



The FALL ABVE CONFERENCE
Is Set To
Deliver Excellence
at the
RENAISSANCE WARWICK HOTEL
PHILADELPHIA, PENNSYLVANIA,
OCTOBER 13-15, 2006!

Dr. Phil Spergel, Conference Chairperson, has assembled knowledgeable speakers and topics focused to real-life vocational expert practice for attendees at the Fall 2006 ABVE conference.

Topics and Presenters include:

- What Vocational Experts Should Know About Forensic Evaluations and How to Use the Information When Testifying—Robert Sadoff, MD
- What Vocational Experts Should Know About Head Injuries—Nathaniel Mayer, MD
- The Vocational Expert in the Role of Social Security Representative—Arthur J. Kaufman, MEd
- The Iatrogenic & Bureaucratic Conditions—Jasen Walker, EdD & Philip Spergel, EdD
- What Vocational Experts Should Know About Musculoskeletal Injuries & The Role of Pain—Leonard Karmen, DO
- What Worker's Compensation Attorneys Expect From Vocational Experts—Martin J. Fallon, Esq.
- What Vocational Experts Should Know About Neuropsychological Evaluations and How to Use the Information in Identifying Transferable Skills—Mark Wagner, PhD
- Evaluating Loss of Earning Capacity of the Self-Employed Entrepreneur/Business Person—Charles DeMark, MS, CRC, CCN & Peder K. Malberg, MA, CRC
- How Economists Interact With Vocational Experts—Andrew G. Verzilli, PhD
- What Attorneys Expect from Vocational Experts in Catastrophic Cases—Lawrence Cohan, Esq.
- The Vocational Expert's Role in Unfair Employment Practices—Richard Baine, MA; Rosalyn Pierce, MA & Ernest Sasso, Esq.
- Wrongful Death Evaluations—Robert P. Wolf, EdD
- An Ethics Symposium—Cynthia Grimley, MS, CRC & John Berg, MEd
- An ABVE President's Panel: The Past, The Present and The Future—Harold Kulman, MA; Donald Jennings, EdD; & Michael Graham, EdD.

In addition to these salient topics, the ABC's of a Vocational Evaluation will be offered as a Pre-Conference Workshop. Dr. Phil Spergel will cover the Clinical Interview, Harold Kulman, MA will discuss The Test Battery, and Dr. Donald Jennings will address Analyzing Records and Report Writing. Please make plans to attend the ABVE Fall Conference for the opportunity to interact with colleagues and benefit from the wide variety of informative presentations.

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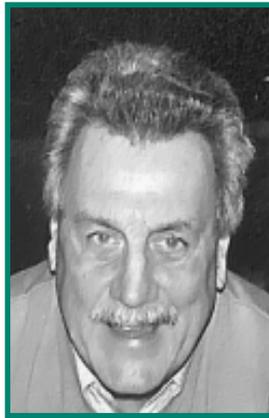
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President's Message

By Don Jennings, ABVE President, 2005-2007

At the last two conferences I was approached by several of our members who asked me various questions, the gist of which was "How does the Board run ABVE?"

The Executive Board, which is elected by the membership, has the overall responsibility for the operation of our organization. The Board Members have committee assignments that allow them to perform services in various areas, such as Continuing Education, Membership, The Journal, Certification, etc. The Board has face-to-face meetings at the spring and fall conferences, with conference calls held in between to address various issues that may come up from

time-to-time.

The day-to-day operation of ABVE is performed by BTF from Santa Cruz, California. BTF is the management group that ABVE has contracted to perform these services. If a member has a question or an issue that needs to be discussed, the immediate contact should be with either the personnel at BTF or a Board Member. Board Members are very receptive to hearing from members and actually encourage member contact as a way of ensuring the smooth operation of ABVE. Any concern expressed by a member to a Board Member is taken seriously and dealt with as quickly as possible.

As many of you already know, our Journal was transferred in the Spring of 2005 from Ohio State University to Auburn University with Dr. David Martin as the new Editor. Dr. Martin recently had our Journal indexed in the Cumulative Index to Nursing and Allied Health Literature. This increases the professionalism and the availability of our Journal to a larger audience. Kudos to Dr. Martin.

