



**EXPERT WITNESS TRAINING**  
Sea Crest Beach Hotel, Cape Cod

**21<sup>st</sup> Annual**

# **National Expert Witness Conference**

*The Program for Expert Witnesses of all  
Disciplines and Levels of Experience*

**August 23-24, 2012**

**Preconference Workshops:**

- *Expert Witness Report Writing Workshop*
- *Marketing and Growing Your Expert Witness Practice*
- *Advanced Expert Witness Skills Workshop*
- *Deposition Skills Workshop*
- *How to Be a Successful Expert Witness*
- *How to Assist An Expert Witness Practice:  
The Support Staff Program*

## Executive Summary

SEAK, Inc. is pleased to present its 21st Annual National Expert Witness Conference. Experts from all disciplines and with all levels of experience will benefit from multi-disciplinary advanced techniques. Nationally recognized attorneys, experts, judges, and educators will discuss all aspects of expert witness testimony, ethics, and trial techniques. Conference participants will be presented with practical suggestions for succeeding as expert witnesses. This highly-acclaimed two-day program will include lectures, trial demonstrations, lively question and answer periods, and intensive breakout sessions led by a highly qualified faculty.

**To Register:** Please use the form below. Note: A 20% discount is available for two or more persons registering together prior to June 1, 2012.

**Continuing Education Credits:** Continuing education credits are offered for most programs. Please see pages 3, 10, 12, 14, 16, 18 & 20 for more information.

**Conference Cancellations:** Conference cancellations received in writing before August 1, 2012 will receive a full refund. Persons canceling after August 1, 2012 will not receive a refund, but will be provided with the handout materials.

**MAIL to: SEAK, Inc., P.O. Box 729, Falmouth, MA 02541**  
**FAX to: 508.540.8304 or**  
**CALL: 508.457.1111 or**  
**REGISTER ONLINE: [www.seak.com](http://www.seak.com)**

### Please register me for the following preconferences:

- Expert Witness Report Writing Workshop (\$595) **Tuesday, August 21, 2012**
- Marketing and Growing Your Expert Witness Practice (\$595) **Tuesday, August 21, 2012**
- Advanced Expert Witness Skills Workshop (\$595) **Wednesday, August 22, 2012**
- Deposition Skills Workshop (\$595) **Wednesday, August 22, 2012**
- How to Be a Successful Expert Witness (\$595) **Wednesday, August 22, 2012**
- How to Assist An Expert Witness Practice: The Support Staff Program (\$1,195) **Tuesday & Wednesday, August 21-22, 2012**

### Please register me for the main conference:

- National Expert Witness Conference (\$1,195) **Thursday & Friday, August 23-24, 2012**

**Priority Code: August2012**

<input type="checkbox"/> Check here if you require special accommodations to fully participate.		
First Name (as it will appear on name badge):		
Last Name:		Degree:
Company/Organization:		
Specialty/Area of Expertise (to be included on your nametag for networking purposes):		
Mailing Address:		
City:	State:	Zip:
Phone:	Fax:	
E-Mail: <span style="color: red;">(Please print neatly - confirmations and other information will be sent via e-mail)</span>		
<input type="checkbox"/> I've enclosed a check payable to: SEAK, Inc.		
<b>OR</b> I'm Paying by Credit Card (please circle card type) MC / Visa / Amex / Disc		
Card Number:		Exp. Date:
Name as it appears on the card:		Security Code:
Signature:		

## Location/Hotel Accommodations

The **Sea Crest Beach Hotel** ([www.seacrestbeachhotel.com](http://www.seacrestbeachhotel.com), 800-225-3110) is a full-service beach front hotel nestled in a beautiful oceanfront location in Falmouth, Massachusetts and has recently undergone an \$18,000,000 renovation. A limited block of rooms will be available at special rates at the site hotel (\$235 Single/Double). Rooms are limited and this rate expires July 21, 2012. To make your reservations please call 800-225-3110 and mention that you are with SEAK, Inc. These rates are available for a limited time and on a limited number of rooms so you are strongly encouraged to make your reservations as soon as possible.

Falmouth is one of the Cape's best playgrounds for vacationers of all ages and interests. It features over 75 miles of scenic coastline, three ferries to Martha's Vineyard, countless dining options, numerous antique shops, the Shining Sea bike trail, the Woods Hole Oceanographic Institution (which found the Titanic and Bismarck, among other famous accomplishments), numerous public golf courses and ocean temperatures and daytime high temperatures which both average in the 70s during the month of August. Nantucket ferries run from Hyannis, which is approximately thirty minutes (by car) from Falmouth.

## Getting to Falmouth:

The two major airports closest to Cape Cod are Logan International Airport in Boston, MA (70 miles) and T.F. Green Airport in Warwick, Rhode Island (65 miles). Barnstable Airport is 22 miles from the Sea Crest Beach Hotel, but this is a commuter airport that has smaller planes and fewer flights. T.F. Green is preferred over Logan (if you can get a direct flight) as it is usually less congested. Rental cars, taxis and car service are available at all three airports.

## Main Conference Continuing Education Credit Information:

**Note: If your specialty does not appear below and you desire credits, please contact Karen Cerbarano ([Karen@seak.com](mailto:Karen@seak.com)). We can often obtain desired credits upon request, but unfortunately, obtaining some types of credits are not feasible. Please register early, as we can only apply for credits after your registration form has been received and it can take time to get the requested approvals back from the accrediting agencies.**

**Accident Reconstructionists:** SEAK has applied for Continuing Education Units through ACTAR. **Accountants:** Earn 16.0 CPE credits in the field of study of Specialized Knowledge and Applications. SEAK, Inc. 108578 is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors, 150 Fourth Avenue North, Suite 700, Nashville, TN, 37219-2417. Web site: [www.nasba.org](http://www.nasba.org) For SEAK, Inc.'s complaint and program cancellation policies please call SEAK, Inc. at 508-457-1111. There are no prerequisites for this intermediate group-live program. No advanced preparation is required. To register, please follow instructions on page 2. **Appraisers:** The American Society of Appraisers will accept 12.5 continuing education hours for this program. **Attorneys:** Credit varies by state. Continuing legal education credits for attorneys will only be applied for if requested in writing when sending in the registration form for the conference. Please contact Karen Cerbarano ([Karen@seak.com](mailto:Karen@seak.com)) with any questions. **Engineers:** 13 PDHs. The acceptance of this course is dependent upon your state(s) of registration. The vast majority of states do not require preapproval of either courses or course sponsors. **Life Care Planners:** SEAK has applied for Continuing Education Units through The Commission on Health Care Certification (CHCC). **Physicians:** SEAK, Inc. is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education for physicians. SEAK, Inc. designates this live activity for a maximum of 13.25 AMA PRA Category 1 Credit(s)<sup>™</sup>. Physicians should claim only the credit commensurate with the extent of their participation in the activity. **Psychologists:** 11.0 CE Credits. SEAK, Inc. is approved by the American Psychological Association to sponsor continuing education for psychologists. SEAK, Inc. maintains responsibility for this program and its content. To receive credit each psychologist must attend the entire program, sign in before the program, sign out after the program and return a completed evaluation form. PARTIAL CREDIT IS NOT PERMITTED. There is no credit provided for the afternoon breakout sessions dealing with practice development.

**For questions or more information call 508.457.1111 or email [mail@seak.com](mailto:mail@seak.com).**

**NOTE: SEAK does not accept commercial support for its programs and does not use faculty members with conflicts of interest.**



# Preconferences: August 21 & 22, 2012

- Expert Witness Report Writing Workshop, **Tuesday, August 21, 2012**
- Marketing and Growing Your Expert Witness Practice, **Tuesday, August 21, 2012**
- Advanced Expert Witness Skills Workshop, **Wednesday, August 22, 2012**
- Deposition Skills Workshop, **Wednesday, August 22, 2012**
- How to Be a Successful Expert Witness, **Wednesday, August 22, 2012**
- How to Assist An Expert Witness Practice: The Support Staff Program, **Tuesday & Wednesday, August 21-22, 2012**

## Thursday, August 23, 2012

## Friday, August 24, 2012

**7:00am-8:00am REGISTRATION & CONTINENTAL BREAKFAST**

**8:00am-9:00am**



**How Experts Can Excel**  
**Honorable Martha J. Cook**  
*Thirteenth Judicial Circuit*  
 (Tampa, FL)

**9:00am-10:00am**



**Forming Defensible Expert Opinions**  
**Michael G. Kessler CrFA, CFE, CICA, DABFA, FACFE**  
*Kessler International*  
 (New York, NY)

**10:00am-10:15am**

**BREAK AND NETWORKING OPPORTUNITY**

**10:15am-11:15am**



**Effective Preparation of Expert Witnesses**  
**Walter R. Lancaster, Esq.**  
*Kirkland & Ellis*  
 (Los Angeles, CA)

**11:15am-12:15pm**



**Daubert Proofing Yourself**  
**Michael J. Warshauer, Esq**  
*Warshauer Law Group*  
 (Atlanta, GA)

**12:15pm-1:30pm**

**LUNCH (PROVIDED WITH FACULTY)**

**1:30pm-2:20pm**



**BREAKOUT SESSION: CHOOSE ONE**  
**Excelling at Your Direct Testimony**  
**Neil Kaye MD, DFAPA**  
*Thomas Jefferson University College of Medicine*  
 (Hockessin, DE)

**OR**



**Destroying Expert Witnesses During Cross-Examination**  
**Glenn P. Falk, Esq.**  
*Falk, Waas, Hernandez, Cortina, Solomon, & Bonner*  
 (Coral Gables, FL)

**2:20pm-2:30pm**

**BREAK AND NETWORKING OPPORTUNITY**

**2:30pm-3:20pm**



**BREAKOUT SESSION: CHOOSE ONE**  
**Scientific v. Legal Proof: Communication in the Courtroom**  
**Jay Siegel Ph.D.**  
*IUPUI School of Science*  
 (Indianapolis, IN)

**OR**



**How to Expand Your Practice Through 24/7 Expert Witness Marketing**  
**James J. Mangraviti Jr., Esq.**  
*SEAK, Inc.*  
 (Falmouth, MA)

**3:20pm-3:30pm**

**BREAK AND NETWORKING OPPORTUNITY**

**3:30pm-4:30pm**



**BREAKOUT SESSION: CHOOSE ONE**  
**Dealing with Difficult Attorneys: Retaining and Opposing Counsel**  
**Hal Deatherage Ph.D., PE**  
*Construction Engineering Consultants*  
 (Knoxville, TN)

**OR**



**Video Conference Depositions: What Experts Need to Know**  
**Lisa O'Donnell, Esq.**  
*Bertini O'Donnell, and Hammer, PC*  
 (Norfolk, VA)

**4:45pm-6:00pm**

**RECEPTION / NETWORKING**

**7:00am-8:00am**

**CONTINENTAL BREAKFAST**

**8:00am-9:00am**



**A View from the Bench**  
**Honorable Geraldine Hines**  
*Massachusetts Superior Court*  
 (Boston, MA)

**9:00am-10:00am**



**Effective Presentation of Expert Witness Testimony**  
**Daniel Wolfe J.D., Ph.D.**  
*TrialGraphix*  
 (Chicago, IL)

**10:00am-10:15am**

**BREAK AND NETWORKING OPPORTUNITY**

**10:15am-11:15am**



**The Excellent Expert Report: The Complex Case**  
**R. Craig Jerner Ph.D., PE**  
*J.E.I. Metallurgical, Inc.*  
 (Dallas, TX)

**11:15am-12:15pm**



**How Expert Witnesses Destroy Themselves**  
**Maren R. Cave, Esq.**  
*Swift, Currie, McGhee & Hiers, LLP*  
 (Atlanta, GA)

**12:15pm-1:30pm**

**LUNCH (PROVIDED WITH FACULTY)**

**1:30pm-2:20pm**



**BREAKOUT SESSION: CHOOSE ONE**  
**Enhancing Your Credibility as an Expert Witness**  
**Randy K. Otto Ph.D., ABPP**  
*University of South Florida*  
 (Tampa, FL)

