



22nd Annual National Expert Witness Conference

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

Preconference Workshops:

- How to Write a Bullet-Proof Expert Report
- How to Excel at Your Expert Witness Deposition
- How to Start, Build and Run a Successful Expert Witness Practice

Registration Information

Executive Summary: SEAK, Inc. is pleased to present its 22nd Annual National Expert Witness Conference. Experts from all disciplines and with all levels of experience will benefit from multi-disciplinary advanced techniques. Nationally recognized presenters 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 intensive breakout sessions.

Early Registration Bonus: All persons registering prior to January 31, 2013 will receive a complimentary copy of the best-selling 52-minute DVD *The Expert Deposition: How To Be An Effective and Ethical Witness* (a \$104 value).

To Register: Please use the form below. Note: A 20% discount is available for two or more persons registering together prior to March 1, 2013.

Continuing Education Credits: Continuing education credits are offered for the programs. Please see pages 3, 10, 14, 18 for more information.

Conference Cancellations: Conference cancellations received in writing before April 15, 2013 will receive a full refund. Persons canceling after April 15, 2013 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
 CALL: 508.457.1111 or REGISTER ONLINE: www.seak.com

Please register me for the following preconference:

- How to Write a Bulletproof Expert Witness Report**
(\$1295) April 25-26, 2013
- How to Excel at Your Expert Witness Deposition**
(\$1295) April 25-26, 2013
- How to Start, Build and Run a Successful Expert Witness Practice**
(\$1295) April 25-26, 2013

Please register me for the Main Conference:

- National Expert Witness Conference**
(\$1295) April 27-28, 2013

Please print or type all items to assure accuracy.

All confirmations will be sent via email to the individual indicated. **Priority Code: April2013**

<input type="checkbox"/> Check here if you require special accommodations to fully participate.		
First Name (as it will appear on name badge):		
Last Name:		
Title:		
Company/Organization:		
Specialty/Area of Expertise (to be included on your nametag for networking purposes):		
Mailing Address:		
City:	State:	Zip:
Phone:	Fax:	
E-Mail: (Please print neatly - confirmations and other information will be sent via e-mail)		
<input type="checkbox"/> I've enclosed a check payable to: SEAK, Inc., P.O. Box 729 Falmouth, MA 02541		
OR I'm Paying by Credit Card (please circle card type) MC / Visa / Amex / Discover		
Card Number:	Exp. Date:	
Name as it appears on the card:	Security Code:	
Signature:		

Location/Hotel Accommodations

The 2013 SEAK Expert Witness Conference will be held at the Crowne Plaza Chicago O'Hare Hotel & Conference Center in the village of Rosemont, IL. This full service "fly in fly out" property is easily accessible to Chicago's O'Hare airport and provides complimentary 24 hour shuttle service to and from O'Hare Airport. SEAK has secured a special group rate of \$132/night. Rooms are limited and this rate expires on April 8, 2013. To make your reservations, please call 877-337-5793 and refer to the SEAK Group rate.

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).** 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 will apply for credits through ACTAR upon written request at the time of registration. **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 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. This course was created in October 2012. **Appraisers:** Credits from The American Society of Appraisers will be applied for on written request at the time of registration. **Arborists:** SEAK will apply for Continuing Education hours through The International Society of Arboriculture (ISA) on written request at time of registration. **Attorneys:** Credit varies by state. Continuing legal education credits for attorneys will be applied for if requested in writing at the time of registration. **Engineers:** 14 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 will apply for credits through The Commission on Health Care Certification (CHCC) upon written request at the time of registration. **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 *AMA PRA Category 1 Credit(s)*[™]. Physicians should claim only the credit commensurate with the extent of their participation in the activity. **Psychologists:** 11 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

For questions or more information call 508.457.1111 or email mail@seak.com. NOTE: SEAK does not accept commercial support for its programs and does not use faculty members with conflicts of interest.

"Entertaining as well as informative"

"Excellent - beyond my expectations"

"Excellent, concise, fast moving"

"Outstanding - exceeded my expectations"

"Informative, encouraging, entertaining"

"Thanks for all your great educational material and conferences. It has paid for my kids to go to college."

"Thank you for all of your help in making my Forensic practice successful. I am very busy and there is no question that SEAK has made that possible."

"Just wanted to express my deep gratitude to you and SEAK for teaching me about the expert witness business. It has really changed my life in so many ways!"

"The largest benefit to attending the SEAK conference was that thanks to Jim, I doubled my fees."

"I absolutely loved it and wish I had found SEAK 20 years ago."

"I am one of your exceedingly happy customers. I have most of your books, the expert agreement, have been to Cape Cod. Because of you and your group I have a thriving practice."

Preconferences: April 25 & 26, 2013

How to Write a Bulletproof Expert Witness Report, April 25-26, 2013

How to Excel at Your Expert Witness Deposition, April 25-26, 2013

How to Start, Build and Run a Successful Expert Witness Practice, April 25-26, 2013

MAIN CONFERENCE

Saturday, April 27, 2013

Sunday, April 28, 2013

7:00am–8:00am REGISTRATION & CONTINENTAL BREAKFAST
 8:00am–9:00am **A View From The Bench**
 **The Honorable Peter M. Lauriat**
Massachusetts Superior Court
 (Boston, MA)
 9:00am–10:00am **How to Write a Bullet-Proof Expert Report**
 **Jeff Balcombe, CPA/ABV/CFP,CFE,ASA**
The BVA Group LLC
 (Plano, TX)
 10:00am–10:15am **BREAK AND NETWORKING OPPORTUNITY**
 10:15am–11:15am **Effective Presentation of Expert Witness Testimony**
 **Ken Broda-Bahm, Ph.D.**
Persuasion Strategies
 (Denver, CO)
 11:15am–12:15pm **The Expert Witness Deposition: The Deposing Attorney's Goals, Strategy and Tactics**
 **James W. Mizgala, Esq.**
Sidley Austin LLP
 (Chicago, IL)
 12:15pm–1:30pm **LUNCH (PROVIDED WITH FACULTY)**
 1:30pm–2:20pm **Breakout Session: Choose One**
How to Use Technology in the Courtroom to Support Your Expert Opinion
 **Timothy S. Tomasik, Esq.**
Clifford Law Offices, P.C.
 (Chicago, IL)
 OR
How to Exceed The Expectations of Retaining Counsel
 **Fred Allen Smith, III, Esq.**
Sedgwick LLP
 (Chicago, IL)
 2:20pm–2:30pm **BREAK AND NETWORKING OPPORTUNITY**
 2:30pm–3:20pm **BREAKOUT SESSION: CHOOSE ONE**
How to Deal With Intrusive Discovery Requests Directed Toward You the Expert Witness
 **James H. Rotondo, Esq.**
Day Pitney LLP
 (Hartford, CT)
 OR
How to Form Defensible Opinions
 **Carol Beebe Walser, PhD**
 (San Francisco, CA)
 3:20pm–3:30pm **BREAK AND NETWORKING OPPORTUNITY**
 3:30pm–4:30pm **Breakout Session: Choose One**
Discoverability of Lawyer-Expert Communications in Federal and State Courts
 **Angela C. Zambrano, Esq.**
Weil, Gotshal & Manges LLP
 (Dallas, TX)
 OR
How to Market and Grow Your Expert Witness Practice
 **John H. Fullerton, MD, MRO, CMD, CFR, FACF, AGSF, FAAHPM**
Hampton Health, Ltd.
 (San Francisco, CA)
 4:45pm–6:00pm **RECEPTION**

7:00am–8:00am **CONTINENTAL BREAKFAST**
 8:00am–9:00am **How to Prepare So Well For Your Expert Witness Deposition That You Amaze Retaining Counsel**
 **Steven Babitsky, Esq.**
SEAK, Inc.
 (Falmouth, MA)
 9:00am–10:00am **How to Defend Yourself from Abuse By Retaining and Opposing Counsel**
 **Steven S. Simring, MD, MPH**
Columbia University
 (New York, NY)
 10:00am–10:15am **BREAK AND NETWORKING OPPORTUNITY**
 10:15am–11:15am **Surviving Cross-Examination: How Not to be Embarrassed**
 **Quentin Brogdon Esq.**
Law Offices of Frank Branson
 (Dallas, TX)
 11:15am–12:15pm **How to Prevent Your Expert Testimony from Being Limited or Excluded**
 **Lawrence G. Cetrulo, Esq.**
Cetrulo & Capone LLP
 (Boston, MA)
 12:15pm–1:30pm **LUNCH (PROVIDED WITH FACULTY)**
 1:30pm–2:20pm **Breakout Session: Choose One**
Courtroom Communication Techniques for Expert Witnesses
 **Theresa Zagnoli**
Zagnoli McEvoy Foley LLC
 (Chicago, IL)
 OR
How to Deal With an Aggressive Attorney at Deposition and Trial
 **Rudy Robinson III, MAI**
Austin Valuation Consultants, Ltd.
 (Austin, TX)
 2:20pm–2:30pm **BREAK AND NETWORKING OPPORTUNITY**
 2:30pm–3:20pm **Breakout Session: Choose One**
How to Build Positive Word of Mouth With Attorneys
 **Tammy B. Georgelas, Esq.**
Snow, Christensen & Martineau
 (Salt Lake City, UT)
 OR
How to Excel in Complex Cases Involving a Large Number of Documents and Multiple Experts
 **Steven Herscovici, PhD**
The Brattle Group
 (Cambridge, MA)
 3:20pm–3:30pm **BREAK AND NETWORKING OPPORTUNITY**
 3:30pm–4:30pm **Breakout Session: Choose One**
Traps for the Unwary: Career Ending Mistakes and How to Avoid Them
 **James J. Mangraviti, Jr., Esq.**
SEAK, Inc.
 (Falmouth, MA)
 OR
Niche Expertise: The Advantages and How to Develop
 **John S. Morse, PE**
 (Westville, OK)

Conference Program: Saturday, April 27, 2013

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

8:00am – 9:00am **A View From The Bench**
The Honorable Peter M. Lauriat



Judge Lauriat will provide practical advice on how expert witnesses can excel during both direct and cross examination. In addition, Judge Lauriat will provide insights into how expert witnesses are perceived by jurors, how experts can be more persuasive, and how experts can avoid turning jurors off. **Questions & Answers** *Learning Objective: Describe techniques for being more effective when testifying at trial.*

Hon. Peter M. Lauriat has been an Associate Justice of the Massachusetts Superior Court since 1989. Prior to his appointment to the bench, he practiced law in Boston for 17 years, specializing in civil and criminal litigation. Judge Lauriat is a 1971 graduate of the University of Chicago Law School. He received his bachelor's degree with Honors in Economics from Middlebury College in 1968. Judge Lauriat has extensive teaching experience, including The National Judicial College, The Flaschner Judicial Institute, The Massachusetts State Judicial Institute, and Harvard Law School. He has written and lectured nationally on litigation and jury trial issues and techniques. Judge Lauriat's publications include *Massachusetts Expert Witnesses*, *the Massachusetts Jury Trial Benchbook - Second Edition*, *Jury Trial Innovations in Massachusetts*, *the Massachusetts Deposition Practice Manual* and *Judicial Perspective on the Presentation of Medical Evidence*. He is also a co-author of the *Massachusetts Practice Series Volume 49: Discovery*, and has been a member of the Board of Editors of the *Boston Bar Journal*. From 1999 until 2007, Judge Lauriat was Acting Chair and a member of the Massachusetts Supreme Judicial Court's Jury Management Advisory Committee. He is currently a Trustee of the Franklin N. Flaschner Judicial Institute. Judge Lauriat is the recipient of the Award of Judicial Excellence, Frank J. Murray Inn of Court.