By the way, this writer recently testified in Federal Court in Newark, New Jersey and the attorney who was cross-examining me asked me a question concerning a vocational assessment. At that point, he took something off his table and proceeded to read a statement and then asked if I agreed with that statement. I suddenly realized as he was reading the statement that he was reading from our Journal. When he finished reading from The Journal, he asked me if I agreed with the statement. When I told him that I did, he asked me if I agreed that the statement was taken from a journal that was authoritative in its field, which I again agreed with, and then explained to him that he was reading from the Journal of Forensic Vocational Analysis, an official publication of the American Board of Vocational Experts. I think this highlights the professionalism to which our organization has reached, particularly, since there are now attorneys citing our Journal in open court.

Many of our members are asked to speak at various meetings where attorneys will be attending. As you do so, I would hope that you acknowledge and advance ABVE. By noting that we are the only nationally certifying group for vocational experts, you heighten the awareness of ABVE and broaden the base of attorneys who have knowledge of us. When making speeches, if you feel that you need additional technical help, a call to BTF in Santa Cruz for additional information, or a call to a Board Member concerning information you may need is encouraged. Keep in mind that the more attorneys who know about us, the better it is for ABVE.

Please remember that we are coming to the end of a CE cycle (December 2006). It is important that each member ensures that their credits are current and that you have reached the 42 credits, which are required for the three-year CE cycle. In closing, as most of you are aware, the easiest method of obtaining CE credits is by attending our semi-annual conference. The next conference will be held in October in Philadelphia. All members are encouraged to attend.

From The Editor's Laptop

By Betty Lindsey Hale, Newsletter Editor

The subject of mentorship came up through two separate avenues during the preparation of this edition of the newsletter: one was noted by Dr. Phil Spergel and the other was an article from a new student member. Webster defines “mentor” as “a trusted counselor or guide; a tutor, a coach”. Dr. Spergel suggested that while ABVE makes significant efforts to ensure the knowledge competency of its members through the requirements of work product for peer review and the administration of the certification exam, this does not ensure that individuals will be able to successfully perform their primary function as a vocational consultant, which is to educate. Dr. Spergel stated that vocational experts would benefit from an intensive and interactive process with a more experienced supervisor to critique and improve their methodology and techniques prior to their embarking on their career in order to enhance their effectiveness in presenting information. The second is a discussion offered by an ABVE student member and provides a slightly different perspective on the subject of mentorship, which I will leave you to read and respond to if desired. Thanks to everyone who has responded regarding the invitation to contribute to the newsletter and I look forward to seeing everyone in Philadelphia.

Ethical Questions & Answers

By Rosalyn Pierce, M.A., C.R.C., C.D.M.S., N.C.C., C.C.M., L.R.C.

Q.

Rebecca is a vocational case manager for ABC Rehabilitation Company in Pennsylvania. Her company was retained by Cigna Insurance Group to provide case management service to its insurers. Rebecca obtained permission to interview the injured person and introduced herself as his counselor and implied she would coordinate retraining and job placement at wages commensurate with his pre-injury salary. She failed to mention the referral source, scope of her services, and possible outcomes of the professional relationship. Is Rebecca's behavior in conflict with A.B.V.E. Ethical Codes?

A.

According to the American Board of Vocational Experts Code of Ethics **R2.1**: Vocational experts will make their role clear to clients and to individuals who are being vocationally evaluated. If they are not considered the client, any limitations that may affect the evaluative relationship should be considered and addressed. **R2.4** reads “When vocational experts provide services at the request of a third party, the vocational expert clarifies the nature of their relationship to all involved parties. As a case consultant or expert witness, vocational experts have an obligation to provide unbiased, fair and reasonable opinions.” And lastly, **R2.5** states “Vocational experts will honor the right of clients to consent to participate in their services.”

Q.

VE Bob was contacted by Attorney X who viewed his web page. Bob returned Attorney X's phone call the following day. Unfortunately for Bob, Attorney X had already retained another vocational expert to handle this file. VE Bob persisted in elucidating his credentials, requested specifics about the plaintiff in the case and tried to convince Attorney X to utilize his expertise on this specific case and dismiss the expert with whom he already has an agreement. What is the A.B.V.E. Ethical Code position on this behavior?

A.

R3.2 “Vocational experts will not knowingly offer their services or solicit a potential referral source if another vocational expert has already been retained”.

