



# 23<sup>rd</sup> Annual National Expert Witness Conference

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

## **PRECONFERENCE WORKSHOPS:**

- How to Start, Build, and Run a Successful Expert Witness Practice
- How to Write a Bulletproof Expert Report
- Advanced Testifying Skills for Experts:  
*The Master's Program*

# Registration Information

**Location/Hotel Accommodations:** The 2014 SEAK Expert Witness Conference will be held at the Rosen Centre Hotel in Orlando, FL. From the hotel's ideal location, guests are five minutes from SeaWorld Adventure Park and Universal Orlando Resort® and just 10 minutes from Walt Disney World® Resort. Championship golf is close by and a huge variety of shopping and entertainment choices are within a short walk. SEAK has secured a special group rate of \$159/night. Rooms are limited and this rate expires on April 9, 2014. To make your reservations, please call 1-800-204-7234 and refer to the SEAK Group rate.

**Early Registration Bonus:** All persons registering prior to March 1, 2014 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 Credits:** Continuing education credits are offered for the programs. Please see pages 3, 10, 14, 17 for more information.

**Conference Cancellations:** Conference cancellations received in writing before April 15, 2014 will receive a full refund. Conference cancellations received after April 15, 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 the following preconference:**

- How to Start, Build, and Run a Successful Expert Witness Practice**  
(\$1295) May 1-2, 2014
- How to Write a Bulletproof Expert Report**  
(\$1295) May 1-2, 2014
- Advanced Testifying Skills for Experts: The Master's Program**  
(\$1295) May 1-2, 2014

**Please register me for the Main Conference:**

- 23rd Annual National Expert Witness Conference**  
(\$1295) May 3-4, 2014

Please print or type all items to assure accuracy.

All confirmations will be sent via email to the individual indicated.

Priority Code: May2014

<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:		

**Executive Summary:** SEAK, Inc. is pleased to present its 23rd Annual National Expert Witness Conference. Experts from all disciplines and with all levels of experience will benefit from multi-disciplinary advanced techniques. Nationally recognized presenters will discuss all aspects of expert witness testimony, ethics, and trial techniques. Conference participants will be presented with practical suggestions for succeeding as expert witnesses. This highly-acclaimed two-day program will include intensive breakout sessions.

**Main Conference Continuing Education Credit Information**

Note: **If your specialty does not appear below and you desire credits, please contact Karen Cerbarano (Karen@seak.com or 781-826-4974).** We can often obtain desired credits upon request, but unfortunately, obtaining some types of credits are not feasible. Please register early, as we can only apply for credits after your registration form has been received and it can take time to get the requested approvals back from the accrediting agencies.

**Accident Reconstructionists:** SEAK will apply for credits through ACTAR upon written request at the time of registration. **Accountants:** Earn 16.0 CPE credits in the field of study of Specialized Knowledge and Applications. SEAK, Inc. 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, Inc.'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 created in August 2013. **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:** 13 PDHs. The acceptance of this course is dependent upon your state(s) of registration. The vast majority of states do not require preapproval of either courses or course sponsors. 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 13.25 AMA PRA Category 1 Credit(s)<sup>™</sup>. Physicians should claim only the credit commensurate with the extent of their participation in the activity. **Psychologists:** 10.5 CE Credits. SEAK, Inc. is approved by the American Psychological Association to sponsor continuing education for psychologists. SEAK, Inc. maintains responsibility for this program and its content. This is an intermediate course. This course is for psychologists who are interested in expert witness work or who already serve as expert witnesses. For any additional information about this program please call 508-457-1111. The following segments are not available for CE credit: 1:30-2:20pm and 3:30pm-4:30pm on Saturday, May 3, 2014 and 1:30pm-2:20pm and 3:30pm-4:30pm on Sunday, May 4, 2014. To receive credit each psychologist must attend the entire program, sign in before the program, sign out after the program and return a completed evaluation form. PARTIAL CREDIT IS NOT PERMITTED.

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

*“Once again the seminar was amazing. Thank you for providing this service to experts.”*

*“Fantastic seminar, exceeded expectations”*

*“An eye-opening experience.”*

*“Excellent. One of the best I have attended”*

*“This weekend, my first exposure to SEAK, was extremely positive.”*

*“Excellent, as usual (I am a repeat visitor)”*

*“Great training. I could use several hundred more hours of it. I will be putting what I learned to work next week.”*

*“Excellent, excellent use of speakers content areas that were all relevant but diverse with the whole variety of presenters with different style and information to share. Relevant, informative, interesting, and timely.”*

*“The sessions were definitely worth the time and expense. I would recommend it to anyone in this field.”*

*“Superb speakers! Great course.”*

*“This was my first SEAK conference and it will not be my last. I was hesitant on attending since I was unsure of the quality of the program. I was very pleased and will certainly be recommending it to colleagues.”*

*“Worth every penny of my money”*

*“This is must know information for anyone doing expert witness work”*

*“Fantastic, a plethora of knowledge on a wide variety of subjects relating to expert witness work.”*

## Preconferences: May 1 &amp; 2, 2014

How to Start, Build, and Run a Successful Expert Witness Practice, [May 1-2, 2014](#)How to Write a Bulletproof Expert Report, [May 1-2, 2014](#)Advanced Testifying Skills for Experts: The Master's Program, [May 1-2, 2014](#)

## MAIN CONFERENCE

Saturday, May 3, 2014

Sunday, May 4, 2014

7:00am-8:00am

## REGISTRATION &amp; CONTINENTAL BREAKFAST

8:00am-9:00am

**The Biggest Mistakes Experts Make and How to Avoid Them: A View from the Bench**  
The Honorable Susan Burke



*Hennepin County Courthouse*  
(Minneapolis, MN)

9:00am-10:00am

**Effective Presentation of Expert Witness Testimony**  
Edward P. Schwartz, Ph.D.



*TrialGraphix*  
(New York, NY)

10:00am-10:15am

## BREAK AND NETWORKING OPPORTUNITY

10:15am-11:15am

**Destroying Expert Witnesses: How Lawyers Use Weaknesses of Experts**



John Delany III, Esq.  
*Delany & O'Brien*  
(Woodbury, NJ)

11:15am-12:15pm

**How to Prepare to Testify at Deposition and Trial**  
Nadine Nasser Donovan, Esq.



*Mulvey, Ennis, Keefe, and Donovan, LLC*  
(Quincy, MA)

12:15pm-1:30pm

## LUNCH (PROVIDED WITH FACULTY)

1:30pm-2:20pm

**Breakout Session: Choose One**  
**Persuasion Skills and Communication Techniques for Expert Witnesses**  
Chip Darius, OHST, CET  
*Safety Priority Consultants, LLC*  
(Cromwell, CT)



**OR**  
**How to Grow Your Expert Witness Practice with LinkedIn**



Jeff Gotro, PhD  
*InnoCentric, LLC*  
(Rancho Santa Margarita, CA)

2:20pm-2:30pm

## BREAK AND NETWORKING OPPORTUNITY

2:30pm-3:20pm

**BREAKOUT SESSION: CHOOSE ONE**  
**Direct Examination of the Expert Witness: How To Work With Counsel To Achieve a Powerful Effective Direct**



Gary Trugman CPA/ABV, MCBA, ASA, MVS  
*Trugman Valuation Associates, Inc.*  
(Plantation, FL)

**OR**  
**How to Protect Yourself from Potential Abuse from Retaining Counsel**



James J. Mangraviti Jr., Esq.  
*SEAK, Inc.*  
(Falmouth, MA)

3:20pm-3:30pm

## BREAK AND NETWORKING OPPORTUNITY

3:30pm-4:30pm

**Breakout Session: Choose One**  
**How to Excel During Your Initial Interview with Counsel: Getting Hired**



David Tirella, Esq.  
*Eaton & Tirella*  
(Tampa, FL)