9:00am – 10:00am **How to Write a Bullet-Proof Expert Report**
Jeff Balcombe, CPA/ABV/CFF/CFA,ASA



Mr. Balcombe will provide practical tips and suggestions for drafting your expert report. He will explain the lessons he has learned and continues to learn regarding drafting expert reports including quality controlling, sourcing, the dangers of boilerplate language, how to deal with pressure from retaining counsel, language to avoid, and the optimum use of graphics and visual aids. **Questions & Answers** *Learning Objective: Describe techniques for drafting more effective expert witness reports.*

Jeff Balcombe, CPA/ABV/CFF/CFA,ASA is President, Chief Executive Officer, and Equity Holder of The BVA Group LLC ("BVA"). With 20 years of professional services experience, Mr. Balcombe has broad industry knowledge and has testified in depositions and at trials/hearings on issues related to economic damages and lost profits analyses, patent and copyright infringement, misappropriation of trade secret violations, purchase price disputes, wrongful contract termination, shareholder disputes, financial fraud allegations, securities class actions and valuation issues, including solvency and reasonably equivalent value analyses. Mr. Balcombe has presented CLE programs and is a published author. In addition to being a Certified Public Accountant who holds the designation of Accredited in Business Valuation and Certified in Financial Forensics issued by the American Institute of Certified Public Accountants, Mr. Balcombe holds the Chartered Financial Analyst designation and is an Accredited Senior Appraiser in Business Valuation through the American Society of Appraisers. Mr. Balcombe received a Master in Professional Accounting and Bachelor of Business Administration from the University of Texas at Austin, where he graduated with honors. He is an active member of the American Institute of Certified Public Accountants (Forensic and Valuation Services Section), CFA Institute, Texas Society of CPAs, American Society of Appraisers, and the American Bankruptcy Institute.

10:00am – 10:15am **BREAK AND NETWORKING OPPORTUNITY**

10:15am – 11:15am **Effective Presentation of Expert Witness Testimony**
Ken Broda-Bahm, Ph.D.



Dr. Broda-Bahm will provide practical advice for presenting more effective expert witness testimony. He will provide suggestions regarding the use of language, visual aids, testifying more persuasively, avoiding large internal errors, dealing with problem areas, understanding how jurors think, and making the complex understandable. **Questions and Answers** *Learning Objective: List techniques to deliver more effective expert witness testimony.*

Ken Broda-Bahm, Ph.D. has been an active litigation consultant for the past 15 years and is a past-President of the American Society of Trial Consultants. He is currently a Senior Litigation Consultant with Persuasion Strategies. With a doctorate in speech communication emphasizing the areas of rhetoric and legal communication, he has provided research and advice on a variety of plaintiff and defense cases relating to personal injury, malpractice, natural resources, contracts, employment, criminal and product liability, and capital defense. He is experienced in assisting jury selection, preparing witnesses, designing and evaluating mock trial and focus group research as well as in evaluating the results of venire surveys and conducting post-trial juror interviews. As a former Associate Professor of Communication Studies at Towson University in Maryland, Dr. Broda-Bahm has extensive experience teaching courses including legal communication, communication research, public speaking, persuasion, argumentation, and advocacy. Having authored two books on public argument, he brings experience and perspective to the task of improving communication effectiveness in both simple and complex cases. Dr. Broda-Bahm has designed and led seminars on communication, argument, and persuasive strategy across the United States as well as in 18 other countries.

11:15am – 12:15pm **The Expert Witness Deposition:
 The Deposing Attorney's Goals, Strategy and Tactics**
James W. Mizgala, Esq.



In order to excel during deposition, it is important to understand how the deposing attorney is likely to view the deposition, the goals of opposing counsel, and the tactics used to achieve these goals. Attorney Mizgala will provide insights into opposing counsel's mindset regarding a deposition and provide practical suggestions for both preventing and dealing with techniques such as locking down the expert, gaining concessions, setting up the expert for a *Daubert/Frye* challenge, getting the expert to contradict other experts, learned treatises and setting the expert up for exclusion through Rule 702. **Questions & Answers** *Learning Objective: Describe the likely strategies and goals of opposing counsel at deposition.*

James W. Mizgala, Esq. is a partner in Sidley Austin, LLP an international law firm with over 1700 lawyers in 18 offices. He has been defending pharmaceutical products liability, toxic tort and mass tort cases for nearly 20 years. Attorney Mizgala has first-chair trial experience, including a recent defense verdict in a case where plaintiff claimed that her son's birth defects were caused by an occupational exposure to chemicals, and experience in all phases of pretrial litigation on both the national and local level. Capitalizing on his graduate-level training as a neurobiologist and on working in research labs for more than five years, Attorney Mizgala has

CONTINUED

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been extensively involved in identifying, interviewing, retaining, deposing and presenting experts for trial and during class certification proceedings, and in drafting and successfully arguing *Daubert/Frye* motions. He has deposed scores of expert witnesses in various disciplines. He has also coordinated the depositions of plaintiffs' experts across an MDL; has provided training to teams of attorneys in expert deposition strategy; and has participated on expert committees. Attorney Mizgala received his BA from Cornell, his MAS from Johns Hopkins, and his JD from the University of North Carolina School of Law.

12:15pm – 1:30pm

LUNCH (PROVIDED WITH FACULTY)

1:30pm – 2:20pm

Breakout Session: Choose One
How to Use Technology in the Courtroom to Support Your Expert Opinion

Timothy S. Tomasik, Esq.



When properly conceived and designed, visual and technical aids can be the tipping point in any testimony and result in markedly increased jury attention, understanding, and retention. Indeed, research confirms that jurors retain far more of what they see and hear than what they just hear. Attorney Tomasik will provide examples of the types of visual aids and animations that can be employed and provide practical advice on how to work with retaining counsel and consultants to create powerful and persuasive visual aids. **Questions & Answers** *Learning Objective: Describe techniques for creating powerful and persuasive visual aids.*

Timothy S. Tomasik, Esq. is a partner of the Clifford Law Offices where he represented plaintiffs in complex and high-profile cases such as premises liability, aviation litigation, and medical malpractice. His cases include a scaffolding case that settled for \$75.2 million and property damage from the 9/11 attacks that settled for \$1.2 billion. Attorney Tomasik has been named both a Super Lawyer and one of 40 Lawyers Under 40 to Watch. Attorney Tomasik is on the faculty of the University of Virginia's Institute of Trial Advocacy. Prior to joining Clifford Law Offices, he served as a prosecutor for eight years.

OR

How to Exceed The Expectations of Retaining Counsel

Fred Allen Smith, III, Esq.



By far, the #1 way that expert witnesses are chosen is through word of mouth based upon their reputation in the legal community. Attorney Smith will provide practical suggestions for how every expert witness can improve their reputation and expand their business by making a positive impression on retaining counsel in the case at hand. Discussed will be tips and advice regarding accessibility, communications, providing suggestions and ideas, flexibility on scheduling changes, fees and billing, testifying, and report writing. **Questions & Answers** *Learning Objective: List ways to exceed the expectations of retaining counsel.*

Fred Allen Smith, III, Esq. is a partner at the Chicago office of Sedgwick LLP, an international litigation and business law firm that provides counseling, risk management, litigation management, trial, appellate and transactional legal services to sophisticated corporate clients. He represents healthcare entities, corporations, partnerships and professionals in a wide variety of matters such as healthcare disputes, medical device claims, medical negligence, professional liability, class actions and products liability. Mr. Smith also counsels various clients on insurance coverage disputes, including contract interpretation issues, environmental losses, reinsurance, professional liability and bad faith law. Mr. Smith is a member of the American Bar Association, the Illinois Bar Association, the Chicago Bar Association, the Illinois Appellate Lawyers Association, the Defense Research Institute, the Illinois Association of Defense Trial Counsel and the Illinois Association of Healthcare Attorneys. He has served as vice chair of the American Bar Association Health Law Section's Managed Care & Insurance Interest Group. Mr. Smith received his B.A. (1972) from the University of Illinois. He received his J. D. (1982) from the Illinois Institute of Technology, Chicago-Kent College of Law. After graduating from law school, Mr. Smith served as a law clerk for Justice Thomas J. Moran of the Illinois Supreme Court.

2:20pm – 2:30pm

BREAK AND NETWORKING OPPORTUNITY

2:30pm – 3:20pm

Breakout Session: Choose One
How to Deal With Intrusive Discovery Requests Directed Toward You the Expert Witness

James H. Rotondo, Esq.



Intrusive discovery requests are an all too common feature of today's civil litigation. Attorney Rotondo will give an overview of the rules governing (and limiting) discovery from expert witnesses and provide examples of relevant court decisions. He will provide practical advice for experts on how to deal with potentially intrusive requests such as information from past cases, tax returns, financial information/1099s, notes, voluminous record requests, draft reports, and emails/electronic discovery. **Questions & Answers** *Learning Objective: Describe techniques for dealing with intrusive discovery requests.*

James H. Rotondo, Esq. is a partner in Day Pitney, LLP a law firm with over 300 attorneys in nine cities throughout the Northeast and a 100+ year history of exceptional service to its clients. Attorney Rotondo represents a broad range of corporate clients in product liability, negligence, insurance coverage, and commercial litigation matters. Attorney Rotondo has tried cases to verdict in state and federal courts in Connecticut and Massachusetts. He has written many articles on a wide range of legal issues and also serves as co-chair of the firm's Commercial Litigation department. Attorney Rotondo has been recognized as a Connecticut Super Lawyer 2007-2012.

