

## Expert News

THE PRACTICE BUILDING NEWSLETTER FOR EXPERTS

June 2018

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### Marketing Brief

#### Make Expert Witness Retention a Process

*Process: a series of actions or steps taken in order to achieve a particular end.*

Getting retained as an expert, and retained again by the same client, and referred to other attorneys by that client, should be a process. Too often it is only thought of as a random call from an inquiring attorney followed by you, through your skillful conversing, sealing the deal. But it doesn't have to be "random." Formulating and following a process can make it happen on a regular basis.

The first step of retention is to market yourself effectively, ensuring you can be found by attorneys searching for someone with your expertise and that your credentials are communicated effectively and appropriately.

The second step is the inquiry call and the conversation, hopefully ending with you sending the prospective client your CV and perhaps your retention contract, or at least a fee schedule.

Follow-up, important though seldom practiced in this business, is the next step. Check that your email with attached CV was received (I can't be the only one to occasionally mistype an email address) and see if your prospect has any questions regarding what you sent, needs more information, etc. [If you don't have my follow-up schedule/script, email me and ask for it.]

An ongoing step is staying in touch with your attorney-client. Don't wait for them to call you; it's too important. For instance, regular communication might ensure you know when the attorney is defending you in a Daubert challenge. Too often, experts never even know they have been challenged. Yep, it happens. And it's YOUR reputation and record at stake, whereas to the attorney, it's just one case.

Another part of the process is invoicing and collecting, which I have written much about. Regularity demonstrates your attention to detail, in addition to keeping your cash flow healthy! And regularity keeps you from billing erratically, which may throw your invoice payment almost a month later than it would have been, because you missed the law firm's regular payment schedule.

This retention process should not end when the final payment is received. Do you show the attorney the courtesy of inquiring at the end of the case what they want you to do regarding holding, shipping, or disposing of records in the case? It shows thoughtfulness and awareness, in addition to saving you angst and storage costs.

Last but not least, you should be asking the attorney what you did right in the engagement and what you could have done better. My personal maxim has long been that feedback is the breakfast of champions. If the news is good, then the last step of the retention process is to request that your

client refer you to his colleagues.

If you don't see retention as a process, you likely will not perform all the steps, at least not consistently. Setting it up as process can take out some of the retention randomness and bring you more business.

-- by Rosalie Hamilton. She consults and coaches and provides full-service marketing for experts, including web site development. She is the author of *The Expert Witness Marketing Book*.

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### Quote

"Words are chameleons, which reflect the color of their environment." -- *Judge Learned Hand*

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### Excerpt Excerpts - Notes from Meredith

**Valuable Advice:** Many times in the last 15 years, I have heard my mother Rosalie give a version of this advice to a client and I think it is wisdom worth sharing. This particular one was in response to an email from a client having difficulty collecting from an attorney.

"XXX, I will help you toughen up. The attorneys who won't pay attempt to make you feel like you are greedy, etc., when they are the ones who are un-businesslike.

"Overall piece of advice: The attorney is just a client; he/she will not be at your funeral. The people that matter are your wife/children/employees/contractors.

"When attorneys pull this on you, think about your business budget, much less your family budget, and get your priorities straight. Who gives a hoot what this attorney thinks of you relative to your 'greediness'?"

"It's largely an altitude thing, and attorneys play a mind game on you. Rise above it, by focusing on your priorities. - Rosalie"

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**Survey Caution:** Over the last nine months or so, three different organizations have released surveys about expert witnesses. And while I rush to read them as well, I caution you to evaluate them wisely. Look at who answered the survey, the quantity of respondents as well as their individual job function, the size firm they work for, and so on. See what the survey methodology was and notice how the questions are phrased (note words like: always, once, usually - can lead responder to give very different answers). Do they include a margin of error? I'm not saying there is not valuable information to be gleaned from these survey reports, just peruse them with your eyes wide open. [My inner nerd is showing - my degree is in Political Science but during my studies, I fell in love with Statistics, so much so that I became the first undergrad Teaching Assistant for the class!]

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**Kudos:** Rosalie Hamilton contributed a chapter section in the recently published *Determining Economic Damages, Revision 26* by Stanley P. Stephenson, PhD and David A. Macpherson, PhD.

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**Stacking the Deck:** The American Medical Association [reports on an interesting case](#) in the Missouri Supreme Court about the cumulative effect of having multiple experts testify on one side with only one expert on the opposing side.

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## Client Feedback

"I have been with Rosalie for more than eight years now. She set up my entire practice including my website, referral agencies, retainer agreements and does all my other marketing including ads in legal publications. She and Meredith are the very best at what they do. My expert practice went from 0 to over 250k a year. She is worth every penny she charges." - *Construction Expert*

"My volume of expert witness work has increased dramatically over the past several months and I cannot thank you enough for all your guidance and expertise. The website and marketing activities have had a profound effect on the amount of work I am receiving and I am extremely grateful." – *MD*

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## Fine Print

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### Helping expert witness get more cases.

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