

Continuing Education to Market a Forensic Practice

by

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What does the Forensic Expert desire?

generic marketing versus targeted marketing

no "profit" on CLE

only seek marketing effect

Let client know an FE can

increase their success rate and increase their profits.

testifying versus consulting FE

What do the Clients desire?

demystify FE engagement

higher success rates and better work product

CLE credit

meet you and "interview" you

how to phrase both the question and the answer

Find your market

Trade association

captive audience, more generic

Specialized law firms

litigation, yes

topic area: personal injury v. commercial

Law schools

pair of FE to play plaintiff and defendant

future clients

not moot court, since appellate

client counseling competition

negotiation and mediation classes

clinical practice

guest lecturer in litigation courses

Describe the product

What does FE do to increase value of attorney work product

Very simplified case sample

obtain "student" feedback on value estimation

demonstrate FE's breadth of analysis

show unexpected (to client) value streams

early FE engagement improves pleading

very simple solution to demonstrate building blocks

Deliverables

Knowledge

materials

CLE credit

Daubert

help the finder of fact

[1] tested

[2] peer review and publication

[3] known error rate

[4] standards of evaluation

[5] widespread acceptance (ghost of *Frye*)

judge as gatekeeper

and its progeny *Kumho, Joiner, Scheffer, Weisgram*

Do not carry coals to Newcastle.

FE should demonstrate awareness of client's problems.

Demonstrate skill sets

effective communication

understandable

entertaining

convincing

well thought out

limit the surprises

written report

clear assumptions and steps in calculations

can be accurately replicated by other expert

seen by all as an accurate and unbiased value

Sample report from prior client.

cookie cutter versus replication

Abbreviated resume and Rule 26 disclosure,

with invitation for complete documentation.

Other of FE's accomplishments to be revealed at this point?

Education

Licensures/certifications

how many is too many?

Work experience outside of FE

FE experience

depositions

trials

Alternative Dispute Resolution (ADR)

AAEFEE and NAFE and ??? memberships

Ethical Orientation

cases you decline

ability to recommend other FEs

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Business Damages ListServ: New Presentation

1. **Recovery Concepts: proximate cause, reasonable certainty, foreseeability, mitigation**
2. **Discussion of damage computations**
 - a. **Definitions: Revenue, fixed and variable costs, direct, indirect, avoidable, etc.**
 - b. **Measures of damages: revenues, EBIT, EBITDA, cash flows, etc.**
 - c. **Present value calculations**
 - d. **CAPM and build-up methods of calculating discount rates, cap rates**
3. **Damage concepts:**
 - a. **Temporary impairment**
 - b. **Permanent impairment**
 - c. **Business destruction**
4. **The engagement process**
5. **Consultant/Expert roles**

Replies from the Business Damages List (as of 5PM Central):

- * **avoiding double counting**
- * **discovery process**
- * **when to engage the expert and how that changes use of expert**
- * *Daubert*
- * **importance of the timeline of facts on calculation on damages**
- * **tax issues**
- * **prejudgment interest**
- * **use whole day to provide CLE credit**
- * **discuss gross profit, and when suitable to use**
- * **special problems of discount rates in commercial cases**
- * **create a realistic expectation of time and expense required**