OR

How to Form Defensible Opinions

Carol Beebe Walser, PhD



The more defensible the expert's opinion the more valuable the expert will be to retaining counsel and the more resistant the expert will be to cross-examination. Dr. Walser will provide practical tips and suggestions for forming more defensible opinions and will discuss record acquisition and review, data gathering and analysis, dealing with weaknesses, refuting opposing expert's opinion, dealing with standards/objective criteria, thoroughness, precision, and supporting your opinions with defensible rationales. **Questions & Answers** *Learning Objective: List techniques for forming more defensible opinions.*

Carol Beebe Walser, PhD practices clinical psychology, forensic psychology and neuropsychology. She has had an active expert witness practice for the past twenty plus years, has conducted in excess of 3,000 evaluations and has testified as an expert witness more than one hundred times. She was Chief Psychologist/Neuropsychologist at Davies Medical Center (now called California Pacific Medical Center-Davies Campus) in San Francisco for 11 years. Dr. Walser is also a past-President of the San Francisco Psychological Association and a past-Board Member of the California Psychological Association.

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3:20pm – 3:30pm

BREAK AND NETWORKING OPPORTUNITY

3:30pm – 4:30pm

Breakout Session: Choose One
Discoverability of Lawyer-Expert Communications in Federal and State Courts

Angela C. Zambrano, Esq.



Attorney Zambrano will provide an overview of the discoverability of lawyer-expert communications (including draft reports) explain the new 2010 amendments to the Federal Rules of Evidence (including exceptions and gray areas) and provide examples of how state rules can differ from the Federal Rules. She will provide practical advice to experts to help them communicate with retaining counsel about the applicable rules in the jurisdiction at hand, do a first class job without creating avoidable headaches for themselves or retaining counsel, and deal with potential issues that might arise such as when draft reports are not discoverable and retaining counsel assists with editing the expert's report. **Questions & Answers** *Learning Objective: List techniques for proper communication with retaining counsel.*

Angela C. Zambrano, Esq. is a partner in the Dallas Office of Weil, Gotshal & Manges – an international law firm with over 1,200 lawyers. She specializes in representing companies and boards of directors in business litigation and internal investigations, including class actions and multi-jurisdictional disputes. She has handled dozens of cases involving allegations of fraud, breach of contract, bad faith, breach of fiduciary duty, employment claims, and business torts for companies in a wide variety of industries, including insurers, manufacturers and energy, data storage, entertainment, and agricultural companies. Ms. Zambrano has tried cases before numerous federal and state courts. She regularly speaks on litigation topics, including expert witnesses, privilege, drafting contracts, indemnification, class action issues, and case management.

OR

How to Market and Grow Your Expert Witness Practice

John H. Fullerton, MD, MRO, CMD, CFP, FACP, AGSF, FAAHPM



Dr. Fullerton will provide practical advice and suggestions for marketing and growing an expert witness practice. He will discuss brokers, advertising (including how to best present yourself) and the importance of tracking referrals. Dr. Fullerton will stress how to obtain repeat and word of mouth business through following a well thought out protocol, staying organized, being responsive, and delivering a solid work product. Dr. Fullerton will also provide suggestions for excelling during the initial phone call from retaining counsel. **Questions and Answers** *Learning Objective: List techniques to market and grow your expert witness practice.*

John H. Fullerton, MD, MRO, CMD, CFP, FACP, AGSF, FAAHPM has been a full-time primary care practitioner and clinician educator for more than 26 years with active medical licenses in CA and FL. He is board certified in Internal Medicine, Geriatrics, Addiction Medicine, Hospice & Palliative Medicine, with added certificates in Long-Term Care, Hospice Medical Directorships and Home Care. Dr. Fullerton also has a License/Certificate in Medical Toxicology (as a Certified Medical Review Officer-MROCC). He is on the clinical faculty at Yale, Stanford, USC and UCSF Medical Schools and serves as the Director of Education at St. Mary's Medical Center (SF) in Geriatrics and Palliative Care. As a Medical Expert, Dr. Fullerton has testified in over 200 cases and reviewed more than 750 cases over the last ten years.

4:45pm – 6:00pm

RECEPTION

Conference Program: Sunday, April 28, 2013

8:00am – 9:00am

How to Prepare So Well For Your Expert Witness Deposition That You Amaze Retaining Counsel

Steven Babitsky, Esq.



Performance at deposition is far more a function of preparation than inspiration. Nail your deposition and the positive word of mouth an expert receives can often be priceless. In this presentation, Attorney Babitsky will provide a step-by-step, proven methodology for how to best prepare for your expert witness deposition. **Questions and Answers** *Learning Objective: Explain how to most effectively prepare for your expert witness deposition.*

Steven Babitsky, Esq. is the President of SEAK, Inc. – The Expert Witness Training Company (www.testifyingtraining.com). Mr. Babitsky trains hundreds of experts each year and serves as a one-on-one consultant to expert witnesses. He has helped expert witnesses and their attorneys prepare for deposition in a broad range of cases, including antitrust, patent, medical malpractice, wrongful death, computer forensics, and many others. He has been brought in to train experts from the Federal Bureau of Investigation and The Federal Aviation Administration and worked with numerous forensic and financial companies including Fortune 500 companies. Mr. Babitsky is the co-author of the texts *How to Prepare Your Expert Witness for Deposition* as well as *Depositions: The Comprehensive Guide for Expert Witnesses*. Attorney Babitsky is the co-developer and trainer for the "How to Be an Effective Expert Witness" seminar, and the seminar leader (since 1990) for SEAK's Annual National Expert Witness Conference. He was a personal injury trial attorney for twenty years and is the former managing partner of the firm Kistin, Babitsky, Latimer & Beitman.

9:00am – 10:00am

How to Defend Yourself from Abuse By Retaining and Opposing Counsel

Steven S. Simring, MD, MPH



Dr. Simring will provide practical strategies and advice for dealing with numerous areas of abuse commonly faced by expert witnesses including: being provided with incomplete documentation, purposefully conflicting the expert out of the case, being designated without permission, non or late payment of fees, improper pressure to amend reports or opinions, changing of reports without the expert's consent, last minute schedule changes, and abusive conduct/questioning. **QUESTIONS & ANSWERS** *Learning Objective: Explain techniques for defending yourself from abuse.*

Steven S. Simring, MD, MPH was vice chair for education at UMDNJ-New Jersey Medical School and director of the Columbia/Cornell residency program in psychiatry and law. Dr. Simring is an experienced clinical psychiatrist with special experience in addiction. He is board

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certified in adult psychiatry with sub-specialty certification in forensic psychiatry. He has testified in over 250 civil and criminal trials. In addition to his faculty position at Columbia, Dr. Simring is on the faculty of the LEAP Institute (building relationships in therapy and the Neuroscience Education Institute (as a psychopharmacology reviewer). He is a consultant for NBC and MTV Networks. Dr. Simring has been a frequent guest on Montel Williams, Oprah, Regis and Kelly Live, Court TV (TruTV) and CNBC. He has authored six books and many scientific articles.

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

10:15am - 11:15am Surviving Cross-Examination: How Not to be Embarrassed Quentin Brogdon, Esq.



Mr. Brogdon will discuss the necessity for setting realistic parameters about the scope of expert assignments and the homework that experts need to do in advance of their testimony. He will present common pitfalls to avoid and offer practical suggestions for clearing the *Daubert* hurdles. Mr. Brogdon will discuss interactions with retaining counsel and how to anticipate and proactively deal with potential case weaknesses before undergoing a cross-examination.

Quentin Brogdon, Esq. is a certified personal injury and civil trial advocacy lawyer with the law offices of Frank L. Branson in Dallas, TX. He has lectured and written extensively on cross-examination and trial advocacy. He has authored "Overcome Fear Factor in Adverse Expert Cross-Examination" and "Seven Deadly Myths of Cross-Examination," among other articles on trial advocacy. Mr. Brogdon is a member of the Executive Committee of the Dallas Chapter of the American Board of Trial Advocates, and he is a former president of the Dallas Trial Lawyers Association.

11:15am - 12:15pm How to Prevent Your Expert Testimony from Being Limited or Excluded Lawrence G. Cetrulo, Esq.



Having your expert witness testimony limited or excluded can become a career ending event. Attorney Cetrulo will provide an overview of the tools attorneys use to try to limit or exclude opposing expert testimony including *Daubert*, *Frye*, and Rule 702. Attorney Cetrulo will provide practical suggestions and advice on the steps experts can and should take to avoid having their testimony limited or excluded including how to form more defensible opinions and how to best prepare for and perform during *Daubert* hearings. **Questions & Answers** *Learning Objective: List techniques to avoid having your expert testimony limited or excluded.*

Lawrence G. Cetrulo, Esq. is a founding partner of Cetrulo & Capone LLP and Chair of the firm's Toxic Tort Practice Group. Larry has more than 35 years of experience in toxic tort litigation, environmental litigation, auto design defect litigation, products liability, professional malpractice litigation, general liability, insurance coverage, and business litigation. He serves as coordinating counsel for all toxic tort and product liability litigations for several of America's largest corporations. Attorney Cetrulo's trial experience includes over 150 trials and dozens of arguments before various State and Federal Appellate Courts. Lawrence G. Cetrulo is the author of numerous articles and the preeminent treatise on toxic tort litigation, the four-volume "Toxic Torts Litigation Guide," published by Thomson West. Attorney Cetrulo received his BA from Harvard College, an Ed.M. from the Harvard University Graduate School of Education, and his JD from Northeastern.

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

1:30pm - 2:20pm Breakout Session: Choose One Courtroom Communication Techniques for Expert Witnesses Theresa Zagnoli



The most qualified expert in the world with rock solid opinions is useless unless he/she can successfully communicate and persuade jurors, the judge or the arbitrator. In this presentation Ms. Zagnoli will provide practice tips and advice for dramatically improving your courtroom communication and persuasion skills including, optimum choice of words, non-verbal communication, visual aids, themes, testimony structure, lists, previews, summaries, understanding your audience and how to properly prepare to testify. **Questions & Answers** *Learning Objective: List techniques for being a more effective communicator in the courtroom.*

Theresa Zagnoli, founding partner and CEO of Zagnoli McEvoy Foley LLC, is a leader in the field of communication consulting and has been providing practical trial consulting and communication solutions to attorneys and business leaders for over 27 years. Her singular understanding of the American juror and expertise in persuasive communication has made her one of the most sought-after trial consultants in the nation. Relying on her background in communication training and knowledge gleaned from case research, Theresa is especially skilled at preparing expert witnesses to testify. Her ability to understand the issues at the heart of a case and how communication during trial or deposition really works helps her formulate better questions and offer witnesses precise guidance on how to convey what jurors, judges or arbitrators need to know to make informed decisions. Theresa believes that by helping clients to improve what they say and how they say it, they will become more confident, more successful and more effective in all aspects of their lives. Theresa Zagnoli is a past President and Security Treasurer of the American Society of Trial Consultants (ASTC), a member of the Defense Research Institute (DRI) as well as a columnist ("Communication Conundrum") in the *Chicago Lawyer Magazine*.