**OR**  
**Writing the Excellent Expert Report**



Kirk Heilbrun, PhD  
*Drexel University*  
(Philadelphia, PA)

4:45pm-6:00pm

## NETWORKING RECEPTION

7:00am-8:00am

## CONTINENTAL BREAKFAST

8:00am-9:00am

**How to Excel at Your Deposition: Techniques That Work**  
Thomas Gutheil, MD  
(Brookline, MA)



9:00am-10:00am

**Disqualification of Experts: Daubert and Beyond**  
Adam Bain, Esq.



*U.S. Department of Justice*  
(Washington, DC)

10:00am-10:15am

## BREAK AND NETWORKING OPPORTUNITY

10:15am-11:15am

**Cross-Examination Survival Techniques: What Every Expert Should Know**  
George McLaughlin, Esq.



*John Gehlhausen, PC*  
(Aurora, CA)

11:15am-12:15pm

**Demonstrative Evidence and Expert Witnesses**  
Karen K. Koehler, Esq.



*Stritmatter Kessler Whelan Coluccio*  
(West Seattle, WA)

12:15pm-1:30pm

## LUNCH (PROVIDED WITH FACULTY)

1:30pm-2:20pm

**Breakout Session: Choose One**  
**How to Make More Money as an Expert Witness**  
Steven Babitsky, Esq.  
*SEAK, Inc.*  
(Falmouth, MA)



**OR**  
**Expert Witness Testimony at Arbitration, Mediation, and Trial: Similarities and Differences for the Expert Witness**



Brooks Hilliard, CMC™, CCP  
*Business Automation Associates Inc.*  
(Phoenix, AZ)

2:20pm-2:30pm

## BREAK AND NETWORKING OPPORTUNITY

2:30pm-3:20pm

**Breakout Session: Choose One**  
**How to Survive and Thrive in the High Profile Case**



Alyce Dunn LaViolette, MS, MFCC  
(Long Beach, CA)

**OR**  
**How to Excel at Your Video Deposition**  
David Markowitz, Esq.



*Markowitz, Herbold, Glade & Mehlhaf*  
(Portland, OR)

3:20pm-3:30pm

## BREAK AND NETWORKING OPPORTUNITY

3:30pm-4:30pm

**Breakout Session: Choose One**  
**How to Market Your Expert Witness Practice - Without Spending A Small Fortune**



Howard Cannon  
*Restaurant Operations Institute, Inc.*  
(Chelsea, AL)

**OR**  
**Making the Complex Understandable: What Works for Expert Witnesses**



Robin Franks, PG, CHMM  
*TGE Resources, Inc.*  
(Houston, TX)

# Conference Program: Saturday, May 3, 2014

**7:00am – 8:00am**

## REGISTRATION & CONTINENTAL BREAKFAST

**8:00am – 9:00am**

### The Biggest Mistakes Experts Make and How to Avoid Them: A View from the Bench The Honorable Susan Burke



Judge Susan Burke will identify the most common mistakes expert witnesses make and will explain how to avoid them. She will discuss demeanor, presentation, communications skills, personality, and the maintenance of integrity, credibility and reputation. Judge Burke will offer practical suggestions that experts can adopt to improve their effectiveness. **Questions & Answers**  
*Learning Objective: Identify the biggest mistakes experts make and how to avoid them.*

**Judge Susan Burke** has served as a state district court judge in Minneapolis, Minnesota, since January 3, 2005. Judge Burke routinely deals with expert witnesses. She handles approximately 350 civil cases each year. Case types include medical malpractice, legal malpractice, personal injury, product liability, employment, and contract disputes. Judge Burke's criminal cases have primarily involved complex economic crimes and drug crimes. She has observed countless hours of expert testimony. As a federal prosecutor, she prepared and presented expert testimony in almost every case that went to trial and litigated *Daubert* (expert witness) issues for the Federal Bureau of Investigation. She has presented on expert testimony in the past. She has been an active trial advocacy instructor. Prior to her election to the bench, Judge Burke served as an Assistant United States Attorney for the District of Minnesota from 1994-2004. From 1992-1994, she worked as a Trial Attorney for the United States Department of Justice, Civil Division, Federal Programs Branch in Washington, D.C. While at the Department of Justice, Judge Burke was the first to litigate a case interpreting the John F. Kennedy Records Collection Act of 1992. She defended the FBI when Jimmy Hoffa's daughter sued the FBI to close its investigation of Jimmy Hoffa's disappearance. Judge Burke also litigated nine cases against Adam Walinsky and Ann Coulter. Judge Burke was recently inducted into the Hanover College Athletic Hall of Fame for volleyball, basketball and softball. She was a two-time Academic All-American nominee, and was the only student in the college's history to graduate with 12 varsity letters.

**9:00am – 10:00am**

### Effective Presentation of Expert Witness Testimony Edward P. Schwartz, Ph.D.



Dr. Schwartz will explain and demonstrate how expert witnesses using clarity, coherence, comprehension, and credibility can be particularly effective and persuasive. He will discuss why some experts are liked, respected, and effective and why some are not. Dr. Schwartz will offer practical suggestions on how experts of all disciplines can improve their testimony and effectiveness. **Questions & Answers**  
*Learning Objective: Identify ways to give an effective presentation of expert witness testimony.*

**Edward P. Schwartz, Ph.D.** is a jury consultant for TrialGraphix, a national jury consulting firm, in its New York office. He has conducted jury behavior research, aided with witness preparation, and consulted in dozens of cases. He has taught at Harvard, Yale, and Boston University and is a member of the American Society of Trial Consultants. Dr. Schwartz holds a Ph.D. from Stanford University's Graduate School of Business as well as an MSL degree from Yale Law School. He also holds a BA in economics from Yale University.

**10:00am – 10:15am**

## BREAK AND NETWORKING OPPORTUNITY

**10:15am – 11:15am**

### Destroying Expert Witnesses: How Lawyers Use Weaknesses of Experts John Delany III, Esq.



One of experts' worst nightmares is being "destroyed" during cross-examination. Attorney Delany will explain and demonstrate how lawyers capitalize on the weaknesses of experts and help them implode. He will discuss websites, facts and assumptions, withheld information, and other areas where experts are particularly vulnerable during cross-examination. Attorney Delany will offer practical suggestions for experts to insulate themselves from these kinds of frontal assaults by counsel. **Questions & Answers**  
*Learning Objective: Identify ways to destroy the expert witness and how lawyers use weaknesses of experts.*

**John Delany III, Esq.** is a founding partner of Delany & O'Brien and is a member of the PA, NJ and NY State and Federal Bars. He is a Certified Civil Trial Attorney by the Supreme Court of New Jersey and by the National Board of Trial Advocacy. He is also an active member of the Defense Research Institute. Attorney Delany has tried over 80 major jury trials to a conclusion and had hundreds of bench trials. He has had over a billion dollars in construction claims resolved, and over 3.5 billion dollars in toxic tort cases. He has concentrated his practice in high profile, high stakes litigation against the most prominent plaintiff attorneys in the country.

