

# How to Start and Build an Expert Witness Practice

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**Introduction:** Expert witnesses are an important part of the American system of justice. The role of the expert witness is to help the judge or jury understand the evidence in the case. Essentially an expert witness is a teacher.

**Advantages of Expert Witnessing:** Expert witnessing can be extremely lucrative. Expert witnesses, depending upon their expertise and experience earn from a low of around \$125/hour to over \$1,000/hour. Many experts can earn over \$100,000 a year by devoting just one day a week to this endeavor. Expert witnessing can be challenging and fun. It is also a great learning experience. Most of the work can usually be done from a home office.

**Disadvantages of Expert Witnessing:** Expert witnesses will typically have their credibility, motives, integrity, and qualifications challenged by opposing parties in a case. They can be subjected to pointed questions at deposition and trial. As such, expert witnessing is not appropriate for the thin skinned. Expert witness work is also deadline driven, so you must be comfortable working under a deadline. Travel may be required if you accept cases in distant locations.

**What Expert Witnesses Do:** The typical things expert witnesses will be asked to do include:

- a. Reviewing Documents
- b. Conducting an Investigation
- c. Performing Research
- d. Forming an Opinion
- e. Drafting a Report
- f. Giving a Sworn Deposition
- g. Testifying At Trial.

**What Is Needed to Get Started in Expert Witnessing?** One of the great things about expert witnessing is that you would generally only need two things to get started:

- a. *A Curriculum Vitae(CV)* - This should be drafted very carefully. Keep in mind that opposing parties will try to use against you the language you utilized in your CV to present your qualifications, experience, education, etc.
- b. *A Retention Contract* - A well drafted retention contract will prevent innumerable potential problems and make sure that you get paid. See for

example [SEAK's Expert Witness Retention Contract](#) which is in use by over 1,500 experts.

**The Single Most Important Key to being a Successful Expert Witness:** Expert witnessing is a reputation driven field. Word-of-mouth and repeat business results in the majority of expert witness referrals. Successful expert witnesses are those who generate positive word-of-mouth. In order to generate positive word-of-mouth, an expert must excel and be responsive and easy to deal with. This includes:

- a. Exceeding the Expectations of Retaining Counsel.
- b. Being Responsive.
- c. Being Available.
- d. Being Dependable.
- e. Having no Credibility Issues.
- f. Forming Defensible Opinions.
- g. Writing Superior Reports.
- h. Excelling at Deposition and Trial.

**Getting the Word Out:** There are a number of proven ways for expert witnesses to get cases (in addition to word of mouth). These include:

- a. Positioning themselves in a lucrative, growing, and underserved niche.
- b. Developing a professional and search engine optimized website for their expert witness practice.
- c. Networking.
- d. Listing themselves in expert witness directories such as the *SEAK Expert Witness Directory* ([www.seakexperts.com](http://www.seakexperts.com)).
- e. Identifying and reaching out to the select group of attorneys most likely to retain you.
- f. Leveraging professional social media such as LinkedIn.
- g. Speaking.
- h. Publishing.
- i. Using third party brokers or referral services such as Roundtable Group, TASA, or ForensisGroup.
- j. Demonstrating leadership in a field.

## The Biggest Mistakes Made in Starting an Expert Witness Practice:

- a. *Thinking you are not qualified because you didn't go to Harvard, don't have a PhD, and your CV is only one page long.* This is a common fallacy that is simply not true. Expert witnesses are judged by their experience, performance, testifying skills and street smarts as well as their academic background.
- b. *Thinking that you are too young or too old.* You don't need to wait until your 50s or 60s to get started. As long as you feel comfortable with your knowledge and experience in a field you should be good to go. At the other end of the spectrum, many successful experts keep doing this work into their 80s and even beyond.
- c. *Promoting a wide range of areas of expertise.* Attorneys don't want a jack of all trades master of none. Casting too wide a net is often counterproductive. Consider focusing on narrower niches.
- d. *Charging too little.* A low ball fee may scare away clients as the client may assume there is something wrong with you if you charge too low of a fee.
- e. *Not devoting enough time to your CV.* An expert's CV needs to be perfect. Spend whatever time necessary and get whatever help you need to make it so.
- f. *Not devoting enough time to your web presence.* The first thing an attorney looking to hire you will do is to Google you. Google yourself and take a hard look at what's out there. Try to fix anything that would reflect badly on you.
- g. *Thinking that there is something wrong or unseemly about advertising.* This will cost you a lot of money as advertising can be a very cost-effective way of getting business. It's not the fact of advertising that gets experts in trouble, it's when experts place ill-considered language in their ads.