OR

How to Deal With an Aggressive Attorney at Deposition and Trial Rudy Robinson III, MAI



Aggressive opposing counsel are a fact of life that experts needs to be prepared for. In this presentation Mr. Robinson will provide practical advice and suggestions for excelling at your expert witness deposition or cross examination including the following situations: sarcasm, physical invasiveness and intimidation, repetitive questioning, aggressive questioning, personal insults on yourself and your profession, and playing nice. **Questions & Answers**, *Learning Objective: Describe techniques to excel at an expert witness deposition.*

Rudy Robinson III, MAI has given hundreds of depositions as an expert witness. He has over forty years' experience in real estate and appraisal. Mr. Robinson became a real estate broker in the early 1970s, a Member of the Appraisal Institute in 1980, and he founded Austin Valuation Consultants in 1989. Mr. Robinson's background includes a broad range of appraisal and consulting assignments throughout the United States. Mr. Robinson specializes in expert witness testimony, and consulting on complex and challenging real estate problems. Prior projects include Superfund sites, landfills, hazardous waste incinerators, sites with subsurface contamination, tank farms, golf courses, ski resorts, historic landmarks, power-generating plants, municipal utility districts, mines, quarries, etc. He is the Immediate Past President of the Dallas, Texas Chapter of the Forensic Expert Witness Association (FEWA) as well as a past FEWA national board member. Mr. Robinson also has completed Basic Mediation Training through The University of Texas School of Law and has acted as both a mediator and arbitrator in numerous valuation disputes. Mr. Robinson has published in numerous publications including five past articles in the *Appraisal Journal*. Mr. Robinson has been qualified to testify as an expert witness in numerous jurisdictions (County Courts, State District Courts & Federal Courts) throughout the USA.

Conference Program: Sunday, April 28, 2013

2:20pm – 2:30pm

BREAK AND NETWORKING OPPORTUNITY

2:30pm – 3:20pm

Breakout Session: Choose One
How to Build Positive Word of Mouth With Attorneys
Tammy B. Georgelas, Esq.



By far, the most common way attorneys find expert witnesses is through word of mouth. In this presentation, Attorney Georgelas will provide practical tips and examples for how all experts witnesses can create positive word of mouth to help ensure future work through responsiveness, honesty, forethought, and other techniques. **Questions & Answers** *Learning Objective: Describe techniques for building more positive word of mouth.*

Tammy B. Georgelas, Esq. is a shareholder in the Salt Lake City Law Firm of Snow, Christensen & Martineau, which was founded in 1886. Ms. Georgelas' practice is concentrated in commercial litigation, real estate disputes, and bankruptcy and creditor's rights. From enforcing contracts to defending manufacturers, she has helped a broad range of clients navigate through the intricacies of civil litigation. She was recently part of a litigation team that obtained a \$54 Million jury verdict for Canyons Resort that involved claims for breach of contract and intentional interference with economic relations. Ms. Georgelas locates and selects expert witnesses in the vast majority of her cases.

OR

How to Excel in Complex Cases Involving a Large Number of Documents and Multiple Experts
Steven Herscovici, PhD



Complex litigation presents numerous challenges that are usually not present in simpler disputes. Dr. Herscovici will discuss many of these challenges including: coordinating multiple experts, dealing with multiple law firms, managing and reviewing large numbers of documents, managing a team that assists with your opinion, dealing with co-parties, locating and vetting additional needed experts, and project management. Dr. Herscovici will provide practical advice on how to excel in complex cases. **Questions & Answers** *Learning Objective: Identify commonly occurring issues in complex cases.*

Steven Herscovici, PhD is an economist specializing in the application of economics, finance, and data analysis to litigation and other complex business issues. He has served as an expert witness in antitrust, employment discrimination, and commercial damages litigation. He has also testified on the valuation of music copyrights on behalf of performing rights organizations, music publishers, and record companies. In addition, Dr. Herscovici has extensive experience managing large, high-profile economic consulting projects, many involving multiple expert witnesses. These cases often include coordinating experts with expertise in different disciplines, or retained by different law firms in the litigation. He has provided economic analyses and damages estimates in finance, environmental, and general business litigation matters across a wide range of industries, including payment cards, entertainment, financial services, travel, and utilities. He is a Principal of *The Brattle Group* in Cambridge, Massachusetts. Previously, Dr. Herscovici was a managing principal at Analysis Group. Dr. Herscovici received his PhD, MA, and BA in economics from the University of Chicago.

3:20pm – 3:30pm

BREAK AND NETWORKING OPPORTUNITY

3:30pm – 4:30pm

Breakout Session: Choose One
Traps for the Unwary: Career Ending Mistakes and How to Avoid Them
James J. Mangraviti, Jr., Esq.



The fewer mistakes and errors experts make, the longer and more profitable their career as an expert witness will be. Some mistakes are so serious as to be potentially career ending. Mr. Mangraviti will detail top potentially career ending mistakes experts commonly make and provide simple, practical and elegant suggestions to avoid each of these. **Questions & Answers** *Learning Objective: Identify potentially career ending traps for expert witnesses.*

James J. Mangraviti, Jr., Esq. has trained thousands of expert witnesses through seminars, conferences, corporate training, training for professional societies and one-on-one training/mentoring. He is also frequently called by experts, their employers, and retaining counsel to train and prepare individual expert witnesses for upcoming testimony. Mr. Mangraviti is a former litigator with experience in defense and plaintiff personal injury law and insurance law. He currently serves as Principal of the expert witness training company SEAK, Inc. (www.testifyingtraining.com). 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. He is the co-author of twenty-four books, including: *How to Prepare Your Expert Witness for Deposition*, *How to Become a Dangerous Expert Witness: Advanced Techniques and Strategies*; and *The A-Z Guide to Expert Witnessing*.

OR

Niche Expertise: The Advantages and How to Develop
John S. Morse, PE



Dr. Morse will explain how he has developed niche expertise in shopping carts and ladders/climbing equipment. Dr. Morse will explain the substantial advantages of operating in a niche and give practical advice for both identifying and successfully growing a niche expert witness practice. **Questions and Answers** *Learning Objective: Describe the advantages of a niche expert witness practice.*

John S. Morse, PE has performed hundreds of failure analyses and root cause studies of failed parts and personal injury accidents involving a wide variety of equipment and products, for attorneys, insurance adjusters and equipment owners. Dr. Morse has testified as an expert witness in personal injury accidents involving ladders and climbing equipment, shopping carts and many other products and pieces of equipment. Dr. Morse holds a BS in mechanical engineering from John Brown University and a PhD in mechanical engineering from Louisiana State University. He holds one patent, for a carbon monoxide detector, and has published extensively. He has published three papers on ladder safety, a paper on prevention through design and one magazine article on hazard evaluation. He has also published papers on why codes and standards fail and on engineering disasters. Dr. Morse is among a small number of ladder experts with publications on preventing ladder accidents. Dr. Morse has appeared on three nationally televised news magazines to discuss shopping cart safety and preventing shopping cart accidents.

How to Write a Bulletproof Expert Witness Report

Crowne Plaza Chicago O'Hare Hotel & Conference Center, Rosemont, Illinois

Thursday-Friday, April 25-26, 2013

Executive Summary: This limited attendance, interactive workshop teaches you how to draft superior reports.

Each attendee will be asked to submit in advance of the course a sample report for critique and use in the class demonstrations. Each attendee will be provided with a detailed 200+ page course handbook not available elsewhere. The course manual contains practical and specific bullet-point advice along with numerous examples of both poor and effective report language. You will leave the course with an extensive, customized set of action steps to follow to help you write more powerful, persuasive and defensible reports. The course is taught using six methodologies: lecture, questions and answers, well written report excerpts, report writing exercises, report critique exercises, and mock cross examination exercises. Continental breakfast and lunch with the faculty is provided each day.

Registration Information: Tuition is \$1,295 and includes two days of unique and practical instruction, a detailed 200+ page printed course manual not available anywhere else, and continental breakfast and lunch with faculty each day. To register, please use the form on page two or visit www.seak.com.

Early Registration Bonus: All persons registering prior to January 31, 2013 will receive a complimentary copy of the best-selling 52-minute DVD *The Expert Deposition: How To Be An Effective and Ethical Witness* (a \$104 value).

Cancellations: Conference cancellations received in writing prior to April 15, 2013 will receive a full refund.

Continuing Education Information: Note: If your specialty does not appear below and you desire credits, please contact Karen Cerbarano (781-826-4974 or 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 will apply for credits through ACTAR upon written request at the time of registration. **Accountants:** Earn 17.0 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 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. This course was created in March 2012. **Appraisers:** Credits from The American Society of Appraisers will be applied for on written request at the time of registration. **Arborists:** SEAK will apply for Continuing Education hours through The International Society of Arboriculture (ISA) on written request at time of registration. **Attorneys:** Credit varies by state. Continuing legal education credits for attorneys will be applied for if requested in writing at the time of registration. **Engineers:** 14 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 will apply for credits through The Commission on Health Care Certification (CHCC) upon written request at the time of registration. **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 14 AMA PRA Category 1 Credit(s)[™]. Physicians should claim only the credit commensurate with the extent of their participation in the activity. **Psychologists:** 14 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

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

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.

How to Write a Bulletproof Expert Witness Report

Crowne Plaza Chicago O'Hare Hotel & Conference Center, Rosemont, Illinois

DAY ONE: Thursday, April 25, 2013

7:30-8:00 REGISTRATION & CONTINENTAL BREAKFAST

8:00-8:30 Introduction

Attendees will introduce themselves to the group. Faculty will explain the reasons why a well drafted report is critically important as a roadmap to direct testimony, talking points on cross, to help you to prepare to testify, and to enhance your brand. Faculty will explain the six major methodologies that will be used to teach the program, namely: lecture, questions and answers, analysis of well written report excerpts, report writing exercises, report critique exercises, and mock cross examination exercises. *Learning Objective: Explain the benefits of a well-written expert witness report. Questions & Answers.*

8:30-9:15 How to Protect Your Report, Yourself, and Your Opinions from *Daubert*, Qualifications, and Other Admissibility Challenges.