**11:15am – 12:15pm**

### How to Prepare to Testify at Deposition and Trial Nadine Nasser Donovan, Esq.



One of the major ways an expert witness builds a successful practice is to master the art of effectively and comprehensively preparing for trial and deposition testimony. Attorney Donovan will explain and demonstrate with examples how expert witnesses can and should properly prepare for their deposition and trial testimony. She will discuss what material should be reviewed to prepare for testimony, how to deal with voluminous amounts of material, and the role of retaining counsel in the preparation process. Attorney Donovan will offer practical advice, strategies and techniques for successfully preparing for deposition and trial testimony. **Questions & Answers**  
*Learning Objective: Describe strategies to prepare to testify at deposition and trial.*

**Nadine Nasser Donovan, Esq.**, is a former trial lawyer with extensive litigation experience. Ms. Donovan is a SEAK consultant, providing one-on-one training for expert witnesses in the areas of report writing, and preparation for deposition and trial testimony. She is currently a partner in the Boston-based firm of Mulvey, Ennis, Keefe, and Donovan, LLC. Her practice area includes the defense of medical professionals in medical malpractice actions and before medical licensing boards. In addition, Ms. Donovan is a Legal Writing Instructor at Boston University School of Law, and an Adjunct Professor at New England School of Law, Boston, where she teaches a course in Medical Malpractice. She previously practiced litigation in New York City, first as a prosecutor in Queens, and then as counsel for the City of New York. Ms. Donovan received her J.D. *cum laude* from Boston College Law School. She graduated from Fordham University *summa cum laude* with a B.A. in French Literature.

**12:15pm – 1:30pm**

## LUNCH (PROVIDED WITH FACULTY)

## Conference Program: May 3, 2014

1:30pm – 2:20pm

## BREAKOUT SESSION: CHOOSE ONE

Persuasion Skills and Communication Techniques for Expert Witnesses  
Chip Darius, OHST, CET

To be effective and successful, expert witnesses need both technical skills and the ability to communicate with and persuade the judge, jury, or other fact finder. Mr. Darius will explain and demonstrate what makes expert witnesses more persuasive and successful communicators. In this presentation he will explain and demonstrate specific techniques that experts can utilize to become a more persuasive expert witness before, during and after testimony including: 6-second size-up; using powerful and memorable language, analogies, and metaphors; optimizing teaching skills and opportunities; using demonstrative aids and evidence; verbal and non-verbal communication; focusing on the messages between the lines; and managing meta-communication. **Questions & Answers** *Learning Objective: List ways expert witnesses can use persuasion skills and communication techniques.*

**Chip Darius, OHST, CET** is an OSHA / Safety Consultant and Trainer with over 20 years' experience serving clients in general industry, construction, utilities and emergency services. Mr. Darius is an Instructor for the OSHA Training Institute Region 1 Education Center, where he has been teaching courses on OSHA regulations for over a decade. Mr. Darius is an experienced Forensic Expert Witness and Litigation Consultant in catastrophic injury, fatality and personal injury matters. He has experience in both plaintiff and defense cases, in state and federal matters. He has testimony experience in depositions and at trials. Mr. Darius has conducted training at international, national, regional, state and local conferences and seminars. He earned BS and MA degrees from the University of Connecticut. Mr. Darius has also been a certified Emergency Medical Technician for 34 years.

OR

## How to Grow Your Expert Witness Practice with LinkedIn

Jeff Gotro, PhD, CMC



Experts who want to grow their expert witnesses practices need to keep up with the growing use of LinkedIn by attorneys and others looking to retain expert witnesses. Jeff Gotro, PhD will present an overview of LinkedIn, including basics, profile optimization, keyword strategies, share buttons, company pages, endorsement features, and groups. He will explain strategic approaches to target the over 200 million users and the best practices for turning leads into expert witness assignments. Particular attention will be placed on maintaining professionalism and credibility while at the same time growing your expert witness practice through the use of LinkedIn. **Questions & Answers** *Learning Objective: Describe techniques to grow your expert witness practice with LinkedIn.*

**Jeff Gotro PhD, CMC** is a polymer science expert and President of InnoCentrix, a polymer consulting and expert witness company. Dr. Gotro has used LinkedIn to substantially increase both his consulting and expert witness business. Jeff is a member of the American Chemical Society (ACS), the Institute for Management Consultants (IMC), the Forensic Expert Witness Association (FEWA), the International Microelectronics and Packaging Society (IMAPS), and the Society for the Advancement of Materials and Process Engineering (SAMPE). Jeff has published 59 technical papers (including 4 book chapters) in the field of polymeric materials, holds 14 issued US patents, and has 5 patents pending. Jeff has a Ph.D. in Materials Science from Northwestern University with a specialty in polymer science and a B.S. in Mechanical Engineering/Materials Science from Marquette University.

2:20pm – 2:30pm

## BREAK AND NETWORKING OPPORTUNITY

2:30pm – 3:20pm

## BREAKOUT SESSION: CHOOSE ONE

Direct Examination of the Expert Witness: How To Work With  
Counsel To Achieve a Powerful Effective Direct

Gary Trugman CPA/ABV, MCBA, ASA, MVS



All too often the expert witness' direct examination is neglected resulting in the failure to achieve a powerful, positive and long lasting first impression of the expert. Mr. Trugman will explain and demonstrate how the expert working with retaining counsel can seize the momentum and achieve a successful direct examination. In this presentation he will discuss the numerous goals that can and should be achieved during direct examination of the expert including: educating counsel, introducing and inoculating the expert, humanizing the expert, explaining his/her qualifications in an interesting story fashion, and getting the assignment, methodology, and opinions introduced in an understandable, logical, and persuasive manner. **Questions & Answers** *Learning Objective: List ways to work with counsel to achieve a powerful and effective direct.*

**Gary Trugman CPA/ABV, MCBA, ASA, MVS** is a highly experienced and accomplished business valuation and economic damages expert witness. He has been qualified as an expert witness in State Courts of Florida, New Jersey, New York, Pennsylvania, Connecticut, California, Michigan, and Federal District Court in Newark, New Jersey, Hammond, Indiana, Atlanta, Georgia, as well as in Bankruptcy Court in Dallas, Texas. Mr. Trugman has lectured and written extensively and is on the faculty of the National Judicial College as well as being an adjunct professor at Florida International University in Miami, Florida.

OR

How to Protect Yourself from Potential Abuse from Retaining Counsel  
James J. Mangraviti Jr., Esq.

The vast majority of problems expert witnesses face stem from the expert witness's relationship with retaining counsel. Indeed, an expert witness is far more likely to suffer from problems caused by retaining counsel than opposing counsel. Attorney Mangraviti will offer his insights on how to differentiate between abuse and the inherent challenges associated with expert witnessing. Attorney Mangraviti will then offer practical advice for the prevention and/or management of abuses from retaining counsel such as: getting stiffed, deposition fee reduction, unrealistic deadlines, cancellations, *Daubert* issues, failure to prepare, "wordsmithing" draft reports, sandbagging, being purposefully conflicted out of the case, unethical behavior, being disclosed without being retained, etc. **Questions & Answers** *Learning Objective: Identify ways to protect yourself from retaining counsel.*

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

## Conference Program: Saturday, May 3, 2014

**3:20pm – 3:30pm**

### BREAK AND NETWORKING OPPORTUNITY

**3:30pm – 4:30pm**

### BREAKOUT SESSION: CHOOSE ONE

**How to Excel During Your Initial Interview with Counsel: Getting Hired**  
David Tirella, Esq.



Attorney Tirella will describe the process that attorneys go through when interviewing an expert witness for a potential assignment. He will explain what experts say and do during the interview that turns off counsel. Attorney Tirella will offer practical tips and suggestions for experts to excel at their interviews and get hired.  
**Questions & Answers** *Learning Objective: Describe ways to excel during your interview with counsel.*

**David Tirella, Esq.** is a partner of Eaton & Tirella. He has focused his career on high profile complex cases. With 24 years of experience handling a wide variety of civil and criminal matters, including more than 200 bench and jury trials, David has personally interviewed and/or hired hundreds of expert witnesses for criminal, civil, and medical malpractice cases. David frequently speaks and teaches on a wide variety of legal issues ranging from personal injury, legal education, and expert witnessing. His cases or legal opinions have also appeared on "CNN/Headline News", ABC's "20/20", Associated Press, Tru TV's (formerly Court TV) "In Session", Tru TV's "Open Court with Lisa Bloom", ABC News, and MSNBC. He is a board certified civil trial lawyer by the National Board of Trial Advocacy. He is an Adjunct Professor of Law at Stetson University College of Law and teaches expert witnessing, and is AV rated and selected into the Bar Register of Preeminent Lawyers.

