

How to Get Started as an Expert Witness

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. What this means is that, 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. Top experts can earn over \$1,000,000 per year. 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. Consulting with retaining counsel
- g. Giving a Sworn Deposition
- h. Testifying at Trial.

What Is Needed to Get Started in Expert Witnessing? One of the great things about expert witnessing is that you 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. Retention Contract - A well drafted retention contract will prevent innumerable potential

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problems and make sure that you get paid. See for example [SEAK's Expert Witness Retention Contract](#) which is in use by over 2,000 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. Answering Your Phone and Emails and 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. Networking.
- c. Listing themselves in expert witness directories such as the *SEAK Expert Witness Directory* (www.seakexperts.com).
- d. Leveraging professional social media such as LinkedIn.
- e. Speaking.
- f. Publishing.
- g. A Search Engine Optimized Website.
- h. Blogging.
- i. Directly reaching out to attorneys via email or mail.
- j. Using third party brokers or referral services such as TASA, or ForensisGroup.
- k. Demonstrating leadership in a field.

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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. "Expert" for purposes of expert witnessing doesn't mean you are the most knowledgeable person in the world, it means that you have specialized knowledge that can help a jury of lay persons decide the case (see Federal Rule of Evidence 702). 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.
- h. *Crib death.* Starting to serve as an expert without getting proper training. This can lead to serious preventable mistakes that can tarnish your reputation and kill your expert witness career before it even gets off the ground.

Getting Started with SEAK – What's at Stake: Expert witnessing can be an immensely lucrative endeavor. The experts SEAK works with commonly charge \$300-\$1,000/hour and often can see their earnings grow to several hundred thousand dollars per year. **Over the course of an expert's**

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career, this can easily amount to millions of dollars in potential earnings. This is even more impressive given that the work is often part time and work from home.

Expert witnessing is a field where your reputation is all important. Your reputation will be based on the quality of your work product (reports, testimony, etc.) as well as how easy you are to deal with. Experts who develop excellent reputations often see their practices grow exponentially. On the other hand, experts who make avoidable mistakes can destroy their reputation and kill the proverbial golden goose.

With so much money on the line it is critical that experts do a superb job and develop the reputation of a “go to” expert witness. That’s where SEAK can help. We have shown thousands of experts how to do this work at the highest level and avoid career ending hidden pitfalls. Please see some of the testimonials we have received by [clicking here](#).

Getting Started with SEAK – Recommended First Steps: To get started working with SEAK we highly recommend attending our signature “How to Start, Build and Run a Successful Expert Witness Practice” seminar - which we offer multiple times each year.

For a list of upcoming expert witness training seminars, please [click here](#).

For a short video describing this highly-acclaimed program, please [click here](#).

We recommend this program even for experts who have been doing expert witness work for some time. Numerous highly experienced experts have taken “How to Start, Build and Run a Successful Expert Witness Practice” Seminar and they universally have found it to be highly helpful.

At the end of this two-day program you will be ready to start accepting expert witness assignments. You will have specifically learned:

- The role of expert witnesses in civil litigation,
- What attorneys are looking for from their experts,
- How to properly define your area(s) of expertise and practice areas,
- How to draft a curriculum vitae appropriate for expert witness work,
- How to get cases,
- How to avoid ethical problems and maintain your integrity,
- The essentials of expert witness report writing,
- How to set your fee and collect it,
- What to bill for and when,
- How to draft a retention agreement to protect your rights,

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- How to form defensible opinions,
- Techniques for maintaining your independence and objectivity,
- How to exceed expectations,
- How to build a tremendous reputation,
- Ethics,
- Expert witness risk management techniques, and
- Much, much more.

We also recommend purchasing our [Expert Witness Starter's Pack](#) consisting of:

- [SEAK's A-Z Guide to Expert Witnessing](#) (text)
- [How to Write an Expert Witness Report](#) (text)
- [SEAK's Expert Witness Retention Contract](#) (digital download).

Continuing Your Education with SEAK – Progression of Courses: SEAK's "How to Start, Build and Run a Successful Expert Witness Practice" does not cover testifying skills (we don't have time in two days). You will eventually be called to testify and must be able to do so at a high level.

After completing "How to Start, Build and Run a Successful Expert Witness Practice" we next recommend you take one or more of our signature two-day courses focusing on testifying at deposition and trial. These training programs are hands-on programs like you have probably never experienced before. We feature learning via lecture, questions and answers, videos of experts testifying in real cases, and mock trial/depo demonstrations. Testifying training courses are often offered in the two days immediately following "How to Start, Build and Run a Successful Expert Witness Practice" and most experts sign up for both courses (for a total of four days of training).

For a list of upcoming expert witness training seminars, please [click here](#).

For short videos describing some of our highly acclaimed testifying training programs for experts please click here.

- [How to Be an Effective Expert Witness](#)
- [How to Excel At Your Expert Witness Deposition](#)
- [Advanced Testifying Skills for Experts: The Master's Program](#)
- [Advanced Trial Skills for Expert Witnesses](#)

For those who are serious about developing their skills we also offer advanced training programs on report writing and business development, as well as a yearly conference with presentations from judges, trial attorneys, jury consultants, and thought leader expert witnesses.

