



**SEAK**  
EXCELLENCE IN EDUCATION SINCE 1980

**NEW LOCATION**



**MEDICAL-LEGAL CONSULTING TRAINING  
NAPLES, FLORIDA 2010**

- **HOW TO START, BUILD AND RUN A SUCCESSFUL  
EXPERT WITNESS PRACTICE**

**APRIL 22–23, 2010**

- **2010 INDEPENDENT MEDICAL EXAMINATION  
BEST PRACTICES: ACHIEVING EXCELLENCE AND  
SUCCESS**

**APRIL 22–23, 2010**

- **HOW TO START, BUILD AND RUN A SUCCESSFUL  
DISABILITY AND FILE REVIEW CONSULTING  
PRACTICE**

**APRIL 24–25, 2010**

- **HOW TO BE AN EFFECTIVE MEDICAL  
EXPERT WITNESS**

**APRIL 24–25, 2010**

- **Lucrative Medical-Legal Assignments**
- **Most Work Can Be Done From Physician's Home Office**
- **Highly-Acclaimed, Interactive, CME Workshops**

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

**Registration Information**

**LOCATION/HOTEL ACCOMMODATIONS:** A limited block of rooms will be available at special rates at the site hotel (\$179 Resort View / \$209 Gulf View). To make your reservations please call 1-800-237-7600 and mention that you are with SEAK, Inc. Rooms are limited and this rate expires Monday, March 22, 2010 so you are strongly encouraged to make your reservations as soon as possible. Please see page 3 for additional information.

**CONTINUING EDUCATION CREDIT:** Please see pages 4, 7, 10 and 13 for CME information.

**SPECIAL EARLY REGISTRATION BONUS:** All persons registering prior to December, 31, 2009 will receive a complimentary copy of the best-selling 52-minute DVD *The Expert Medical Deposition: How To Be An Effective and Ethical Witness* (a \$104 value). Space is strictly limited for the seminar and hotel. Register early.

**CANCELLATIONS:** Conference cancellations received in writing prior to April 1, 2010 will receive a full refund.

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

**PLEASE REGISTER ME FOR:**

- How to Start, Build and Run a Successful Expert Witness Practice (\$1295) April 22-23, 2010**
- 2010 Independent Medical Examination Best Practices: Achieving Excellence and Success (\$1295) April 22-23, 2010**
- How to Start, Build and Run a Successful Disability and File Review Consulting Practice (\$1295) April 24-25, 2010**
- How to be an Effective Medical Expert Witness (\$1295) April 24-25, 2010**

Please print or type all items to assure accuracy.

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

**Priority Code: RQ**

<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:		
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		
Card Number:	Exp. Date:	
Name as it appears on the card:	Security Code:	
Signature:		

## HOTEL AND TRAVEL INFORMATION

A limited block of rooms will be available at special rates at the site hotel (\$179 Resort View / \$209 Gulf View). Rooms are limited and this rate expires Monday, March 22, 2010. To make your reservations please call 1-800-237-7600 and mention that you are with SEAK, Inc. These rates are available for a limited time and on a limited number of rooms so you are strongly encouraged to make your reservations as soon as possible.

The Naples Beach Hotel & Golf Club ([www.naplesbeachhotel.com](http://www.naplesbeachhotel.com)) features a gorgeous beach on the Gulf of Mexico, onsite championship golf, an award winning Tennis Center, large beachside swimming pools, complete fitness center, a world class Spa and a complimentary Beach Klub 4 Kids. It is located in the heart of Olde Naples and is a 2-3 minute drive to the world famous shops, galleries and restaurants of Fifth Avenue.

Most major domestic carriers and several international airlines provide frequent service into Southwest Florida International Airport, just 40 minutes from the resort. Naples is located approximately 100 miles west of Miami and Ft. Lauderdale, 150 miles south of Tampa and is easily reached by automobile.



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

The Naples Beach Hotel & Golf Club, Naples, Florida

Thursday–Friday, April 22–23, 2010

**Executive Summary:** Excellent and ethical medical-legal consultants can easily double their clinical income by devoting one day a week to medical-legal matters. Time spent by physicians on such matters is commonly billed out at \$400-\$1000 per hour. **How to Start, Build and Run a Successful Expert Witness Practice** is an intensive, content rich workshop that is designed to show physicians how to start, build, and run a successful expert witness practice. This course is appropriate for physicians with all levels of medical-legal experience including prospective and novice expert medical witnesses. Physician attendees will learn from an experienced faculty in a step-by-step fashion how to start, build, and run a successful and ethical expert witness practice.

### Learning Objectives

**At the completion of this course you will learn:**

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

### Registration Information:

To register, please use the form on page 2. The \$1,295 tuition includes continental breakfast and lunch with faculty each day and a detailed conference manual. All persons registering prior to December 31, 2009 will receive a complimentary copy of the best-selling 52-minute DVD *The Expert Medical Deposition: How To Be An Effective and Ethical Witness* (a \$104 value).

**Continuing Education Information:** SEAK, Inc. is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education for physicians. SEAK, Inc. designates this educational activity for a maximum of 14 AMA PRA Category 1 Credit(s)<sup>™</sup>. Physicians should only claim credit commensurate with the extent of their participation in the activity.