OR

### Writing the Excellent Expert Report

Kirk Heilbrun, PhD



The success or failure of an expert witness depends in large part on the ability to write a clear, persuasive, defensible report. Dr. Heilbrun will review and explain a successful protocol for writing the excellent expert report including: using the evaluation as a foundation (mastering the facts, research, investigation), answering the questions posed by retaining counsel, objective standards, sections and formatting, quality control, drafts, use of the latest technology, and defensible methodologies. He will also discuss cases in which no report is written. He will offer 10 practical substantive and stylistic suggestions for writing and defending the excellent expert report. **Questions & Answers**  
*Learning Objective: Identify methods to write an excellent expert report.*

**Kirk Heilbrun, PhD** is currently Professor, Department of Psychology, at Drexel University. He is board certified in clinical psychology and in forensic psychology with the American Board of Professional Psychology, and is a Fellow of the American Psychological Association in six divisions. Since completing a postdoctoral fellowship in psychology and law in 1982, Dr. Heilbrun has been involved in personally conducting or supervising approximately 2,900 forensic evaluations at the request of courts, defense, and prosecution, and has testified as an expert approximately 290 times at the request of both the defense and the prosecution. He has been qualified as an expert in federal court, and in state-level courts in Florida, New York, Pennsylvania, and Virginia.

**4:45pm – 6:00pm**

### NETWORKING RECEPTION

## Conference Program: Sunday, May 4, 2014

**7:00am – 8:00am**

### CONTINENTAL BREAKFAST

**8:00am – 9:00am**

### How to Excel at Your Deposition: Techniques That Work

Thomas Guthel, MD



With fewer trials taking place the deposition of the expert witness has taken on increased significance. In this presentation, Dr. Guthel will explain and demonstrate techniques that will help the expert witness excel at his/her depositions. He will discuss the various fair and unfair strategies and tactics of counsel and how to effectively deal with them. Dr. Guthel will review effective presentation skills and the demeanor that the expert can utilize effectively at deposition. **Questions & Answers** *Learning Objective: Describe techniques to excel at your deposition.*

**Thomas G. Guthel, MD** is Professor of Psychiatry in the Department of Psychiatry, Beth Israel-Deaconess Medical Center, Harvard Medical School. Dr. Guthel had been associated with the Massachusetts Mental Health Center, Boston, for nearly a half century and had served as a staff member there for 40 years. An internationally known teacher, lecturer, author and consultant on medicolegal issues, risk management and malpractice prevention, Dr. Guthel is the first Professor of Psychiatry in the history of the Harvard Medical School to be board certified in both general and forensic psychiatry. He has authored/co-authored over 300 publications and is an experienced expert witness.

**9:00am – 10:00am**

### Disqualification of Experts: *Daubert* and Beyond

Adam Bain, Esq.



One of the worst fears of expert witnesses is being challenged and disqualified from testifying. Attorney Adam Bain will discuss what every expert witness should know about challenges to their qualifications and methodologies. He will explain the standards for admission and exclusion of expert testimony, and demonstrate, with examples, how experts can best protect themselves from successful challenges. Mr. Bain will offer practical suggestions for experts to assist them in avoiding challenges to their testimony and to guide them when their testimony is challenged, including how to work with counsel in formulating opinions and responding to challenges. **Questions & Answers**  
*Learning Objective: List ways of disqualifying the expert.*

**Adam Bain, Esq.** has been an attorney in the United States Department of Justice for over 25 years. During that time, his primary responsibility has been defending the United States in toxic tort litigation. Mr. Bain's cases typically involve many claimants who are seeking millions of dollars from the United States for personal injuries and property damages. The litigation usually involves complex legal, factual, and scientific issues. During his career, Mr. Bain has represented the United States in hearings, trials and appeals in federal courts throughout the country. In his litigation, Mr. Bain has worked with some of the nation's top experts in toxicology, epidemiology, psychology, hydrogeology, real estate appraisal, and environmental sciences. He is a frequent faculty member at the Department of Justice's National Advocacy Center where he often lectures on finding and using expert witnesses. He also often writes on expert witness issues. Mr. Bain obtained his B.A. (1983) from Purdue University and his J.D. (1986) from Indiana University Maurer School of Law.

CONTINUED

## 23rd Annual National Expert Witness Conference

## Conference Program: Sunday, May 4, 2014

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

10:15am - 11:15am Cross-Examination Survival Techniques: What Every Expert Should Know  
George McLaughlin, Esq.

Most expert witnesses are rightly concerned about their cross-examination. Attorney McLaughlin will explain how experienced counsel prepares to discredit, impeach, or destroy an expert witness. He will discuss credentials, over testifying, fees, bias, prior testimony, assumptions, reports, depositions, methodology, etc. Attorney McLaughlin will offer practical advice to experts on how to prepare for, survive, and excel during their cross-examination. **Questions & Answers** Learning Objective: Discuss techniques for surviving your cross-examination.

**George McLaughlin, Esq.** joined John Gehlhausen, PC., in July of 2012. Mr. McLaughlin has more than 33 years' experience as a trial lawyer, trying well over 100 jury trials to verdict in State and Federal Courts across the country. He focuses his practice on representing victims of defective medical devices and consumer products. Mr. McLaughlin is a national expert on electric blanket and heating pad fires, and Wright Medical Profemur hip fracture cases. Mr. McLaughlin is a former chair of the American Association for Justice (AAJ) Product Liability Section, and a member of the Colorado Trial Lawyers Association Board of Directors. He is a frequent author and speaker on continuing legal education issues related to the trial of product liability cases.

11:15am - 12:15pm Demonstrative Evidence and Expert Witnesses  
Karen K. Koehler, Esq.

Attorney Koehler will explain how attorneys use demonstrative evidence with expert witnesses to persuade a judge and jury. She will also show how to maximize damages using demonstrative evidence. She will demonstrate, with the use of video, models, and a computer, how to simplify complex issues so that they are easily understandable for juries. Attorney Koehler will discuss the expert's role in preparing and working with demonstrative evidence in a personal injury action. Attorney Koehler will give practical suggestions for how experts and attorneys can work together to persuade juries in 2013 and beyond. **Questions & Answers** Learning Objective: Describe strategies for the effective use of demonstrative evidence.

**Karen K. Koehler, Esq.** is a trial lawyer with the Seattle law firm of Stritmatter Kessler Whelan Coluccio. Nicknamed "The Velvet Hammer™" by some of her adversaries, Karen is known for her creativity, tenacity and trial skills. Few plaintiff attorneys try more cases than Karen. Atty. Koehler is a prolific speaker and writer, an author of nationally published legal treatises and an adjunct professor at the University of Washington School of Law. She has also gained national and local recognition from many, including the American Bar Association for maintaining a Top 100 "Blawg." In addition to serving as President of the Washington State Trial Lawyers Association (2007-08), she has held leadership positions in the American Association of Justice. A member of the America Board of Trial Advocates, she is listed in The Best Lawyers in America, regularly listed as a Super Lawyer and a top 40 personal injury lawyer by Washington Law & Politics Magazine. She also won a trial lawyer of the year award in 2005.

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

1:30pm - 2:20pm BREAKOUT SESSION: CHOOSE ONE  
How to Make More Money as an Expert Witness  
Steven Babitsky, Esq.