**OR**



**New Federal Rules and Expert Witnesses**  
**Donald H. Slavik, Esq.**  
*Robinson Calcagnie Robinson Shapiro Davis, Inc.*  
 (Newport Beach, CA)

**2:20pm-2:30pm**

**BREAK AND NETWORKING OPPORTUNITY**

**2:30pm-3:20pm**



**BREAKOUT SESSION: CHOOSE ONE**  
**Developing Your Expert Witness Protocol**  
**Nancy Fannon ASA, CPA, ABV, MCBA**  
*Fannon Valuation Group*  
 (Portland, ME)

**OR**



**Succession Planning: Positioning Your Expert Witness Practice for a Reduced Workload, Takeover, or Eventual Sale**  
**Steven Babitsky, Esq.**  
*SEAK, Inc.*  
 (Falmouth, MA)

**3:20pm-3:30pm**

**BREAK AND NETWORKING OPPORTUNITY**

**3:30pm-4:30pm**



**BREAKOUT SESSION: CHOOSE ONE**  
**How to Rebut the Opposing Expert's Opinions**  
**Thomas Roney**  
*Thomas Roney, LLC*  
 (Dallas, TX)

**OR**



**Coping with Cross-Examination: With Video**  
**Elizabeth Boals, Esq.**  
*Washington College of Law at American University*  
 (Washington, DC)

# Conference Program: Thursday, August 23, 2012

7:00–8:00

## REGISTRATION & CONTINENTAL BREAKFAST

8:00–9:00

### How Experts Can Excel Honorable Martha J. Cook



Judge Cook will discuss proper courtroom etiquette for experts when dealing with the judge, counsel, jury, and courtroom personnel. She will identify the common mistakes experts make, such as becoming an advocate for the case, and how they can avoid them. Judge Cook will explain how experts can improve their presentation, effectiveness, and credibility when testifying. **QUESTIONS AND ANSWERS.** *Learning Objective: List ways experts can be a more effective expert.*

**The Honorable Martha J. Cook** is a Judge of the Circuit Court Thirteenth Judicial Circuit in Tampa, Florida. She received her BA from Stetson University, her MA from the University of South Florida, and her JD with honors from the University of Florida. Judge Cook is a fellow of the American Academy of Civil Trial Mediators and is an instructor for the Florida College of Advanced Judicial Studies.

9:00–10:00

### Forming Defensible Expert Opinions Michael G. Kessler CrFA, CFE, CICA, DABFA, FACFE



Mr. Kessler will explain and demonstrate investigation, how to use facts, analysis, standards, data, research, and a solid methodology to form honest, reliable, and defensible expert opinions. He will use case examples to discuss and demonstrate how well thought out and documented expert opinions survive challenges and are found legally sufficient and persuasive. Mr. Kessler will offer practical suggestions for developing and implementing a rigorous protocol that can result in forming defensible opinions. **QUESTIONS AND ANSWERS.** *Learning Objective: Identify methods experts can use to form defensible opinions.*

**Michael G. Kessler CrFA, CFE, CICA, DABFA, FACFE** is currently the President and CEO of Kessler International, a global forensic accounting, computer forensics and investigative consulting firm. Mr. Kessler has conducted hundreds of complex investigations, forensic audits and computer forensic examinations and has been retained by some of the nation's leading attorneys, corporations and government agencies for assistance and training. He has also planned, organized and supervised inter-governmental task forces dealing with white-collar crimes. Mr. Kessler has supervised some of the largest white collar operations conducted in New York State including the investigations of Jessica Hahn, and Leona Helmsley. Mr. Kessler has been classified as an expert in the area of forensic accounting and computer forensics and has provided his expertise for many defense and plaintiff cases. He has also been tasked by Fortune 500 companies, federal and state government agencies and professional associations to develop and execute forensic audit training programs for their staff. Mr. Kessler has also been requested to be an Independent Private Sector Inspector General for corporations and government agencies.

10:00–10:15

## BREAK AND NETWORKING OPPORTUNITY

10:15–11:15

### Effective Preparation of Expert Witnesses Walter R. Lancaster, Esq.



Mr. Lancaster will present a systematic approach to preparing experts to give effective deposition and trial testimony. He will discuss key aspects of the preparation process, including building a robust record, addressing the "expert triangle", key elements of preparing for direct and cross examination, and tools for managing complex cases. Mr. Lancaster will discuss how the expert can motivate busy counsel to expend the time and effort to properly prepare them for their expert testimony and, conversely, why it is essential that the busy expert invest the time necessary to provide sound work product. **QUESTIONS AND ANSWERS.** *Learning Objective: Describe ways to properly prepare for delivering expert witness testimony at deposition and trial.*

**Walter R. Lancaster Esq.** is a trial lawyer at Kirkland & Ellis in Los Angeles, California who has spent most of his career trying cases in state and federal courts across the country. He has had a broad based trial practice involving complex tort and commercial disputes with substantial experience in tort, product liability, professional liability, contract and insurance cases. Additionally, Mr. Lancaster has extensive experience in non-trial areas, including advising clients on E-discovery, discovery best practices, leading internal investigations, and writing and lecturing on the use of experts in trials. His treatise, *Expert Witnesses in Civil Trials* (Thomson West 2011) is in its 9th year of publication, and has a new chapter on expert preparation. Mr. Lancaster's cases have been featured in the *National Law Journal*, *The Wall Street Journal*, *The Chicago Lawyer*, *The Texas Lawyer*, and the *Chicago Tribune*. He is 3-0 against firms that have been named to the *National Law Journal's* Annual Plaintiffs' "HOT LIST," which identifies the dominant plaintiffs' firms in the country and has been featured on *Fortune's* list of Leading Lawyers.

11:15–12:15

### Daubert Proofing Yourself Michael J. Warshauer, Esq.



Attorney Warshauer will review the dangers that Daubert challenges pose to expert witnesses and their practices. He will explain how to avoid, and when necessary, effectively deal with Daubert challenges, including explaining your technical qualifications, relevant credentials, preparing affidavits, appearing at hearings, and when necessary, obtaining private counsel. Atty. Warshauer will offer practical suggestions for experts to Daubert proof themselves and their practice. **QUESTIONS AND ANSWERS.** *Learning Objective: Explain techniques to be used to avoid Daubert issues.*

**Michael J. Warshauer Esq.** is a partner in the Atlanta, Georgia Warshauer Law Group. Attorney Warshauer represents catastrophically injured plaintiffs who have been injured by defective products, fires, explosions, and malpractice. He has taught and lectured extensively for the Georgia Trial Lawyers Association, National College of Trial Advocacy, the American Board of Trial Advocates and other groups on a variety of topics including Daubert. He was lead counsel in the Joiner case which is a seminal Supreme Court Daubert case. Atty. Warshauer is the immediate past president of the Georgia Trial Lawyers, serves on the Executive Committee of the American Association for Justice, is Board Certified in civil trial advocacy and was honored as one of the best lawyers in America and top 100 in Georgia.

## Conference Program: Thursday, August 23, 2012

12:15-1:30  
1:30-2:20**LUNCH (PROVIDED WITH FACULTY)**  
**BREAKOUT SESSION: CHOOSE ONE**  
**Excelling at Your Direct Testimony**  
**Neil Kaye MD, DFAPA**

Dr. Kaye will discuss how to make an excellent and memorable first impression during your direct examination. He will explain the importance of preparation with retaining counsel, humanizing the expert, introduction of qualifications, and relevant expertise in an interesting way to enhance the expert's credibility and likeability. Dr. Kaye will explain the role of tempo rhythm and the all-important connect-the-dots questions. He will offer practical suggestions for achieving a memorable and effective direct examination. **QUESTIONS AND ANSWERS.** *Learning Objective: List ways to provide superior direct testimony.*

**Forensic Psychiatrist Dr. Neil S. Kaye M.D., DFAPA** is a specialist and expert witness in Forensic Psychiatry. His testimony has had a major impact on high profile cases and studies. Dr. Kaye specializes in forensic psychiatry, neuropsychiatry, psychopharmacology and psychiatric research and has performed over 10,000 psychiatric evaluations. He has experience in criminal, civil, and regulatory law as well as family/domestic issues working with plaintiffs, defendants and courts. He has delivered over 600 lectures and has authored over 40 publications.

**OR**  
**Destroying Expert Witnesses During Cross-Examination**  
**Glenn P. Falk, Esq.**

Attorney Falk will discuss and demonstrate how counsel plans to attack an opposing expert witness through researching: the expert's background and prior testimony, expert-work income, internet searches, resume, and past writings. He will explain the goals of counsel on cross-examination, and will discuss and demonstrate the techniques counsel uses to impeach on the witness stand. Attorney Falk will offer practical suggestions for experts on how to prepare for and excel during their cross-examination. **QUESTIONS AND ANSWERS.** *Learning Objective: Identify methods attorneys use to attack the expert.*

**Glenn P. Falk Esq.** is a trial attorney and partner in the Coral Gables, Florida law office of Falk, Waas, Hernandez, Cortina, Solomon, & Bonner. He is a former police officer and a former adjunct professor at the University of Miami School of Law in Trial Advocacy. He has been listed in Florida Super Lawyers magazine for five consecutive years. He is co-author of "Investigating the Plaintiff's Expert" and a frequent popular lecturer on legal and trial issues. He is also AV rated by Martindale-Hubbell.

2:20-2:30

**BREAK AND NETWORKING OPPORTUNITY**

2:30-3:20

**BREAKOUT SESSION: CHOOSE ONE**  
**Scientific v. Legal Proof: Communication in the Courtroom**  
**Jay Siegel Ph.D.**

Dr. Siegel will explain the evolution of scientific proof and how it impacts experts and the attorneys who utilize them. He will discuss how experts can and should communicate their science, opinions, technical limitations, and degrees of certainty in light of the legal standards of proof. Dr. Siegel will offer practical suggestions for experts who are dealing with rapidly developing science and the demands of lawyers for opinions expressed with confidence, certainty, and without ambiguity. **QUESTIONS AND ANSWERS.** *Learning Objective: Describe ways to effectively communicate in the courtroom.*

**Jay Siegel** holds a Ph.D. in Analytical Chemistry from George Washington University. He worked for 3 years at the Virginia Bureau of Forensic Sciences, analyzing drugs, fire residues and trace evidence. He was then professor of chemistry and forensic science at Metropolitan State College for 3 years. From 1980 to 2004 he was professor of forensic chemistry and Director of the forensic science program at Michigan State University in the School of Criminal Justice. In 2004 he moved to Indiana University, Purdue University, Indianapolis to become Director of the Forensic and Investigative Sciences Program. In 2008 he also became Chair of the Department of Chemistry and Chemical Biology at IUPUI. Dr. Siegel has testified over 200 times as an expert witness in 12 states, Federal Court and Military Court. He is Editor in Chief of the Encyclopedia of Forensic Sciences and has over 20 publications in forensic science journals. He has published a college text book entitled "Fundamentals of Forensic Science" for Elsevier and a high school forensic science textbook; "Forensic Science: The Basics: published by CRC. His book, "Forensic Science: A Beginner's Guide", came out in 2008. In February 2009, he was named Distinguished Fellow by the American Academy of Forensic Sciences.

