

How to Get Expert Witness Cases

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This white paper provides succinct advice for expert witness marketing. It is designed for both novice and experienced expert witnesses. The information herein has been adapted from and is an abridged version of the marketing chapter in the text, *How to Be a Successful Expert Witness: SEAK's A-Z Guide to Expert Witnessing*, which will be published by SEAK in early 2015.

The Unique Challenge of Expert Witness Marketing

Marketing an expert witness presents a challenge not ordinarily faced when marketing other types of products and services. This challenge is that experts can potentially be cross-examined about any marketing activities that they utilize. Everything an expert witness does to market their expert witness practice should be done with this threat of potential cross-examination in mind.

Word of Mouth

The role of both positive and negative word of mouth in influencing how much business an expert witness receives cannot be overstated. **Experts who receive positive word of mouth often see their practices snowball and exhibit exponential growth.**

The keys to receiving positive word of mouth are delivering the highest quality work product and being easy to deal with. In terms of the products delivered, experts should strive to deliver exceptional:

- Reports
- Depositions
- Direct Testimony
- Cross Examination Testimony
- Advice/Information

The other half of developing a snowballing expert witness practice is being easy to deal with.

Key things to remember here are:

- Be responsive. Get back to attorneys rights away.
- Be accessible. Let the attorneys know how to reach you, for example by giving out your cell phone number. Check your messages and email frequently.

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- Don't be greedy. Don't nickel and dime your clients or obsess about your money.
- Don't be arrogant or a jerk.
- Be dependable. If you say you are going to do something by a certain time it should be done by a certain time, period.
- Be low maintenance – for example by not insisting on first class airfare.
- Go the extra mile. For example, working all night/weekend if necessary to get the job done.

Make Yourself as Attractive as Possible to Potential Clients

A first step when marketing an expert witness practice is to make yourself as attractive as possible to potential clients. There are many ways this can be done.

1. *Improve your CV.* When working to assist experts with their marketing, the first thing the authors typically do is work with the expert to improve their CV.
2. *Build Your CV With Experience Attorneys Find Desirable.* This includes teaching, writing, and showing leadership in your field.
3. *Improve Your Verbal and Written Communication Skills.* Such skills are critical for expert witnesses.
4. *Keep a Low Profile.* Avoid Facebook, political donations/activities, criminal/professional problems, and letters to the editor.
5. *Get a Professional Headshot Photograph Taken.* Attorneys will want to see what you look like.

Considerations in Actively Marketing Your Expert Witness Practice

Experts who actively market their expert witness practices usually make more money than experts who do not.

Successful active marketing can be instrumental to help get a practice off the ground. Active marketing will also help experienced experts maintain, grow, and diversify a current practice. The authors recommend that experts consider the following regarding active expert witness marketing:

Analyze the Costs

Each active marketing technique experts can utilize has its own cost(s). Typically these costs are in time and or money.

Calculate the Potential Benefits

Cost is of course only one half of a cost benefit analysis. Many experts make the mistake of not focusing on the *benefit* side of the equation. The base benefit is the face amount an average new expert witness assignment can generate. This amount then needs to be multiplied by a significant factor to take into account the value of potential repeat business from the new client and potential new cases brought in as a result of the positive word of mouth that the assignment generated.

Be Patient and Persistent

Expert witnesses who actively market their practices should be both patient and persistent. Always keep in mind the potential huge payoff of landing a new client. Don't give up on trying a particular technique just because results are not immediate and immense.

Track Your Results

Expert witnesses are wise to track the results of their marketing. This means at a minimum asking leads how exactly the lead found out about you. Experts who track their results can identify which marketing techniques are working and which are not working.

Find the Time to Market Your Practice

As stated above, expert witnesses who market their practices generally make more money than experts who do not. Expert witnesses should find the time to market their expert witness practices.

Finding Yourself a Niche

Niche Advantages

Operating in a narrow niche can be advantageous for some experts for the following reasons:

1. When an expert operates in a niche he is much more attractive to potential clients who have needs within that niche.
2. When experts operate in a niche they limit their competition.
3. Experts operating in a niche have an easier job getting the word out in a field that is less cluttered.

4. It is easier for experts operating in a narrow niche to gain and maintain mastery of their field.

Characteristics of a Good Niche.

A good expert witness niche can have a number of characteristics.

1. The niche should be one where large fees can be produced.
2. The field should ideally be growing.
3. There should be a sufficient number of legal disputes where the niche expertise is in demand.
4. You enjoy the subject matter.
5. You excel in the area.

Do all experts need a niche?

Absolutely not. There are countless examples of highly successful expert witnesses who do not have niches. Operating in a good niche is one route to success as an expert witness, but certainly not the only route.

The Most Effective Active Marketing Techniques for Expert Witnesses

Advertise

Advertising is probably the simplest, easiest, and most cost effective way to quickly ramp up an expert witness's practice. **For most experts advertising is the best way to get started actively promoting themselves.**

- The key to effective advertising is advertising in the correct place. The ideal location is one which is viewed by the types of lawyers who hire experts. A great place to start is expert witness directories – basically yellow pages type listings of expert witnesses. Examples of expert witness directories include SEAK's National Directory of Expert Witnesses (www.seakexperts.com), JurisPro, and Expertpages. Listing in expert witness directories can be extremely cost effective and can result in a sky high return on investment. Look for directories that have a large number of PAID experts in them. This can be a good indication of the fact that other experts believe that listing in the directory is worthwhile.

