

# AGD IMPACT

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## Image consultants help dentists make good impression

If enough money is at stake, some dentists engage the services of image consultants before facing depositions or jury trials. Dentists are sent by lawyers, and in some cases malpractice insurers, to become better dressers, appear less arrogant, yet very human, such as one who makes an occasional mistake.

The Dentists Insurance Company (TDIC) in California, for example, has sent four dentists who have been sued for more than \$100,000 in the past year to an image consultant, said Gabor Nyary, claims supervisor at TDIC.

"We want the doctor to present his best foot forward during a deposition or a trial," said Mr. Nyary. "The investment we make in sending a dentist to an image consultant is relatively small."

But it can make a big financial difference in the outcome of a case. Some dentists can be unfairly stuck with a very substantial award against them because they don't dress or communicate well.

"A dentist's treatment may have been challenged, but when the dentist appears smooth, intelligent, capable, well-mannered, decently groomed and dressed, the likelihood is the jury will decide to go in favor of the dentist and disagree with the plaintiff," said Jerome Berg, a California attorney who has sent six dentists to an image consultant in the last year. "The defendant has an aura of acceptability."

By the nature of their business, dentists usually are not accustomed to speaking before an audience, especially under pressure. When they are sued, dentists find themselves challenged probably for the first time in their professional careers. They can't adjust to the fact that they have been accused. During a deposition, which is usually videotaped, dentists may be especially sensitive when a critical point comes up in the adverse lawyer's examination. They express anger. They are nervous, perhaps too defensive, and they lash out at

the system—the lawyers, the insurance companies, maybe the patient. Their bad manners will only cost them more.

"When you get a dentist who has a very strong personality, or is a lousy dresser, or has somewhat sexist or bigoted views, or anything that might be offensive to a jury, you try to get the dentist to overcome these characteristics with the



help of an image consultant—at least until the trial is over," said Dana Jones, a California attorney.

An image consultant can help the dentist dress better, can work on some of the dentist's mannerisms, and by videotaping the dentist, can give some pointers on how dentists should express themselves. For example, the dentist may hate the sight of the opposing counsel, but he or she should shake the attorney's hand, said one image consultant.

Outside the office, doctors are very casual dressers, said Marilyn Mondejar, a San Francisco image consultant who has worked with about 50 dentists in the last two years. "Visually, it's very important that you look appropriate, that you don't look offensive to the judge, the opposing counsel, or members of the jury," said Ms. Mondejar.

One casually dressed dentist was sent to Ms. Mondejar. In extracting a tooth, the dentist had damaged a patient's nerve, which led to numbness. The attorney's strategy was to demonstrate that the dentist was elegant and less likely to be rough and careless in treating a patient.

The dentist was in his 50s and wore collegiate clothing, with the shirts frayed at the collar, the shoes scuffed, and the suit ill-fitting and worn out, said Mr. Berg, the dentist's attorney. He did not look like a good craftsman, intelligent or capable as a practitioner. The image

consultant changed the dentist's wardrobe.

"The case was settled on the morning of the trial," said Mr. Berg. "He appeared looking so nice and smooth, that it would be fairly clear he couldn't have done something rough which might have crushed the mandibular canal. The case was settled for substantially less than it could have been. The plaintiff didn't have an easy target."

Ms. Mondejar advises her clients to wear a crisp, clean, white shirt with a burgundy or red tie and a dark suit during a deposition or trial. The white shirt evokes an attitude of professionalism and white is associated with medicine. Red is chosen because the color travels very fast. The purpose is to bring jurors' eyes to the client's face, so that they will listen to what the accused has to say.

"I'm trying to make my client look credible," said Ms. Mondejar. "But first, jurors have to listen to the doctor's side of the story: I could have made a mistake, I'm also a human being, however, listen to my side before you judge me."

After teaching the dentist how to dress, the next step is to teach the dentist to talk about himself in front of a camera. The videotape is used for evaluation. Dentists are taught to avoid using technical terms, to seem a little humble, but still come across as a confident professional. But they should appear a little nervous, said Ms. Mondejar, because jurors don't like too much confidence.

"When you start relating your side of the story, judgments can be changed, opinions are influenced. During a deposition, lawyers are trying to put a value on the case. Maybe the plaintiff is in a wheelchair, which would get visual sympathy from a jury. I could come up with a dentist who says he's not denying something went wrong, but he's a human being. He took all the precautions, got the approval of the patient."

Lawyers concentrate on the factual information on behalf of their clients, but image consultants can help the dentist relax and most importantly, give the appearance of being a competent practitioner.