**OR**  
**How to Expand Your Practice Through 24/7 Expert Witness Marketing**  
**James J. Mangraviti, Jr., Esq.**

Attorney Mangraviti will discuss and demonstrate how each contact between the expert and the client presents cost-effective marketing opportunities for the expert. He will review the 15 marketing opportunities presented by 24/7 expert witness marketing and explain how to maximize each one to expand your practice. **QUESTIONS AND ANSWERS.** *Discuss effective marketing techniques.*

**James J. Mangraviti, Jr., Esq.** has trained thousands of expert witnesses. He is a former litigator with experience in defense and plaintiff personal injury law and insurance law. He currently serves as Principal of SEAK, Inc. Mr. Mangraviti received his BA degree in mathematics *summa cum laude* from Boston College and his JD degree *cum laude* from Boston College Law School. His publications include the texts *The Biggest Mistakes Expert Witnesses Make: And How to Avoid Them*, *Depositions: The Comprehensive Guide for Expert Witnesses*, *The A-Z Guide to Expert Witnessing*, *Cross-Examination: The Comprehensive Guide for Experts*, *National Guide to Expert Witness Fees and Billing Procedures*, *Writing and Defending Your IME Report*, *How to Excel During Depositions: Techniques for Experts That Work*, *Writing and Defending Your Expert Report: The Step-by-Step Guide with Models*, *How to Become a Dangerous Expert Witness: Advanced Techniques and Strategies*, and *How to Market Your Expert Witness Practice: Evidence-Based Best Practices.*

## Conference Program: Thursday, August 23, 2012

3:20–3:30  
3:30–4:30

### BREAK AND NETWORKING OPPORTUNITY

#### BREAKOUT SESSION: CHOOSE ONE

#### Dealing with Difficult Attorneys: Retaining and Opposing Counsel

Hal Deatherage Ph.D., PE



Dr. Deatherage will discuss and demonstrate with case examples how to effectively deal with counsel who withhold information, impose unrealistic deadlines, try to manipulate the expert, and use intimidation to get what they want. He will explain how to utilize tact, diplomacy, humor, and strategies to defuse difficulties, maintain your relationship with the client, and protect your integrity, credibility, and professional reputation. **QUESTIONS AND ANSWERS.**

*Learning Objective: Describe best practices in dealing with difficult attorneys.*

**Hal Deatherage Ph.D., PE** is a partner in the Tennessee engineering consulting firm of Construction Engineering Consultants. He obtained his BS from the University of Missouri at Rolla in geophysics, his MS in structural engineering from UMR, and his Ph.D. in civil engineering from the University of Tennessee. Over the last 25 years he has testified more than 300 times in litigation issues involving design, safety, construction productivity, construction claims, forensic failure analysis, erosion and sediment control issues, maintenance, construction quality, and other structural and civil engineering issues. CEC's client base includes several ENR Top 400 Construction firms. Dr. Deatherage was responsible for the Construction Program in the Department of Civil and Environmental Engineering at The University of Tennessee. In addition to his teaching, Dr. Deatherage was an Associate Director in the Transportation Research Center and an Associate Director for the Construction Industry Research and Policy Center.

OR

#### Video Conference Depositions: What Experts Need to Know

Lisa O'Donnell Esq



Attorney O'Donnell will discuss the increasing use of remote video discovery and depositions. She will explain how video conference deposition done remotely presents new and unique challenges for both the expert and counsel, including: preparation, dealing with the technology, speaking over each other, "cleaning up" drafts, introducing documents, use of exhibits, strategy, and absence of counsel. Attorney O'Donnell will offer practical suggestions for experts so they can properly prepare for and excel at video conference deposition. She will also discuss the similarities and the distinctions between video conferencing of discovery depositions and video-taped trial testimony. **QUESTIONS AND ANSWERS.** *Learning Objective: Discuss ways to provide effective video depositions.*

**Lisa O'Donnell Esq.** is a trial lawyer in the Virginia personal injury law firm of Bertini O'Donnell, and Hammer. She is listed in the Best Lawyers in America, and received her BA from James Madison University, and her JD from George Mason University. Attorney O'Donnell is a frequent lecturer around the state and nationally. She speaks regularly to trial lawyers on various aspects of the law. In the last several years, she has become active in training other lawyers to become "trial lawyers" by teaching them courtroom skills. Attorney O'Donnell is a faculty member of the Virginia College of Trial Advocacy. Ms. O'Donnell has served as guest faculty at Marshall-Wythe School of Law, College of William & Mary, and at Regent University. Lisa is past President of the Federal Bar Association, Tidewater Chapter. Lisa was named one of the Influential Women in Virginia for 2010.

4:45–6:00

### RECEPTION

## Conference Program: Friday, August 24, 2012

7:00–8:00

### CONTINENTAL BREAKFAST

8:00–9:00

#### A View From The Bench

Honorable Geraldine Hines



Judge Hines will review some of the common mistakes expert witnesses make when testifying including: failing to effectively communicate the facts and science behind the opinion; acting as an advocate and trading barbs and doing combat with opposing counsel; failing to maintain a professional demeanor; and refusing to concede minor and obvious points. She will provide valuable information about what jurors expect and appreciate and what turns jurors off. Judge Hines will offer practical suggestions for maintaining your credibility and integrity without self-destructing. **QUESTIONS AND ANSWERS.** *Learning Objective: Identify techniques for improving expert witness performance.*

**Honorable Geraldine Hines** is an associate justice of the Massachusetts Superior Court. She began her legal career as a staff attorney with the Massachusetts Law Reform Institute in 1971, after graduating from University of Wisconsin Law School. She later served as a public defender with the Roxbury Defenders, then entered the private practice of law in 1982. She has also served on the Judicial Nominating Council and the Steering Committee of the Lawyers Committee for Civil Rights Under Law. She has been an adjunct professor at the Northeastern University School of Law since 1980; she teaches Criminal Trial Practice.

9:00–10:00

#### Effective Presentation of Expert Witness Testimony

Daniel Wolfe J.D., Ph.D



Dr. Wolfe will explain and demonstrate what makes expert witness testimony particularly effective and persuasive. He will discuss why jurors find some experts and their testimony credible and convincing while discounting others. Dr. Wolfe will offer specific practical suggestions on how experts of all disciplines can improve their testimony and make it more effective. **QUESTIONS AND ANSWERS.** *Learning Objective: Explain methods to provide effective testimony.*

**Daniel Wolfe J.D., Ph.D.** is the national director of jury consulting for TrialGraphix based out of their Chicago office. Dr. Wolfe works on high-profile and large-exposure litigation. An expert in the fields of witness preparation and jury selection, he is also skilled in providing quantitative and qualitative analyses of venue through focus groups and mock trials. A jury consultant since 1986, he has been in the national spotlight on numerous occasions for his involvement in numerous high-profile criminal and civil cases involving celebrities and professional athletes and has authored many articles in the area of juror decision-making. Dr. Wolfe received his J.D., Ph.D. in law and psychology and M.A. in psychology from the University of Nebraska in Lincoln, Neb. He holds his B.A. in psychology and sociology from Colorado State University.

## Conference Program: Friday, August 24, 2012

## 10:00-10:15 BREAK AND NETWORKING OPPORTUNITY

10:15-11:15 The Excellent Expert Report: The Complex Case  
R. Craig Jerner Ph.D., PE

Dr. Jerner will discuss how to review available documents, records and materials, perform research and analysis, and draft and finalize a detailed, defensible, expert report. He will explain how to deal with vexing expert issues such as alternative causes, confounding results, demands of counsel, and amount of detail to be included in the report. Dr. Jerner will explain how an excellent report can be of value both to the expert and counsel during the litigation process. **QUESTIONS AND ANSWERS.** *Learning Objective: Identify best practices in providing expert reports.*

**R. Craig Jerner Ph.D., PE** is a metallurgist who specializes in accident investigation and metallurgical failure analysis, with wide experience as a metallurgical consultant and accident investigator, having conducted 1,400 accident investigations. He has testified as a metallurgical expert in over 250 depositions and more than 70 court appearances. Dr. Jerner received his BS and MS from Washington University in St. Louis and his Ph.D. in metallurgy from the University of Denver.

11:15-12:15 How Expert Witnesses Destroy Themselves  
Maren R. Cave, Esq.

Attorney Cave will explain many preventable ways expert witnesses destroy themselves prior to and at depositions and trials. She will discuss areas of expertise, case selection, relationship with counsel, stretching the truth, poor work product, antagonizing the judge, arrogance, fees, availability, motions to disqualify, poor preparation, and more. Attorney Cave will offer practical suggestions for experts to follow to avoid self-destruction. **QUESTIONS AND ANSWERS.** *Learning Objective: List ways experts can avoid destroying themselves.*

**Maren R. Cave Esq.** is a trial lawyer at the Georgia firm of Swift, Currie, McGhee & Hiers. Atty. Cave is a civil litigator and represents and defends businesses and individuals sued across Georgia. Ms. Cave routinely handles and defends premises liability suits, dram shop actions, product liability actions, construction defect suits and general tort litigation in both state and federal court throughout Georgia. She also represents and assists insurance companies on coverage disputes. Atty. Cave has significant experience in class action and mass tort litigation in state and federal court. She has actively participated in and handled over a dozen jury trials in state and federal court, and has handled a number of cases at the appellate level.

## 12:15-1:30 LUNCH (PROVIDED WITH FACULTY)

1:30-2:20 BREAKOUT SESSION: CHOOSE ONE  
Enhancing Your Credibility as an Expert Witness  
Randy K. Otto Ph.D., ABPP

Dr. Otto will explain and demonstrate how expert witnesses can maintain their integrity and increase their credibility in the face of attacks based on allegations of bias. He will demonstrate how making concessions, acknowledging the limitations of one's techniques and opinions, and being genuine—all of which are consistent with one's legal and ethical duties—can serve to increase one's trustworthiness and persuasiveness. **QUESTIONS AND ANSWERS.** *Learning Objective: Identify methods to improve your credibility.*

**Randy K. Otto Ph.D., ABPP** is an Associate Professor at the University of South Florida Department of Mental Health Law and Policy, and an Adjunct Professor at Stetson University College of Law. Dr. Otto is board certified in clinical psychology and forensic psychology by the American Board of Professional Psychology, he has served as President of the American Board of Forensic Psychology and the American Psychology-Law Society, and he chaired the committee that revised the Specialty Guidelines for Forensic Psychology. Dr. Otto is an experienced witness who has provided workshops to medical and mental health professionals, attorneys, and judges on the best use of expert testimony. In 2007 he joined Gary Melton, John Petrla, Norm Poythress, and Chris Slobogin in revising their forensic text, *Psychological Evaluations for the Courts: A Handbook for Mental Health Professionals and Lawyers*. His work on adjudicative competence with colleagues Norm Poythress, John Monahan, Richard Bonnie, and Ken Hoge was cited by the US Supreme Court in *Indiana v. Edwards*. In 2008 he received the American Academy of Forensic Psychology's Award for Distinguished Contributions to Forensic Psychology.

OR  
New Federal Rules and Expert Witnesses  
Donald H. Slavik, Esq.

Attorney Slavik will explain and discuss how the recent changes to Rule 26 of the FRCP impacts expert witnesses and their interactions with retaining and opposing counsel. He will discuss communication between the experts and attorneys and what is and is not "protected", draft reports, disclosures, and other forms of discovery, including depositions and emails. Attorney Slavik will review the practical implications for experts writing reports and testifying in federal and state courts and offer suggestions for experts to deal effectively with counsel and the new rules. **QUESTIONS AND ANSWERS.** *Learning Objective: Discuss the new Federal Rules and their impact on expert witnessing.*

**Donald H. Slavik Esq.** has spent thirty years representing clients injured or killed by defective products. He is the past president of various bar associations of attorneys handling complex personal injury and products liability cases, including the Western Trial Lawyers Association and Attorneys Information Exchange Group. Don is admitted to practice in Colorado, Wisconsin, Texas and Washington, as well as in numerous Federal Courts in these states and others. He is a frequent lecturer to state bar and trial lawyer associations, as well as at universities, and scientific and technical societies. Don is a member of the Plaintiffs' Personal Injury and Wrongful Liaison Counsel Committee for the Toyota Sudden Acceleration Multi-District Litigation, and sits on the board of directors of The Public Justice Foundation. He has been listed as one of the Best Lawyers in America for the past ten years, and has received a "Preeminent" rating by his peers. He is the author of numerous book chapters, peer reviewed treatises, and papers, and is a licensed Professional Engineer and an instrument rated pilot.