Expert witnesses are rightly concerned with being fairly compensated for their time and experience. Attorney Babitsky will describe and explain 10 specific techniques and strategies for expert witnesses to substantially increase their income. He will detail how to increase the profitability of your expert witness practice while maintaining your credibility, reputation, and professionalism. **Questions & Answers** Learning Objective: List ways to make more money as an expert witness.

**Steven Babitsky, Esq.** is the President of SEAK, Inc., the expert witness training company ([www.testifyingtraining.com](http://www.testifyingtraining.com)). He trains and consults with expert witnesses and forensic companies on marketing, practice building, and deposition and trial preparation. He is the co-author of numerous texts on expert witnessing, including: *How to Prepare Your Expert Witness for Deposition*, *How to Market Your Expert Witness Practice: Evidence-Based Best Practices*, and *The Biggest Mistakes Expert Witnesses Make And How to Avoid Them*. He was a trial attorney for 20 years.

OR  
Expert Witness Testimony at Arbitration, Mediation, and Trial:  
Similarities and Differences for the Expert Witness  
Brooks Hilliard, CMC™, CCP

Mr. Hilliard will discuss how experts can increase the effectiveness of their testimony at arbitration, mediation, and trial. He will review the differences between court trials, arbitrations and mediation and how they affect your preparation and testimony as an expert. Specifically, he will cover the difference between judges and arbitrators, relaxation of the rules of evidence, the importance of "presentation skills" (within bounds) in mediation, and creating rapport with arbitrators. Mr. Hilliard will offer practical suggestions for experts to succeed at arbitration, mediation, and trial. **Questions & Answers** Learning Objective: Identify techniques experts can use to increase the effectiveness of their testimony at arbitration, mediation and trial.

**Brooks Hilliard, CMC, CCP** is President of Business Automation Associates in Phoenix. He has testified as an expert witness on information technology matters, including computer system and software defects and IT-related intellectual property matters, in both state and federal courts, as well as numerous arbitration hearings and mediation proceedings. He has been engaged in more than 100 matters in 30 states since 1983. In addition, Business Automation provides computer information systems consulting to businesses and governmental organizations.

2:20pm - 2:30pm BREAK AND NETWORKING OPPORTUNITY  
2:30pm - 3:20pm BREAKOUT SESSION: CHOOSE ONE  
How to Survive and Thrive in the High Profile Case  
Alyce Dunn LaViolette MS, MFCC

Expert witnesses who are involved in a high profile case may have to take their testimony and expertise to a higher level to thrive and survive. In this presentation, Alyce Dunn LaViolette will explain what she went through in the high

CONTINUED

# Conference Program: Sunday, May 4, 2014

profile Jodi Arias, nationally televised murder trial. She will share hard lessons learned from the initial retention, fee setting, meetings with counsel, direct- and the tough eleven day cross-examination she endured. Ms. LaViolette will offer practical suggestions for attendees in evaluating how, when, and if to accept high profile cases. **Questions & Answers** *Learning Objective: Discuss strategies to thrive in a high profile case.*

**Alyce Dunn LaViolette MS, MFCC** is an anger management and domestic violence advocate and experienced expert witness. She is a part-time lecturer at California State University and has lectured extensively both nationally and internationally. Ms. LaViolette testified at the Jodi Arias trial and survived 12 days of direct and cross-examination. She has been considered a pioneer in domestic violence and started one of the first groups in the country to work with perpetrators of DV in 1979. She has co-authored a best-selling book by Sage Publications, which just released the third edition in April of this year, *It Could Happen to Anyone: Why Battered Women Stay*. Ms. LaViolette is currently in private practice.

OR

## How to Excel at Your Video Deposition

David Markowitz, Esq.



Attorney Markowitz will discuss and demonstrate, with video, the importance of tone, demeanor, facial expressions, hand gestures, and self-control during the expert's video deposition. He will review crucial nuances involved in excelling, including distracting mannerisms, fatigue, chair placement, excessive pausing, etc. He will offer practical suggestions on how expert witnesses can excel during their video deposition. **Questions & Answers** *Learning Objective: List ways to excel at your video deposition.*

**David Markowitz, Esq.** is a highly accomplished trial lawyer in Portland, Oregon. He is a frequent lecturer on litigation related topics including taking and defending depositions, trial techniques, witness preparation, and oral persuasion. His full day deposition course has been presented to thousands of lawyers and experts nationwide, and is available on DVD at [www.trialguides.com](http://www.trialguides.com). He is a Fellow and former Oregon State chair of the American College of Trial Lawyers, is a fellow in the International Academy of Trial Lawyers, is a member of the American Board of Trial Advocates, and was listed as one of the top ten Oregon litigators by the National Law Journal. Chambers and Partners ranked him among the top litigators in its Chambers Global 2013 directory, one of only three Oregon attorneys to be listed. Dave is the number one ranked litigator in Oregon by Oregon Super Lawyers.

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

## BREAK AND NETWORKING OPPORTUNITY

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

## BREAKOUT SESSION: CHOOSE ONE

### How to Market Your Expert Witness Practice – Without Spending A Small Fortune

Howard Cannon



With increased competition among expert witnesses, it is crucial for experts to utilize all reasonable means available to effectively and efficiently market and promote their practices. In this fast-paced, highly-intense workshop, expert witness and author Howard Cannon, will explain and demonstrate his unique and memorable techniques and strategies used to make his restaurant expert witness practice the most visible restaurant, bar, food, and beverage expert witness practice. Howard will discuss how his team uses social media, speaking engagements, writing and publishing, print ads, directories, search engine optimization, and other secret formulas to gain visibility and reach. Howard will explain how to track results and how to successfully pick and choose the most cost-effective means for creating visibility and driving results to your expert witness practice. **Questions & Answers** *Learning Objective: Identify techniques to market your expert witness practice.*

Restaurant Expert Witness – **Howard Cannon** is the most visible restaurant, bar, food, and beverage industry expert witness. Since 1987, his firm has provided expert witness, start-up, and turnaround services to clients of all types and sizes in markets across the country and around the world. Mr. Cannon's experience in state and federal court cases with both plaintiffs and defendants in regard to restaurant, bar, food, and beverage industry matters is unmatched. He has authored four books which can be found in bookstores in more than 76 countries around the globe; given hundreds of seminars, speeches, and interviews; and, has been published in countless magazines, newspapers, and blogs world-wide—having been featured on highly-regarded television, radio, and print mediums; such as: Anderson Cooper, *The Wall Street Journal*, *Reader's Digest*, Fox News, MSNBC, Canadian Public Radio, and others. His social media impact is extraordinary, as he has tens of thousands of followers, friends, and subscribers on Facebook, Twitter, and YouTube; and, has had more than 125,000 people view his YouTube channels. Howard has worked in every state of the United States and several countries around the globe.

OR

## Making the Complex Understandable: What Works for Expert Witnesses

Robin Franks PG, CHMM



Ms. Franks will discuss how to translate and explain complex scientific concepts, principles, and results in a fashion that can be readily understood by a judge, fact finder, and jury. She will demonstrate how an effective technical expert witness can make juries and judges feel comfortable with the understanding of complex evidentiary material. Ms. Franks will demonstrate, by use of examples, how all experts can work with retaining counsel to offer coherent, understandable expert testimony even in the most complex and difficult cases. **Questions & Answers** *Learning Objective: List techniques to make the complex understandable and what works for expert witnesses.*

**Robin Franks PG, CHMM** is President and founder of TGE Resources, Inc. and an experienced expert witness and consultant. She is a professional geoscientist, geologist, biologist and Certified Hazardous Materials Manager. Ms. Franks' specialties include real property assessment, characterization, clean-up, and case "closure" in the commercial, industrial, oil and gas, and healthcare industries. Her experience encompasses over 25 years of industrial compliance auditing, clean-up of up and down-stream affected oil & gas property, bulk and fuel storage tank remediation, urban core "Brownfield" redevelopment projects, asbestos consulting, lead-based paint management, and industrial hygiene/indoor environmental quality consulting including mold/fungus and bioaerosol assessment, testing, and remediation consulting. Ms. Franks offers expertise in litigation support and client representation within a wide array of environmental matters. She has served as the firm's senior technical Principal in more than 35 "merger/acquisition" projects encompassing over 2000 sites nationwide; and thousands of real property investigations, many of which have involved complex clean-up strategies as well as comprehensive "risk-based" case management in negotiated coordination with various regulatory agencies within Texas and throughout the United States.