An inferior investigation or straying outside of your true area of expertise can lead to an indefensible written report. A poorly written report can lead to being excluded from testifying. Such an exclusion is often a career ending event. In this section, the faculty will explain how opposing counsel can and will use Rule 702, Rule 703, and the *Daubert* line of cases to attempt to limit or exclude the expert's testimony. The legal basis for each of these challenges will be explained in easy to understand terms. Attendees will be provided with 16 methods and techniques to protect themselves from admissibility challenges. *Learning Objective: Describe techniques to protect yourself from having your testimony limited or excluded. Questions & Answers.*

9:15-10:15 How to Draft a Powerful, Persuasive, and Understandable Report

Every word in your expert report matters. In this segment the faculty will present twenty-two techniques for drafting a more powerful, persuasive and defensible expert witness report. Each of the techniques learned in this segment will be used in the segments that follow. *Questions & Answers.*

10:15-10:30 BREAK AND NETWORKING OPPORTUNITY

10:30-11:30 How to Draft a Powerful, Persuasive, and Understandable Report (Continued)

Attendees will be asked to complete a series of writing exercises in which they will improve the language of sample report segments which they will be presented with. *Learning Objective: List action steps to draft more powerful, persuasive and understandable expert reports. Questions & Answers.*

11:30-12:00 Report Templates and How to Format Your Expert Witness Report

Looks matter. A well laid out report will carry more weight than a report exhibiting poor formatting and style. In this section, faculty will discuss the importance of style, layout, and formatting and provide twenty-three easily implementable suggestions for making your expert witness report stand out. Samples from well formatted reports will be provided and studied. Attendees will be asked to critique and suggest formatting improvements to sample report segments. *Learning Objective: Describe methods for improving the style, layout, and formatting of your expert witness report. Questions & Answers.*

12:00-12:45 LUNCH PROVIDED WITH FACULTY

12:45-1:45 How to Document Your Assignment

Attendees will learn how to obtain a clear and unambiguous expert witness assignment from counsel (with the necessary documents) and why this will increase the likelihood of meeting and exceeding the expectations of counsel. Attendees will be provided with a checklist of eight questions to ask retaining counsel at the beginning of the engagement. Faculty will explain six best practices that can be used to document the scope of the assignment in your report. Attendees will be provided with sample assignment sections of reports, will be asked to critique assignment report sections, and will be asked to draft a concise assignment section. *Learning Objective: Describe techniques to utilize when obtaining and documenting your expert witness assignment. Questions & Answers.*

1:45-2:45 How to Document Your Qualifications

Attendees will learn sixteen best practices for persuasively and accurately describing how and why they are qualified to opine on the case at hand. Sample expert witness report segments regarding qualifications will be reviewed. Attendees will be asked to critique the qualifications sections from several sample reports as well as draft a concise qualifications section to a report. *Learning Objective: List methods for most effectively documenting your qualifications. Questions & Answers.*

2:45-3:00 BREAK AND NETWORKING OPPORTUNITY

3:00-4:15 How to Best Describe Your Document Review, Research & Investigation

Many problems in expert reports are not caused by the drafting of the report per se. Instead, these problems are a reflection of suboptimal document review, research & investigation. Put simply, if the work prior to the expert report is flawed, it will make drafting a solid report difficult. In this segment, attendees will learn proven techniques for forming solid opinions which can be easily documented into a persuasive and defensible expert witness report. In addition, attendees will be provided with sixteen techniques for how to best document their review of documents, research and investigation. Sample report segments will be reviewed. Attendees will be asked to critique sample report segments as well as to draft a concise documents reviewed and research/investigation sections. *Learning Objective: List techniques to better document your document review, research and opinions. Questions & Answers.*

How to Write a Bulletproof Expert Witness Report

Crowne Plaza Chicago O'Hare Hotel & Conference Center, Rosemont, Illinois

DAY ONE, CONTINUED: Thursday, April 25, 2013

4:15–5:00 How to Make Optimum Use of Charts, Graphs, Timelines, and Photographs in Your Expert Witness Report

A picture says a thousand words. In this segment the faculty will explain and demonstrate the advantages of adding charts, graphs, timelines and photographs to an expert witness report and provide eleven best practices suggestions for doing so. Sample reports segments with charts, graphs, timelines and photographs will be provided. Attendees will be asked to critique for possible improvement several report segments containing charts, graphs, timelines and photographs. *Learning Objective: Describe when and how charts, graphs, timelines and photographs should be used to improve an expert report. Questions & Answers.*

DAY TWO: Friday, April 26, 2013

6:30–7:00 CONTINENTAL BREAKFAST

7:00–7:45 How to Best Deal with Confounding Data and Studies and Alternate Explanations and Theories

Slam dunk opinions are few and far between. Almost every close case has facts, research or other items that undercuts the expert witness's opinions. Such information is ignored in a report at the expert witness's peril. In this segment, attendees will learn five techniques for how to properly document confounding information, alternative explanations and alternative theories in a way that puts this information into context. Sample report segments will be reviewed. Attendees will be asked to critique relevant report sections as well as to draft a concise report segment dealing with confounding data, studies, or alternative explanations and theories. *Learning Objective: List action steps to best document confounding data. Questions & Answers.*

7:45–9:15 Properly Expressing Your Opinion

An expert witness is retained primarily for the purpose of giving an opinion or opinions. Opinions need to be expressed in an expert witness report clearly, confidently, and with supporting rationale. In this segment attendees will learn fourteen techniques for more persuasively stating opinions in their reports. Sample report segments will be reviewed. Attendees will be asked to critique relevant report sections as well as to draft a concise report segment in which they clearly and persuasively express their opinion(s). *Learning Objective: Discuss best practices for expressing opinions in expert witness reports. Questions & Answers.*

9:15–9:30 BREAK AND NETWORKING OPPORTUNITY

9:30–10:15 How to Best Rebut The Opposing Expert's Opinion(s)

When an expert witness is aware of the opposing expert witness's opinions, these should be dealt with in the expert's report. In this segment attendees will learn nine techniques to persuasively document how and why the opposing expert's opinion is flawed. Sample report segments will be reviewed. Attendees will be asked to critique relevant report sections as well as to draft a concise report segment in which they rebut an opposing expert's opinion(s). *Learning Objective: List techniques for effectively rebutting the opposing expert's report. Questions & Answers.*

10:15–10:45 How to Properly Use Boilerplate, Standard Language, and Disclaimers

Most experts use standard boilerplate language and disclaimers in their expert witness report. In this segment the faculty will offer seven guidelines on the use and misuse of boilerplate language. Sample boilerplate language and sample disclaimers will be provided. Attendees will be asked to critique relevant report sections as well as to draft a concise report segment containing standardized verbiage. *Learning Objective: Identify boilerplate language and disclaimers to include in your expert report. Questions & Answers.*

10:45–11:00 BREAK AND NETWORKING OPPORTUNITY

11:00–11:30 Discovery, Ethics and The Influence of Retaining Counsel

Faculty will explain the various discovery rules which (depending upon the jurisdiction the case is in) may govern your communications with counsel and draft reports. Suggestions for how and when to communicate with retaining counsel will be provided. Also included will be eight suggestions for how to protect your credibility and deal with potential overreaching by retaining counsel. *Learning Objective: Describe best practices for communicating with and working with retaining counsel. Questions & Answers.*

How to Write a Bulletproof Expert Witness Report

Crowne Plaza Chicago O'Hare Hotel & Conference Center, Rosemont, Illinois

DAY TWO, CONTINUED: Friday, April 26, 2013

11:30-12:00 How to Excel When Drafting Rule 26 Reports for Federal Court

Federal Rule of Civil Procedure 26 governs what must be included in expert witness reports in federal cases. Following Rule 26 is mandatory. In this segment attendees will learn how to make sure their report complies with FRCP 26. Specific techniques to excel when drafting Rule 26 reports will be provided as well as sample Rule 26 report segments. *Learning Objective: List the legal requirements for Rule 26 reports and describe techniques for complying with these requirements.*

Questions & Answers.

12:00-12:45 LUNCH WITH FACULTY PROVIDED

12:45-1:15 Quality Control & Editing Techniques for Expert Witness Reports

At best, mistakes in an expert witness report can be embarrassing. At worst, mistakes can completely destroy an expert witness's credibility. In this segment attendees will learn the ten point protocol for quality controlling their reports.

Included will be a detailed quality control checklist which can be used by the expert or one of the expert's support staff.

Learning Objective: Identify protocols for editing and reviewing expert witness reports. **Questions & Answers.**

1:15-2:15 How to Defend Your Expert Witness Report at Deposition, Hearing & Trial

An expert witness is likely to be attacked through his report while testifying. In this segment attendees will participate in mock testimony demonstrations based upon their pre-submitted reports. Each demonstration will focus on: 1. How could the expert have better handled the attack/tactic that was being used by counsel? 2. How could the expert have avoided or lessened the attack had the expert drafted their report differently? Attendees will be provided with a fifteen point outline of how, specifically, attorneys will attack an expert through their report. *Learning Objective: Describe techniques for defeating opposing counsel's tactics while testifying about your report.* **Questions & Answers.**

2:15-2:30 The Biggest Report Writing Mistakes Expert Witnesses Make: And How to Avoid Them

To reinforce the concepts learned in this workshop, attendees will be provided with a list of the 32 biggest mistakes that expert witnesses commonly make on their reports. The list is designed to be used as a take home quality control checklist.

Learning Objective: Identify the biggest mistakes expert witnesses make in their reports. **Questions & Answers.**

“Two very enjoyable days”

“Good use of time and money”

“Outstanding”

“Very informative and interactive”

“Very good...highlighted traps”

“Very helpful and informative”

“Well done, great job!”

