



Becoming a Favorite

Key factors for selecting and retaining consultants

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During dinner, a friend mentioned that we were dining at his favorite Italian restaurant, prompting me to ask what it was that made it his favorite. This was easy enough to answer, but that is not always the case for some of our other favorites.

For instance, I recalled a conversation that I had with another lawyer where we discussed the retention of expert consultants for our litigation cases. He mentioned that he had a few favorite appraisers he regularly retains to prepare expert opinions, attend depositions and to provide trial testimony. While a restaurant may be your favorite simply because of the food and service, there are many more serious factors to consider when selecting a favorite consultant.

Most hiring decisions happen thoughtfully, but also decisively and usually quickly. The following outline describes how consultants are selected, why they are retained and how you might someday become a favorite consultant.

Know Your Assignment

The first task is clearly identifying the scope of the consulting assignment. If the assignment is an appraisal of a property being condemned, then the appraisal consultant selected needs to be well versed in the type of reporting required by

the attorney and their client. Reporting requirements will be a combination of statutory, regulatory, state and local court rules, organizational, institutional and are sometimes even attorney-specific. The appraisal reports should be in an industry standard convention and in a format that is easily interpreted by the attorney and their client, and easily digestible for the reviewer. The reporting assignment will also require a verbal presentation supplementing the findings in the written report.

There is almost nothing worse than hiring an appraiser consultant who spends an inordinate amount of time trying to figure out how to prepare and complete the assignment using the appropriate reporting format. The most common refrain from a public agency client is that they could have done it themselves in the time it took to correct the appraiser's report. A worse fate, however, awaits the inexperienced consultant when they fail to ask for factual or legal clarification until a report is submitted in final form.

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Keep an Eye on the Delivery Date

Litigation is inherently deadline dependent, and consultants must be aware of these deadlines for their deliverables. Generally speaking, the attorney will seek to retain consultants as late in the litigation process as they can comfortably do so, giving consultants a compressed timeline to complete their assignments.

And it is an all too common occurrence to have the reporting be completed at the last hour of the exact due date. This is one of the biggest mistakes made by consultants and a surefire way to not get further work from that attorney. Adequate time must be reserved for the opportunity to make edits, comments and corrections.

Property Expertise

The location of the property being appraised is important to the hiring decision in several ways. First, public works projects are the result of local, regional and statewide plans for the public benefit. It therefore follows that the best appraisers will be very familiar with the area, jurisdiction, the public project and the property being appraised.

Appraisers with local knowledge and experience are an invaluable aid to the attorney and the other consultants in the litigation matter. Specializing in an appraisal type and geographic area is important in the litigation context, and there are very few instances where an attorney will use an appraiser that does not specialize in a geographical area or property type.

Effective Communications

The most qualified appraisers for litigation matters have the ability to communicate effectively both in writing and orally. In addition to containing accurate calculations, the best written appraisal reports are thoughtful, concise, organized, neatly presented, grammar and spell checked, appropriately bound on quality paper, well-indexed and paginated. Making the attorney’s review easier and less time consuming will go a long way in securing future assignments.

Prepare for oral communications tailored to your presentation audience. One should never assume that the listener-reviewer knows the report’s appraisal terminology. If you are presenting to attorneys and clients who may be unfamiliar with appraisal reports, be prepared to explain the information in plain language without industry jargon. If the attorney or client is knowledgeable, adjust accordingly. The most effective appraisers are those who are well prepared and can adapt to the needs of their audience.

Be a Favorite and Keep Getting Retained

Billable rates and slick advertising brochures do not guarantee that you will get assignments. Appraisers hired by attorneys for litigation matters are most often the result of relationships developed by personal references and experiences. Taking a chance by using a previously unknown or unproven appraiser risks not just the client’s financial interests but also the professional reputations of all the parties involved.

And these lessons apply to all right of way professionals, not just appraisers. Invaluable personal and professional resources are available to both attorneys and right of way professionals by attending the local, regional and international IRWA Chapter meetings, classes and seminars.

When I asked my attorney friend why he considered certain appraisers his favorites, his reply was, “I hire the appraisers that I know will make my job the easiest.” It’s that simple. ☺



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