

Doing Forensic Work, III: Marketing your Practice

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“Marketing” refers to the entire process of bringing a product or service to the public and creating a demand for it. It is not simply advertising. There are good and bad ways to market one’s practice, and some that are distasteful or even unethical. The quality and credibility of your work are your most important marketing tools. Reputation and word-of-mouth among attorneys is the largest referral source for most private forensic practitioners. Your professional and business practices, the quality of your staff and their interactions with clients, and your day-to-day availability are all critical. The Internet is important for some practitioners. Practice websites are inexpensive, but they should be carefully constructed and avoid appearing sensational or overly self-serving. Research the basics of websites and website traffic, and don’t expect great results for the first year or so. A Web consultant may be helpful, but avoid those who charge lots of money or make grand promises. Paying for advertisements, listings, or brochures is rarely fruitful. Your primary marketing targets are likely to be attorneys, but may include courts and certain government agencies; clinicians are not usually a major referral source. Patients and potential litigants themselves are off-limits; marketing to them is generally unethical. (*Journal of Psychiatric Practice* 2012;18:291–295)

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This is the third in a short series of articles on the practical aspects of forensic work. The material generally assumes that the clinician is a private practitioner who has been—or wants to be—retained by an attorney, court, or other third party within the legal or judicial system (sometimes referred to below as the “retaining entity” or, less accurately, simply as the “lawyer”).

In this column, I will discuss how to market your practice. That topic may sound unusual for the *Journal*, but the process can be integral to any pri-

vate practice. There are good and bad ways to market one’s practice, and some that are distasteful, or even unethical.

Marketing refers to the entire process of bringing a product or service to the public and creating a demand for it. It is not simply advertising. If it were, I wouldn’t consider it for this article. *The quality of your work and reputation are your most important, and most effective, marketing.*

You will often be asked about your marketing methods during testimony.

Target Market

Most successful forensic clinicians do little direct marketing. If you decide to market directly to potential clients (such as lawyers, but *not* patients or potential litigants themselves), remember that *your target is potential forensic contractees and referral sources; don’t waste marketing efforts elsewhere.*

Attorneys. Attorneys are the most common clients for the majority of private forensic professionals. It’s logical that lawyers who specialize in criminal matters, malpractice, personal injury, insurance defense, workers compensation, and family law use mental health experts more often than, say, real estate specialists or corporate attorneys.

Courts. Courts themselves (that is, judges or local judicial systems) may refer cases to experts who meet some criterion (such as being on a local or statewide referral panel). Most experts don’t (and shouldn’t) depend on a local court system to support their practices.

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Law and Psychiatry

Clinician colleagues or forensic specialists are nice folks and interesting to be around, but rarely important forensic referral sources. Your reputation among them is important, however.

Litigants (or potential litigants) and patients are not part of your “market.” Leave the back cover of the phone book to lawyers. In fact, leave the entire Yellow Pages to them.

Recommendations

Reputation and word-of-mouth are your best marketing tools. Lawyers remember good experts, and often find new experts by talking with other lawyers.

The Internet. Web searches are probably the second most common way (after word of mouth) that lawyers find new experts. This applies especially to attorneys in smaller cities and rural areas, and those who don't often become involved with psychiatric/psychological matters. Unfortunately, it is difficult to attain prominent search engine placement (largely because one of the most important search engine placement criteria is time on the Web, and many other experts' sites have been online for over a decade). Ask your webmaster about things like keywords and metatags in order to make yourself easier to find, but don't expect miracles.

Don't fall for the many scams that promise to improve your search engine placement. Even honest and experienced consultants probably can't do it much better than you can (with a little research), and no one can do it very well without paying for the search engine placement—usually a mistake in my opinion. You will receive email requests from strangers to exchange links or place links on your site (and maybe an ad or two). Ignore them. First, you don't know these people and you have no control over their content. Second, link exchange, while it may have a tiny effect on search engine positioning, doesn't help you much. Do it with a colleague or friend if you wish (I do), but keep it professional.

Don't pay anyone big bucks to create your website. There are lots of folks out there who happily charge unsuspecting clinicians thousands of dollars for websites and bad domain names. New domain names should cost under \$20 per year, and it's easy to find out which ones are available. I recommend against using any domain name that does not end in “.com”

or “.org.” Stay away from new categories such as “.biz” or “.tv” for a professional site.

