

**Independent Chemical Consulting:
Succeeding as An Expert Witness**

**“Association of Consulting Chemists &
Chemical Engineers, Inc.”**

Go To Meeting

September 25, 2018

Independent Chemical Consulting:
Succeeding as An Expert Witness

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**Accredited businesses can use the BBB
flame logo in our marketing materials.**





Mission Statement:

“ The Application of Fundamental Chemical Principles to Solve Problems.

Vision Statement:

“ To Solve Problems That Aren't in Any Book.

Business Objective:

“ Have I Applied My Specialized Knowledge to Help Others Who Under Other Circumstances Wouldn't Be Able to Help Themselves?

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In the 1990's, one of my late Dad's attorney friends connected me with the Technical Advisory Service for Attorneys (TASA).

Here is the link to the TASA web-site:

<https://www.tasanet.com/About-Us/TASA>.

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TASA is a referral service. There are other referral services used by experts.

It was helpful to me as a younger expert just getting started to work with TASA.

Having greater control over assignments/projects is more valuable to me at the present time.

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**Here are five (5) Referral Services
with links used by ACC&CE Members:**

CECON LLC — www.cecon.com

**Forte Consulting and Investigations LLC—
www.forteinvestigations.com**

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Intota – theexpertnetworks.com

Teklicon – www.teklicon.com

**The Expert Institute –
<https://www.theexpertinstitute.com/>**

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The best marketing move that I've made in expert witnessing is to connect with Ms. Rosalie Hamilton (and her daughter, Ms. Meredith Hamilton).

These two (2) women operate a Dallas-based firm called Expert Communications.

Here is the link:

<https://www.expertcommunications.com/about/>

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I met Rosalie at a conference and she was very free/open about her advice to independent consulting expert witnesses.

Rosalie is one of the key reasons why my business survived its early years, but now thrives in the world that exists today.

Meredith also edits a newsletter that allows outside contributions.

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Rosalie advises her experts to:
MAKE SURE THAT YOU GET PAID!!

This is great advice since I had transitioned into consulting when the plant where I worked had shut down.

Market your consultancy so that potential Clients will become aware of you and the services that you provide.

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American Lawyer Media (ALM) is another long-time partner for my firm.

Here is a link to my firm's ALM listing:

<https://www.almexperts.com/expertsbio/david-manuta-manuta-chemical-consulting-inc>

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The key is that I've been deliberate in working with a limited number of services.

It's "the Wild West" out there (as one of my early advisors reminded me, when I started out in this space).

Referral services often expect payment from you, but do very little in support.

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Ask others which referral services they use and, just like many other endeavors, learn from making mistakes. Word of mouth and networking are keys.

Getting that first case is critical. Once you've gotten a successful case under your belt, you can learn from this case, and then you can confidently move forward.

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Key advice/take-ways are:

To be patient in securing assignments

To have plenty of cash to cover the expenses of getting started

To ensure that as assignments wind down there are others to take their place

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There are two primary types of experts:

Consulting – An expert hired by the Client based of education and experience to solve an important problem.

Testifying – An expert hired by the Client to Credibly Testify on a matter under contention in a Court of Law.

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An expert witness is not a fact witness.

The Judge determines whether the expert is truly an expert.

Two of the Criteria are:

Daubert

Rule 702

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Daubert – 1993 US Supreme Court Case identifying the Judge as the Gatekeeper.

The Expert's **Federal** testimony must be credible and reliable based on the well-established methodology and the accepted interpretation of the data in the specialty.

Rule 702 – In other jurisdictions, the Court applies the **Daubert** criteria to ensure the credibility and reliability of the testimony.

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The Daubert Hearing is often used by the Opposing Attorney to try to disqualify the Expert. This is “**addition by subtraction.**”

**My Daubert qualifications are in:
chemical engineering, thermodynamics,
and fire science**

**My Rule 702 qualification is in:
chemistry**

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Under Oath Expert Testimony includes:

Deposition (prior to trial)

Trial

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The most important parts of Under Oath Testimony are to:

Understand what you are being asked.

Do not volunteer unnecessary information.

Do not go beyond Yes or No answers unless you are directed to be more expansive.

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Concluding Thoughts:

There is a need for more superb Expert Witnesses in engineering and science to engage in this career.

Not only is this an opportunity to share the knowledge that we have garnered over a working lifetime, but that justice is often served in a most rewarding way.

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Acknowledgement:

Deborah Cate of MC² does a great job in preparing presentation slides and in ensuring that the lay-out of our publications always looks sharp.

On-Going Work

Our current work is focused in:

- Chemical Consultations/Process Improvement
 - Expert Witnessing in the Physical Sciences
- Chemical Release/Explosion/Fire Investigations
 - Automobile and Truck Accident Investigations
 - Insurance Subrogation Cases
- Nuclear Chemistry Issues (including **Energy Employees Occupational Illness Compensation Program Act** Claims)
- HUBZone Distributor of Chemicals and Supplies for ThermoFisher Scientific, L.L.C.

Making a difference for our clients is our only goal.

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