## Conference Program: Friday, August 24, 2012

2:20–2:30

### BREAK AND NETWORKING OPPORTUNITY

2:30–3:20

### BREAKOUT SESSION: CHOOSE ONE

#### Developing Your Expert Witness Protocol

Nancy Fannon ASA, CPA, ABV, MCBA



Ms. Fannon will explain the many advantages and utility of developing and using an in-depth expert witness protocol from the beginning to the end of your engagement. She will describe numerous aspects of the expert protocol ranging from client intake, engagement agreements, retainers, billing & collections, collection of data and evidence as foundation for your opinion, maintenance of records, production of documents, pros and cons of various forms of reports, quality control, deposition preparation, and trial practice for experts. Ms. Fannon will demonstrate how your expert witness protocol should be built, carry through your engagement, and evolve based on your expert experiences. **QUESTIONS AND ANSWERS.** *Learning Objective: Discuss ways to develop an expert witness protocol.*

**Nancy J. Fannon, ASA, CPA, ABV, MCBA** is a nationally known author and experienced expert witness in the area of economic damages and corporate valuation. She frequently serves as an expert witness or a financial consultant in matters involving complex corporate litigation for public and private companies, and testifies or consults on matters involving economic damages, unjust enrichment/disgorgement, post-acquisition disputes, shareholder disputes, and other damages analyses. She is the owner of Fannon Valuation Group, a business valuation and litigation support services firm located in Portland, Maine. She has over 22 years of professional valuation and damage experience. The second edition of her most recent publication, *The Comprehensive Guide to Lost Profits Damages for Experts and Attorneys*, was published in 2011. She is a frequent national speaker, she is on the editorial boards of three of the major valuation and economic analysis industry organizations, and is on a joint industry Standard-setting board. In 2007, she was inducted into the AICPA's "Hall of Fame", awarded for substantial contributions to the advancement of the business valuation profession.

OR

#### Succession Planning: Positioning Your Expert Witness Practice for a Reduced Workload, Takeover, or Eventual Sale

Steven Babitsky, Esq.



Steve Babitsky will explain how and why expert witnesses, from solo practitioners to ones in firms, can and should develop a succession/exit plan. He will, with the use of expert case studies, describe how to deal with timing, valuation, client retention, replicating and replacing oneself, and other issues unique to expert witnesses. Steve will offer practical advice and strategies for a successful expert witness practice transition. **QUESTIONS AND ANSWERS.** *Learning Objective: Discuss potential succession planning techniques.*

**Steven Babitsky Esq.**, is the President of SEAK, Inc. Attorney Babitsky was a personal injury litigator for twenty years and is the former managing partner of the firm Kistin, Babitsky, Latimer & Beitman. Mr. Babitsky works with experts and firms, helping them achieve successful expert witness practice transitions. Mr. Babitsky trains hundreds of experts every year through SEAK's scheduled programs for expert witnesses, invited presentations, and customized expert witness training programs presented to corporations, associations, and governmental agencies. He also serves as a one-on-one consultant to expert witnesses who desire to improve their expert witness practices. Mr. Babitsky is the co-author of the texts *Depositions: The Comprehensive Guide for Expert Witnesses*; *The A-Z Guide to Expert Witnessing: How to Become a Dangerous Expert Witness: Advanced Techniques and Strategies*; *Writing and Defending Your Expert Report: The Step-by-Step Guide with Models*; *How to Excel During Cross-Examination: Techniques for Experts That Work*; and *How to Excel During Depositions: Techniques for Experts That Work*.

3:20–3:30

### BREAK AND NETWORKING OPPORTUNITY

3:30–4:30

#### How to Rebut the Opposing Expert's Opinions

Thomas Roney



Mr. Roney will explain a best practices protocol for analyzing the opposing expert's use of the facts, assumptions, methodology, and report. He will discuss how the expert can help prepare retaining counsel for deposing and cross-examining the opposing expert to flesh out problem areas. Mr. Roney will offer practical suggestions for the best and most objective ways for pointing out the deficiencies in the opposing expert's assumptions, methodology, and conclusions. **QUESTIONS AND ANSWERS.** *Learning Objective: Identify methods to rebut opposing expert's opinions.*

**Thomas Roney** is an economist and provides economic consulting services and expert testimony in personal injury, wrongful death, commercial litigation, and employment matters. Mr. Roney has worked as a forensic economist for more than 25 years and has worked on engagements in more than two dozen states. Mr. Roney is located in Dallas, Texas and is a vice president of the National Association of Forensic Economics and president of the Collegium of Pecuniary Damages Experts.

OR

#### Coping with Cross-Examination: With Video

Elizabeth Boals, Esq.



Attorney Boals will discuss the various goals of opposing counsel conducting a cross-examination of an expert witness. She will demonstrate, with video examples, the common traps and tricks of counsel, and will explain how experts can effectively cope with even the most intense cross-examination. **QUESTIONS AND ANSWERS.** *Learning Objective: Discuss ways to deal with intense cross-examination.*

**Elizabeth Boals Esq.** became the Associate Director of the Trial Advocacy Program at the Washington College of Law at American University (WCL) in 2005 and is the co-author of *Expert Testimony: A Guide for Expert Witnesses and Lawyers Who Examine Them*. Her areas of specialization include: Criminal and Civil Trial Advocacy, Criminal Law and Procedure, and Evidence. Before joining the faculty at WCL, Professor Boals defended the US Department of Commerce on alleged violation of Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, and the Rehabilitation Act. She was a partner at Lay, Ippolito & Dillard, PLLC, and, prior to that, an attorney at Zwerdling, Paul, Leibig, Kahn, Thompson, & Wolly, PC. She began her legal career as an assistant public defender in the Office of the Public Defender in Alexandria, Virginia. Professor Boals is a National Institute of Trial Advocacy (NITA) Intensive Trial Skills Program faculty member and has lectured at Maryland and Virginia Coalitions of Police Conferences; Virginia Boot Camp for New Lawyers; and Virginia Inmate Outreach Program. She has published three NITA case files focusing on trial issues and witness examinations in gang murder and DUI contexts.

## Expert Report Writing Workshop

Sea Crest Beach Hotel, Falmouth, Cape Cod, Massachusetts

Tuesday, August 21, 2012

**Executive Summary:** An expert's report is one of the most important services provided to retaining counsel. A well-written report is immensely helpful to retaining counsel and may well lead to future referrals and the ability to charge premium fees. A poorly written report can and will be used to impeach the expert in the case at hand and future cases for years to come. *Expert Report Writing Workshop* is a lively, hands-on program that features numerous interactive writing exercises and mock trial demonstrations. It will teach you how to write more valuable and more defensible reports and how to avoid the most common pitfalls involved in expert report writing. Attendees will learn how to structure their reports so as to be resistant to cross examination. Ample time will be set aside for questions and answers.

### Here's what past attendees have to say!

*"Well structured and great examples"*

*"Every bit as good as I had hoped for!"*

*"Extremely effective"*

*"Very practical, open to answering questions"*

*"Kept everything anchored to the main objective"*

*"Good information combined with and applied to practical experiences"*

*"Very helpful"*

*"Excellent program, well executed"*

*"Great job of pointing out weaknesses in the reports and line of questioning, nice educational strategy"*

*"Great, engaging, and informative"*

*"Awesome, I appreciate seamless transition between attorney and lecturer"*



**Distinguished Faculty:** **Nadine Nasser Donovan, Esq.**, is a former trial lawyer with extensive litigation experience. She is currently of counsel to the Boston-based firm of Martin, Magnuson, McCarthy & Kenney. Her practice area includes the defense of medical professionals in medical malpractice actions and before medical licensing boards. In addition, Ms. Donovan is a Legal Writing Instructor at Boston University School of Law. She previously practiced litigation in New York City, first as a prosecutor in Queens, and then as counsel for the City of New York. Ms. Donovan received her J.D. *cum laude* from Boston College Law School. She graduated from Fordham University *summa cum laude* with a B.A. in French Literature.

**Registration Information:** The \$595 tuition includes a continental breakfast, breaks, lunch with faculty, a detailed manual which can be retained as a bookshelf reference, and a dynamic learning experience. To register, please use the form on page 2.

**Continuing Education Information:** **Note: If your specialty does not appear below and you desire credits, please contact Karen Cerbarano (Karen@seak.com). We can often obtain desired credits upon request, but unfortunately, obtaining some types of credits are not feasible. Please register early, as we can only apply for credits after your registration form has been received and it can take time to get the requested approvals back from the accrediting agencies.**

**Accident Reconstructionists:** SEAK has applied for Continuing Education Units through ACTAR.

**Accountants:** Earn 7.5 CPE credits in the field of study of Specialized Knowledge and Applications. SEAK, Inc. 108578 is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors, 150 Fourth Avenue North, Suite 700, Nashville, TN, 37219-2417. Web site: [www.nasba.org](http://www.nasba.org) For SEAK, Inc.'s complaint and program cancellation policies please call SEAK, Inc. at 508-457-1111. There are no prerequisites for this intermediate group-live program. No advanced preparation is required.

**Appraisers:** The American Society of Appraisers will accept 6.25 continuing education hours for this program.

**Attorneys:** Credit varies by state. Continuing legal education credits for attorneys will only be applied for if requested in writing when sending in the registration form for the conference. Please contact Karen Cerbarano (Karen@seak.com) with any questions.

**Engineers:** 6 PDHs. The acceptance of this course is dependent upon your state(s) of registration. The vast majority of states do not require preapproval of either courses or course sponsors.

**Life Care Planners:** SEAK has applied for Continuing Education Units through The Commission on Health Care Certification (CHCC).

**Physicians:** SEAK, Inc. is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education for physicians. SEAK, Inc. designates this live activity for a maximum of 6.25 *AMA PRA Category 1 Credit(s)*™. Physicians should claim only the credit commensurate with the extent of their participation in the activity.

**Psychologists:** 6 CE Credits. SEAK, Inc. is approved by the American Psychological Association to sponsor continuing education for psychologists. SEAK, Inc. maintains responsibility for this program and its content. To receive credit each psychologist must attend the entire program, sign in before the program, sign out after the program and return a completed evaluation form. **PARTIAL CREDIT IS NOT PERMITTED.** There are no prerequisites for this intermediate group-live program. No advanced preparation is required.

For questions or more information call 508.457.1111 or email [mail@seak.com](mailto:mail@seak.com).

**NOTE: SEAK does not accept commercial support for its programs and does not use faculty members with conflicts of interest.**



# Expert Report Writing Workshop

Sea Crest Beach Hotel, Falmouth, Cape Cod, Massachusetts

Tuesday, August 21, 2012

## 8:00–8:30 Continental Breakfast

### 8:30–9:00 Introduction

Students will learn when to write their expert report and more importantly when not to write an expert report. The law governing the discoverability and admissibility of expert reports will be explained. The specific reasons why a well-written report is of crucial importance will be explained. **Questions and Answers.** *Learning Objective: Discuss the rules governing expert reports, discuss when to write an expert report and explain the law governing expert reports.*

### 9:00–9:30 Legal Requirements of Expert Reports

Students will learn the legally mandated content requirements for Rule 26 Reports for cases in federal court and reports used to oppose or support motions for summary judgment (Rule 56 motions). **Questions and Answers.** *Learning Objective: List the legal requirements for expert reports.*

### 9:30–10:00 Formatting

Students will learn the optimum ways to format an expert report and how this can assist them during cross-examination. The importance of proper formatting will be emphasized, with a specific discussion of cover pages, fonts, topic headings, paragraph breaks and lengths, spacing, and page numbering. A mock trial demonstration will emphasize the importance of proper formatting. Model reports with superior formatting will be provided. **Questions and Answers.** *Learning Objective: Describe an optimally formatted expert report.*

### 10:00–10:30 Documents and Authority/Research Reviewed

Through a combination of a didactic presentation, interactive writing exercises, and mock trial demonstrations, students will learn the best way to document in an expert report the documents and research upon which the expert's opinion was based and the importance of doing this in a proper manner. What should and should not be included will be discussed. **Questions and Answers.** *Learning Objective: Describe how to best document in an expert report the documents, authority and research reviewed.*