Reliable website hosting is very reasonable, and setting up the site is simple. Professional website designers can be very good at bells, whistles, and designing for advertising or sales, *but that's not what you want*. You need quiet credibility, information, and professionalism. If you choose to spend marketing dollars on Web professionals, spend them on the technical aspects (such as host reliability, site flexibility, and setting up a site that you can easily maintain yourself), not glitz or empty promises.

I find that lawyers and other potential forensic clients respond most positively to websites that are straightforward, professional, and not full of advertising, self aggrandizement, or lists of legal cases on which one has worked. Educational material targeted to the kinds of cases with which you work seems logical, and helps increase your search engine placement (as does a high ratio of text to photos in the content). Some information about your qualifications and background is important, but don't list past legal cases or post many pages of detailed *curriculum vitae*. Your contact information should not be in a flashing purple 36-point font; if your qualifications are interesting to the reader, he or she will find it.

Follow your website traffic with a monitoring program (usually free). Ask your Web host what statistics package they provide and use it to gauge number of visitors, movement patterns within your site, and the like.

Certifications. Professionally accepted certifications are helpful in separating you from those in the field who are not certified. General and child psychiatry certification by the American Board of Psychiatry and Neurology (ABPN*) is important for psychiatrists in those fields, and subspecialty ABPN certification (such as psychopharmacology, substance abuse, or geriatrics) may be relevant for particular kinds of practice. Specific ABPN forensic psychiatry certification is often irrelevant to lawyers (who are more interested in your clinical and scientific knowledge about their cases), although it does establish a certain level of formal training and understanding of the legal exercise. Psychologists' certification by the

*Recognition by equivalent bodies, such as the British or Canadian Royal College of Psychiatrists, is usually fine. Osteopathic Board certification is unusual, but equivalent.

American Board of Professional Psychology (ABPP) is a good thing, and certification in neuropsychology is quite valuable in that subspecialty (e.g., for cases involving brain trauma or damage).

Don't bother with the many pseudo-"certifications" offered online (those you can get with just a degree and a credit card, and maybe a few hours of online study). They often do more harm than good.

The interface of your office with new callers can be very good marketing. Lawyers (and their staff people) remember courtesy, generosity with your time, and intelligent discussion for a long time.

Less Useful but Often Worth the Trouble

Tasteful announcements to attorneys are acceptable and sometimes helpful. Don't include a *curriculum vitae* or list of cases or lawyers with whom you've worked. Ask yourself what kind of announcement might make *you* call a professional (and what kind would turn you off).

Teaching mental-health-related courses or seminars in law schools, attorney or judicial continuing education settings, law enforcement training sessions, or risk management symposia is a fine contribution (and you'll learn a lot in the process).

Media interviews can be a public service, but avoid sensationalism and be sure the topic is truly newsworthy. Many attorneys prefer an expert who is not a television personality.

Nonprofessional service organizations (e.g., Rotary, Kiwanis, Lion's Club) are a traditional networking tool for local practices, and good for your community.

Not Recommended (but Usually Ethical)

- Marketing brochures
- Legal directories, Yellow Pages, other advertisements
- Self-serving media interviews
- Flashy Internet pages, website banners
- Internet expert directories, paid referral services

Don't believe anyone who sends you an email saying he or she can increase your referrals through some

"expert listing" or "expert finder" website. Be cautious about expert "brokers" who say they have stables of forensic practitioners to whom they refer cases. Many (not all) are ethically acceptable, but the fine print in their contracts can limit your flexibility and practice style. I don't recommend ever paying for such services.

Not Recommended (and Often Unethical)

- Marketing to patients or litigants
- Advising people to sue, or referring them to lawyers for personal gain
- Offering to become be an expert for your own patient

Access and Availability

Make it easy for people to reach you.

Be very available to callers. New attorney calls should be among your highest priorities. Return missed calls immediately. You are probably not the only expert the attorney is considering; if you aren't available, most simply go to the next person on their lists.

Consider a toll-free phone line or a permanent, very reliable cell phone number. If you move across the country, your number should move with you. Callers may have your number on file for years before dialing it, and it is very common to receive repeat referrals several years after an earlier case. Be sure your telephone is answered, preferably by you or some other real (and intelligent) person. (Raise your hand if you think voicemail encourages referrals.)

Have permanent postal and email addresses. I use a post office box rather than a physical address for U.S. mail, and have maintained my box number and email address through several moves for almost 20 years. Use a very stable Internet service provider, not a small one that may disappear in a couple of years, and keep it if you move across the country. As already noted, referrals may come months or years after someone gets your name; cases are often quiescent for months or years; months may elapse between an initial contact and being retained; and lawyers who appreciated your work in earlier cases may call years later with new ones.