The American Board of Vocational Experts never has and currently does not endorse the use of any specific tests, test batteries, or commercial products.

A Students Perspective

The Future of ABVE in Question

By way of introduction, my name is Dennis Lindsey and I'm a new student member of the American Board of Vocational Experts (ABVE). I think it appropriate to tell you a little about myself. I served in the United States Navy for just over twenty years before my retirement in May of 2004. Towards the end of my Navy career, I obtained my Bachelor's of Science in Psychology from the University of Southern Mississippi. I am a member and past president of the local chapter of Psi Chi, the Psychology National Honor Society. After graduation from USM, I applied and was accepted to the Rehabilitation Counseling Graduate Program at Auburn University. (War Eagle!) Auburn has a tremendous distance education program with very supportive professors and staff. At any rate, I am at the half way point in the pursuit of my Master's degree. I live with my wife and two boys in Jacksonville, Florida.

When I was first asked to write an article for the ABVE Newsletter, I felt very honored and privileged. Then reality set in and a sense of dread overcame me. What in the world could I as a student with a little book knowledge and no experience in the field write about that might possibly be of interest to both students and seasoned professionals alike? In finding the answer to this question, I thought I would share an experience that happened to me prior to the start of the summer semester. My hope is both students and veterans alike will benefit from my experiences and point of view.

In accordance with the Counsel on Rehabilitation Education (CORE) requirements, students must complete a 300 hour Practicum. Obviously, the Practicum should consist of worthwhile and meaningful experiences. After all, isn't that the whole point of a Practicum? Since I want to work in private practice in Florida after graduation, I thought it best to serve my Practicum in a private practice setting. With the goals of obtaining a meaningful experience through a private practice setting in mind, and a desire to work hard and be a 'knowledge sponge', I started on my search for a Practicum site. I first contacted several providers in the Jacksonville, FL area. No luck. Then I started branching out from Jacksonville to other cities and towns. The scope of my search took me all the way to Orlando, FL. For those of you not versed on distances in Florida, it takes me approximately two hours driving at 78 mph to arrive in downtown Orlando from Jacksonville. Still no luck. What were the responses to my inquiry, you ask? First, not everyone that I sent letters to or called responded or returned my phone calls. Second, everyone that I did have the opportunity to speak with was reasonably cordial. Some of the replies were, "We don't take on students", "We don't need students around", "Students take up too much time", and my personal favorite, "I appreciate the fact that you need a Practicum site, but I'm not going to train my competition." I wish I could say I was only told this once, however, that wasn't the case. Lest someone misinterpret the thrust of this article, it is NOT about the life and times of a disgruntled graduate student. I would rather the solution be so simplistic. Unfortunately, my observations have much farther reaching implications and are potentially more destructive in the long term than the mere droning of a student. Out of my current class of twenty four students, only one (me) plans on going into private practice after graduation. The balance is currently working for state voc rehab offices in the south. If the addition of a comparatively few new people a year into the private practice arena severely impacts the earning potential of those already established in this field, then please explain why it can take upwards of three months in some markets for a consumer to obtain a vocational assessment.

When I read past issues of the ABVE Newsletter, common threads prevail from issue to issue. Those threads are the pride in the organization, the nature of the work in which its membership is involved, and the future of ABVE. If I may be so bold, you should be proud. ABVE is full of gods in the rehabilitation counseling world. When I look at the membership list of ABVE, a number of you have published significant articles and still a number of others have written applicable textbooks that have been used or are currently in use today at the university level. Some of you have taught or currently teach at colleges and universities across the country. In my opinion, most of you have forgotten more about private practice than I'll have time to learn.

One of the concepts I have learned over the years is the success of an organization, any organization, is dependent upon its ability to bring in new blood. New people are full of excitement. They are eager to do things and to

CONTINUED ON NEXT PAGE

A Students Perspective Continued...

help out. New people want to be accepted and to contribute to the overall mission success. If the membership of ABVE is serious in perpetuating and growing a cornerstone organization in the rehabilitation counseling arena, the only way to accomplish this goal is to 'grow' new members.

