

Position Paper - Marketing Your Expert Witness Work

Presented by Steve Redhead

Member of the Expert Witness Institute Marketing Sub-Committee

Introduction

1. Once you have decided to enter into the specialist field of being an expert witness (EW) it is important to consider what proportion of your working time you wish to devote to it; noting this covers both chargeable and non-chargeable time. Do you wish to do only the odd case every so often; do about 50% or do it full time; or whatever combination you think will suit you best – both in terms of satisfaction with what you do and profitability.
2. Because experts spend different amounts of time on their EW work, it is important to emphasise that no “one-size” marketing solution fits all cases. Also, there is no single right or wrong approach as we all have different strengths, weaknesses and skills. Thus, at first, you should only adopt those marketing methods with which you are most comfortable. The others can be developed as you gain more experience and exposure. The type of marketing also has to be appropriate to your particular expertise. What works for one expert field might be wholly inappropriate for another.
3. The purpose of this paper is not just to produce an exhaustive list of methods and tools. It seeks to endeavour to provide the framework for you to create your own strategy for marketing, so that it applies to the majority of experts.

Why do Expert Witnesses need to market?

4. Unless you are very well established and have a very high professional reputation that you never want for work, most EW's need to do some form of marketing. Further, the legal scene is constantly changing, often with surprising speed, and the EW must demonstrate to his clientele that he is up to date.
5. One of the major factors determining the need to market is that an expert's work is not of a recurring nature (e.g. year on year audit). Each case is unique and no supplier (e.g. a solicitor) of work for say an accountant can be guaranteed to maintain loyalty to an expert. It is a highly competitive market. He may change his firm where they have a different panel or list of experts which they prefer, or their policy on choosing an expert may be different. The fee may also be a significant determining factor.

Data base

6. The first step is to prepare and religiously update a data base of work providers and networking contacts, perhaps arranged as follows:-
 - Solicitors – individual names (current and dormant)
 - Firms

Barristers

Others e.g. insurance contacts, brokers

Target list of potential clients

7. At the same time, it is important to update your CV at least once a year and amend it at other times for special events e.g. appointment to a particular committee, involvement in a reported case, etc.
8. Listed below are the most widely used marketing methods. However, it is not exhaustive. The EW should always try to be innovative and aware of what your competitors are doing.

Marketing expenditure

9. It is obvious that the most important resource is your time. How much (or how little) time you spend is your choice. But remember, you only get back what you put in. The second factor is how much have you got available to spend. There is no useful guideline as to how much to spend as that is determined by which methods you wish to use.

The Plan

10. Do not carry around your ideas/plans in your head. Commit them to paper. That way you have a record which you can regularly review; changing methods and emphasis as you gain experience; thus establishing the most effective combination for your needs.
11. In particular, make sure it is an action plan which contains words like “done” and not “carry forward”.

Membership of relevant organisations

12. While membership of the EWI is recommended, the EW should also be aware of and consider the services offered by:
 - a) The Academy of Experts
 - b) The Society of Expert Witnesses
 - c) CRFP
 - d) APIL (for those involved in personal injury)This is not an exhaustive list and you may also consider seeking an entry in a relevant directory such as the UK Register of Expert Witnesses (published by J S Publications Ltd).
13. Financial resources are probably limited and you probably do not wish to join them all. Establish the expenditure required for each, such as initial joining fees and ongoing costs. Consider the aims of each organisation and what they provide by way of newsletters, meetings, training etc. Choose which is the most appropriate for you.

Articles/letters

14. Beware of writing a highly technical article and hoping it will attract solicitors. This type of

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article is better aimed at your own profession or industry. Getting an article published in one of the legal magazines (e.g. The Gazette, Solicitors' Journal etc) gives excellent exposure to your work providers. Even an article or a quote on a hot topic in your local newspaper can be worthwhile.

15.

- a) Bearing in mind that articles do take time to write and you cannot always guarantee placement it may be wise to ring the editor to see if they would be interested in the topic. The difficulty is that articles are often only published if you also buy some advertising space.
- b) One excellent way to get free coverage is to write letters relevant to expert work for local and national papers, but more importantly, the legal journals. They do not have to be mind-blowingly brilliant. For instance, a fairly mild but long letter responding to an article on the Carter Review of Legal Aid Procurement was recently published in The Law Society Gazette. Make sure you use your business letterhead.

Advertising

16. This method is always the subject of great debate. There is no useful data available on how to evaluate the benefit of formal advertising. For some disciplines, it is inappropriate. It is also quite costly and there is a real art in making it punchy enough. One helpful tip is to review the EW Supplement that the Solicitors Journal publishes, usually every six months, or the New Law Journal quarterly EW supplements. This is a major document for advertising and also contains various articles written by experts in different disciplines. Depending upon your particular expertise, you may wish to focus on a more specific journal e.g. MASS – Motor Accident Solicitors Society, or the APIL Newsletter.
17. An alternative way of advertising yourself and your expertise is by way of a glossy brochure. This can be a simple A4 which folds over into three. It can be one sheet or a folder with inserts. The inserts might each represent a different service e.g. for an accountant, it might be loss of profits, fraud, divorce, company valuations etc. Again, look at some of your competitors' brochures but make yours distinctive in some way without being full of technical jargon. A list of authorised quotes from satisfied customers will help to attract interest.