“Very effective”



How to Excel at Your Expert Witness Deposition

Crowne Plaza Chicago O'Hare Hotel & Conference Center, Rosemont, Illinois

Thursday-Friday, April 25-26, 2013

Executive Summary: *How to Excel at Your Expert Witness Deposition* is SEAK's all new and most intensive deposition training seminar. It is designed to help expert witnesses to markedly improve their deposition skills. *How to Excel at Your Expert Witness Deposition* is fast moving and content rich. The course is taught using five methodologies: lecture, interactive exercises, videos of experts testifying in real cases, mock deposition demonstrations, and questions and answers. Much of the course is customized to the individual attendees. To facilitate this customization, each attendee is asked to submit in advance for use in in-class demonstrations: their CV, a past deposition transcript, a list of the ten toughest deposition questions they have faced and a list of the biggest problems or issues they face at deposition. **Faculty will provide a detailed written critique of the deposition transcript provided by the attendee including suggestions for improvement.**

After completing this interactive training you will be able to:

- Demonstrate improved active listening skills.
- Deliver powerful, bullet point responses.
- Answer questions truthfully while leaving yourself some flexibility.
- Employ numerous proven strategies to excel at deposition.
- Recognize and defeat opposing counsel's tactics.
- Excel at answering trick questions.
- Articulate answers regarding your qualifications, fees, biases, opinions, methodology, and report.
- Effectively deal with skeletons in your closet.
- Better handle abusive questioning.
- Prepare an individualized protocol to excel at expert witness depositions.

Registration Information: To register, please use the form on page 2 or visit www.seak.com. Tuition for *How to Excel at Your Expert Witness Deposition* is \$1,295. This includes two days of interactive training, a detailed handbook, breakfast, lunch and breaks with faculty each day and detailed written feedback and suggestions for improvement on your pre-submitted deposition transcript. All persons registering prior to January 31, 2013 will receive a complimentary copy of the best-selling 52-minute DVD *The Expert Deposition: How To Be An Effective and Ethical Witness* (a \$104 value).

FACULTY:



Steven Babitsky, Esq. is the President of SEAK, Inc. – The Expert Witness Training Company (www.testifyingtraining.com). Mr. Babitsky trains hundreds of experts each year and serves as a one-on-one consultant to expert witnesses. He has helped expert witnesses and their attorneys prepare for deposition in a broad range of cases, including antitrust, patent, medical malpractice, wrongful death, computer forensics, and many others. He has been brought in to train experts from the Federal Bureau of Investigation and The Federal Aviation Administration and worked with numerous forensic and financial companies including Fortune 500 companies. Mr. Babitsky is the co-author of the texts *How to Prepare Your Expert Witness for Deposition*; *Depositions: The Comprehensive Guide for Expert Witnesses*, *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*; *The A-Z Guide to Expert Witnessing*; and *How to Excel During Depositions: Techniques for Experts That Work*. Attorney Babitsky is the co-developer and trainer for the "How to Be an Effective Expert Witness" seminar, and the seminar leader (since 1990) for SEAK's Annual National Expert Witness Conference. He was a personal injury trial attorney for twenty years and is the former managing partner of the firm Kistin, Babitsky, Latimer & Beitman. He may be contacted at 508-548-9443 or stevenbabitsky@seak.com.

Continuing Education Credits: Note: If your specialty does not appear below and you desire credits, please contact Karen Cerbarano (781-826-4974 or 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 will apply for credits through ACTAR upon written request at the time of registration. **Accountants:** Earn 17.0 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 For SEAK, Inc.'s complaint and program cancellation policies please call SEAK, Inc. at 508-457-1111. There are no prerequisites for this advanced group-live program. No advanced preparation is required. To register, please follow instructions on page 2. This course was created in 2012. **Appraisers:** Credits from the The American Society of Appraisers will be applied for on written request at the time of registration.

Arborists: SEAK will apply for Continuing Education hours through The International Society of Arboriculture (ISA) on written request at time of registration. **Attorneys:** Credit varies by state. Continuing legal education credits for attorneys will be applied for if requested in writing at the time of registration. **Engineers:** 14 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. SEAK is preapproved as a sponsor by the State Boards of Florida and Louisiana.

Life Care Planners: SEAK will apply for credits through The Commission on Health Care Certification (CHCC) upon written request at the time of registration. **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 14 AMA PRA Category 1 Credit(s)[™]. Physicians should claim only the credit commensurate with the extent of their participation in the activity. **Psychologists:** 14 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 NOTE: SEAK does not accept commercial support for its programs and does not use faculty members with conflicts of interest.

Registration is Limited. Register Today.

How to Excel at Your Expert Witness Deposition

Crowne Plaza Chicago O'Hare Hotel & Conference Center, Rosemont, Illinois

DAY ONE: Thursday, April 25, 2013

7:30 – 8:00 Registration and Continental Breakfast with Faculty

PART I: LAW, STRATEGY & SKILLS

8:00 – 8:45 Law and Procedure Attendees will learn the key legal principles and rules which govern depositions including what questions can be asked, the legal basis and limits of “fishing expeditions,” applicability and limits of claims of privilege, meaning and effect of “off the record,” meaning and effect of “the standard stipulations,” discoverability of expert-retaining counsel communication, time limits, limitations on questioning because of abusive intent, harassment, or undue burden, admissibility of deposition questions at trial, reading and signing, and protective orders. **Questions and Answers** *Learning Objective: Explain the law and procedure governing expert witness depositions.*

8:45 – 9:30 Understanding Opposing Counsel's Strategies and Goals Excelling at deposition requires an appreciation of opposing counsel's likely strategies. Attendees will learn why opposing counsel will likely ask open ended questions and may interrogate the witness in a non-confrontational manner designed to keep the witness talking. Attendees will also learn the numerous likely goals of retaining counsel and will be provided with suggestions for dealing with each of these. These likely goals include learning the expert's opinions, learning the expert's qualifications, locking down the expert, sizing up the expert as a witness, probing for bias, discovering the expert's factual assumptions, gathering as much information as possible, using the expert to help his own case, intimidating the expert, learning what the expert did, and setting the stage to later get the expert or the expert's opinion excluded. In addition, the faculty will discuss the strategies of retaining counsel at deposition including objections and questioning of their own expert. **Questions and Answers** *Learning Objective: List the strategies and goals of opposing counsel.*

9:30 – 10:15 How to Improve Your Active Listening Skills Excelling at deposition requires superior active listening skills. Deponents should be able to recognize and recall every word of a question and should be able to repeat back questions asked of them verbatim. In this segment attendees will be shown how to improve their active listening skills using techniques such as picturing the question as if it were written on a white board. The group will conduct interactive exercises to assess, practice and improve their active listening skills. **Questions and Answers** *Learning Objective: Describe techniques for improving active listening.*

10:15 – 10:30 Break (Networking Opportunity)

10:30 – 11:15 How to Leave Yourself Wiggle Room A fundamental technique for truthfully and artfully answering deposition questions is to do so in a manner, where appropriate, that does not leave the witness 100% boxed in and locked down. In this segment attendees will learn how to recognize and truthfully respond to lock down questions in a way that leaves the expert some flexibility, but does not make the expert sound evasive or defensive. The group will conduct interactive exercises to assess, practice and improve their responses to lock down questions. **Questions and Answers** *Learning Objective: List techniques for recognizing and truthfully and artfully answering lock down questions.*

11:15 – 12:00 Deposition Strategies for Expert Witnesses Attendees will learn forty-seven techniques for excelling at their deposition. These include telling the whole truth, listening carefully to objections, insisting on finishing answers, not exaggerating, speculating, or guessing, avoiding arguing, not showing weakness, following a question answering protocol, staying calm, avoiding absolute words, avoiding rambling by putting a period on the answer, recognition of unintelligible questions, breaking counsel's momentum, staying in your sandbox, using time limits to your advantage, and encouraging opposing counsel to lose his cool. Many of these techniques will be demonstrated by short videos and interactive exercises. **Questions and Answers** *Learning Objective: List techniques for excelling at your deposition.*

12:00 – 12:45 Lunch (Provided with Faculty)

12:45 – 1:30 Deposition Strategies for Expert Witnesses (Continued)

PART II: CORE AREAS OF INQUIRY

1:30 – 2:30 Qualifications Expert witnesses should expect probing questions regarding why specifically they are qualified to opine in the case. Failure to excel in this area can lead to the expert being excluded from testifying – which can be a career ending event. Attendees will learn techniques for answering expected questions about their qualifications. Issues covered include articulating relevant experience and education and how these apply to the case at hand, dealing with missing or sub optimum levels of experience or credentials, CV issues, “have you ever done?” questions, number of similar cases, and recognizing what you are not an expert in. Many of these lines of inquiry will be demonstrated by short videos and will be practiced by the attendees through interactive exercises. **Questions and Answers** *Learning Objective: Describe techniques for answering qualifications questions.*

2:30 – 3:15 Bias and Fees The more opposing counsel can establish an expert as being biased, the less believable that expert will be. Attendees will learn techniques for answering expected questions about their bias and fees. Issues covered include fee questions, plaintiff v. defendant issues, long held beliefs, billings to date, bills, prior writings, prior

How to Excel at Your Expert Witness Deposition

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DAY ONE, CONTINUED: Friday, April 26, 2013

testimony, association with outside groups, political beliefs, opinion always the same in every case, influence of retaining counsel, and percentage of income questions. Many of these lines of inquiry will be demonstrated by short videos and will be practiced by the attendees through interactive exercises. **Questions and Answers** *Learning Objective: Explain methods for answering bias and fees questions.*

3:15 – 3:30 Break (Networking Opportunity)

3:30 – 5:00 Opinions Expert witnesses are retained to provide opinions and must be able to articulate these opinions persuasively at deposition. Attendees will learn techniques for answering expected questions about their opinions. Issues covered include what the expert will and will not be testifying to, degree of flexibility in opinions, areas of agreement with opposing expert, new/additional opinions, degree of certainty, and rationale for opinions. Many of these lines of inquiry will be demonstrated by short videos and will be practiced by the attendees through interactive exercises. **Questions and Answers** *Learning Objective: Describe strategies for responding to questions about your opinions.*

DAY TWO: Friday, April 26, 2013**6:30 – 7:00 Continental Breakfast with Faculty**

7:00 – 7:45 Methodology Opposing counsel may use the deposition to set the expert witness up for a later motion to exclude under *Daubert*. If the expert is so excluded this can often be a career ending occurrence. Attendees will learn techniques for answering expected questions about their methodology. Issues covered include how the expert's theory was tested, where the theory was subjected to peer review and publication, known or potential error rate, standards and controls, general acceptance in field, evidence of level of care, why extrapolation was justified, alternative explanations, and basis of research. Many of these lines of inquiry will be demonstrated by short videos and will be practiced by the attendees through interactive exercises. **Questions and Answers** *Learning Objective: Explain techniques to protect yourself from being set up for a Daubert challenge.*