My experiences in seeking a Practicum site are incongruent with the conception I have of individuals who want their profession to grow and be full of educated and proficient leaders. If an individual doesn't want to "train someone that will be their competition someday", I submit that student will be competition regardless. Consider this scenario. A student manages to pass all their coursework, successfully pass the CRC and goes into private practice. The problem is his / her Practicum and Internship were lackluster at best. The degree process was first rate but the practicum and internship were as empty as a pauper's bank account. So, the new counselor hits the streets full of energy, a desire to do a great job, little practical experience, no mentorship, and falls on their sword within a few short months. The individuals in established practices are happy that there is one less competitor to worry about, but competition is the least of the problem. Because of the improper and empty training received during the student's Practicum and Internship, the new counselor, due primarily to their ineptitude, inadvertently did a significant amount of damage to the overall reputation of Rehabilitation Counselors in the local area. The new counselor is left to wonder what went wrong and they fade from existence. In the meantime, all those highly educated and experienced individuals in the ABVE membership ranks, one by one take all their vast assets to the grave where their skills benefit no one.

In my opinion, ABVE is the premier organization of its kind. The future resides with all the current knowledgeable professionals. You have within you the capability to nurture and grow leaders in the field of Rehabilitation Counseling and related fields. Would you rather leave the future to chance and happenstance or would you be an integral part of the organization's success. When a student seeks your knowledge, know that in providing them a meaningful educational experience, you are assisting them in being a success. You also are ensuring a deeper level of professionalism within the ABVE organization. I would readily agree that students can be an annoyance. As part of my duties in the Navy, I regularly trained junior officers (J.O.'s). The task always took longer and was more stressful than if I had performed the task alone. However, I had the satisfaction of knowing that in my small way, I was helping to shape the future of the Navy one person at a time. You have within your grasp the ability to improve the overall quality of individuals entering this profession through your direct involvement in their educational process. It has been my experience that if the top performers in any field aren't interested in training junior people, the mediocre performers are eager to step in and fill the void. This amounts to educational incest. How often and to what extent does the leadership of ABVE actively solicit new STUDENT members? When it comes to conferences, can a student work a certain number of hours behind the scenes doing jobs that no one else wants to do and receive a significantly reduced or free pass to the conference? Don't be deceived; there are other choices out there when it comes to identifying membership in a professional organization. Being the only organization with a valid and reliable certification exam is only attractive to a point. If you want to properly grow your organization, you must consider strategies that appeal to student membership. One of those strategies must be the membership's willingness to actively train students in all aspects of private practice through Practicum and Internship opportunities.

As for me, I served my Practicum in Lexington Kentucky. It was a very rewarding experience and I am thankful I was given this opportunity. In an ideal world, a site in Jacksonville would have been logistically easier to maintain. In the spring of 2007 I have a 600 hour internship to satisfy the CORE requirements for my program and I'm trying to piggyback a 300 hour internship to satisfy the requirements for my CVE. I wonder how far geographically I'll travel to achieve this goal.

* I welcome constructive criticism and comments. You may reach me via email at: Lindsja@auburn.edu

Welcome to the Following New Members

The American Board of Vocational Experts congratulates **Joanne Latham** and **Cheryl Chandler**, two former Fellows, who have recently qualified for elevation to Diplomate status. Additionally, there are several new applications in the pipeline for potential membership following successful completion of the exam at the Fall Conference in Philadelphia. Just watch us grow!



Member Memoriam

The American Board of Vocational Experts extends their condolences to the families, friends, and professional associates following the passing of two of our members:

Dr. Mark E. Litvin, Ph.D., ABVE-D
6025 S. Quebec Street, Ste 125
Centennial, CO 45231

Michael Brethauer, ABVE-F
1015 Locust Street, Suite 412
St. Louis, MO 63101

We also extend our sympathy to

Betty M. Kohlenberg, ABVE-D,
who recently lost her husband.

Membership Update

**By Alan Gale, ABVE Account Representative,
ABVE Headquarters**

I have to say thank you to Betty Lindsey Hale for asking me to contribute to the Fall Newsletter. I'm flattered! Now, what do I say? I've been pondering this question for two weeks. I know what I'd like to say and what I should say. I'll start off with what I'd like to say.

I'd like to thank the ABVE members and the board for teaching me so much in the last year. I came from a manufacturing background in Silicon Valley, so this was a big career change. I've stumbled a little along the way and have learned much from my experiences. The ABVE Board and the membership have been a delight to work with. It's my pleasure to have had the opportunity to know a lot of you in the past year. I look forward to a very bright future together.