Website

18. Having a website is not appropriate for every expertise. It is also an area fraught with problems but this should not put you off. However, it has proven to be a source of work for many and can be an important tool. New contacts will check you out and if it is done professionally, it conveys a powerful image of yourself. More and more solicitors are using the internet.
19. It is costly to set up properly and there are ongoing costs. It also needs regular updating to avoid becoming stale. A poor website can actually put people off especially if it is not user friendly. A good site is well worth the investment.
20. If you choose to go down this route, seek out at least three designers and carefully compare what each offers and gauge how they understand what you do. Ask to view a cross section of their work and definitely review several of your competitors' sites.

It is possible to advertise your services on the EWI website by taking a personal page on the members section, and to have a link to your own website.

Newsletter

21. If this is to be effective, it needs to display quality – both in presentation and content.
22. However, this is exceptionally time-consuming and is only appropriate in a few disciplines where a lot is going on e.g. not dentistry for instance.

Chemistry and Meetings

23. For most experts, work does not just land on our desk. We have to go out and find it. Advertising, articles, lecturing etc are all tools to be used carefully. However, the most important factor is usually the ability to “engineer” a face to face meeting with a potential work provider and sell yourself. This is also usually the hardest thing for most Expert Witnesses to do.
24. Typically, such meetings can be arranged:-
Over coffee or lunch, or over dinner which takes more time and is probably best left to loyal providers of work rather than potentials.

Lecturing

25. If you are comfortable with lecturing, you can offer your services to litigation departments, and/or local law societies and nationally through

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IBC etc. This is very time consuming but can be very rewarding. It is not for the fainthearted.

Sport

26. Hospitality at Sporting events offers the chance of a captive audience for a relatively lengthy period of 2/3 hours e.g. rugby & football. However, golf, motor racing, cricket & horse racing are much more costly (both in time & expense) and are usually a "jolly" for loyal givers of work.

Attending Seminars/conferences

27. An excellent way of combining CPD, learning and marketing is to attend seminars and conferences. For instance, Family Law provides one-day updates which are primarily aimed at lawyers but there is usually several topics that would relate to certain experts.

28. This particular forum is very good value for money and while some, events can be very expensive, just one new case would cover the cost. At such events you therefore have to really market at every opportunity e.g. registration period, tea & coffee breaks, lunch, afterwards and of course those sat near you. Organisations such as EWI run regular seminars and conferences, which apart from assisting the expert to keep up to date with the requirements of the court also provide valuable networking opportunities.

Reciprocity

29. No marketing plan would be complete without considering this matter. For example small firms, particularly purely forensic accountancy practices probably will not stand a chance with many large firms of solicitors. In many other disciplines, probably most medical arenas, this may not be an issue. Some specialist PI legal practices do not regard reciprocity as an issue. They just want the best expert for the right price.

30. It may be that one of your business contacts asks you to recommend a lawyer for a particular problem. If so, use it to your best advantage by giving him, say, three firms and let him choose. That way, you do not feel too guilty if he is not satisfied (although hopefully this will not happen) and you have demonstrated to 3 firms that you can reciprocate even if they did not win the beauty parade.

31. Doing a first class job at a reasonable fee is always expected of the EW. However, the expert rarely receives verbal, let alone a written thank-you and accolades.

32. Satisfied and could he recommend you to one of his colleagues or even another firm! If you don't ask, you will never know! And if you don't sing your praises, no-one out there will know what you do and how well you do it.

Round-robin letters

33. One very cheap way of keeping your name to the forefront of your clients is to correspond.

34. For example, the ethical rules changed so that a company's auditor is not really independent enough to value a company's shares in the event of a shareholders' dispute which was previously permitted in many cases by a company's Articles of Association.

35. Therefore send a mail-shot to the appropriate solicitors to advise their private client base that it would be prudent to change the Articles of Association. This would not involve much work for the solicitors but it will show their clients that they are "on the ball" as well as putting the expert's name on many lawyers' desks which might one day lead to some new work.

Mail shots

36. These are notoriously ineffective. Most recipients do not like them. The success rate is very low and even then, usually you have to follow them up with a cold call. It may work for certain fields of expertise but nowadays it is much less used by professionals.

Networking

37. Depending upon your particular expertise, networking can pay handsome dividends.

38. An example will illustrate this: using the Manchester Chamber of Commerce and several lunch/breakfast clubs, it is possible to come into contact with "owner-managed businesses" but also many other professions and some "big" business. Experience shows this can produce on average, one new case every two months which more than covers the cost of time and expense. It is also a very informal atmosphere which makes it easier to do compare to a formal speaking engagement.

Record-keeping

39. Draft a short action plan for each client. No matter how simple, keep records of what you have done for each client – e.g. lunch dates, copy of one of your articles, marketing letters etc. Review these on a regular basis as there will always be another EW knocking at their door for work.

40. Happy marketing.