7:45 – 8:15 Your Expert Witness Report In many if not most cases an expert witness will have submitted a written report prior to deposition. The expert witness's report will often raise numerous potential issues at deposition. Attendees will learn techniques for answering expected questions about their reports. Issues covered include who helped write the report, drafts/preliminary reports, research, footnotes or lack thereof, and mistakes/typos. Many of these lines of inquiry will be demonstrated by short videos and will be practiced by the attendees through interactive exercises. **Questions and Answers** *Learning Objective: Describe strategies for answering questions about your report.*

8:15 – 9:00 Facts/Bases of Opinions An expert witness's opinions are only as strong as what these opinions are based on. Expert witnesses can expect to be questioned closely regarding the bases of their opinions. Attendees will learn techniques for answering expected questions about the basis of their opinions. Issues covered include key facts of the case, assumptions, documentation, existence and extent of firsthand inspection, what was not done, cherry picking, interviews, veracity judgments, investigation, reliance on staff and/or other experts, timeline, and hypothetical questions. Many of these lines of inquiry will be demonstrated by short videos and will be practiced by the attendees through interactive exercises. **Questions and Answers** *Learning Objective: List the key facts that you will likely be asked about at deposition.*

9:00 – 9:15 Break (Networking Opportunity)

9:15 – 9:45 Opposing Expert An expert witness can expect numerous questions concerning the opposing expert and the opposing expert's opinions. Attendees will learn techniques for answering expected questions about opposing experts. Issues covered include qualifications, methodology, areas of agreement, and reasons for disagreement. Many of these lines of inquiry will be demonstrated by short videos and will be practiced by the attendees through interactive exercises. **Questions and Answers** *Learning Objective: List techniques for responding to questions about opposing expert and opposing expert's opinions.*

PART III: SPECIAL SITUATIONS

9:45 – 10:15 Giving a Deposition in a Case Where You Didn't Write a Report It is becoming increasingly common for expert witnesses in state courts to be asked not to write a report. In this segment the faculty will offer practical advice regarding resulting issues such as, how to prepare for a deposition where you did not write a report, discussing with retaining counsel potentially drafting a simple list of opinions with reasons, and special techniques to prepare for a deposition in cases where a report was not written. **Questions and Answers** *Learning Objective: Discuss options to excel at depositions in cases where no report was written.*

10:15 – 10:45 Dealing with Skeletons in Your Closet Some experts are concerned about being asked about things in their past that they rather not talk about. In many cases questions in this area may be inappropriate. In further instances, questions about skeletons in

How to Excel at Your Expert Witness Deposition

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the closet may be permissible at deposition, but would probably not be admissible at trial. In this segment the faculty will explain what is and is not likely to be a problem and how to deal with common issues such as being sued, disciplinary problems, being terminated, failing tests, mediocre or worse grades, health issues, private life, divorces, bankruptcy, arrests, convictions, etc. Each attendee will be afforded the opportunity to anonymously submit to the faculty for review, comment, and advice any issues which they may be concerned with in their own backgrounds. **Questions and Answers** *Learning Objective: Explain techniques for dealing with skeletons in your closet.*

10:45 – 11:00 Break (Networking Opportunity)

11:00 – 11:30 Abusive Questioning Experts may at some point experience questioning that is abusive and beyond the scope of what is legally permissible. Faculty will review the legal rules dealing with abusive questioning and provide practical advice for determining what is and is not abuse and how to deal with abusive questioning. **Questions and Answers** *Learning Objective: Describe strategies for dealing with abusive questioning.*

11:30 – 12:00 Video Depositions More and more expert witness depositions are recorded on video. These video depositions present additional challenges for the expert. In this segment the faculty will provide suggestions for excelling during a deposition that is recorded on video. Demonstrations will be conducted to provide feedback to how attendees look while being deposed. In addition, the attendees will be shown video clips of actual depositions to exemplify the issues that can occur with video depositions. **Questions and Answers** *Learning Objective: Describe strategies for excelling during video depositions.*

12:00 – 12:45 Lunch (Provided with Faculty)

PART IV: TACTICS AND DEFENSES

12:45 – 1:30 Recognizing and Defeating Opposing Counsel's Deposition Tactics The faculty will explain numerous tactics that opposing counsel may use against the expert. Many of these tactics will be demonstrated by showing videos of actual depositions or by interactive exercises using volunteer attendees. The faculty will provide suggestions for dealing with each of the tactics. Tactics covered include going for the jugular off the bat, wearing the deponent down, intimidation, fishing for contradictions, catchalls, magic words, hypotheticals, mischaracterizations, and authoritative treatises. **Questions and Answers** *Learning Objective: Identify opposing counsel's deposition tactics and explain strategies for defeating each tactic.*

1:30 – 2:00 Trick and Difficult Questions The faculty will demonstrate, utilizing questions submitted by the attendees, numerous trick and difficult questions. The goal is to practice the techniques learned in the class such as active listening, refusal to be 100% locked down, and defeating counsel's tactics. The answers provided by volunteer attendees will be critiqued and possible better answers will be provided. **Questions and Answers** *Learning Objective: Describe a protocol for answering trick and difficult deposition questions.*

PART V: PREPARATION

2:00 – 2:30 Expert Witness Deposition Preparation Protocol Success at deposition is far more a function of preparation, rather than inspiration. In this segment the faculty will provide suggestions for how to develop a protocol for proper preparations. Issues covered include, identifying issues of potential vulnerability, what to ask retaining counsel to do to prepare you, dealing with a refusal by retaining counsel to prepare you, getting your facts and files in order, how to review your file, what to know cold, and preparing headline-bullet point responses to key anticipated questions. **Questions and Answers** *Learning Objective: Explain a protocol for diligently preparing for an expert witness deposition.*



How to Start, Build and Run a Successful Expert Witness Practice

Crowne Plaza Chicago O'Hare Hotel & Conference Center, Rosemont, Illinois

Thursday-Friday, April 25-26, 2013

Executive Summary: Excellent and ethical legal consultants can easily double their income by devoting one day a week to expert witnessing. Time spent by experts on such matters is commonly billed out at \$200-\$500 or more per hour. **How to Start, Build and Run a Successful Expert Witness Practice** is an intensive, content rich workshop that is designed to show you how to start, build, and run a successful expert witness practice. This course is appropriate for professionals with all levels of legal-consulting experience including prospective and novice expert witnesses. Attendees will learn from an experienced faculty in a step-by-step fashion how to start, build, and run a successful and ethical expert witness practice.

Learning Objectives: At the completion of this course you will learn:

- The role of expert witnesses in civil litigation,
- What attorneys are looking for from their experts,
- How to properly define your area(s) of expertise and practice areas,
- How to draft a curriculum vitae appropriate for expert witness work,
- How to get cases,
- How to avoid ethical problems and maintain your integrity,
- The essentials of expert witness report writing,
- How to set your fee and collect it,
- What to bill for and when,
- How to draft a retention agreement to protect your rights,
- How to form defensible opinions,
- The testifying skills and techniques attorneys are looking for,
- Techniques for maintaining your independence and objectivity,
- How to exceed expectations,
- How to build a tremendous reputation,
- Ethics,
- Expert witness risk management techniques, and
- Much, much more.

Here's What Past Attendees Had To Say:

"Entertaining as well as informative"
"Excellent - beyond my expectations"
"Excellent, concise, fast moving"
"Outstanding - exceeded my expectations"
"Informative, encouraging, entertaining"

"Very helpful and enjoyable"
"Excellent in presentation, organization, supporting materials"
"Very well choreographed with super speakers and excellent syllabus"
"I absolutely loved it and wish I had found SEAK 20 years ago"
"Very Worthwhile"

Registration Information: To register, please use the form on page 2. The \$1,295 tuition includes continental breakfast and lunch with faculty each day and a detailed conference manual. All persons registering prior to January 31, 2013 will receive a complimentary copy of the best-selling 52-minute DVD *The Expert Deposition: How To Be An Effective and Ethical Witness* (a \$104 value).

Continuing Education Credits: Note: If your specialty does not appear below and you desire credits, please contact Karen Cerbarano (781-826-4974 or 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 will apply for credits through ACTAR upon written request at the time of registration.
Accountants: Earn 17.0 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 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. This course was reviewed in 2012. **Appraisers:** Credits from The American Society of Appraisers will be applied for on written request at the time of registration. **Arborists:** SEAK will apply for Continuing Education hours through The International Society of Arboriculture (ISA) on written request at time of registration. **Attorneys:** Credit varies by state. Continuing legal education credits for attorneys will be applied for if requested in writing at the time of registration. **Engineers:** 14 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. SEAK is preapproved as a sponsor by the State Boards of Florida and Louisiana. **Life Care Planners:** SEAK will apply for credits through The Commission on Health Care Certification (CHCC) upon written request at the time of registration. **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 14 AMA PRA Category 1 Credit(s)[™]. Physicians should claim only the credit commensurate with the extent of their participation in the activity. **Psychologists:** No credits are available for this program because of its subject matter.

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



Distinguished Faculty: Terrance Baker, MD is an attending emergency room physician at Good Samaritan Hospital and forensic expert in Baltimore, Maryland. He received his BS and MS from Johns Hopkins University and his MD from the George Washington University School of Medicine. Dr. Baker is board certified in Family Practice, Geriatrics, and Emergency Medicine. Dr. Baker is a former medical examiner of the city of Newport News, Virginia. Dr. Baker has served as a forensic medical expert for trial attorneys, defense attorneys, judges, district attorneys, and public defenders throughout the United States. Dr. Baker has also served as a forensic medical expert for the South Carolina Board of Medical Examiners, the joint Underwriters Association, and the Carolina Peer Review Organization. Dr. Baker has written and lectured extensively on expert witness issues.



James J. Mangraviti, Jr., Esq. has trained thousands of expert witnesses through seminars, conferences, corporate training, training for professional societies and one-on-one training/mentoring. He is also frequently called by experts, their employers, and retaining counsel to train and prepare individual expert witnesses for upcoming testimony. Mr. Mangraviti is a former litigator with experience in defense and plaintiff personal injury law and insurance law. He currently serves as Principal of the expert witness training company SEAK, Inc. (www.testifyingtraining.com). 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. He is the co-author of twenty-five books, including: *How to Prepare Your Expert Witness for Deposition*, *How to Become a Dangerous Expert Witness: Advanced Techniques and Strategies*; *The A-Z Guide to Expert Witnessing: Depositions: The Comprehensive Guide for Expert Witnesses; Writing and Defending Your Expert Report: The Step-by-Step Guide with Models; The Biggest Mistakes Expert Witnesses Make: And How to Avoid Them; Cross-Examination: The Comprehensive Guide for Experts; National Guide to Expert Witness Fees and Billing Procedures*; and *How to Market Your Expert Witness Practice: Evidence-Based Best Practices*. He can be reached at 978-276-1234 or jim@seak.com.