Now, on with a Headquarters update!

CEU activity and end of cycle:

ABVE Headquarters and the CEU committee chair have been extremely busy with CEU requests lately. You, the members, are being very diligent about filling out the proper paperwork, so thank you! Our challenge is processing the volume of requests. If you have ABVE CEU requests, please send them in as soon as possible to avoid the "end-of-term" rush. Your CEU application is located at

http://www.abve.net/alternative_ce-application.doc.

Or attend the Fall Conference and the hours earned will automatically be applied to your total, with no need to submit additional paperwork for the hours earned by attending this ABVE Conference.

Credentialing process improvement and applicants

The certification committee chair and ABVE Headquarters are constantly improving the credentialing process. You may have noticed a new credentialing process flow chart and new letters/forms on the web site (www.abve.net). Let me know what you think!

We've received quite a number of certification applications lately. We're excited about working with the new members. They're very excited about ABVE and are very interested in what's going on in the industry. Keep those applications rolling in!

ABVE web site and e-presence

Another major project has been enhancing your ABVE on-line experience. We are working on creating on-line registration, on-line membership renewals, on-line document library and document purchases and other exciting new things. We're also looking into distance learning, web-based seminars and opportunities for CEUs.

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Membership Update Continued

Fall Conference

As you know by now, the ABVE Fall Conference is in Philadelphia this year. It is my personal goal to attend the sessions at this conference. I find the subjects fascinating and the material worth learning. I'm not even a vocational expert! My biggest challenge will be to convince Glenn to watch the registration desk!

Speaking of ABVE HQ staff, Glenn and myself are staying three extra days after the conference to tour Philadelphia! Philadelphia is steeped in American history. I simply cannot miss what it has to offer. Kristie found a great web site for Philadelphia attractions (www.gophila.com). Go check it out! We look forward to seeing you there.

In closing, I'd like to again thank the ABVE Board and, most importantly, the members. YOU are what make this a great association, which, in turn, makes my job so fun.

On July 26, 1990, President George H.W. Bush signed the Americans with Disabilities Act (ADA) into law. The ADA has been hailed as the Emancipation Proclamation for the disability community. It was the world's first comprehensive civil rights law for people with disabilities. The ADA is comprised of four titles detailing the rights of individuals with disabilities in various settings.

Title I - Bars employment discrimination against disabled individuals who can perform the essential functions of a job if given "reasonable accommodation" that does not create an "undue hardship" on the employer. The protection extends to job application procedures, hiring and firing, compensation, or any other term, condition, or privilege of employment.

Title II - Prohibits state and local governments from excluding an otherwise qualified disabled person from participating in or receiving the benefits of a public service, program or activity. Public bus transport is such a service, and the act thus spurred the widespread adoption of wheelchair-accessible bus lifts.

Title III - Requires places of "public accommodation" (a term defined with great specificity in the act; it includes hotels, restaurants, movie theaters and many other facilities) to assure that all new buildings and all modifications meet accessibility guidelines. It also mandates the removal of physical barriers from existing facilities when it is "readily achievable" to do so.

Title IV - Directs telephone companies to provide telephone relay services for speech- or hearing-impaired individuals.

This July 26th marked the 16th anniversary of the Americans with Disabilities Act (ADA). However, while ADA is the law of the land, during the 1990's and even today, many calls arose to amend or even repeal the ADA and the Individuals with Disabilities Education Act (or IDEA). So while ADA may remain the law, the struggle for equality for people with disabilities continues. As forensic vocational experts, we are often called upon to render judgments in cases specifically relevant to the Americans with Disabilities Act (ADA) and employment discrimination manifested in other forms. Likewise, a working knowledge of the ADA and its applications is necessary both when advising employers, in job placement efforts, and assessing the realistic placeability of an individual with a disability, including appropriate accommodations they may require in order to be successful. In timely recognition of the anniversary of ADA, Richard Baine, MA, Rosalyn Pierce, MA, and Ernest Sasso, Esquire are collaborating in a presentation entitled "The Vocational Expert's Role in Unfair Employment Practices" on Saturday, October 14, 2006 at the ABVE Fall Conference in Philadelphia. They plan to discuss Congressional Acts from the Civil Rights Act of 1964 to the ADA of 1990 in terms of methodology, special considerations, and legal perspectives, along with cases for discussion. This promises to be a valuable and interesting session.