### 10:30–10:45 Break and Networking Opportunity

### 10:45–11:15 Qualifications of the Expert

The expert's stating of his own qualifications in an expert report is an area where avoidable mistakes with severe consequences are all too often made. Through didactic presentations, interactive writing exercises and a mock trial demonstration, students will learn the importance of accurately and objectively stating one's qualifications and the common errors that experts often make in this area. **Questions and Answers.** *Learning Objective: Explain how to avoid common errors associated with documenting an expert's qualifications.*

### 11:15–11:45 Properly Expressing Your Opinion

The purpose of an expert report is the expression of the expert's opinion. This opinion should be expressed in a clear, confident and supportable manner. Through didactic presentations, interactive writing exercises and a mock trial demonstration, students will learn how to properly express an opinion and the reasoning for that opinion in an expert report and the common pitfalls to avoid in this area. **Questions and Answers.** *Learning Objective: Explain how to best document an expert's opinion.*

### 11:45–12:00 Catching Mistakes Before They Catch You

Through didactic presentations and a mock trial demonstration experts will learn the importance of proofreading their report and how to catch and correct the most commonly made errors in expert reports. **Questions and Answers.** *Learning Objective: Describe how to proof an expert report so as to prevent mistakes.*

### 12:00–1:15 Lunch Provided with Faculty

### 1:15–2:45 Drafting a Powerful, Defensible Report

Through didactic presentations, interactive writing exercises and a mock trial demonstration, students will learn 20 proven techniques to make their expert report more powerful, persuasive, and defensible. Specific techniques explained will include: avoidance of absolute words, staying within the expert's true area of expertise, red flag words to avoid in expert reports, common damaging superfluous language that should not appear in expert reports, the avoidance of hedge words and over a dozen more specific techniques. **Questions and Answers.** *Learning Objective: List techniques to draft powerful, defensible expert reports.*

### 2:45–3:00 Break and Networking Opportunity

### 3:00–4:00 Defending Your Report During Cross Examination

Through didactic presentations and mock trial demonstrations students will learn the 25 most effective tactics counsel uses to attack an expert through his report and, more importantly, specific advice on how to defend against each and every one of these tactics. **Questions and Answers.** *Learning Objective: Explain how to defeat opposing counsel's cross-examination tactics.*

### 4:00–4:30 Takeaways, Conclusion and Evaluation

Concluding remarks will be preceded by an attendee and faculty generated numbered list of action steps and takeaways from the covered material that attendees can use to draft more persuasive and defensible expert reports. **Questions and Answers.** *List action steps to draft more persuasive and defensible expert reports.*

## Marketing and Growing Your Expert Witness Practice

Sea Crest Beach Hotel, Falmouth, Cape Cod, Massachusetts  
Tuesday, August 21, 2012

**Executive Summary:** This interactive program will teach you how to grow your expert witness practice. It is taught utilizing interactive lecture, case studies and question and answer sessions. Each attendee will leave with a concise, customized plan to grow their expert witness practice. *Marketing and Growing Your Expert Witness Practice* is appropriate for experts of all levels of experience. Each registration includes continental breakfast and lunch with faculty and a coursebook which is not available anywhere else. There are no prerequisites and no advanced preparation is required.



**Distinguished Faculty: Steven Babitsky, Esq.,** is the President of SEAK, Inc. Attorney Babitsky was a personal injury litigator for twenty years and is the former managing partner of the firm Kistin, Babitsky, Latimer & Beitman. Mr. Babitsky trains hundreds of experts every year through SEAK's scheduled programs for expert witnesses, invited presentations, and customized expert witness training programs presented to corporations, associations, and governmental agencies. He also serves as a one-on-one consultant to expert witnesses who desire to improve their expert witness practices. Mr. Babitsky is the co-author of the texts *Depositions: The Comprehensive Guide for Expert Witnesses*; *The A-Z Guide to Expert Witnessing*; *How to Become a Dangerous Expert Witness: Advanced Techniques and Strategies*; *Writing and Defending Your Expert Report: The Step-by-Step Guide with Models*; *How to Excel During Cross-Examination: Techniques for Experts That Work*; and *How to Excel During Depositions: Techniques for Experts That Work*.

**Registration Information:** The \$595 tuition includes a continental breakfast, lunch with faculty, a detailed conference manual, and a fast-moving, content rich learning experience. To register, please use the form on page 2.

**Continuing Education Information:** There are no continuing education credits offered for this program.

### Here's what past attendees have to say!

*"Covered expert marketing in a realistic and functional way."*

*"Excellent."*

*"Great information, practical."*

*"I was blown away with this seminar. Everything that was said is so on the money and yet such common sense, but you wouldn't have thought of it that way until he presented it to you."*

*"I will change a number of my practices that will likely improve my results."*

*"Very good"*



# Marketing and Growing Your Expert Witness Practice

Sea Crest Beach Hotel, Falmouth, Cape Cod, Massachusetts

Tuesday, August 21, 2012

## 8:00–8:30 Registration and Continental Breakfast

### 8:30–9:00 Understanding How Much Each New Client is Worth

No marketing technique can be properly evaluated until an expert understands how to calculate how much each new client is worth. In this segment the faculty will explain the numerous factors that must be accounted for in order to determine the true value of a new client. **Questions and Answers.** *Learning Objective: Describe the value of obtaining new clients.*

### 9:00–10:15 Positioning Yourself to Best Grow Your Expert Witness Practice

In order to grow your expert witness practice, you must be well positioned to do so. In this segment the faculty will discuss selecting the right niche, fee setting, and the numerous subtle factors affecting your expert witness “image.” **Questions and Answers.** *Learning Objective: Describe methods to find your best niche.*

## 10:15–10:30 Break and Networking Opportunity

### 10:30–11:15 The Special Dynamics of Marketing an Expert Witness Practice

Marketing an expert witness practice presents unique challenges. In this segment the faculty will discuss the three principles of marketing and how to account for and minimize a potential backlash from poorly conceived or worded marketing materials. **Questions and Answers.** *Learning Objective: Explain best practices for expert marketing.*

### 11:15–12:00 Word of Mouth—How to Build an Impeccable Reputation

The best marketing technique, bar none, is word of mouth. In this segment attendees will learn specific techniques on what experts can do during the engagement process, when forming and expressing his/her opinion and at deposition and trial to exceed counsel’s expectations and build an impeccable reputation. **Questions and Answers.** *Learning Objective: Describe how to build an impeccable reputation.*

## 12:00–1:00 Provided Lunch With Faculty

### 1:00–1:30 Networking

Networking can and will produce new clients. In this segment attendees will learn specific, easy to implement techniques to successfully network with past clients, prospective clients and colleagues. **Questions and Answers.** *Learning Objective: List networking techniques.*

### 1:30–2:00 Speaking and Writing

Speaking and writing can be very good for business. In this segment attendees will learn the best places to speak and write, the best topics to choose, the best audience, and how to avoid potentially serious mistakes. **Questions and Answers.** *Learning Objective: Explain the importance of speaking and writing.*

### 2:00–2:45 Advertising, Web Sites, and Internet Marketing

In this segment experts will be presented with the pros and cons of advertising and will be provided with a guide to the print and online choices experts have. Included are recommendations for the content, positioning, and visibility of expert web sites. **Questions and Answers.** *Learning Objective: Discussion of advertising options.*

## 2:45–3:00 Break and Networking Opportunity

### 3:00–4:00 Drafting Your Customized Individual Marketing Plan

The attendees will be shown several concise marketing plans as examples. The attendees will then be given time to draft their own customized marketing plans based upon what was learned in the program. Time will be allotted to discuss and improve the plans drafted by the attendees. **Questions and Answers.** *Learning Objective: Describe how to create a marketing plan.*

### 4:00–4:30 Takeaways, Conclusions, and Evaluation

The faculty will address any final questions and elicit from the audience a bullet-proof list of what specifically they will be doing differently in light of what was learned at the course. **Questions and Answers.** *Learning Objective: List the most important concepts, techniques and action steps learned in the program.*

## Advanced Expert Witness Skills Workshop

Sea Crest Beach Hotel, Falmouth, Cape Cod, Massachusetts

Wednesday, August 22, 2012

**NEW!**

**Executive Summary:** This course will utilize interactive role playing to teach advanced expert witness testifying skills and techniques. This workshop is for expert witnesses who want to raise their trial performance to the next level. Expert witnesses who can excel in front of a jury are extremely valuable to retaining counsel. SEAK is pleased to now offer a unique new opportunity for expert witnesses. The highly experienced faculty will teach sophisticated techniques for excelling during direct and cross examination. Numerous demonstrations will be conducted. Attendees will be encouraged to submit their C.V. and one expert report which can be used during demonstrations.



**Distinguished Faculty: Steven Babitsky, Esq.,** is the President of SEAK, Inc. Attorney Babitsky was a personal injury litigator for twenty years and is the former managing partner of the firm Kistin, Babitsky, Latimer & Beitman. Mr. Babitsky trains hundreds of experts every year through SEAK's scheduled programs for expert witnesses, invited presentations, and customized expert witness training programs presented to corporations, associations, and governmental agencies. He also serves as a one-on-one consultant to expert witnesses who desire to improve their expert witness practices. Mr. Babitsky is the co-author of the texts *Depositions: The Comprehensive Guide for Expert Witnesses*; *The A-Z Guide to Expert Witnessing*; *How to Become a Dangerous Expert Witness: Advanced Techniques and Strategies*; *Writing and Defending Your Expert Report: The Step-by-Step Guide with Models*; *How to Excel During Cross-Examination: Techniques for Experts That Work*; and *How to Excel During Depositions: Techniques for Experts That Work*.

**Registration Information:** The \$595 tuition includes continental breakfast, lunch with the faculty, and a workshop manual not available elsewhere.

**Continuing Education Information: Note: If your specialty does not appear below and you desire credits, please contact Karen Cerbarano (Karen@seak.com). We can often obtain desired credits upon request, but unfortunately, obtaining some types of credits are not feasible. Please register early, as we can only apply for credits after your registration form has been received and it can take time to get the requested approvals back from the accrediting agencies.**

**Accident Reconstructionists:** SEAK has applied for Continuing Education Units through ACTAR.

**Accountants:** Earn 7.5 CPE credits in the field of study of Specialized Knowledge and Applications. SEAK, Inc. is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors, 150 Fourth Avenue North, Suite 700, Nashville, TN, 37219-2417. Web site: [www.nasba.org](http://www.nasba.org). For SEAK, Inc.'s complaint and program cancellation policies please call SEAK, Inc. at 508-457-1111. There are no prerequisites for this intermediate group-live program. No advanced preparation is required. **Appraisers:** The American Society of Appraisers will accept 6.5 continuing education hours for this program. **Attorneys:** Credit varies by state. Continuing legal education credits for attorneys will only be applied for if requested in writing when sending in the registration form for the conference. Please contact Karen Cerbarano (Karen@seak.com) with any questions. **Engineers:** 6.5 PDHs. The acceptance of this course is dependent upon your state(s) of registration. The vast majority of states do not require preapproval of either courses or course sponsors. **Life Care Planners:** SEAK has applied for Continuing Education Units through The Commission on Health Care Certification (CHCC). **Physicians:** SEAK, Inc. is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education for physicians. SEAK, Inc. designates this live activity for a maximum of 6.5 *AMA PRA Category 1 Credit(s)*<sup>™</sup>. Physicians should claim only the credit commensurate with the extent of their participation in the activity. **Psychologists:** 6.5 CE Credits. SEAK, Inc. is approved by the American Psychological Association to sponsor continuing education for psychologists. SEAK, Inc. maintains responsibility for this program and its content. To receive credit each psychologist must attend the entire program, sign in before the program, sign out after the program and return a completed evaluation form. **PARTIAL CREDIT IS NOT PERMITTED.** There are no prerequisites for this intermediate group-live program. No advanced preparation is required.

**For questions or more information call 508.457.1111 or email [mail@seak.com](mailto:mail@seak.com).**

**NOTE: SEAK does not accept commercial support for its programs and does not use faculty members with conflicts of interest.**

# Advanced Expert Witness Skills Workshop

Sea Crest Beach Hotel, Falmouth, Cape Cod, Massachusetts

Wednesday, August 22, 2012

NEW!