Law and Psychiatry

Carry your cell phone with you. Ignore complaints from other golfers and theatergoers.

Test your office telephone and email procedures to be sure they're professional and responsive to callers.

Remember, contrary to ordinary clinical practice, *each new forensic client provides a significant portion of your office income.* It's simply a business fact that forensic work is a low-volume, high-revenue-per-client profession. A missed call, or one that is returned late, can be very expensive (and you'll probably never know what you missed).

Make Every Public Interface Very High Quality

Some of the items below may seem trivial, but they're not. Forensic clients, such as attorneys, may never visit your office (particularly if your work is regional or national), so make sure the other interfaces you have with them reflect professional quality, whether you work from a fancy building or review records in a spare bedroom.

Many of the people who matter to your success understand the difference between things like engraved and computer letterhead, engraved parchment business cards and "Thermo" fakes, and minimum-wage staff and sophisticated assistants. Every interaction you have with the professional public should be consistent with the competence, solid reliability, top quality, and client service you will provide. You'll like the way the items below make *you* feel as well.

Hire excellent staff. Be sure your staff are intelligent, helpful, polite, and professional. Do not be penny wise and pound foolish when hiring (or in any of the items in this section).

Stationery and business cards. Consider engraved letterhead (even though few commercial printers offer true engraving), on excellent stock. Engraved business cards (on parchment) are worth every penny. Design letterhead and cards tastefully; don't fill them with extraneous information (or your photo). Avoid bargain printers, and for goodness' sake, don't print your own letterhead or business cards. Many people won't notice these touches, but those who do can contribute a lot to your success.

Telephones and telephone answering. See above.

Buy very good fax and copy machines (fast, reliable, high capacity). Avoid "all-in-one" printer/fax/copiers; they're a pain in the neck when things get busy.

Have absolutely reliable, high-speed Internet service. You will often receive large attachments, do online research, and exchange time-sensitive emails.

Deliver what you promise, on time, every time. Better yet, deliver it early.

Dress and groom professionally when meeting with attorneys or other clients, or examining evaluatees. That doesn't mean "fancy" or "rich," but never take a "casual Friday" if you're meeting with a lawyer. If you're a male, wear a tie unless you know the uniform of the day is "business casual."

Have excellent manners and diction. Your manners and dress communicate volumes about you, and imply a lot about your social and forensic competence. If these don't come naturally, or if you believe your cultural background may interfere with getting along in U.S. professional situations, don't be afraid to get some friendly consultation, or a simple book on etiquette.

Be easy to work with. Once you're engaged by a lawyer or other client, the quality of your service is judged in part by the ease with which he or she can work with you. This doesn't mean bending to unethical expectations, but you are expected to understand the client's needs, be available and attentive, know your stuff, and care about your work.

Referral Courtesy

One day I got a call from a lawyer who practices only a few miles from my office. It was a bit of a surprise, since forensic psychiatry matters rarely arise in my small community. He was defending a client in a murder case and had called a prominent colleague of mine in a faraway state. The colleague told him, in essence, "I'd be happy to work with you, but did you know that there's another qualified forensic psychiatrist just down the road from you?"

Offer to refer attorneys to qualified forensic colleagues when you can't, shouldn't, or don't want to accept a referral, or simply when you know there's a colleague who might be more convenient for the attorney (e.g., in his or her geographic area). This starts the relationship off on a good note and illustrates your willingness to help the caller get what he or she needs. (It's nice for the colleague, too.) Send a brief "heads-up" email to the person to whom you're referring the lawyer, perhaps with the lawyer's name (but without case details).

Don't refer a lawyer to a colleague unless you have reason to believe the colleague is competent and ethical. You may have a directory of forensic professionals and can help attorneys find experts, but don't do it blindly (any more than you would refer a patient to a clinician without some sense of his or her qualifications). I always tell the caller whether I have actually observed the work or skill of someone whose name I give out, or am merely giving

the name because the person belongs to an organization or is certified. I quietly avoid sending referrals to people I believe don't meet high standards of practice quality and ethics.

Appreciation. Send thank you notes and annual holiday cards. You may wish to follow up after cases are resolved, not to "keep score" but to see if there was anything you might have done differently, or just to congratulate the attorney on the resolution. Send good clients small holiday gifts (it's not a "bribe," it's a courtesy).

The Last Word

"Marketing" is not a crass or dirty word in the clinical and forensic professions, so long as it is done truthfully and ethically, with due attention to professionalism. If you think you might be embarrassed to hear your marketing methods described in court, change them.