**How to Write a Bulletproof Expert Witness Report**

Rosen Centre Hotel, Orlando, Florida

Thursday-Friday, May 1-2, 2014

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

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

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

**Early Registration Bonus:** All persons registering prior to March 1, 2014 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.

**Cancellations:** Conference cancellations received in writing before April 15, 2014 will receive a full refund. Conference cancellations received after April 15, 2014 will receive a full tuition credit.

**Continuing Education Information:** Note: If your specialty does not appear below and you desire credits, please contact Karen Cerbarano (781-826-4974 or [Karen@seak.com](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 16.5 CPE credits in the field of study of Specialized Knowledge and Applications. SEAK, Inc. is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors through its website: [www.learningmarket.org](http://www.learningmarket.org). For SEAK, Inc.'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 intermediate group-live program. There are no prerequisites for this intermediate group-live program. **Advanced Preparation:** None. This program was reviewed in August 2013. **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:** 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. This is an intermediate course. This course is for psychologists who are interested in expert witness work or who already serve as expert witnesses. For any additional information about this program please call 508-457-1111. To receive credit each psychologist must attend the entire program, sign in before the program, sign out after the program and return a completed evaluation form. **PARTIAL CREDIT IS NOT PERMITTED.**

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

**Distinguished Faculty:**

**Nadine Nasser Donovan, Esq.**, is a former trial lawyer with extensive litigation experience. Ms. Donovan is a SEAK consultant, providing one-on-one training for expert witnesses in the areas of report writing, and preparation for deposition and trial testimony. She is currently a partner in the Boston-based firm of Mulvey, Ennis, Keefe, and Donovan, LLC. Her practice area includes the defense of medical professionals in medical malpractice actions and before medical licensing boards. In addition, Ms. Donovan is a Legal Writing Instructor at Boston University School of Law, and an Adjunct Professor at New England School of Law, Boston, where she teaches a course in Medical Malpractice. She previously practiced litigation in New York City, first as a prosecutor in Queens, and then as counsel for the City of New York. Ms. Donovan received her J.D. *cum laude* from Boston College Law School. She graduated from Fordham University *summa cum laude* with a B.A. in French Literature.

# How to Write a Bulletproof Expert Witness Report

Rosen Centre Hotel, Orlando, Florida

DAY ONE: Thursday, May 1, 2014

## 7:30–8:00 REGISTRATION & CONTINENTAL BREAKFAST

### 8:00–8:30 Introduction

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

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

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

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

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

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

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

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

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

Looks matter. A well laid out report will carry more weight than a report exhibiting poor formatting and style. In this section, faculty will discuss the importance of style, layout, and formatting and provide twenty-three easily implementable suggestions for making your expert witness report stand out. Samples from well formatted reports will be provided and studied.

Attendees will be asked to critique and suggest formatting improvements to sample report segments. *Learning Objective: Describe methods for improving the style, layout, and formatting of your expert witness report. Questions & Answers.*

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

### 12:45–1:45 How to Document Your Assignment

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

### 1:45–2:45 How to Document Your Qualifications

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

## 2:45–3:00 BREAK AND NETWORKING OPPORTUNITY

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

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

**How to Write a Bulletproof Expert Witness Report****Rosen Centre Hotel, Orlando, Florida****DAY ONE CONTINUED: Thursday, May 1, 2014****4:15–5:00 How to Make Optimum Use of Charts, Graphs, Timelines, and Photographs in Your Expert Witness Report**

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

**Questions & Answers.****DAY TWO: Friday, May 2, 2014****6:30–7:00 CONTINENTAL BREAKFAST****7:00–7:45 How to Best Deal with Confounding Data and Studies and Alternate Explanations and Theories**

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

**7:45–9:15 Properly Expressing Your Opinion**

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

**9:15–9:30 BREAK AND NETWORKING OPPORTUNITY****9:30–10:15 How to Best Rebut The Opposing Expert's Opinion(s)**

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

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

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

**10:45–11:00 BREAK AND NETWORKING OPPORTUNITY****11:00–11:30 Discovery, Ethics and The Influence of Retaining Counsel**

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

## How to Write a Bulletproof Expert Witness Report

Rosen Centre Hotel, Orlando, Florida

DAY TWO CONTINUED: Friday, May 2, 2014

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

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

**Questions & Answers.**

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

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

At best, mistakes in an expert witness report can be embarrassing. At worst, mistakes can completely destroy an expert witness's credibility. In this segment attendees will learn the ten point protocol for quality controlling their reports. Included will be a detailed quality control checklist which can be used by the expert or one of the expert's support staff. *Learning Objective: Identify protocols for editing and reviewing expert witness reports.* **Questions & Answers.**

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

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

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

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

**"Two very enjoyable days"**

**"Good use of time and money"**

**"Outstanding"**

**"Very informative and interactive"**

**"Very good...highlighted traps"**

**"Very helpful and informative"**

**"Well done, great job!"**

**"Very effective"**

## Advanced Testifying Skills for Experts: The Master's Program

Rosen Centre Hotel, Orlando, Florida

Thursday-Friday, May 1-2, 2014

**Executive Summary:** This program is the most advanced course offered by SEAK on expert witnessing. It is designed specifically for experienced expert witnesses and provides personalized written feedback to attendees on their presubmitted CVs and sample expert reports (for those registering prior to April 1, 2014). Advanced Testifying Skills: *The Master's Program* includes a free copy of SEAK's *National Guide to Expert Witness Fees and Billing Procedures* (for those registering prior to March 15, 2014). **This program is only offered once per year.**

**Registration Information:** Tuition is \$1,295 and includes two days of unique and practical instruction, feedback on your CV and report, a detailed printed course manual not available anywhere else, and continental breakfast and lunch with faculty each day. To register, please use the form on page two or visit [www.seak.com](http://www.seak.com).

**Early Registration Bonus:** All persons registering prior to March 1, 2014 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.

**Cancellations:** Conference cancellations received in writing before April 15, 2014 will receive a full refund. Conference cancellations received after April 15, 2014 will receive a full tuition credit.

**"Enjoyed most the immediate feedback critiquing 'testimony.'"**

**"I enjoyed and appreciated your great teaching techniques and excellent material presented. I got a lot out of it."**

**"I'm amazed at how much you remember about each of us."**

**"Great performances."**

**"Great work!"**

**"Take no prisoners: I loved it."**

### FACULTY:



**Steven Babitsky, Esq.** is the President of SEAK, Inc., the expert witness training company ([www.testifyingtraining.com](http://www.testifyingtraining.com).) He trains and consults with expert witnesses and forensic companies on marketing, practice building, and deposition and trial preparation. He is the co-author of numerous texts on expert witnessing, including: *How to Become a Dangerous Expert Witness*, *The A-Z Guide to Expert Witnessing*, *How to Prepare Your Expert Witness for Deposition*, *How to Market Your Expert Witness Practice: Evidence-Based Best Practices*, and *The Biggest Mistakes Expert Witnesses Make And How to Avoid Them*. He was a trial attorney for 20 years.