**Conclusion:** Getting into expert witnessing is often described by our clients as a life changing event. It is very lucrative. You can generate a substantial amount of ongoing income. Most of the work can be done from home. It is intellectually stimulating and you will learn a lot.

If you are not thin skinned and don't mind working under deadline and maybe travelling a little, you might want to strongly consider giving expert witnessing a try.

**About SEAK, Inc.:** SEAK is the Expert Witness Training Company. Through our products, services, seminars, expert witness directory, conferences, and one-on-one consulting, we assist expert witnesses to start, build, run, and expand their practices.

## About the Authors:

**James J. Mangraviti, Jr., Esq.** has trained thousands of expert witnesses through seminars, conferences, corporate training, training for professional societies and one-on-one training/mentoring. He is also frequently called by experts, their employers, and retaining counsel to train and prepare individual expert witnesses for upcoming testimony. Mr. Mangraviti is a former litigator with experience in defense and plaintiff personal injury law and insurance law. He currently serves as Principal of the expert witness training company SEAK, Inc. ([www.testifyingtraining.com](http://www.testifyingtraining.com)). Mr. Mangraviti received his BA degree in mathematics *summa cum laude* from Boston College and his JD degree *cum laude* from Boston College Law School. He is the co-author of twenty-five books, including: *How to Prepare Your Expert Witness for Deposition*; *How to Become a Dangerous Expert Witness: Advanced Techniques and Strategies*; *The A-Z Guide to Expert Witnessing*; *Depositions: The Comprehensive Guide for Expert Witnesses*; *Writing and Defending Your Expert Report: The Step-by-Step Guide with Models*; *The Biggest Mistakes Expert Witnesses Make: And How to Avoid Them*; *Cross-Examination: The Comprehensive Guide for Experts*; *National Guide to Expert Witness Fees and Billing Procedures*; and *How to Market Your Expert Witness Practice: Evidence-Based Best Practices*. He can be reached at 978-276-1234 or [jim@seak.com](mailto:jim@seak.com).

**Steven Babitsky, Esq.** is the President of SEAK, Inc. – The Expert Witness Training Company ([www.testifyingtraining.com](http://www.testifyingtraining.com)). Mr. Babitsky trains hundreds of experts each year and serves as a one-on-one consultant to expert witnesses. He has helped expert witnesses and their attorneys prepare for deposition in a broad range of cases, including antitrust, patent, medical malpractice, wrongful death, computer forensics, and many others. He has been brought in to train experts from the Federal Bureau of Investigation and The Federal Aviation Administration and worked with numerous forensic and financial companies including Fortune 500 companies. Mr. Babitsky is the co-author of the texts *How to Prepare Your Expert Witness for Deposition*; *Depositions: The Comprehensive Guide for Expert Witnesses*; *How to Become a Dangerous Expert Witness: Advanced Techniques and Strategies*; *Writing and Defending Your Expert Report: The Step by-Step Guide with Models*; *How to Excel During Cross-Examination: Techniques for Experts That Work*; *The A-Z Guide to Expert Witnessing*; and *How to Excel During Depositions: Techniques for Experts That Work*. Attorney Babitsky is the co-developer and trainer for the “How to Be an Effective Expert Witness” seminar, and the seminar leader (since 1990) for SEAK’s Annual National Expert Witness Conference. He was a personal injury trial attorney for twenty years and is the former managing partner of the firm Kistin, Babitsky, Latimer & Beitman. He may be contacted at 508-548-9443 or [stevenbabitsky@seak.com](mailto:stevenbabitsky@seak.com).