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## Expert News

### The Practice Building Newsletter for Expert Consultants November 2005

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* MARKETING BRIEF	Top 10 Tips for Marketing Your Practice
* TRAINING CENTER	How to Become a Dangerous Expert Witness
* EXPERT EXCERPT	EVERYTHING Done Can Affect Your Credibility
* LEGAL LEVITY	"I'm Fine"
* BONUS TIP	Side Benefit to Speaking

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

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## MARKETING BRIEF

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### Top 10 Tips for Marketing Your Practice

1. Create your marketing for *your* public, not the public. Lawyers are not attracted to and do not respond to gimmicks and other devices that consumers sometimes do. Legal industry standards also preclude results-oriented advertising ("I can help your side win"). Anything with your name on it should be professional and conservative.
2. Determine your target prospects, and focus your promotional activities. Not all lawyers are your prospects.
3. Branding matters. People remember things subliminally as well as directly, so be consistent and easy to recall. State your name and tagline (the explanation of what you are or do) the same way on all of your materials. It is your identity.
4. Repeat engagements and referrals are indeed the ideal sources of business, but word-of-mouth business rarely occurs passively. Well-planned and consistently executed efforts can result in seemingly "effortless" client development.
5. Writing and speaking, both within your professional or trade group and for attorney organizations, are the most beneficial marketing activities you can perform. They provide an opportunity to showcase your communication skills and establish you as an authority in your field.
6. Make it easy for prospects to locate you, with listings and possibly advertising, but you should also mix with attorney groups and individual attorneys in person. Nothing can communicate your value better than you can.

7. Proofread, fanatically, everything you write or design — CV, card, stationery, brochure, fee schedule and other forms, correspondence and, certainly, your expert report. Errors make you look careless and can come back to haunt you.

8. Hone your communication skills. A well-written report and effective testimony can result not only in additional cases from your retaining counsel but also in future business from opposing counsel.

9. People with whom you have some level of relationship—clients, previous inquirers, referral sources and professional associates--are more valuable than new prospects. They are “the golden goose,” which should be groomed. Frequent communication with people in your personal database is more a profitable investment than a cost.

10. Success does not just happen—it is planned. Create your materials with a desired impression in mind, and compose your strategy with a mixture of marketing activities for a desired result.

- by Rosalie Hamilton, the Expert's Expert™,  
and author of ***The Expert Witness Marketing Book***

## QUOTE

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"I not only use all the brains I have, but all I can borrow." - Woodrow Wilson

## TRAINING CENTER *New Resource!*

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### ***How to Become a Dangerous Expert Witness***

A dangerous expert witness is an expert witness who puts fear into opposing counsel. Opposing lawyers are concerned about the dangerous expert's expertise, his command of the facts, and his ability to communicate, teach and persuade the jury. Dangerous experts understand how to defeat opposing counsel's tactics and are capable of turning the tables on opposing counsel.

Dangerous experts are the most sought after of all experts witnesses. The mere disclosure of a dangerous expert to the opposing side can frequently increase the settlement value of a case. Accordingly, dangerous experts are selective regarding the types of cases they accept and they command premium fees. This book is designed to teach experienced experts how to become dangerous experts. You will learn:

- How to bulletproof yourself and your opinions
- What dangerous experts do when preparing to testify
- How to defeat opposing counsel's tactics
- How to answer trick and difficult questions

Features include *hundreds* of concise examples with explanations and *executive summaries* for quick "need to know" reviews

Get your copy for \$99.95 at [www.expertcommunications.com/products.htm](http://www.expertcommunications.com/products.htm) (it will be the fourth listing in the Books section - click on the title for more information or to order) or call, fax or email using the contact information found at the end of this newsletter for additional info or assistance.

## EXPERT EXCERPT

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### **Everything Done Can Affect an Expert's Credibility**

Everything an expert does, directly or indirectly related to their expert witness work, has the potential to seriously and negatively affect them in their expert work. When experts testify, their credibility is always an issue in a case. The best experts carefully consider all their actions and how these might affect their credibility.

We live in an information age. It is increasingly easy for opposing counsel to dig up dirt on experts. The only foolproof way to prevent an expert's dirty laundry from being aired in public is to not soil the laundry in the first place. Problem areas could include:

#### **Testifying beyond one's area of expertise**

Experts sometimes agree, often reluctantly, to stretch their area of expertise in an effort to help retaining counsel. This is a serious mistake that can result in judicial disqualification in the case at hand and have far-reaching negative consequences beyond the case at hand.