- There are countless other places for expert witnesses to advertise, both online and in print. For example, bar journals. Before placing your ad make sure you have a good understanding of who actually reads the publication.¹ The authors also suggest seeing how many other experts advertise in the journal.²
- The content of your ad is also important. Take the time to think about optimizing what you say. Include objective facts/information that would make you more attractive to a potential client.
- The same is true with designing your ads. Talented graphic designers can be hired for relatively short money. Hiring a graphic designer can be a good investment which can make your ad look professional and stand out.

Expert Witness Websites

Some very successful expert witnesses do not have their own web site. Others generate huge amount of business from their website. So the answer to whether or not any particular expert should create their own web site is “it depends.”

- Attorneys will and do use Google to locate expert witnesses. Any website you create therefore needs to be search engine optimized. If the website does not appear on the first page of Google for certain search terms, it may not be worth the trouble of having.
- SEO (search engine optimization) is therefore a must. A detailed discussion of SEO is beyond the scope of this paper.
- When optimizing an expert witness website, keep in mind how attorneys are most likely to search for them. The two keys are most likely specialty/type of expert and geography. In terms of specialty, think not just in terms of the expert’s actual specialty, but also think about the type of case. For example, an attorney may search for “geriatric psychiatrist expert” or “will contest expert.”
- Geography should also be factored in. Often times attorneys prefer to hire a local expert witness.³ Experts whose practice is local or regional should therefore search engine optimize their site for the target market they are trying to reach.

¹ You are looking for the type of lawyer that hires experts of your specialty.

² The more you find, the more likely it is that the journal is read and can produce referrals.

³ To keep travel costs down and help defuse the hired gun attack.

- Experts should also not discount paid search engine marketing⁴. For a price, any expert can appear at the top of any Google searches where the paid links appear.
- Expert witness websites should be considered advertising. As such, all of the warnings discussed above about cross-examination come in to play. That is, the website should be accurate, professional, polished and conservative. Do not give opposing counsel any easy ammunition to use against you on cross.
- Another caveat with expert witness websites is that they need to be maintained. Experts often get themselves into avoidable trouble by having outdated, inconsistent and inaccurate information on their web sites.

Networking

Networking can be a very effective technique to develop an expert witness's practice. The biggest cost involved in networking is usually the expert's time. Depending on how the networking is done, the out of pocket costs may be negligible or non-existent. Perhaps the most important and most effective form of networking is to maintain a database of former clients and keep in touch with them.

- Networking with leads and prospects can also bear fruit. For example, some experts have found attending or exhibiting at relevant attorney conferences to be highly effective.
- Networking with colleagues can be highly effective as well. Let your colleagues know that you are interested in litigation support consulting as many of them likely will not be.
- LinkedIn can also be an effective networking tool. Another advantage of LinkedIn is that a properly designed profile can rank very highly on Google.

Writing

Writing can be good for an expert witness's business. An expert's publications can provide substantial credibility to an expert witness. In addition, experts are often found by attorneys through the expert's publications.⁵ There are, however, major downsides to writing. First off, writing can be extremely time consuming. The second major downside to writing is that anything you write can and will be used against

⁴ i.e pay per click (ppc).

⁵ To make yourself easy to find through your publications consider search engine optimizing the titles of your works.

you during cross examination. Experts are therefore very well advised to not publish anything that is inflammatory, unprofessional, smacks of bias, or can come back to haunt them.

Speaking

Speaking can also be good for an expert witness's business. The same caveats (cost in time and watch what you write) applicable to writing also apply, however. The most effective talks are given to the particular types of attorneys that are most likely to hire the expert in question. The right topic presented to the right audience at the right time can result in a flood of new business for an expert.

Direct Mail/Direct Email

Directly reaching out to attorneys via email or a letter has also been an effective technique for some experts. The greatest advantage of this technique is the ability to narrowly target only those attorneys the expert wishes to reach. The key to the success of this technique is assembling a list of the attorneys who are likely to be interested in the services of the expert in question.

Expert Witness Brokers & Referral Agencies

There exists numerous expert witness brokers and referral services (i.e. middlemen). These organizations typically help attorneys to locate expert witnesses and are compensated by marking up the expert's fees by a significant amount, for example \$150/hour. The great advantage of using such a service to market an expert's services is that the up-front time cost to register with them is usually small, and the fee to do so is either small or non-existent.

There are, however, a number of disadvantages. Experts report that contacts from referral services result in a disproportionately high number of "tire kickers" whose calls/inquiries never lead to paid work. These tire kickers can create an enormous waste of time down the road⁶.

Some experts have had good luck with brokers and referral agencies. Other experts have found using middlemen a good way to test the waters and gain experience as an expert. The experts we have surveyed who tend to have the best luck are those experts who are significantly undercharging for their services. This is almost certainly due to the substantial markup charged by the service in question. Most experts that the authors deal with have chosen to not deal with middlemen.

⁶ Keep in mind that wasted time is wasted money.

Additional Resources from SEAK – The Expert Witness Training Company

- [SEAK National Directory of Expert Witnesses](#)
- For a detailed treatment of Expert Witness Marketing, please see [How to Market Your Expert Witness Practice: Evidence Based Best Practices](#) (SEAK 2011).
- SEAK also offers [1-1 practice building services for experts](#). For more information please call Jim Mangraviti, Esq. at 978-276-1234.

Conclusion

There are many proven techniques that experts can use to market their services professionally and effectively. Experts who wish to increase their business should consider trying one or more of these techniques. They should repeat the techniques that were shown to be cost-effective and discard the others. An expert's marketing activities can and will be used against him on the witness stand.

Therefore, all marketing should be conducted professionally, cautiously, and without demonstrating bias.