Overview

- PathologyExpert Inc.
- FAQ's:
  - Is consulting compatible with government work or will I be seen as a “defense witness”?
  - Do I need a contract?
  - Do I need to incorporate?
  - Do I need insurance?
  - How do I advertise?
  - Do I need a website?
  - What makes a good website?
  - Should I use social media to promote my business?
  - How do I deal with attorneys wanting to call me as a fact witness?
PathologyExpert Inc.

- 3 Person company: 2 owners, 1 office manager
- Incorporated as an S-Corporation in CA in 2014
- Annual Gross Receipts: Approx $750,000
- Approximately 20% comes from government work (contract with Alameda County)
- 80% comes from consulting work
- Benefits: SEP-IRA, insurance, company car, annual shareholders meeting/reitreat, ad hoc bonus/profit sharing plan

SAMS Alert: Is Consulting compatible with government work or will I be seen as a “defense witness”?

- 2013 survey of forensic pathologists, approximately 1/4 (24%) reported that they are considered prosecution witnesses within their jurisdiction.
- Understand the pressures that you may be under if you do consult work for the defense.
- You may be seen as a “defense witness” and this can have negative political repercussions with your government work.

Ref: Medical Examiner’s Independence is Vital for the Health of the American Legal System. Luz J A, Melinek J, Oliver WR. Academic Forensic Pathology 2013, 3(1): 84-92

Is Consulting compatible with government work or will I be seen as a “defense witness”?

- Yes, you can do government work and still do outside consulting “on the side”
- Make sure that this is contractually allowed - preferable to get it in writing
- Understand any restrictions placed on your time or jurisdictions to avoid conflicts
- Helps to have support from colleagues/boss
- Make sure your clients understand that you may have to drop the case if conflicts arise.
Do I Need a Contract?

• YES!
  - The contract protects you
  - You will get stiffed without a contract
  - You may get sued without a contract
• Contract should contain:
  - Services to be performed
  - Compensation terms: Payment expectations including late fees and expenses
  - Confidentiality
  - Scheduling
  - Furnishing of Materials
  - Conflicts and termination

Do I Need to Incorporate?

• Not necessarily - It depends on your financial/tax situation and how much money you are making from consulting
• Understand the different corporate structures and consult with your accountant and/or attorney to know what is best for you
• Think about the long term plan for your business & potential for growth: products, number of employees, investments

Corporations 101

### LLC vs. Corporation

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Corporations 101

The Pros of Incorporation

• You have more control over your money and can decide as CEO (reasonably and within tax law) how much money you pay yourself as a salary and how much you pay yourself as an owner’s draw or dividend
• Some of your expenses as an employee could reasonably be considered corporate expenses: vehicle for work, books, travel for business and conferences
• You lower your tax burden - keep more money

The Cons of Incorporation

• Cost to set up and maintain (lawyer, accountant, book-keeper)
• More paperwork
• Risk of getting audited if you don’t do things right (but this is true anyway)
Do I Need Insurance?

• Depends on your exposure, risk profile
• Contracts with government entities may require minimum coverage for malpractice, errors and omissions, or general liability
• If you have office space, staff, employees then you need insurance

Do I Need Insurance?

• Panelists Use:
  Professional Liability:
  Complete Equity Markets, Inc. (underwritten by Lloyd’s London)
  Melanie Javens
  1190 Flex Court
  Lake Zurich, IL 60047
  800-323-6234 or 847-541-0900
  mjavens@cemins.com

  Professional & General Liability:
  Beazley & The Hartford Agency/ECBM, LP
  Brittany Monaghan
  bmonaghan@ecbm.com
  610-668-7100

  Worker’s Comp (if you have employees):
  Employers
  https://www.employers.com

How do I Advertise?

• Should I advertise?
• How to:
  - Business cards
  - Mail your cv with a cover letter to law firms that specialize in the cases you are interested in
  - Network: when you meet an attorney, any attorney, ask them about what they do & give them your card
  - Website
  - Teach: Lectures to legal organizations, law schools, coroner’s organizations
  - Write: Op-Eds, Blogs, books
  - Become a pundit: media training and interviews
Do I need a Website?