PRECONFERENCE WORKSHOPS

## 8:00–8:30 Registration and Continental Breakfast

### 8:30–10:00 Direct Examination Techniques

Faculty will explain and demonstrate with the aid of the attendees 20 crucial techniques that experts need to master to excel during their direct examination including:

- Speaking at a healthy, confident pace
- Stating objective and persuasive reasons why you disagree with the other expert
- Using appropriate analogies to explain complex concepts
- Using easy-to-understand language
- Using language that clearly indicates that you were hands-on
- Using numbered lists
- Using powerful language
- Using precise language
- Using short preview and review summaries
- Using visual aids
- Using your qualifications as an opportunity to teach
- Appearing confident and enthusiastic and using confident language
- Citing detailed facts
- Citing references
- Connecting the dots as to why your qualifications are relevant to this case
- Dealing with problem areas and weaknesses during direct examination
- Emphasizing key points
- Getting to the point: Giving your conclusions first (headline) then filling in reasons
- Name dropping
- Show you have things in common with the jury

**Questions and Answers.** *Learning Objective: List techniques to be more effective during direct examination.*

### 10:00–10:15 Break and Networking Opportunity

### 10:15–12:00 Direct Examination Demonstrations

Faculty will call on a series of volunteer attendees who have pre-submitted their CVs and reports to participate in a brief direct examination demonstration. Attendees will be encouraged to use one or more of the 20 direct exam techniques previously taught. Faculty and attendees will give their frank feedback on how the expert excelled and how he/she can improve his/her testifying skills. **Questions and Answers.** *Learning Objective: Describe methods for providing more effective direct testimony.*

### 12:00–1:00 Provided Lunch With Faculty

### 1:00–2:15 Cross-Examination Techniques

Faculty will explain and demonstrate with the aid of the attendees the 40 crucial techniques that expert witnesses should master to excel during their cross-examination including:

- Dealing with Questions You Do Not Understand
- Dealing with Sarcasm Effectively
- Dealing with Tests You Did Not Perform
- Dealing with the Issue of Testifying for Plaintiffs/Defendants
- Dealing with Your Preparation Session(s) with Retaining Counsel
- Disclaimers in Report
- Disputing the Premise of the Question
- Explaining First, Then Answering
- Explaining How You Verified What Counsel Sent/Told You
- Explaining Your Fee Schedule and Income
- Giving a Detailed Reply to An Inadvertent Open-Ended Question
- How to Ask Opposing Counsel Questions Effectively
- Making Concessions
- Pointing Out Hypocrisy
- Pointing Out That You Haven't Been Allowed to Explain
- Repeating Damaging Testimony
- Springing Personal Information That Will Make the Jury Sympathetic to You
- Using Analogies during Cross-Examination
- What to Do When Trapped on Cross-Examination
- "Isn't It Possible?"
- "Now, That's a Good Question."
- A Matter of Honor
- Admitting Mistakes Gracefully
- Allegations of Cherry-Picking
- Answering Hypothetical Questions or Questions with New Assumptions
- Answering Questions about Missing Credentials or Certifications
- Answering Questions from the Judge
- Answering Yes or No Questions
- Attacks on One or More of Your Assumptions
- Authoritative Texts/Learned Treatises
- Avoiding Getting Pushed Outside Your Area of Expertise
- Being Accused of Being a Professional Witness
- Breaking Counsel's Momentum
- Commenting on the Opposing Expert's Reputation
- Dealing with a Reasonable Degree of Certainty
- Dealing with Demonstrations
- Dealing with Documents You Have Never Seen Before
- Dealing with Interruptions by Counsel
- Dealing with Marketing Questions
- Dealing with Mischaracterizations by Opposing Counsel during Cross-Examination

**Questions and Answers.** *Learning Objective: List techniques to be more effective during cross examination.*

### 2:15–2:30 Break and Networking Opportunity

### 2:30–4:15 Cross Examination Demonstrations

Faculty will call upon a series of volunteer attendees who have pre-submitted their CVs and a report to participate in a brief demonstration. Attendees will be encouraged to utilize the techniques learned. Faculty and attendees will give their frank feedback on how the expert excelled and can improve his/her skills. **Questions and Answers.** *Learning Objective: Describe methods for being more effective during cross examination.*

### 4:15–4:30 Takeaways, Conclusions, and Evaluation

Faculty will take any final questions and solicit from attendees a series of takeaways on how all the attendees can improve their testifying skills and become more effective. **Questions and Answers.** *Learning Objective: List the most important concepts, techniques and action steps learned in the program.*

www.TestifyingTraining.com

# Deposition Skills Workshop

Sea Crest Beach Hotel, Falmouth, Cape Cod, Massachusetts  
Wednesday, August 22, 2012

**Executive Summary:** Expert witnesses are 15-20 times more likely to have to testify at deposition than at trial. *Deposition Skills Workshop* teaches experts how to excel during their depositions. The workshop is presented in an interactive fashion and features numerous demonstrations. This course is for experts who would like to raise their deposition skills to the next level.

## Here's what past attendees have to say!

- "Outstanding"
- "Very worth while"
- "Excellent as always"
- "Well organized, touched on all important issues given time frame"
- "A fun and informative day. Lots of participation and Q & A added a lot"
- "Balance between lecture, role play, interaction and video was very good"



**Distinguished Faculty: Nadine Nasser Donovan, Esq.,** is a former trial lawyer with extensive litigation experience. She is currently of counsel to the Boston-based firm of Martin, Magnuson, McCarthy & Kenney. Her practice area includes the defense of medical professionals in medical malpractice actions and before medical licensing boards. In addition, Ms. Donovan is a Legal Writing Instructor at Boston University School of Law. She previously practiced litigation in New York City, first as a prosecutor in Queens, and then as counsel for the City of New York. Ms. Donovan received her J.D. *cum laude* from Boston College Law School. She graduated from Fordham University *summa cum laude* with a B.A. in French Literature.

**Registration Information:** The \$595 tuition includes a continental breakfast, breaks, lunch with faculty, a detailed manual which can be retained as a bookshelf reference, and a dynamic learning experience. To register, please use the form on page 2.

**Continuing Education Information: Note: If your specialty does not appear below and you desire credits, please contact Karen Cerbarano (Karen@seak.com). We can often obtain desired credits upon request, but unfortunately, obtaining some types of credits are not feasible. Please register early, as we can only apply for credits after your registration form has been received and it can take time to get the requested approvals back from the accrediting agencies.**

**Accident Reconstructionists:** SEAK has applied for Continuing Education Units through ACTAR.

**Accountants:** Earn 7.5 CPE credits in the field of study of Specialized Knowledge and Applications. SEAK, Inc. is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors, 150 Fourth Avenue North, Suite 700, Nashville, TN, 37219-2417. Web site: [www.nasba.org](http://www.nasba.org) For SEAK, Inc.'s complaint and program cancellation policies please call SEAK, Inc. at 508-457-1111. There are no prerequisites for this intermediate group-live program. No advanced preparation is required.

**Appraisers:** The American Society of Appraisers will accept 6.5 continuing education hours for this program.

**Attorneys:** Credit varies by state. Continuing legal education credits for attorneys will only be applied for if requested in writing when sending in the registration form for the conference. Please contact Karen Cerbarano (Karen@seak.com) with any questions.

**Engineers:** 6.5 PDHs. The acceptance of this course is dependent upon your state(s) of registration. The vast majority of states do not require preapproval of either courses or course sponsors.

**Life Care Planners:** SEAK has applied for Continuing Education Units through The Commission on Health Care Certification (CHCC).

**Physicians:** SEAK, Inc. is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education for physicians. SEAK, Inc. designates this live activity for a maximum of 6.5 *AMA PRA Category 1 Credit(s)*™. Physicians should claim only the credit commensurate with the extent of their participation in the activity.

**Psychologists:** 6.5 CE Credits. SEAK, Inc. is approved by the American Psychological Association to sponsor continuing education for psychologists. SEAK, Inc. maintains responsibility for this program and its content. To receive credit each psychologist must attend the entire program, sign in before the program, sign out after the program and return a completed evaluation form. **PARTIAL CREDIT IS NOT PERMITTED.** There are no prerequisites for this intermediate group-live program. No advanced preparation is required.

For questions or more information call 508.457.1111 or email [mail@seak.com](mailto:mail@seak.com).

**NOTE: SEAK does not accept commercial support for its programs and does not use faculty members with conflicts of interest.**



# Deposition Skills Workshop

Sea Crest Beach Hotel, Falmouth, Cape Cod, Massachusetts

Wednesday, August 22, 2012

## 8:00–8:30 Continental Breakfast

## 8:30–9:00 Executive Summary and Initial Demonstration

Brief introductory remarks will be followed by an initial demonstration of an expert deposition utilizing a volunteer attendee.

**Questions and Answers.** *Learning Objective: Explain why deposition skills are essential for expert witnesses.*

## 9:00–9:30 Understanding the Strategies and Goals of Opposing Counsel

Faculty will review the goals of opposing counsel at depositions. Attendees will also learn the alternative strategies opposing counsel will utilize at depositions to achieve her goals. Demonstrations will drive key points home. **Questions and Answers.** *Learning Objective: Discuss the strategies and goals of opposing counsel at deposition.*

**Questions and Answers.** *Learning Objective: Discuss the strategies and goals of opposing counsel at deposition.*

## 9:30–10:15 Preparing for Your Expert Deposition

Experienced experts understand the significance of their deposition and how opposing counsel will likely be highly prepared to question them. Faculty will provide a detailed checklist of the specific steps that need to be taken to properly prepare for an expert deposition. Attendees will also learn how to help ensure that retaining counsel thoroughly prepares them for their deposition. Faculty will review the specific items experts need to be prepared to explain at their deposition.

**Questions and Answers.** *Learning Objective: Describe how to properly prepare for an expert deposition.*

## 10:15–10:30 Break and Networking Opportunity

## 10:30–11:00 Deposition Strategies for Experts

Faculty will discuss the alternative strategies experts may follow at deposition. Faculty will explain how the best strategy to follow depends on many factors including the size of the case, type of case, who the attorneys are, and whether or not retaining counsel believes the case is likely to settle before trial. **Questions and Answers.** *Learning Objective: Discuss the alternative strategies experts may follow at deposition.*

## 11:00–12:00 Understanding and Defeating Counsel's Deposition Tactics

Experts who are aware of, able to recognize, and effectively deal with the myriad of opposing counsel's tactics are highly successful at their depositions. These experts help increase the value of the case and are highly sought after. The faculty will explain, analyze, and review many deposition tactics and will offer specific techniques for defeating each.

Demonstrations utilizing volunteer attendees will help illustrate the tactics and defenses. **Questions and Answers.** *Learning Objective: Explain opposing counsel's deposition tactics and how to defeat each tactic.*

## 12:00–1:00 Lunch Provided with Faculty

## 1:00–1:30 Videotape Deposition-Special Techniques

The number of videotape depositions taken are increasingly rapidly. In this segment the faculty will discuss advanced techniques for excelling at your videotape deposition. Attendees will view samples of effective and ineffective videotape deposition testimony. **Questions and Answers.** *Learning Objective: Explain techniques for excelling at videotape depositions.*

## 1:30–2:45 Advanced Deposition Tactics for Experts

The best experts are not only able to effectively respond to opposing counsel's tactics, they are able to use their own tactics to help present truthful and effective testimony. This segment will describe numerous techniques experts can use to make sure that opposing counsel does not unfairly lock them in, does not take their testimony out of context and does not distort the truth. Demonstrations utilizing volunteer attendees will help illustrate many of these techniques. **Questions and Answers.** *Learning Objective: Describe techniques the expert can use at depositions.*

## 2:45–3:00 Break and Networking Opportunity

## 3:00–4:00 Pulling It All Together: Truthfully and Artfully Answering Trick and Difficult

## Questions at Deposition

In this segment the attendees will be able to practice the skills taught in the course by responding to numerous trick and difficult deposition questions. For each question the faculty and attendees will analyze what tactic opposing counsel is most likely employing, how that tactic can be defeated and various truthful and artful answers to the question. **Questions and Answers.** *Learning Objective: Discuss methods for responding to trick and difficult questions at depositions.*

## 4:00–4:15 Attendee Specific Trick and Difficult Questions

During this segment attendees will be allowed to submit to the faculty and his or her attendee-peers difficult and trick questions. The faculty and attendees will provide suggestions on truthful and artful ways to answer these questions.