**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 16.5 CPE credits in the field of study of Specialized Knowledge and Applications. SEAK, Inc. is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors through its website: [www.learningmarket.org](http://www.learningmarket.org). For SEAK, Inc.'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 advanced group live program. Advanced Preparation: None. This program was reviewed in August, 2013. **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 (upon 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. This is an advanced course. This course is for psychologists who are interested in expert witness work or who already serve as expert witnesses. For any additional information about this program please call 508-457-1111. 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.

**Advanced Testifying Skills for Experts: The Master's Program**

Rosen Centre Hotel, Orlando, Florida

DAY ONE: Thursday, May 1, 2014

**PART I: PREVENTION****7:15 – 7:45 CONTINENTAL BREAKFAST AND REGISTRATION**

**7:45–9:45 Protecting Yourself from Attacks on your Credibility and Credentials** The most valuable experts deny opposing counsel ammunition to attack their credentials and credibility. This segment will identify a detailed checklist of potential areas of attack that experts may be subject to regarding their credentials and credibility including: every word on their CVs, skeletons in the closet, past testimony, their image, controversial or political associations, missing credentials, fees, fee schedules, fee agreements, marketing materials, web page, speeches, work on past cases, apparent and actual conflicts of interest, non-related litigation, hobbies, professional complaints or discipline, presentations and writings. The faculty will provide specific advice on how to insulate yourself as much as possible from these attacks. Emphasized will be prevention and the “hidden pitfalls” that can and will come back to haunt the expert at a later date. *Demonstrations, Interactive Discussion, Questions and Answers. Learning Objective: List techniques to insulate yourself from attack from opposing counsel.*

**9:45–10:00 BREAK AND NETWORKING OPPORTUNITY**

**10:00–11:45 Forming Airtight Opinions** The best experts express opinions that hold up under the most rigorous scrutiny and cross-examination. This segment will identify many ways in which opposing counsel is able to poke holes in an expert's opinion. The faculty will provide specific action steps to bullet-proof your opinion including, proper case and client selection, avoiding time crunches, using careful and confident language, not overstating or understating facts or opinions, consistency, dealing with the opinions of other experts, knowing exactly what needs to be proved, testing alternative theories, properly using reliable equipment, taking careful and precise measurements, being well-trained and well-versed in any computer program used, verifying computer results, leaving no stone unturned, taking photographs, verifying your factual assumptions, gaining as much first hand knowledge as possible, thoroughly researching the issues at hand, obtaining and carefully reviewing all relevant documents, not sharing draft reports with counsel, avoiding “junk science,” understanding how the *Daubert* rule applies in your specialty and jurisdiction, maintaining accurate billing records and avoiding even the appearance of impropriety. *Demonstrations, Interactive Discussion, Questions and Answers. Learning Objective: Describe how to make your opinions more resistant to cross examination.*

**11:45–12:30 LUNCH WITH FACULTY (PROVIDED)****PART II: PREPARATION**

**12:30–2:00 Properly Preparing to Testify at Deposition and Trial** Peak performance requires proper and disciplined preparation done correctly. Well prepared experts are able to deliver confident testimony, deal with cross examination far more effectively, and are in a much better position to articulate and defend their opinions. In this segment, the faculty will explain advanced techniques that can and should be used to prepare for depositions, direct examination and cross-examination. Included is an explanation of the goals of retaining counsel at your deposition and how this effects your preparation, how to insure that retaining counsel properly prepares you to testify, how to study your file, which facts and documents must be known cold, making sure the language you intend to use is understandable to a lay audience, forming and testing analogies, conducting mock direct and cross-examinations with retaining counsel, gaining and using intelligence on the judge, jury, jurisdiction and opposing counsel, and being in your best form when it comes time to testify. *Demonstrations, Interactive Discussion, Questions and Answers. Learning Objective: Describe techniques to effectively prepare to testify.*

**2:00–2:15 BREAK AND NETWORKING OPPORTUNITY****PART III: PERFORMANCE**

**2:15–4:15 Defeating Opposing Counsel's Deposition Tactics** The best experts recognize that most cases are won and lost in the discovery phase and that the expert's deposition is a crucial—often outcome determinative—component of the case. In order to excel at the highest level during a deposition, experts need to be able to recognize and defeat opposing counsel's deposition tactics and recognize how these tactics differ from those used during trial. This segment will teach experts how to recognize and defeat counsel's most insidious deposition tactics including, going for the jugular at the start, physical discomfort, waiving rights, locking down the expert on the facts, playing games with the videotape image, the silence gambit, gaining extra discovery from the expert, wearing the expert down, baiting the expert, getting the expert to talk and volunteer information, questioning notes, setting the expert up for a subsequent *Daubert* challenge, setting the expert up for a subsequent learned treatise cross examination, putting many balls in the air at once, asking about conversations with retaining counsel, intimidating the expert, tricking the expert into inconsistencies, trick questions about documents, the “fumble and bumble” gambit, getting the expert into a rhythm, and utilizing broad catchall questions. Many of the above tactics will be demonstrated with a brief demonstration using attendees. *Demonstrations, Interactive Discussion, Questions and Answers. Learning Objective: Discuss how to defeat opposing counsel's deposition tactics.*

## Advanced Testifying Skills for Experts: The Master's Program

Rosen Centre Hotel, Orlando, Florida

DAY TWO: Friday, May 2, 2014

### PART III: PERFORMANCE (CONTINUED)

#### 6:30 – 7:00 CONTINENTAL BREAKFAST WITH FACULTY

**7:00–8:30 Mastering the Art of Persuasion During Direct Testimony** The best experts deliver powerful and understandable direct testimony. This section will explain and demonstrate numerous advanced techniques for delivering captivating, memorable and persuasive direct expert testimony. The advanced techniques explained include: showing - not telling, getting to the point up front and explaining later, being well-prepared and well-organized, making the complex simple, entertaining, being likeable, highlighting your most relevant qualifications, working on a smooth flow and style, getting out of the jury box early and often, using visual aids that work, aggressively self-editing, employing powerful, memorable analogies, showing your human side and bonding with the jury, using precise language, using confident language, employing short preview and review summaries, using numbered lists, citing references, speaking conversationally, conforming your testimony to the theme of the case, and reading and reacting to the jury. Many of these techniques will be illustrated with brief demonstrations utilizing attendees. *Demonstrations, Interactive Discussion, Questions and Answers. Learning Objective: List techniques to present more persuasive direct testimony.*

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

**8:45–10:30 Staying One Step Ahead of Opposing Counsel During Cross-Examination** The best experts are able to stay one step ahead of opposing counsel during cross-examination by recognizing and defeating opposing counsel's tactics. In this segment, experts will learn advanced techniques for identifying and defeating dozens of opposing counsel's cross-examination tactics, including mischaracterizations, accusations of inconsistencies, learned treatise impeachment, attacking the expert's credentials, taking statements out of context, intimidating the expert, challenging the expert on figures and calculations, fee questions, bullying, misleading questions, challenging the expert's factual assumptions, asking for concessions, "yes or no," accusing the expert of bias, contrasting the expert's opinions, timelines, agitating the expert, tricking the expert, pushing the expert to an extreme position, interrupting the expert and asking the expert to define certain terms. Many of these tactics and defenses will be demonstrated with brief demonstrations utilizing attendee participation. *Demonstrations, Interactive Discussion, Questions and Answers. Learning Objective: Explain how to defeat opposing counsel's cross examination tactics.*

