively discussing issues involved with your area of expertise. Don't tell the attorney you are the expert - *show* them you are, by competently discussing the subject matter. Answer questions such as these in your article:

- What are the key issues in your field, and how should an expert be able to address them?
- What should an attorney know when they have a case in this area?

- What things should be sought in discovery? What documents or records should be requested?
- Are there chain-of-custody issues? Sequencing issues? Scope of work issues?
- What standards of care should be exercised?
- What potential defendants should be identified?

In addition, make it easy for attorneys to know what questions to ask when retaining an expert. Some questions you could provide answers to include:

- Are there specific experiences or specialized training an expert in your field should have?
- Are there specific organizations to which the expert should belong?
- Are there certain designations or certificates an expert should have?
- Should the expert have published in this area?
- Are there “specialist” designations in your field of which an attorney should know?
- How is an expert in your field licensed? Is the license good for all 50 states? Is there a certain number of years of education one must complete?
- Are there common misconceptions in your field?
- What should competent experts in your field be able to do? Site inspections? Examinations? Create exhibits? Record reviews?
- What type of expert should an attorney avoid?

Another approach is to write your article on how to cross examine the opposing expert in your field. In this type of article, you could give advice on the following:

- What questions will open doors to more information, or close doors on the opposing expert's opinion?
- What may an opposing expert be hiding and how could the attorney ferret out that information?
- Are there certain scientific methods that are generally used by experts in this field? Different methodologies that could be used?
- Are there standards in your industry that an expert should be aware of?
- What documents should be used in cross examination?
- Are there certain questions that you know are difficult for an opposing expert to answer?
- What traps can be set for the unskilled opposing expert?

Providing answers to these types of questions will help get your article published and attract attorneys to you.

--- by Jim Robinson, Esq., President of JurisPro, Inc. <http://www.jurispro.com>

LEGAL LEVITY

Witness Attire Horror Stories (May 19, 2009 ABA Journal)

Posted by John A. Day: "A decade ago I was trying a case in rural, rural Virginia - an area plagued by unemployment and poverty. My client's daughters were both going to testify. Both lived in NYC, were absolutely beautiful, and very good dressers. Too good for the venue. I took them to Wal-Mart and bought them more appropriate clothes. They literally wept, but showed up to court every day looking Wal-Mart pretty."

BONUS TIP

If you haven't visited the blog recently, please do - <http://expertcommunications.blogspot.com/> The two latest posts cover mid-year reviews for expert witnesses and a question about experts and retirement. Feel free to add your thoughts!

Best wishes, Meredith

FINE PRINT

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--Expert Witness Marketing & Training

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Expert Communications -*We provide expert witness training tools and create marketing plans, materials, and websites for expert witnesses.*

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