Registration is limited. Register Today! To register, please see page 2. Please see page 2 for Special Early Registration Bonus!

How to Start, Build and Run a Successful Expert Witness Practice

Crowne Plaza Chicago O'Hare Hotel & Conference Center, Rosemont, Illinois

DAY ONE: Thursday, April 25, 2013

7:30-8:00 REGISTRATION & CONTINENTAL BREAKFAST

8:00-8:30 Role of Expert Witnesses in Civil Litigation

Attendees will learn the proper role of expert witnesses in civil litigation. Included is an explanation of Federal Rule of Evidence 702 and the types of specific assignments experts can expect from retaining counsel including forensic consulting, report writing, and where necessary, testifying at deposition or trial. **Questions and Answers.**

8:30-9:15 What Successful Expert Witnesses Have in Common

Faculty and the attendees will analyze what some of the nation's "go to" experts have in common and how they got to their position of prominence. Videotaped interviews of the experts and trial attorneys will be reviewed. Lessons for the attendees will be drawn from these examples. **Questions and Answers.**

9:15-10:15 Finding and Developing Your Niche in the Expert Witness Marketplace

Faculty will explain the importance of identifying the right niche for yourself. Attendees will be provided with a protocol for researching their niche, determining the proper fit and developing their niche to its fullest potential. **Questions and Answers.**

10:15-10:30 BREAK AND NETWORKING OPPORTUNITY

10:30-11:30 Achieving Excellence: Going Beyond the Expectations of Retaining Counsel

Faculty will present the best practices for: Initial interviews with counsel; Case intake; Correspondence; Reports (written and oral); Depositions and Trials. Attendees will be presented with numerous ethical suggestions for exceeding the expectations of retaining counsel. **Questions and Answers.**

11:30-12:00 Pulling Together a CV Appropriate for Expert Witness Work

Anyone considering starting an expert witness practice needs to maintain a CV. Attendees will learn the importance of an accurate, up-to-date CV, what should and should not be on a CV, and how mistakes in preparing CVs can damage or destroy an expert's credibility. **Questions and Answers.**

12:00-12:45 LUNCH PROVIDED WITH FACULTY

12:45-1:30 Bulletproofing Yourself - Your CV, Qualifications, Marketing Activities & Web Site

A mock trial demonstration followed by bottom line bullet point advice with numerous examples on how to avoid potentially devastating problems in an expert's CV, qualifications, marketing activities and web site. **Questions and Answers.**

1:30-2:15 Bulletproofing Yourself - Your Image and Reputation

This section begins with a mock trial demonstration which shows how an expert's self-created image can be used against the expert. The didactic portion of this segment will show experts all the controllable elements that effect their image and how to best project a positive image. Examples include business cards, firm names, case selection, testifying extensively for plaintiffs/defendants, outside activities, etc. **Questions and Answers.**

2:15-2:45 Bulletproofing Your Opinions- Passing the *Daubert* Tests, Your Methodology

Mock trial demonstration followed by an in-depth discussion of the legal requirements of *Daubert* and FRE 702 as they relate to how an expert forms and expresses his/her opinion(s) and the admissibility of the opinions. Numerous 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.**

2:45-3:00 BREAK AND NETWORKING OPPORTUNITY

3:00-3:45 Bulletproofing Your Opinions - Research, Investigation, Case Review and Examination

An expert's opinion will only be as strong as the facts, research and investigation upon which it is based. A mock trial demonstration will be followed by a frank discussion of how to conduct an investigation, conduct research and collect data in a manner that bolsters an expert's opinion. Included is a discussion of FRE 703 and cherry-picking data to support an opinion. **Questions and Answers.**

3:45-4:15 Bulletproofing Your Opinions- Managing the Potentially Damaging Influence of Retaining Counsel

Experts often severely damage or destroy the persuasiveness of their opinions by allowing retaining counsel to influence (or appear to influence) their investigation, assumptions, and opinions. In this segment experts will learn how to insulate their opinions from the appearance of being under the influence of retaining counsel, for example through the information the expert relies upon, the modification of draft and preliminary opinions, and through the communications between the expert and retaining counsel. **Questions and Answers.**

4:15-4:45 Bulletproofing Your Opinions- Rebuttals and Commenting On Other Experts

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 on another expert's opinions. **Questions and Answers.**

4:45-5:00 Takeaways and Discussion

Concluding remarks will be followed with an open and frank give and take between the faculty and the attendees. **Questions & Answers.**

How to Start, Build and Run a Successful Expert Witness Practice

Crowne Plaza Chicago O'Hare Hotel & Conference Center, Rosemont, Illinois

DAY TWO: Friday, April 26, 2013

6:30-7:00 CONTINENTAL BREAKFAST

7:00-7:45 **Bulletproofing Your Opinions- Best Practices in Expressing and Supporting Your Opinions in Your Written Report and While Testifying**

Even the most well researched opinions are worthless if not expressed with confidence, legal sufficiency and adequate bases. This segment will consist of a mock trial demonstration along with advice (with 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, and margins or error. **Questions and Answers.**

7:45-8:45 **Best Practices in Forensic Office Management**

Attendees will learn myriad techniques that will help them run an efficient and successful legal consulting practice. These include optimum new case intake procedures, billing 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. **Questions and Answers**

8:45-9:00 **BREAK AND NETWORKING OPPORTUNITY**

9:00-9:45 **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**

9:45-10:30 **Reports 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. **Questions and Answers**

10:30-10:45 **BREAK AND NETWORKING OPPORTUNITY**

10:45-11:15 **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**

11:15-12:00 **Best Practices in Fee Setting, Fee Schedules & Agreements, Billings and Collections**

Experts will learn how to correctly value their time and set their fee. 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**

12:00-12:45 **LUNCH (PROVIDED WITH FACULTY)**

12:45-1:45 **Advanced Marketing Techniques for Building a Legal Consulting Practice**

Faculty and attendees will engage in a frank discussion and analysis of the utility of: writing articles, speaking, directory listings, fees, advertising, referral sources and 24-7 marketing. Best practices will be explained and the experiences of "go to experts" and the attorneys who hire them will be utilized to arrive at a consensus. **Questions and Answers.**

1:45-2:15 **Ethics and Risk Management**

Experts will learn how to deal with common ethical problems and will learn the potential civil and professional liability of experts. Numerous specific risk management techniques for experts will be explained including avoidance, maintaining the appropriate insurance coverages, due diligence, confidentiality protocols, anti-spoliation procedures, avoiding conflicts and the overriding importance of being 100% honest. **Questions and Answers**

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 home to their practices to start, build and run a better and more successful expert witness practice. **Questions and Answers**

Registration is limited. Register Today! To register, please see page 2. Please see page 2 for Special Early Registration Bonus!

SEAK *Expert Witness* Testimony Preparation

SEAK literally wrote the book on expert witness testimony preparation (*How to Prepare Your Expert Witness for Deposition* (SEAK 2012)). We are available to experts and retaining counsel to help prepare experts for key depositions, hearings, and trial testimony. 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 or who wants the expert to benefit from additional preparation

**For a quote or further information please contact
Jim Mangraviti, Esq. (978-276-1234 or jim@seak.com)**

Here's what your colleagues have to say about our testimony preparation service:

"Thank you again ever so much [for your prep] on the [recent] case – the lawyer thinks I'm brilliant and I owe you tremendous credit for that!"

"I wanted to thank you so much for your time, it was immeasurable. I appreciate the sensitivity you demonstrated for the particulars of this case. So, again, thank you for your efforts, it was truly a fascinating experience, not to mention extremely helpful."

"Prep went great today. Thanks to our session, I had my ten pages of great prep material which [retaining counsel] clearly appreciated and were impressed by. I essentially lead the prep and I think [retaining lawyers] clearly saw how seriously [our firm] take[s] testimony and how prepared we are. I felt very studied and prepared. Thanks again"

"Things went very well with my testimony. Your [preparation session] was immensely helpful in dealing with both retaining and opposing counsel."

"Thank you for your help – [my depo] couldn't have gone better!!!"

"Very helpful and worthwhile. They asked me everything you said they would and I was very well prepared to answer their questions. "

"You are amazing."

"[Our expert] rocked it today! Thanks 4 Ur Help"

"3 words. Ate Their Lunch. You're the best"

"Your prep helped immensely ... I would not have thought of all I needed had I not done that... I did MUCH better thanks to you!! Much appreciated!!!!!"

Additional SEAK Expert Witness Services

SEAK provides customized onsite expert witness training, one-on-one marketing assistance, mentoring, report bullet-proofing and other consulting services for expert witnesses. For a quote or further information please contact Jim Mangraviti, Esq. (978-276-1234 or jim@seak.com).

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Expert Witness Directory

SEAK's Expert Witness Directory is the **simple, professional, cost-effective,** and **risk free** way to promote your availability for additional expert witness work.

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We are so confident that you will be satisfied with the number and quality of referrals you receive that we offer an unprecedented 100% Money-Back Guarantee. If you list yourself in the *Directory* and are not completely satisfied, you have until **April 1, 2014** to cancel your listing and request a full refund of your standard listing fee – no questions asked.

A Full Page Listing on our Expert Witness Website: www.seakexperts.com

Our website includes an interactive listing where you can post a portrait, CV and copies of your publications. Our website receives millions of hits per year, is fully optimized for search engines and contains your full contact information.

A Detailed Listing in our Expert Witness Print Directory

Our print directory has a distribution of over 50,000 copies to trial attorneys, insurance companies and paralegals. This is the largest distribution of any national expert witness directory.

A Full Page Listing on LexisNexis

Your listing will also be made available to attorneys using LexisNexis.

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"Listing in your experts directory has at the minimum tripled my consulting activities, including some fascinating product liability & even criminal case experiences that I'm certain would not have otherwise come my way! I don't believe there could ever be a bigger or better bang for the buck."

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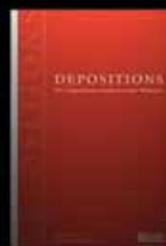
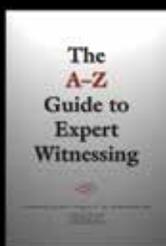
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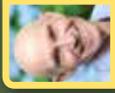
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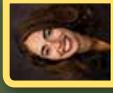
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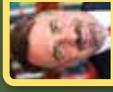
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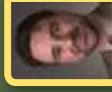
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