#### 10:30–10:45 BREAK AND NETWORKING OPPORTUNITY

**10:45–12:00 Going On Offense During Cross-Examination** The rarest of all experts are those experts who are able to turn the tables on opposing counsel during cross-examination and "stick the knife in." These experts are particularly dangerous as opposing counsel is quite likely to lose far more ground during cross-examination than she is to gain. In this section, the faculty will explain dozens of techniques to turn the tables on opposing counsel, including; repeating damaging portions of your direct testimony, twelve techniques for breaking counsel's momentum, pushing back, interpreting a "yes or no" question as being open-ended, using backhanded compliments, responding to a question with a question, baiting counsel into asking one question too many, tasteful humor, offering explanations, pointing out the misleading nature of a question, actively challenging false factual assumptions in predicate questions, lulling counsel into a false sense of security prior to pouncing, striking back with a light touch, six techniques to encourage counsel to lose his cool, self-deprecating remarks, pointing out hypocrisy, injecting personal information in your responses and requesting permission to explain. Many of these techniques will be demonstrated by brief interactive cross-examination demonstrations using students in the class. *Interactive Discussion, Questions and Answers. Learning Objective: Explain how to turn the tables on opposing counsel.*

#### 12:00–12:45 LUNCH WITH FACULTY (PROVIDED)

### PART IV: PRACTICE

**12:45–2:30 Advanced Testifying Skills in Action: Skillfully Answering Cross-Examination Questions** This final segment is designed to allow the attendees to solidify the knowledge gained earlier in the course. The faculty will ask the attendees numerous trick and difficult cross-examination questions. For each question, the attendees will have an opportunity to practice the techniques covered in this program by explaining how the question could have been avoided, how they could have and should have prepared to answer the question, identifying the tactic that counsel is using and delivering a response that defeats the tactic and/or allows the expert to turn the tables and go on the offensive. *Demonstrations, Interactive Discussion, Questions and Answers. Learning Objective: Describe truthful and artful responses to trick and difficult questions.*

**2:30–3:00 Takeaways, Conclusion & Evaluation** The instructors will take any final questions and solicit from the group a concise set of practical "bullet point" takeaways based on what was learned in this intensive, two-day program. Evaluation forms will be completed and turned in. *Learning Objective: List techniques to be a more effective expert witness.*

**Registration is Limited. Register Today.**

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

Rosen Centre Hotel, Orlando, Florida

Thursday-Friday, May 1-2, 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.

**Learning Objectives: At the conclusion of this course you will be able to:**

- Explain the role of expert witnesses in civil litigation
- Describe what attorneys are looking for from their experts
- Define and articulate your niche area(s) of expertise
- List techniques for improving your CV
- Describe strategies for avoiding ethical problems
- Set an appropriate fee for your time
- Identify the key clauses that should be in your retention agreement
- Form more defensible opinions
- Build a reputation as a "go to" expert witness
- List proven risk management techniques for expert witnesses
- List techniques for exceeding the expectations of retaining counsel
- Describe strategies for maintaining your independence and objectivity
- Draft a more persuasive expert witness report
- List techniques for bulletproofing yourself
- List numerous methods to expand and grow your expert witness practice
- much, much more.

**Registration Information:** To register, please use the form on page 2. The \$1,295 tuition includes continental breakfast and lunch with faculty each day and a detailed conference manual.

**Early Registration Bonus:** All persons registering prior to March 1, 2014 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.

**Cancellations:** Conference cancellations received in writing before April 15, 2014 will receive a full refund. Conference cancellations received after April 15, 2014 will receive a full tuition credit.

**Continuing Education Credits: Note: If your specialty does not appear below and you desire credits, please contact Karen Cerbarano (781-826-4974 or Karen@seak.com).** We can often obtain desired credits upon request, but unfortunately, obtaining some types of credits are not feasible. Please register early, as we can only apply for credits after your registration form has been received and it can take time to get the requested approvals back from the accrediting agencies.

**Accident Reconstructionists:** SEAK will apply for credits through ACTAR upon written request at the time of registration.

**Accountants:** Earn 16.5 CPE credits in the field of study of Specialized Knowledge and Applications. SEAK, Inc. is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors through its website: [www.learningmarket.org](http://www.learningmarket.org). For SEAK, Inc.'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 course was reviewed and revised in August 2013. **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:** No credits are available for this program because of its subject matter.

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

**Distinguished Faculty:**



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



**James J. Mangraviti, Jr., Esq.** has trained thousands of expert witnesses through seminars, conferences, corporate training, training for professional societies and one-on-one training/mentoring. He is also frequently called by experts, their employers, and retaining counsel to train and prepare individual expert witnesses for upcoming testimony. Mr. Mangraviti is a former litigator with experience in defense and plaintiff personal injury law and insurance law. He currently serves as Principal of the expert witness training company SEAK, Inc. ([www.testifyingtraining.com](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).

**Registration is limited. Register Today!**

## 23rd Annual National Expert Witness Conference

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

Rosen Centre Hotel, Orlando, Florida

DAY ONE: Thursday, May 1, 2014

### 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

Rosen Centre Hotel, Orlando, Florida

DAY TWO: Friday, May 2, 2014

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!**

# NEW!

# HOW TO WRITE AN EXPERT WITNESS REPORT

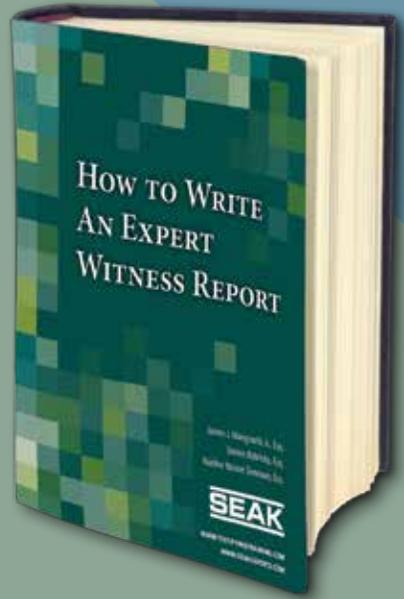
*How To Write An Expert Witness Report* sets the new standard for all expert witnesses who are called upon to write reports. The book is expert witness friendly and contains 14 in-depth chapters. The authors explain report writing best practices with the use of: color, hundreds of examples, numerous comments and practice pointers and suggested rewrites of language commonly used in reports. The authors have culled through thousands of reports and have presented seventeen expert reports as models for the reader. *How to Write An Expert Witness Report* is an invaluable aid for all expert witnesses who are tasked with writing high quality, defensible, expert witness reports.

## The easy-to-use guide:

- Practical, bullet point advice
- Dozens of practice pointers
- Hundreds of examples of what to do and what not to do
- Seventeen complete model reports including a sample rebuttal report, sample Rule 26 report, and sample supplemental report
- In depth, yet easy to use.
- Flags common pitfalls so that you can avoid them
- Executive summaries of each chapters so you can get up to speed quickly
- Written by the experts on expert witnessing from SEAK, Inc.

## Practical and insightful answers to questions like:

- What are the legal requirements of expert witness reports?
- How do I structure my expert witness report?
- How do I deal with discoverability and draft reports?
- How can my expert reports be made more powerful and persuasive?
- How should I optimally format my expert witness report?
- What should be included in my expert witness report?
- What should not be included in my expert witness report?
- How can I use technology to make my reports stand out?
- What language should and should not appear in my expert witness report?
- How do I express my opinions such that they are most defensible?
- What protocol should I use to prevent and catch mistakes in my report?
- How do I deal with the influence of retaining counsel?
- How and when do I write specialized reports such as Rule 26 reports, rebuttal reports, and supplemental reports?



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- Chapter 12: The Use And Misuse Of Boilerplate Language
- Chapter 13: Quality Controlling Your Expert Report
- Chapter 14: Tactics Opposing Counsel May Use To Attack You Through Your Report

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VISIT WWW.SEAK.COM**

# 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.
- Want to perform at peak levels and build the reputation of being a superb expert witness.

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**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!!!!"*

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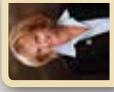
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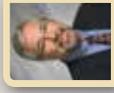
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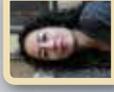
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