Journal Guidelines Available

Those interested in submitting manuscripts for ***The Journal of Forensic Vocational Assessment*** can request specific guidelines from:

E. Davis Martin, Jr.
Phone: (334) 844-2083
email: martiev@auburn.edu.

Future ABVE Conferences

Mark Your Calendars Now!

Fall 2006: Philadelphia, PA

Spring 2007: Scottsdale, AZ

Fall 2007: Toronto, Canada

Advertising In The Newsletter

The ABVE Newsletter now accepts selected advertisements. Although ABVE does not endorse any product or service from our advertisers, advertising sales benefit our entire membership. If you work with a professional or organization who's products or services would benefit others in our membership, please encourage the business or individual to contact Betty Lindsey Hale at blhale@insightbb.com about advertising in the Newsletter.

Are You Sabotaging Your Practice

**By Rosalie Hamilton, the Expert's Expert^(tm) and author of
The Expert Witness Marketing Book <http://tinyurl.com/dwr7k>**

Your most effective marketing tool is the quality of your work. When used correctly, this marketing tool leads to clients who retain your services again, clients who refer you to others, inquiries about your services from opposing counsel, and a good reputation in the circles and communities that make up your pool of potential clients.

What I'm referring to is not just the accuracy and relevancy of your expert opinion, although of course that is big part of it. But there are other components that add to the perception of your value in the eyes of your clients. Most of these involve simple actions you take that make life easier for others. Ask yourself the following questions about your work habits and see if you are helping or hurting the growth of your practice:

1. Are you prompt in responding to phone calls, emails, and faxes?

You can burn many a bridge by ignoring communication. Initial contacts are obviously most critical (and don't ignore them because they don't *seem* like prospects - you never know where your next referral will come from) but all requests, messages, and inquiries should be responded to in a timely fashion. Attorneys work under tight deadlines, often imposed by others in the legal system and by factors beyond their control. Help them meet their deadlines, and earn brownie points for the future.

2. Do you do what you say you will, when you say you will?

Litigation occurs in stages where A must happen first, then B and C can occur; depending on the outcome, D, E and/or F might need to take place. Your opinion, input, and other services are steps in this process. Be reliable. Be the one your attorney client can count on to keep your word and make the process smooth and his job easier.

3. Are you respectful of your client's staff?

In some cases you may deal more with a paralegal or assistant than with the actual attorney. Develop this relationship, be helpful and responsive, ask if there is anything you can do differently that would make their job easier. They are often the ones who search for experts and even choose experts and they communicate with each other and with other attorneys. Better to build a friendship and possible referral source than offend or ignore someone with the potential to blacklist you with some portion of your prospects.

4. Do you ask good questions and educate your client?

Don't assume that just because your attorney client handles similar cases all the time that she understands or is aware of all the variables and possibilities. Clearly explain the various components, offer to assist them in preparing questions to ask the opposing expert or in listing the documents they should request.

5. Do you give bad news quickly?

Don't delay communicating bad news. Attorneys need this information as early as possible so they can make better informed decisions, such as accepting a settlement offer they might otherwise decline. Delaying bad news or worse, hiding it, will only hurt your image and credibility in the long run.

6. Are you honest and upfront about potential problems?

If you have any potential conflicts of interest, contradictory testimony, etc. that might disqualify you as an expert, be upfront about them. Your client may be able to counter the issue if he is prepared. If it eliminates you from the case, he or she will remember your candidness and be more likely to use you on a future case, whereas, if you did not disclose it and your client was blind-sided by opposing counsel, you would certainly not have enhanced your image with any party.

7. Do you follow instructions and ask questions if unsure?

If the attorney wants an oral opinion first, don't write one. If at any stage you are unsure of what records should be maintained or produced in discovery, for heaven's sake ASK.

These are just a few of the factors that can put you in the Rolodexes^(tm) of your clients and spread your name among your potential clients as a top-notch expert. Form relationships, be helpful and courteous, make your client's life easier, and reap the rewards from a consistent stream of clients who appreciate your quality and the value of your work.