**Questions and Answers.** *Learning Objective: Explain how to respond truthfully but artfully to trick and difficult questions at depositions.*

## 4:15–4:30 Takeaways, Conclusion and Evaluation

Faculty will take any final questions and solicit from the attendees a concise set of "bullet point" takeaways based on what was learned in this workshop. **Questions and Answers.** *Learning Objective: List the most important concepts, techniques and action steps learned in the program.*

# How to Be a Successful Expert Witness

Sea Crest Beach Hotel, Falmouth, Cape Cod, Massachusetts  
Wednesday, August 22, 2012

**Executive Summary:** Expert witnessing is exciting and rewarding. Knowledgeable professionals can increase their income and find personal enrichment by serving the court as expert witnesses. Time spent by experts on such matters is commonly billed out at more than \$200/hr, and can reach as much as \$1,100 per hour for some professionals. How to Be a Successful Expert Witness is an intense, insight-based participatory workshop that is designed to help you to optimize your legal consulting business. This course is appropriate for professionals with all levels of legal-consulting experience. Attendees will learn from an experienced testifying expert in a relaxed but fast tempo environment. Whether you wish to pursue expert witnessing as a vocation or avocation, you will learn how to develop, build, run, and maintain your successful, sustainable, and ethical expert witness practice.

## Learning Objectives:

- Areas of expertise and practice – staying within your sandbox
- Billing and collection
- Curriculum vitae insights
- Ethics of expert witnessing: maintaining your independence and objectivity
- Expectations of the client, jury and judge. How to exceed them
- Fee levels – walking the tightrope
- Evidence-based opinions
- Marketing without damaging your practice
- Qualifications and methodology challenges, Daubert, Robinson, Frye, etc.
- Report writing insights – Word processing, Rule 702, and more
- Retention agreements that serve you and your client's interests
- Risk management techniques for your practice
- Role of the expert witness in civil litigation and criminal court
- Staff issues
- Testifying skills and techniques for deposition and trial
- Trial exhibits and demonstrations – seeing is believing



**Distinguished Faculty:** **Stephen A. Batzer, PhD, PE**, is a consulting forensic engineer and automotive safety expert with a national practice. His education includes BS, MS and PhD degrees in engineering. He is a licensed professional engineer in both Michigan and Arkansas. He is a retired US Army Lieutenant Colonel of Ordnance. He worked in the US automotive supplier industry, designing and manufacturing fasteners. He has taught engineering coursework at 4 universities and to a variety of industrial audiences.

He regularly gives invited lectures on a variety of topics including expert witnessing, automotive safety, forensic engineering, and the Darwinian evolution vs. Design controversy.

**Registration Information:** The \$595 tuition includes a continental breakfast, lunch with faculty, a detailed conference manual, and a fast-moving, content rich learning experience. To register, please use the form on page 2.

**Continuing Education Information:** **Note: If your specialty does not appear below and you desire credits, please contact Karen Cerbarano (Karen@seak.com). We can often obtain desired credits upon request, but unfortunately, obtaining some types of credits are not feasible. Please register early, as we can only apply for credits after your registration form has been received and it can take time to get the requested approvals back from the accrediting agencies.**

**Accident Reconstructionists:** SEAK has applied for Continuing Education Units through ACTAR. **Accountants:** Earn 9.3 CPE credits in the field of study of Specialized Knowledge and Applications. SEAK, Inc. is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors, 150 Fourth Avenue North, Suite 700, Nashville, TN, 37219-2417. Web site: [www.nasba.org](http://www.nasba.org) For SEAK, Inc.'s complaint and program cancellation policies please call SEAK, Inc. at 508-457-1111. There are no prerequisites for this intermediate group-live program. No advanced preparation is required. **Appraisers:** The American Society of Appraisers will accept 7.75 continuing education hours for this program. **Attorneys:** Credit varies by state. Continuing legal education credits for attorneys will only be applied for if requested in writing when sending in the registration form for the conference. Please contact Karen Cerbarano (Karen@seak.com) with any questions. **Engineers:** No credits offered for this course. **Life Care Planners:** SEAK has applied for Continuing Education Units through The Commission on Health Care Certification (CHCC). **Physicians:** SEAK, Inc. is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education for physicians. SEAK, Inc. designates this live activity for a maximum of 7.75 AMA PRA Category 1 Credit(s)<sup>™</sup>. Physicians should claim only the credit commensurate with the extent of their participation in the activity.

For questions or more information call 508.457.1111 or email [mail@seak.com](mailto:mail@seak.com).

**NOTE: SEAK does not accept commercial support for its programs and does not use faculty members with conflicts of interest.**

# How to Be a Successful Expert Witness

Sea Crest Beach Hotel, Falmouth, Cape Cod, Massachusetts

Wednesday, August 22, 2012

NEW!

PRECONFERENCE WORKSHOPS

## 7:00–8:00 Continental Breakfast and Networking Opportunity

### 8:00–8:15 Role of Expert Witnesses in the Courtroom

What is in bounds and what is out of bounds? Attendees will learn the proper role of expert witnesses in both civil and criminal court. Topics include Federal Rule of Evidence 702 and the types of specific assignments experts can expect from retaining counsel. **QUESTIONS AND ANSWERS.** *Learning Objective: Discuss the role of an expert witness.*

### 8:15–8:45 Sandbox Basics - Your Niche in the Expert Witness Marketplace

Getting established as a recognized expert seems to be an overnight phenomenon for some, but requires years of time and effort for others. Faculty will explain the importance of identifying your proper niche. Attendees will be provided with a protocol for researching their niche, determining the proper fit and cultivating their niche to its fullest potential. **QUESTIONS AND ANSWERS.** *Learning Objective: Explain the importance of identifying the appropriate niche.*

### 8:45–9:15 Common Traits of Successful Expert Witnesses

Why are some experts more successful and credible than others? Faculty and attendees will discuss what some of the nation's top experts have in common and how they made themselves who they are. Techniques and rules of thumb will be drawn. This segment will show experts all the controllable elements that affect their image and how to best project a positive image. Topics include marketing, business cards, firm names, case selection, telephone procedures, testifying extensively for plaintiffs/defendants, on-line activities, etc. **QUESTIONS AND ANSWERS.** *Learning Objective: Discuss ways experts can provide high level service.*

### 9:15–10:00 Excellence as SOP: Exceeding Client Expectations

Faculty will present, with the assistance of the attendees, the best practices for: Initial interviews with counsel; Case intake; Correspondence; Reports (written and oral); Depositions and Trials. Attendees will be presented with numerous suggestions for exceeding the expectations of retaining counsel that meet ethical muster.

## 10:00–10:15 Break and Networking Opportunity

### 10:15–11:00 CV's that work

Why do you have a CV, rather than a resume? This and other topics will be addressed, such as how your CV affects your business, how it can improve your credibility with the judge, and how it can damage your effectiveness unnecessarily. Actual Hall of Fame and Hall of Shame CVs will be reviewed. **QUESTIONS AND ANSWERS.** *Learning Objective: List techniques for developing a proper CV.*

### 11:00–12:00 Daubert and Other Qualification Challenges

In-depth discussion of the legal requirements of Daubert and FRE 702 as they relate to how an expert forms and expresses opinion(s) and the admissibility of the opinions. Numerous light hearted (for us) examples will be discussed. The lecture continues with practical advice on how to avoid being caught in a Daubert nightmare and how to use the Daubert criteria as a roadmap to bolster the persuasiveness of any opinion. **QUESTIONS AND ANSWERS.** *Learning Objective: Identify the requirements of Daubert.*

## 12:00–12:45 Provided Lunch With Faculty

### 12:45–1:45 Report Best Practices

Faculty will review the most efficient methods for dealing with requests for preliminary, draft, and other written reports. Best practices for responding to input from counsel, formatting, editing, controls over release of the report, signing, and proofreading will be provided. There will also be an in-depth discussion on the use and misuse of computer templates to assist in report writing.

### 1:45–2:15 Best Practices in Expressing and Supporting Your Opinions

Even the best researched opinions are unpersuasive if not expressed with confidence, legal sufficiency and adequate bases. How do you know what you know? Credentials open the door, but don't seal the deal. An expert's opinion is only as strong as the facts, research and analysis upon which it is based. This segment will consist of advice and numerous examples on how and how not to express and support your expert opinion(s). Included is a discussion of standards, using objective supporting data, citing research, cherry-picking, and margins of error. **QUESTIONS AND ANSWERS.** *Learning Objective: Discuss methods experts can use to marketing their services.*

### 2:15–2:45 Commenting on Opposing Experts and Their Opinions

"Do you consider your counterpart Dr. Sleaze qualified to testify?" Commenting on another expert's opinions is an area that gets many experts into unnecessary difficulty. In this segment experts will learn the right way and wrong way to comment upon another expert's opinions. **QUESTIONS AND ANSWERS.** *Learning Objective: List best practices in supporting your opinions.*

### 2:45–3:00 Management Issues

Do you answer your own phone? Maybe you should, but then again, maybe not. Attendees will learn myriad techniques that will help them run an efficient and successful forensic consulting practice. These include optimum new case intake procedures, billings systems, document receipt and retention policies, support staff training and instruction, file maintenance, trial scheduling, procedures for keeping your CV up-to-date, how to account for all time spent on the case, support staff training, responsibilities and boundaries, security and confidentiality protocols and developing and using forms, templates and checklists. Leadership principles will undergird this presentation.

## 3:00–3:15 Break and Networking Opportunity

### 3:15–3:45 Best Practices in Dealing With Counsel

A frank discussion of how to best deal with retaining and opposing counsel. Included is an explanation of the importance of maintaining boundaries, how to best communicate with retaining counsel, the importance of not giving away your theories or reviewing any confidential information until you have been retained, how to deal with non-responsive or incompetent lawyers, how to deal with failure to prepare you for deposition or trial, being pushed beyond your true area of expertise, how to handle "rush" requests for reports and opinions and how to avoid problems before they materialize. **QUESTIONS AND ANSWERS.** *Learning Objective: Identify methods to properly deal with billing and collections.*

### 3:45–4:15 Deposition Best Practices

Attendees will be provided with an in-depth look at scheduling, billing, postponements, cancellations, errata sheets, and retention/destruction of deposition transcripts. **QUESTIONS AND ANSWERS.** *Learning Objective: Explain deposition best practices.*

### 4:15–4:45 Best Practices in Fee Setting, Fee Schedules & Agreements, Billing and Collections

How much should I charge, and why? Experts will learn how to correctly value their time and set their fees. They will be taught the importance of not undercharging and how to determine exactly what their time is worth. Also included is a detailed discussion of the amount and frequency of retainers, whether retainers should be non-refundable, cancellation fees, expense reimbursement and proven techniques to improve collections of expert witness and consulting fees. **QUESTIONS AND ANSWERS.** *Learning Objective: Identify ways to best deal with counsel.*

### 4:45–5:00 Conclusion and Takeaways

Concluding remarks will be preceded by an attendee and faculty generated numbered list of action steps and takeaways from the covered material that attendees will take home to their practices to start, build and run a better and more successful expert witness practice.

www.TestifyingTraining.com

## How to Assist An Expert Witness Practice: The Support Staff Program

Sea Crest Beach Hotel, Falmouth, Cape Cod, Massachusetts

Tuesday & Wednesday, August 21-22, 2012

**Executive Summary:** SEAK is proud to present this new training program specifically designed for an expert witness's support staff. An expert witness's support staff is an integral and critical member of the expert witness's team. Indeed, the success of any expert witness practice is dependent in large part as to how much assistance that expert receives from his/her support staff and the quality of this assistance. **How to Assist An Expert Witness Practice: The Support Staff Program** will teach support personnel how to help make their practices more valuable and successful.