#### **Associating with controversial political or special interest groups or groups that have an "agenda"**

Such associations show that the expert has an agenda of his own and is not unbiased.

#### **Prior reports in cases**

Prior reports can and will be used against experts. Dangerous experts realize this and do a first-class job on each and every report. In addition, the best experts do not produce cookie-cutter reports where the result (and much of the computer-generated language) is always the same (for example, the defendant doctor never violates the standard of care).

#### **Letters to the editor**

Citizens have a right under the First Amendment to state their opinions. A dangerous expert realizes that exercising this right through a letter to the editor may come back to haunt her because it can create a paper trail indicating bias.

#### **Types of clients**

Dangerous experts realize that their reputation and credibility will be affected by the types of people they work for and do not accept cases from controversial entities or sleazy law firms. The best experts try to accept cases for both plaintiffs and defendants because this shows that the expert calls cases as he sees them. These experts do their due diligence on law firms before accepting expert assignments.

- Excerpted from *How to Become a Dangerous Expert Witness*  
by Steven Babitsky, Esq. and James J. Mangraviti, Jr., Esq.  
<http://www.expertcommunications.com/products.htm>

## LEGAL LEVITY

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### "I'm Fine"

Farmer Joe was suing a trucking company for injuries sustained in an accident. In court, the company's fancy lawyer was questioning Farmer Joe.

"Didn't you say, at the scene of the accident, 'I'm fine'?" said the lawyer.

Farmer Joe responded, "Well, I'll tell you what happened. I had just loaded my favorite mule Bessie into the..."

"I didn't ask for any details," the lawyer interrupted. "Just answer the question. Did you not say, at the scene of the accident, 'I'm fine'?"

Farmer Joe continued, "Well, I had just got Bessie into the trailer and I was driving down the road..."

The lawyer interrupted again and said, "Judge, I am trying to establish the fact that, at the scene of the accident, this man told the highway patrolman that he was just fine. Now, several months after the accident, he is suing my client. I believe he is a fraud. Please tell him to simply answer the question."

But the judge was interested in Farmer Joe's story and said to the lawyer, "I'd like to hear what he has to say about his mule Bessie."

Farmer Joe thanked the judge and proceeded. "Well, as I was saying, I had just loaded Bessie into the trailer and was driving down the highway when this huge semi-truck ran the stop sign and smacked my truck right in the side.

"I was thrown into one ditch and Bessie was thrown into the other. I was hurting real bad and didn't want to move, but I could hear ole Bessie moaning and groaning. I knew she was in terrible shape.

"Shortly after the accident a highway patrolman came on the scene. He could hear Bessie moaning and groaning and went over to her. After he looked at her, he took out his gun and shot her between the eyes. Then the patrolman came across the road with his gun in his hand and looked at me.

"He said, 'Your mule was in such bad shape I had to shoot her. How are you feeling?'"

- [www.feinsuch.com](http://www.feinsuch.com)

## BONUS TIP

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### Side Benefit to Speaking

There can be a side benefit to speaking and making presentations - in addition to credibility, you get to practice your communication skills, an important factor in your success as an expert consultant.

## EXPERT COMMUNICATIONS

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Helping you reach your prospects and get more clients with dignity and integrity.

- \* Legal Marketing Analysis and Planning
- \* Directory Listing and Advertising Analysis & Recommendations
- \* CV/Resume Risk Assessment and Review
- \* Public Relations Management
- \* Graphic and Print Design
- \* Target Prospect Identification
- \* Editing and Ghostwriting
- \* Website Creation, Analysis and Remodeling
- \* Training Seminars and One-on-One Communications Coaching
- \* Legal Marketing Conformity Liaison for Firm Marketing Directors

For more details about getting more consistent business call 727-467-0700 or email [info@expertcommunications.com](mailto:info@expertcommunications.com)

## FEEDBACK

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"Your approach is professional all the way and takes the guesswork out of it. I'd recommend you to anybody. I couldn't have gotten this fast a start any other way; you just crystallized everything into a plan." - *Internal Medicine Expert*

"I have come to rely upon you as a valuable resource for guidance in marketing my expert witness services. Since taking advantage of your consulting services I have increased our business and lowered our overall marketing cost per client by following your recommendations. Thank you!" - *Construction Expert*

**Editor's Note:** We are very aware of the sensitive nature of legal work and protect our clients' right to privacy and confidentiality at all times. For identified feedback, please contact us.

## FINE PRINT

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Find additional resources for the expert consultant at [www.expertcommunications.com](http://www.expertcommunications.com)

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