

The logo for SEAK, featuring the letters 'SEAK' in a bold, white, sans-serif font with a horizontal line above and below the text.

EXCELLENCE IN EDUCATION SINCE 1980

**WEST COAST!**

## **Expert Witness Training**

San Diego, California

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

January 23–24, 2014

**How to  
Excel at  
Your Expert  
Witness  
Deposition**

January 25–26, 2014

- **Small Group, Interactive Training**
- **Convenient Fly In, Fly Out, Venue**
- **SEAK's only 2014 West Coast  
Expert Witness Training**

# Registration Information

**LOCATION/HOTEL ACCOMMODATIONS:** A limited block of rooms will be available at special rates at the Catamaran Resort Hotel & Spa (\$159 plus tax single/double). To make your reservations at the special group rate, please call (800) 422-8386 and mention that you are with the SEAK Expert Witness Group. Rooms are limited and this rate expires on 1/8/2014, so you are encouraged to make your reservations as soon as possible. Hotel Highlights: Located directly on Mission Bay-the World's largest aquatic park. Short ride from airport. Short ride to SeaWorld, Old Town, and San Diego Zoo. Over 100 restaurants within walking distance. Beach. Spa. Jogging trail. Meticulously kept tropical gardens. Free internet in sleeping rooms. Free use of fitness facility.

**SPECIAL EARLY REGISTRATION BONUS:** All persons registering prior to December 15, 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).

**GROUP DISCOUNTS:** Group discounts are available for two or more persons registering from the same organization. Discount prices depend on the size of the group. Our programs can also be brought onsite to your organization. Please call 508-457-1111.

**CONTINUING EDUCATION CREDIT:** Please see pages 3 & 6 for CEU information.

**CANCELLATIONS:** Conference cancellations received in writing prior to January 10, 2014 will receive a full tuition refund. Persons cancelling after January 10, 2014 will receive a full tuition credit.

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](http://www.seak.com)

## PLEASE REGISTER ME FOR:

- How to Start, Build and Run a Successful Expert Witness Practice (\$1295) January 23-24, 2014**
- How to Excel at Your Expert Witness Deposition (\$1295) January 25-26, 2014**

Please print or type all items to assure accuracy.

All confirmations will be sent via email to the individual indicated. **Priority Code: SD2014**

<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		
<b>OR</b> 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:		

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

Catamaran Resort Hotel & Spa, San Diego, CA  
Thursday-Friday, January 23-24, 2014

**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. **This course is part of SEAK's only 2014 West Coast Expert Witness Training.**

**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.

**Registration Information:** To register, please use the form on page 2 or visit [www.seak.com](http://www.seak.com). The \$1,295 tuition includes continental breakfast and lunch with faculty each day and a detailed conference manual. All persons registering prior to December 15, 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). Group discounts are available, please call 508-457-1111.

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

**Accident Reconstructionists:** SEAK 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. 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 through its website: [www.learningmarket.org](http://www.learningmarket.org). For SEAK's complaint and program cancellation policies please call SEAK, Inc. at 508-457-1111. All attendees should have the education and experience that would qualify them as an expert witness. This is an intermediate group-live program. Advanced Preparation: None. This program was reviewed in 2013. To register, please follow the instructions on page 2. **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)<sup>™</sup>. 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:



**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](http://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](mailto:jim@seak.com).



**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.

**Registration is limited. Register Today!**

**SEAK West Coast Expert Witness Training****How to Start, Build and Run a Successful Expert Witness Practice****Catamaran Resort Hotel & Spa, San Diego, CA****Thursday, January 23, 2014 (Day One)****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

Catamaran Resort Hotel & Spa, San Diego, CA

Friday, January 24, 2014 (Day Two)

### 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!**



**How to Excel at Your Expert Witness Deposition****Catamaran Resort Hotel & Spa, San Diego, CA****Saturday-Sunday, January 25-26, 2014**

**Executive Summary:** *How to Excel at Your Expert Witness Deposition* is SEAK's 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. ***How to Start, Build and Run a Successful Expert Witness Practice along with How to Excel at Your Expert Witness Deposition are SEAK's only scheduled West Coast Expert Witness Training in 2014.***

**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](http://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, and breakfast, lunch and breaks with faculty each day. All persons registering prior to December 15, 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). Group discounts are available, please call 508-457-1111.

**FACULTY:**

**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](http://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](mailto:jim@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](mailto:Karen@seak.com)). We can often obtain desired credits upon request, but unfortunately, obtaining some types of credits are not feasible. Please register early, as we can only apply for credits after your registration form has been received and it can take time to get the requested approvals back from the accrediting agencies.

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**Registration is Limited. Register Today.**

**How to Excel at Your Expert Witness Deposition****Catamaran Resort Hotel & Spa, San Diego, CA****Saturday, January 25, 2014 (Day One)****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 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.*

## How to Excel at Your Expert Witness Deposition

Catamaran Resort Hotel & Spa, San Diego, CA

Sunday, January 26, 2014 (Day Two)

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 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 abusive 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.*



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