- If you want your business taken seriously, then yes, you need a website
- You can hire someone to build one for you
- The best companies will train you (or your staff) on how to maintain it so you don’t have to rely on them thereafter
- Make sure the URL is on your business cards, and on all social media
- Takes work to maintain it and update it (SEO)

Website Design

- WordPress
- Corporate but friendly
- Designed by a pro website design firm
- Mobile friendly

Website Design

- Professional Photos
- Logo
- Content: Uses keywords in context that describe what you do
Website Design

- Many Pages - so people who visit don't leave
- Current:
  - Date
  - News
  - Upcoming Events
  - Contact Us

Blog

- Soapbox
- Write about subject matter in your field of expertise
- Anything you write can be used against you in a court of law

Products:
- Books
- Lectures
- Videos
- Conferences
- Podcasts
• Links to Other Sites with useful information that contain your keywords
• Sites that link back to you (backlinks)

• Different instructions for education and for clients
• Key information needed for a conflicts check
• Ask for deadlines

Search Engine Optimization

• What does this mean?
• Internet search engines are computerized programs that search the internet for text that matches what is being searched for
• The algorithms are designed to rank websites higher for being reliable, current, and for having interesting content.
• SEO is what you do to make your website rank higher so clients can find you
Search Engine Optimization

• Reliable:
  - Are linked to other sites (connectivity)
  - People click on them and don’t go back
• Current:
  - Dates signify when last updated
  - Have associated links to current events
• Content:
  - Text (keywords) are in paragraphs

Keywords

• Who you are and what you do:
  • Forensic, Expert, Consultant, Witness
  • The words (or phrases) that others searching for you will use - specific expertise & location
  • Should be in the TITLE and in the text
  • Should be in the metadata for the site
  • Should be in websites and articles that link to you
  • Used in social media posts about you #forensics

Connectivity:

A Rising Tide Raises All Boats

• Connect to your colleagues
• Connect to your clients
• Connect to popular media sites with interesting content about you
• Most importantly, have them connect back to you on pages that describe what you do and have content that is relevant to your field
Published in 2014
- Memoir about forensic training
- Written to encourage students & educate the public about the real forensic work

NY Times Bestseller
- Book Events
- Television
- Radio
- Social Media

Should I use Social Media?
- It depends on your comfort level
- At the minimum: Linkedin profile for you and your company

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<tr>
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<td>Used against you</td>
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<tr>
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<td>Oversaturation</td>
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<tr>
<td>Connectivity</td>
<td>Time suck</td>
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• Purpose: promote our writing as a team
• Post updates about book writing and events
• Invite friends to events

• Purpose: promote my expertise in the field
• Post updates about forensic news and educational opportunities
• Have a photo
• Describe what you do
• Post interesting articles in the news about your field
• Follow others

Going Viral - #DressLikeAWoman
• The Guardian
• Mashable
• BuzzFeed
• Huffington Post
• Forbes
• Medialite
• TechTimes
• Elle

#NAME2018
• Take a photo
• Write a tweet and use the phrase "Forensic Expert" and the hashtag #NAME2018 and tag @theNAME1966
• Continue tweeting using the phrase & hashtag throughout the meeting
• Follow others who use this hashtag
• Retweet their tweets
• Watch it trend!
What about privacy?

- Successful marketing in a business where your expertise is your brand means you have no expectation of privacy
- You need to have integrity
- You can protect yourself by following certain guidelines:
  - No social media about client cases
  - Business address, phone only

SAMS Alert: Expert or Fact Witness?

- You are being called to testify in a case where you performed the autopsy and the attorney claims that you won’t be compensated because you are a “fact witness” and will not be proffering expert testimony. What do you do?
- Sanchez v. Gama, 233 Ariz. 125 (2013)10 P.3d 1, 667 Ariz. Adv. Rep. 49, 668 Ariz. Adv. Rep. 5. Whether a treating physician is a fact or expert witness depends on the content of the testimony. When the testimony requires expertise and is developed for purposes of litigation, the doctors must be compensated accordingly.
- Letter to attorney explaining the law
- Letter to judge if attorney refuses to budge
SAMS Alert: Expert or Fact Witness?

- A link to AMA-ABA agreement to pay expert witness fees:
  https://www.dropbox.com/s/gujesde2bq75jy/AMA-ABA%20expert%20witness%20agreement.doc?dl=0

- The NAME Position paper on fact vs expert witness:
  https://www.dropbox.com/s/yi6b5az2mk3zm/NAMESPP%20on%20PP%20courtroom%20testimony%20in%20out-of-jurisdiction%20cases%202012.pdf?dl=0

- Federal Rules of Evidence Re: Expert witnesses:
  https://www.dropbox.com/s/78v686b6i6f5xill/Grular%20Rule
  s%20Expert%20Witness%20Testimony%20Revised%2010%2012.pdf?dl=0

- The Academic Forensic Pathology article on the ethics of working as retained expert: