

The logo for SEAK, featuring the letters 'SEAK' in a bold, white, sans-serif font with a horizontal line through the middle of the letters. Below the logo, the text 'EXCELLENCE IN EDUCATION SINCE 1980' is written in a smaller, white, sans-serif font.

**SEAK**

EXCELLENCE IN EDUCATION SINCE 1980

A dark red banner with white text that reads 'West Coast!' in a bold, sans-serif font, angled diagonally from the top right towards the center of the page.

**West Coast!**

A photograph of a courtroom interior. In the foreground, the back of a person's head and shoulders is visible as they sit at a desk. In the background, a judge's bench is elevated on a wooden platform. The walls are made of dark wood paneling. An American flag is visible on the left side of the frame.

# Expert Witness Training

San Francisco, California

## Advanced Trial Skills Workshop for Expert Witnesses

Thursday-Friday, January 24-25, 2013

## How to Excel at Your Expert Witness Deposition

Saturday-Sunday, January 26-27, 2013

- All New, Small Group, Interactive Training
- Convenient Fly In, Fly Out, Venue
- SEAK's only 2013 West Coast Expert Witness Training

[www.testifyingtraining.com](http://www.testifyingtraining.com)

[www.seakexperts.com](http://www.seakexperts.com)

# Registration Information

**LOCATION/HOTEL ACCOMMODATIONS:** A limited block of rooms will be available at special rates at the DoubleTree by Hilton San Francisco Airport (\$109 Single/Double). To make your reservations at the special group rate, please call (800) 486-3586 and mention that you are with the SEAK Expert Witness Group. Rooms are limited and this rate expires on 12/31/2012, so you are encouraged to make your reservations as soon as possible. Hotel Highlights: Located 2 miles from San Francisco Airport (SFO), views of San Francisco Bay and bayside trail, 24-hour complimentary airport shuttle service, complimentary trolley to downtown Burlingame and shuttle bus to BART, and \$5/day parking.

**SPECIAL EARLY REGISTRATION BONUS:** All persons registering prior to December 15, 2012 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 CREDIT:** Please see pages 3 & 6 for CEU information.

**CANCELLATIONS:** Conference cancellations received in writing prior to January 10, 2013 will receive a full refund.

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:

- Advanced Trial Skills Workshop for Expert Witnesses**  
(\$1295) January 24-25, 2013
- How to Excel at Your Expert Witness Deposition**  
(\$1295) January 26-27, 2013

Please print or type all items to assure accuracy.

All confirmations will be sent via email to the individual indicated. **Priority Code: SF2013**

<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:		

## Advanced Trial Skills Workshop For Expert Witnesses

DoubleTree by Hilton San Francisco Airport, San Francisco (Burlingame), CA

Thursday-Friday, January 24-25, 2013

NEW!

Advanced Trial Skills Workshop for Expert Witnesses

**Executive Summary:** This is the hands-on intensive training program for expert witnesses who want to raise their trial performance to the next level. *Advanced Trial Skills Workshop for Expert Witnesses* utilizes numerous interactive role playing exercises. Attendees will practice and learn twenty techniques to be more effective during direct examination and forty techniques to be more effective during cross examination. All attendees will be encouraged to submit their C.V. and one expert report which can be used during demonstrations. Each attendee will be provided with a detailed course manual not available elsewhere. Continental breakfast and lunch with faculty will be provided each day. This training will be held at a convenient and economical fly-in, fly out venue. *Advanced Trial Skills Workshop for Expert Witnesses along with How to Excel at Your Expert Witness Deposition* is SEAK's only scheduled West Coast Expert Witness Training in 2013.

**At the conclusion of this training program you will be able to:**

- Describe techniques to present more powerful and persuadable testimony.
- List ways to connect with and persuade the jury.
- Demonstrate methods to improve your communications skills.
- Describe techniques to read and bond with the jury.
- List ways to make your testimony more memorable.
- Demonstrate techniques to increase your credibility.
- Diagnose and artfully answer trick questions.
- Turn around attacks by aggressive cross-examiners.
- Recognize and defeat opposing counsel's trial tactics.
- Make concession gracefully.
- Seize opportunities during cross-examination.
- Pounce on mistakes by opposing counsel.
- Excel at trial.

**Registration Information:** To register, please use the form on page 2 or visit [www.seak.com](http://www.seak.com). The \$1295 tuition includes continental breakfast each day, lunch with the faculty each day, and a workshop manual not available elsewhere. All persons registering prior to December 15, 2012 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).

### Distinguished Faculty:



**Steven Babitsky, Esq.** is the President of SEAK, Inc. – The Expert Witness Training Company ([www.testifyingtraining.com](http://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](mailto: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](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. 108578 is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors, 150 Fourth Avenue North, Suite 700, Nashville, TN, 37219-2417. Web site: [www.nasba.org](http://www.nasba.org) For SEAK, Inc.'s complaint and program cancellation policies please call SEAK, Inc. at 508-457-1111. There are no prerequisites for this advanced group-live program. No advanced preparation is required. To register, please follow instructions on page 2. **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)<sup>™</sup>. 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!**

**Advanced Trial Skills Workshop for Expert Witnesses**

**DoubleTree by Hilton San Francisco Airport, San Francisco (Burlingame), CA**

**Thursday, January 24, 2013 (Day One)**

**NEW!**

**7:30-8:00 REGISTRATION & CONTINENTAL BREAKFAST**

**PART I: DIRECT EXAMINATION SKILLS**

**8:00-10:00 Direct Examination Techniques – I.**

The faculty will explain and attendees will practice and master the following direct examination techniques: speaking at a healthy, confident pace; stating objective and persuasive reasons why you disagree with the other expert; using appropriate analogies to explain complex concepts; using easy-to-understand language; using language that clearly indicates that you were hands-on; using numbered lists; and using powerful language. **Questions and Answers**

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

**10:15-12:00 Direct Examination Techniques – II.**

The faculty will explain and attendees will practice and master the following direct examination techniques: using precise language; using short preview and review summaries; using visual aids; using your qualifications as an opportunity to teach; appearing confident and enthusiastic; using confident language; and citing detailed facts. **Questions and Answers**

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

**12:45-3:00 Direct Examination Techniques – III.**

The faculty will explain and attendees will practice and master the following direct examination techniques: citing references; connecting the dots as to why your qualifications are relevant to this case; dealing with problem areas and weaknesses during direct examination; emphasizing key points; getting to the point: giving your conclusions first (headline) then filling in reasons; name dropping; and showing you have things in common with the jury. **Questions and Answers**

**3:00-3:15 BREAK AND NETWORKING OPPORTUNITY**

**PART II: CROSS EXAMINATION SKILLS**

**3:15-5:00 Cross Examination Techniques – I.**

The faculty will explain and attendees will practice and master the following cross examination techniques: dealing with questions you do not understand; dealing with sarcasm effectively; dealing with tests you did not perform; dealing with the issue of testifying for plaintiffs/defendants; dealing with your preparation session(s) with retaining counsel; disclaimers in report; disputing the premise of the question, and explaining first, then answering. **Questions and Answers**



## Advanced Trial Skills Workshop for Expert Witnesses

DoubleTree by Hilton San Francisco Airport, San Francisco (Burlingame), CA

Friday, January 25, 2013 (Day Two)

NEW!

**6:30 – 7:00 CONTINENTAL BREAKFAST**

### **7:00 – 8:30 Cross Examination Techniques – II.**

The faculty will explain and attendees will practice and master the following cross examination techniques: explaining how you verified what counsel sent/told you; explaining your fee schedule and income; giving a detailed reply to an inadvertent open-ended question; how to ask opposing counsel questions effectively; making concessions; pointing out hypocrisy; pointing out that you haven't been allowed to explain; and repeating damaging testimony. **Questions and Answers**

**8:30 – 8:45 BREAK AND NETWORKING OPPORTUNITY**

### **8:45 – 10:15 Cross Examination Techniques – III.**

The faculty will explain and attendees will practice and master the following cross examination techniques: revealing personal information that will make the jury sympathetic to you; using analogies during cross-examination; what to do when trapped on cross-examination; "Isn't it possible?"; "Now, that's a good question"; a matter of honor; admitting mistakes gracefully; and refuting allegations of cherry-picking. **Questions and Answers**

**10:15 – 10:30 BREAK AND NETWORKING OPPORTUNITY**

### **10:30 – 12:00 Cross Examination Techniques – IV.**

The faculty will explain and attendees will practice and master the following cross examination techniques: answering hypothetical questions or questions with new assumptions; answering questions about missing credentials or certifications; answering questions from the judge; answering yes or no questions; attacks on one or more of your assumptions; authoritative texts/learned treatises; avoiding getting pushed outside your area of expertise; and being accused of being a professional witness. **Questions and Answers**

**12:00 – 12:45 LUNCH PROVIDED WITH FACULTY**

### **12:45 – 2:30 Cross Examination Techniques – V.**

The faculty will explain and attendees will practice and master the following cross examination techniques: breaking counsel's momentum; commenting on the opposing expert's reputation; dealing with a reasonable degree of certainty; dealing with demonstrations; dealing with documents you have never seen before; dealing with interruptions by counsel; dealing with marketing questions; and dealing with mischaracterizations by opposing counsel during cross-examination. **Questions and Answers**



## How to Excel at Your Expert Witness Deposition

DoubleTree by Hilton San Francisco Airport, San Francisco (Burlingame), CA  
Saturday-Sunday, January 26-27, 2013

NEW!

**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.** *Advanced Trial Skills Workshop for Expert Witnesses* along with *How to Excel at Your Expert Witness Deposition* is SEAK's only scheduled West Coast Expert Witness Training in 2013.

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.
- Articulately answer questions 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, 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 December 15, 2012 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](http://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](mailto: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](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. 108578 is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors, 150 Fourth Avenue North, Suite 700, Nashville, TN, 37219-2417. Web site: [www.nasba.org](http://www.nasba.org) For SEAK, Inc.'s complaint and program cancellation policies please call SEAK, Inc. at 508-457-1111. There are no prerequisites for this advanced group-live program. No advanced preparation is required. To register, please follow instructions on page 2. **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)<sup>™</sup>. 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****DoubleTree by Hilton San Francisco Airport, San Francisco (Burlingame), CA  
Saturday, January 26, 2013 (Day One)****NEW!****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

DoubleTree by Hilton San Francisco Airport, San Francisco (Burlingame), CA  
 Sunday, January 27, 2013 (Day Two)

NEW!

### 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.*

# 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).

**[www.TestifyingTraining.com](http://www.TestifyingTraining.com)**



# 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.

## Your SEAK *Expert Witness Directory* listing includes:

### 100% Money-Back Guarantee

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](http://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.

### Here's what your colleagues are saying:

*"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."*

*"The SEAK Directory has probably generated 10 cases for me this past year. I appreciate the referrals from the SEAK Directory – a very professional tool to inform potential clients of your qualifications and interests."*

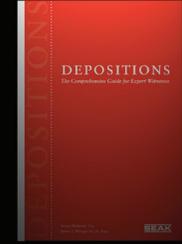
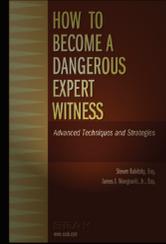
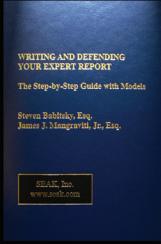
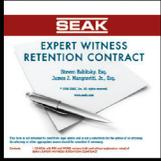
*"I just received a case as a result of my new listing in the SEAK National Directory of Experts. The retaining lawyer shared that she was a big fan of SEAK and her firm has had excellent results from all the experts they have hired from the SEAK Directory. It's not every day we hear good news, so I thought I would pass on the fact that your SEAK National Directory of Experts is well received in the industry and is effective."*

*"I attended your SEAK training course in Naples, FL. Not only was it an exceptional training experience, but it has really jump started my work as an expert witness. Combining the course with the SEAK Directory utilization has probably increased my referrals about ten-fold."*

Register Today: [www.seakexperts.com](http://www.seakexperts.com)

# SEAK

**BEST SELLING PRODUCTS FOR EXPERTS**  
**TO ORDER, CALL 508.457.1111 OR VISIT WWW.SEAK.COM**



## SEAK Expert Witness Retention Contract

In use by over 1,500 experts, SEAK's contract addresses in an elegant and simple fashion many of the problems which experts find vexing, including: being kept in the dark by retaining counsel, being purposefully conflicted out of the case, collection of fees, less than ethical attorneys, non-payment of fees, preserving the expert's reputation, pushed outside your true area of expertise, undisclosed *Daubert* challenges, and many more.

© 2008 | Price: \$150 | SKU# RETENTION CD

## Writing and Defending Your Expert Report: The Step-by-Step Guide with Models

The seminal work on how to craft and confidently and expertly defend your expert report.

This required resource for all experts will teach you:

- Numerous techniques on how to write a powerful, persuasive and defensible report,
- How much retaining counsel can assist you in writing your report,
- The superfluous information and dangerous language that should be left out of your report,
- Advanced techniques to defend against 40 of counsel's most devastating tactics used to attack you through your report,
- Legal requirements regarding Rule 26 expert reports and reports used in summary judgment motions, and
- The techniques used by a dozen leading experts to write and defend an expert report.

Hardbound, 420 pages; © 2002 | ISBN: 1892904217

Price: \$99.95 | SKU# REPBOOK

## The A-Z Guide to Expert Witnessing

The comprehensive survey text on expert witnessing. The topics covered include civil procedure, evidence, qualifications, CV writing, forming and expressing opinions, report writing, testifying skills, marketing, fee setting, billing, collections, ethics, privileges, discovery, avoiding abuse and much more. You will learn:

- How to best connect with and persuade a jury,
- How to market yourself professionally and cost-effectively,
- Premium fee-setting, billing and collection techniques,
- Relevant rules of civil procedure and evidence,
- Testifying skills,
- Expert witness risk management,
- How to handle abuse by attorneys,
- How to maintain high ethical standards,
- How to bullet-proof your CV and written reports,
- How to meet challenges under *Daubert*,
- The limits of discovery and privilege.

Hardbound, 626 pages; © 2006 | ISBN: 1-892904-29-2

Price: \$135 | SKU: AZBOOK

## How to Become a Dangerous Expert Witness

This book teaches experienced experts how to become dangerous experts. The mere disclosing of a dangerous expert to the opposing side can frequently increase the settlement value of a case. Accordingly, dangerous experts are selective in the types of cases they accept and are able to command premium fees. Opposing lawyers are concerned about the dangerous expert's expertise, command of the facts and his ability to communicate, teach and persuade the jury. Dangerous experts understand how to defeat opposing counsel's tactics and are even capable of turning the tables on opposing counsel. You will learn:

- How to bulletproof yourself and your opinions,
- What dangerous experts do when preparing to testify,
- How to defeat opposing counsel's deposition and cross-examination tactics,
- Advanced techniques for delivering persuasive and memorable direct testimony, and
- How and when to take the offensive and turn the tables on opposing counsel.

Hardbound, 433 pages; © 2005 | ISBN: 1892904276

Price: \$99.95 | SKU# DANGEROUS

## The Biggest Mistakes Expert Witnesses Make and How to Avoid Them

Most of the mistakes expert witnesses make are 100% avoidable. This text helps experts to quickly and simply avoid the frustration, embarrassment and humiliation of making mistakes. The reader is provided with over 200 of the most common mistakes expert witnesses make over and over again. Learn from the mistakes of other experts and avoid making the same mistakes yourself.

AVOID 200 OF THE BIGGEST MISTAKES EXPERTS MAKE IN THEIR: Curriculum Vitae (C.V.); Web Pages; Researching, Investigating, Forming, and Expressing Opinions; Report Writing; Deposition Testimony; Direct Testimony; Cross-Examination Testimony; Marketing Methods; Practice Management; and Risk Management  
Hardbound, 336 Pages; © 2008 | ISBN: 1892904331  
Price: \$100 | SKU: BME

## Depositions: The Comprehensive Guide for Expert Witnesses

The overwhelming majority of all testimony given by expert witnesses is given in depositions. *Depositions: The Comprehensive Guide for Expert Witnesses* shows expert witnesses how to excel during their depositions.

You will learn:

- The questions you should expect to be asked,
- How to truthfully and artfully answer counsel's questions,
- How to defeat opposing counsel's tactics,
- Special techniques for excelling during videotaped depositions,
- The law governing depositions and how to avoid abuse,
- How to successfully prepare for your deposition,
- How to set and collect your fee,
- Techniques for answering trick and difficult questions, and
- Much, much more.

Hardbound, 425 Pages; © 2007 | ISBN 978-1-892904-32-4

Price: \$100 | SKU# DEP2

## SEAK SATISFACTION GUARANTEE

If for any reason you are not totally satisfied with any SEAK publication, please return it to us within 30 days for a full refund.

TO ORDER, CALL 508.457.1111 OR VISIT WWW.SEAK.COM

# EXPERT WITNESS TRAINING

**West Coast!**

**SEAK**  
EXCELLENCE IN EDUCATION SINCE 1980  
PO Box 729, Falmouth MA 02541

Presorted  
Standard  
U.S. Postage  
PAID  
Permit No. 100  
Ripon, WI

San Francisco, California

## **Advanced Trial Skills Workshop for Expert Witnesses**

Thursday-Friday, January 24-25, 2013

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

Saturday-Sunday, January 26-27, 2013

- All New, Small Group, Interactive Training
- Convenient Fly In, Fly Out, Venue
- SEAK's only 2013 West Coast Expert Witness Training

For further information, visit us at [www.seak.com](http://www.seak.com)