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For a list of upcoming expert witness training seminars, please [click here](#).

How SEAK can help you develop your expert witness business: [SEAK's Expert Witness Directory](#) is the #1 rated expert directory. We even offer a 100% Money Back Guarantee on standard listing for new members. To place a listing in the SEAK Directory please [click here](#). Note: We recommend you obtain training *before* placing your listing.

We also offer annually an intensive two-day training program "How to Make More Money as an Expert Witness."

For a list of upcoming expert witness training seminars, please [click here](#).

In addition, our attorney consultants are also available to work with you individually to show you how to grow your practice. For more information, please [click here](#).

Conclusion: The earning potential of an expert witness is commonly in the millions of dollars over the course of his/her career. Experts who take this endeavor seriously, do outstanding work (and gather glowing word of mouth), think long term and maintain their moral compass are best positioned to succeed.

Questions? Please feel free to call us at 508-457-1111 and we would be delighted to answer any questions we can about how SEAK can help you succeed as an expert witness. You can also direct your questions via email to mail@seak.com We look forward to being of assistance.

About the Authors:

James J. Mangraviti, Jr., Esq., has trained thousands of expert witnesses through seminars, conferences, corporate training, training for professional societies, and training for governmental agencies including the FBI, SEC, IRS, NYPD, Secret Service, and Department of Defense. He is also frequently called by experts, their employers, and retaining counsel to train and prepare individual expert witnesses for upcoming testimony. Mr. Mangraviti also assists expert witnesses one-on-one with report writing, mentoring, and practice development. He is a former litigator with experience in defense and plaintiff personal injury law and insurance law who currently serves as Principal of the expert witness training company SEAK, Inc. (www.testifyingtraining.com). Mr. Mangraviti received his BA degree in mathematics *summa cum laude* from Boston College and his JD degree *cum laude*

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from Boston College Law School. He is the co-author of 31 books, including: [*How to Write an Expert Witness Report*](#); [*How to Be a Successful Expert Witness: SEAK's A-Z Guide to Expert Witnessing*](#), [*How to Be an Effective Expert Witness at Deposition and Trial: The SEAK Guide to Testifying as an Expert Witness*](#) and [*How to Market Your Expert Witness Practice: Evidence-Based Best Practices*](#). Mr. Mangraviti was the co-founder in 2000 of SEAK's Expert Witness Directory (www.seakexperts.com). Mr. Mangraviti has designed dozens of expert witness training programs and has personally taught experts in a group setting over 200 times since 1997. **He can be reached at 978-276-1234 or jim@seak.com.**

Steven Babitsky, Esq., is the President and founder of SEAK, Inc.-The Expert Witness Training Company. He was a personal injury trial attorney for twenty years and is the former managing partner of the firm Kistin, Babitsky, Latimer & Beitman. Steve has helped expert witnesses and their attorneys prepare for testimony in a broad range of cases, including antitrust, patent, medical malpractice, wrongful death, computer forensics, and many others. He has trained the Federal Bureau of Investigation, the Federal Aviation Administration, and has worked with numerous forensic and financial companies including Fortune 500 companies and has worked with numerous experts to help them expand and grow their practices. Mr. Babitsky is the co-author of the texts [*How to Write an Expert Witness Report*](#); [*How to Be a Successful Expert Witness: SEAK's A-Z Guide to Expert Witnessing*](#), [*How to Be an Effective Expert Witness at Deposition and Trial: The SEAK Guide to Testifying as an Expert Witness*](#) and [*How to Market Your Expert Witness Practice: Evidence-Based Best Practices*](#). Attorney Babitsky has been the seminar leader since 1990 for the Annual National Expert Witness and Litigation Conference. Mr. Babitsky trains hundreds of experts every year. **He may be contacted at 508-548-9443 or stevenbabitsky@seak.com.**

Nadine Nasser Donovan, Esq. is a SEAK trainer and has been on the SEAK Faculty since 2002. Nadine is a former trial lawyer with extensive litigation experience. She has trained thousands of experts through SEAK's scheduled programs for expert witnesses, invited presentations, customized on-site expert witness training programs, and via one-on-one training. Nadine is the co-author of the SEAK texts [*How to Write an Expert Witness Report*](#), [*How to Be a Successful Expert Witness: SEAK's A-Z Guide to Expert Witnessing*](#) and [*How to Be an Effective Expert Witness at Deposition and Trial: The SEAK Guide to Testifying as an Expert Witness*](#). In addition to her work consulting and teaching for SEAK, Ms. Donovan is a Legal Writing

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Instructor at Boston University School of Law. Ms. Donovan also serves as a Dispute Resolution Arbitrator for the Financial Industry Regulatory Authority. Ms. Donovan previously practiced litigation for 21 years. She spent 18 years in the defense of medical professionals in medical malpractice actions and before medical licensing boards. In addition, Ms. Donovan started off her litigation career in New York City, first as a prosecutor in Queens, and then as counsel for the City of New York. Ms. Donovan received her J.D. cum laude from Boston College Law School. She graduated from Fordham University summa cum laude with a B.A. in French Literature. **She may be contacted at 617-791-4282 or nadine@seak.com.**

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