**How to Assist An Expert Witness Practice: The Support Staff Program** is a small group training session taught in an interactive fashion featuring numerous case studies and exercises. Attendees will return to the office with concrete protocols, checklists, and action steps to help their expert witnesses succeed.

### What You Will Learn:

- How to assume more responsibility and reduce your experts' non-billable time.
- Evidence-based best practices to expand, grow and develop your experts' practice.
- How to proof, quality control, and improve the persuasiveness of your expert's reports.
- The rules regarding discovery as they apply to expert witnesses and how to optimize your experts' document creation and retention policies.
- How to maximize repeat and word of mouth business based upon evidence based best practices of how to satisfy attorney clients.
- The key clauses that should be in your expert's retainer agreement.
- How to make sure your expert gets paid in full and on time.
- Risk management and how to keep your expert out of trouble.
- Best practices in drafting and maintaining web sites and online listings.
- How to bullet proof and keep current your expert's C.V.
- How you can become an asset who can directly generate revenue.
- How you can help to assist your expert with depositions and trial testimony.
- Best practices in new case intake and communicating with clients.
- Why 100% precision is required in legal consulting.
- How to avoid mistakes and hidden pitfalls.
- How you can improve your experts' image and make her more attractive to potential clients.
- Much, much more.



**Distinguished Faculty:** **James J. Mangraviti, Jr., Esq.** has trained thousands of expert witnesses. He is a former litigator with experience in defense and plaintiff personal injury law and insurance law. He currently serves as Principal of SEAK, Inc. Mr. Mangraviti received his BA degree in mathematics *summa cum laude* from Boston College and his JD degree *cum laude* from Boston College Law School. His publications include the texts *The Biggest Mistakes Expert Witnesses Make: And How to Avoid Them*, *Depositions: The Comprehensive Guide for Expert Witnesses*, *The A-Z Guide to Expert Witnessing*, *Cross-Examination: The Comprehensive Guide for Experts*, *National Guide to Expert Witness Fees and Billing*

*Procedures, Writing and Defending Your IME Report*, *How to Excel During Depositions: Techniques for Experts That Work*, *Writing and Defending Your Expert Report: The Step-by-Step Guide with Models*, *How to Become a Dangerous Expert Witness: Advanced Techniques and Strategies*, and *How to Market Your Expert Witness Practice: Evidence-Based Best Practices*.

**Registration Information:** Tuition is \$1,195 and includes two days of unique and practical instruction, a detailed printed course manual not available anywhere else, and continental breakfast and lunch with faculty. To register, please use the form on page two or visit [www.seak.com](http://www.seak.com).

**Continuing Education Information:** There are no continuing education credits offered for this program.

### Here's what past attendees have to say!

"Great job! You kept it fun and held interest."

"Great speaker with dynamic personality. Very knowledgeable and amazing prep work. Well done!"

"I like that you tell it like it is."

"Jim is fantastic, very knowledgeable, stories related to course content. Great engaging with participants."

"Loved how he included us."

"Thank you for keeping things interesting."

"Very good."

"Very helpful seminar, we will make some major changes."

# How to Assist An Expert Witness Practice: The Support Staff Program

Sea Crest Beach Hotel, Falmouth, Cape Cod, Massachusetts

DAY ONE: Tuesday, August 21, 2012

## 7:30–8:00 Continental Breakfast and Registration

### 8:00–9:15 Understanding the Expert Witness Process

No expert witness can be properly supported unless the expert witness's support staff is acutely aware of what experts do and the rules they must operate under. In this segment attendees will learn: the expert's role in an adversarial litigation, why the expert's credibility is a key issue in litigation and the many ways this can affect how an expert's support staff should do their jobs, how the discovery system works, including the limited protections available and how and why discoverability is a concern overriding almost everything an expert and his or her staff does. Stressed will be why 100% precision is critically important and how cases progress and why deadlines need to be adhered to.

### 9:15–10:30 How to Maintain and Bulletproof Your Expert's C.V.

A prime function of any support person should be the maintenance, proofing, formatting, and general care of their expert witness's curriculum vitae. This allows their expert to reduce non billable time. In this segment attendees will learn the common avoidable mistakes experts and their assistants make in maintaining CVs including typos, inaccuracies, out of date, puffery, poor formatting, self serving or subjective language, inclusion of superfluous information, incomplete information, and numerous other potential problems. Attendees will be taught how to improve their expert's CVs (which they will be asked to bring with them to the course). In addition, attendees will learn how to institute protocols and procedures to make sure their expert's CV is accurate and complete at all times. Finally, attendees will learn specific techniques they can implement to help build their expert's CV, for example by obtaining for the expert speaking engagements.

## 10:30–10:45 Break and Networking Opportunity

### 10:45–12:00 Best Practices in Inquiry Calls, New Case Intake, and Communicating with Counsel

Support staff members commonly assist in both inquiry calls and new case intake. In this segment attendees will learn best practices for handling inquiry counsel communications. Included will be what information to give, what information to take, and how to make the best impression on counsel. This segment will also explain how to properly take in a new case, including: the importance of a written retention agreement, what should be in an expert's written retention agreement and why, retainers, conflict checks, calendaring and a protocol for opening of a file. Also included will be how to prioritize calls and requests from counsel, how to properly draft cover correspondence and what should and should never be communicated in writing to counsel. Attendees will also learn the subtle art of gatekeeping in an arena where ready accessibility is a trait hugely desired by retaining counsel.

## 12:00–12:45 Lunch With Faculty (Provided)

### 12:45–2:00 How to Proof, Quality Control and Improve the Persuasiveness of Your Expert's Reports

An expert witness's report is the work product that support staff can most readily help to improve. In this section attendees will learn specific techniques for improving the quality and persuasiveness of their expert's reports. A large portion of this segment will be focused on teaching techniques to optimize the effectiveness of the attendee's quality control review of their expert's report including: how and when to proof the report, red flag terms and phrases to look out for, key information/sections that should normally be in an expert report, the RULE 26 requirements for reports prepared for federal court, and common and serious mistakes that computerized proofing functions do not catch. Attendees will be provided with a detailed checklist of problem areas to look out for. Attendees will also learn specific techniques of formatting, layout, and using the built in features of their word processing programs to improve the persuasiveness of their expert's reports.

### 2:00–3:00 Document Management: Best Practices

In this segment attendees will learn what types of documents not to create and what communications are best handled orally. Attendees will further learn what documents experts should retain, how long the documents should be retained, and how to properly close out a file so as to avoid the cost/necessity of storing the involved file. Special attention will be made to common issues such as field notes, draft reports, e-mails, lists of past testimony, past deposition transcripts, past reports, and underlining/highlighting on records. Also included will be a discussion of how to best prepare a file/documents for your expert's case review.

## 3:00–3:15 Break and Networking Opportunity

### 3:15–4:15 Assisting with Depositions

In this segment attendees will learn how to assist their experts with depositions. Covered will be where and when to schedule the deposition, how to make sure you get paid for the deposition, getting paid for preparation time, errata sheets, preparing documents for deposition, responding to subpoenas, and how to behave if the deposition is held in the expert's office. Stressed will be strategies and techniques to minimize an expert's non-billable time and collection difficulties as well as methods for helping the expert to excel during the deposition.

### 4:15–5:00 How You Can Help Improve Your Expert's Image & Reputation

The better the expert's image and reputation, the more attractive the expert witness will be to potential clients. In this segment attendees will learn concrete action steps they can implement to help improve the image and reputation of their expert. Attendees will learn specific techniques they can implement for improving their expert's image and reputation including email addresses, business cards, retention agreements, fee schedules, outgoing messages, business names, and not appearing too eager.

## How to Assist An Expert Witness Practice: The Support Staff Program

Sea Crest Beach Hotel, Falmouth, Cape Cod, Massachusetts

DAY TWO: Wednesday, August 22, 2012

### **6:30–7:00 Continental Breakfast**

### **7:00–8:30 How to Best Assist Your Expert to Market and Expand Their Practice**

Attendees will learn the unique challenges and risks associated with marketing an expert witness practice. The evidence-based proven methods to market an expert witness practice will be explained as well as how to evaluate the true value of a new client. Attendees will learn what specifically they can do to assist in identifying and promoting a lucrative niche, placing and maintaining their advertisements, setting up speaking engagements, obtaining publicity, setting up networking events, optimizing a web site, improving their expert's reputation, tracking referral sources and dealing with third party expert witness referral services. At the conclusion of this section attendees will be asked to create a list of marketing action steps they will implement upon their return from the seminar.

### **8:30–8:45 Break and Networking Opportunity**

### **8:45–9:45 How to Maintain and Bulletproof Your Expert's Web Sites, Web Listings, and Web Presence**

Expert witnesses are often subjected to needless credibility damage due to information that they place on the internet or that is placed on the internet by someone else. Attendees will learn how to avoid the common and avoidable mistakes involving expert web pages including failure to update, puffery, claiming to be an expert in too many areas, keeping score, listing past cases and marketing gimmicks that are inappropriate for expert witnesses. Attendees will learn how and why "less is often more" when it comes to an expert's web site. Attendees will also learn what they can do to assist in policing their expert's web presence including dealing with negative reviews of the expert and locating and alerting the expert to potentially damaging information about the expert in cyberspace. Included will be interactive group exercises involving locating damaging information and bulletproofing expert witness web sites.

### **9:45–10:45 How to Make Sure Your Expert Gets Paid Top Dollar, In Full and On Time**

Support staff are often in charge of an expert's billings and collections. Attendees will learn how to best draft bills so as to avoid unnecessary and potentially damaging cross-examination, numerous contractual and procedural mechanisms for helping to assure their expert gets paid, how to track an expert's time, what out-of-pockets to bill for and how, when and when to charge cancellation fees, and when to let counsel off the hook. Attendees will also learn how to properly set their expert's rate(s) and retainer amount and how to brief their expert regarding fees and billings prior to testimony being given.

### **10:45–11:00 Break and Networking Opportunity**

### **11:00–12:00 What Should be Included in Your Expert's Retention Agreement**

Attendees will learn why every expert should utilize a written retention agreement. Faculty will explain several areas that should be covered in an expert witness retention agreement and describe how and why these terms will protect the expert.

### **12:00–12:45 Lunch With Faculty (Provided)**

### **12:45–1:15 Ethics and Risk Management**

Attendees will learn the legal and ethical risks experts most commonly face. More importantly, attendees will learn specific action steps they can take to help protect their experts from liability and risk.

### **1:15–1:45 How and When Support Staff Can Bill For Their Own Time**

Attendees will learn how, when, and why support staff can bill for their own time on a case, thus adding to their value and further reducing the practice's non-billable time.

### **1:45–2:15 The Biggest Mistakes Expert Witness Support Staff Make: And How to Avoid Them**

The faculty will review, in a bullet proof fashion, the biggest mistakes support staff make in assisting their expert witnesses. Attendees will learn how to avoid each of these mistakes. The list of mistakes will serve as a review of the concepts learned in the course and as a basis for action steps for the attendee to implement when they return to their practices.

### **2:15–2:30 Conclusion and Takeaways**

Concluding remarks will be preceded by an attendee and faculty generated numbered list of action steps and takeaways from the covered material that attendees will be taking back to their practices. Attendees will be encouraged to draft an action memo to their experts for how the expert's practice can be made more effective and profitable.



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Jim Mangraviti, Esq. and Steve Babitsky, Esq. make themselves available to experts to help prepare for key testimony. We have found, unfortunately, that all too often retaining counsel may not be willing to spend the time necessary to prepare their expert to testify. We have assisted expert witnesses who; Have encountered difficulty with their report and are worried about ruining their professional reputation. Are facing a very aggressive opposing counsel. Do not have extensive experience testifying. Are serving on a complex/high stakes case. Are dealing with a retaining counsel who refuses to properly prepare them. Are concerned about getting excluded under Daubert and having this end their careers. For more information please contact Jim Mangraviti ([jim@seak.com](mailto:jim@seak.com) or 978-276-1234).

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