### 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. He is a former litigator with experience in defense and plaintiff personal injury law and insurance law. He currently serves as Vice President and General Counsel of SEAK, Inc. Mr. Mangraviti received his BA degree in mathematics *summa cum laude* from Boston College and his JD degree *cum laude* from Boston College Law School. His publications include the texts *The Biggest Mistakes Expert Witnesses Make: And How to Avoid Them*, *Depositions: The Comprehensive Guide for Expert Witnesses*, *The A-Z Guide to Expert Witnessing*, *Cross-Examination: The Comprehensive Guide for Experts*, *National Guide to Expert*

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

### HERE'S WHAT LAST YEAR'S ATTENDEES HAD TO SAY:

*"Entertaining as well as informative"*

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

*"Excellent - beyond my expectations"*

*"Excellent, concise, fast moving"*

*"Outstanding - exceeded my expectations"*

*"Informative, encouraging, entertaining"*

*"Very helpful and enjoyable"*

*"Excellent in presentation, organization, supporting materials"*

*"Very well choreographed with super speakers and excellent syllabus"*

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

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

The Naples Beach Hotel & Golf Club, Naples, Florida

Day One (Thursday, April 22, 2010)

## 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, with the assistance of the attendees the best practices for: Initial interviews with counsel; Case intake; Correspondence; Reports (written and oral); Depositions and Trials. Attendees will be presented with numerous 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 a physician'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 a medical 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, Chart Review and Examination

A medical 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, 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

Medical 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 physicians will learn how to insulate their opinions from the appearance of being under the influence of retaining counsel, for example through the information the physician relies upon, the modification of draft and preliminary opinions, and through the communications between the physician 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

The Naples Beach Hotel & Golf Club, Naples, Florida

Day Two (Friday, April 23, 2010)

### 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 medical-legal consulting practice. These include optimum new case intake procedures, billings systems, document receipt and retention policies, support staff training and instruction, file maintenance, trial scheduling, procedures for keeping your CV up-to-date, how to account for all time spent on the case, support staff training, responsibilities and boundaries, security and confidentiality protocols and developing and using forms, templates and checklists. **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 Medical-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-spoilation 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**

## 2010 Independent Medical Examination Best Practices: Achieving Excellence and Success

The Naples Beach Hotel & Golf Club, Naples, Florida

Thursday–Friday, April 22–23, 2010

### Executive Summary:

**This is the finest continuing education available on the topic of independent medical evaluations.** Past SEAK IME attendees have substantially increased the success of their IME practices, have been able to raise their fees and have vastly improved their IME practices. The faculty have over 40 years of IME experience and are dynamic presenters. The learning methodology will utilize the latest research obtained specifically for this course to identify and solve the most pressing problems facing the seminar participants. Participants will be involved in a series of unique interactive learning experiences including mock direct and cross-examinations and demonstrations.

### WHAT YOU WILL ACCOMPLISH BY ATTENDING:

- Understand specifically what providers are looking for from IME physicians
- Improve the opportunities for expanding your IME practice
- Understand the IME selection process
- Avoid the biggest mistakes IME physicians make
- Write higher quality and more valuable IME reports
- Write more persuasive, defensible IME reports
- Reduce your legal risks
- Improve the efficiency and profitability of your IME practice
- Obtain additional high-quality clients with repeatable business
- Effectively deal with the most difficult ethical problems associated with IMEs
- Solve most or all of your IME problems
- Build a premier IME practice with built-in sustainability

### COMMENTS FROM PAST ATTENDEES:

*“Excellent ~ one of the best I have been to in 20 years”*

*“Absolutely superb”*

*“Extremely well run, informative, and entertaining”*

*“Faculty very competent and good teachers”*

*“More than excellent ~ profitable”*

*“Excellent preparation and presentation”*

*“Very practical”*

*“Excellent way of learning in shortest period of time”*

*“Full of usable information”*

*“Outstanding seminar with multiple practical tips”*

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### Faculty:



**Steven Babitsky, Esq.**, is the President of SEAK, Inc. He was a workers' compensation trial attorney for twenty years and is the former managing partner of the firm Kistin, Babitsky, Latimer & Beitman. He is the founder of the National Organization of Social Security Claimants' Representatives, the co-founder of the American Board of Independent Medical Examiners, and the creator of the *AMA Guides* Newsletter.

Mr. Babitsky is the co-author of the texts *Writing and Defending Your IME Report: The Comprehensive Guide*, *Understanding the AMA Guides in Workers' Compensation*, *Litigating Stress Cases in Workers' Compensation*, *Cross-Examination: The Comprehensive Guide for Experts*, *Writing and Defending Your Expert Report: The Step-by-Step Guide with Models*, *How to Excel During Cross-Examination: Techniques for Experts That Work*, *The A-Z Guide to Expert Witnessing*, and *How to Excel During Depositions: Techniques for Experts That Work*. Attorney Babitsky is the co-developer of the "How to Be an Effective Medical Witness" seminar, the seminar leader for the National Expert Witness and Litigation Seminar, and the scriptwriter for the videos "How to Be an Effective Medical Witness" and "The Expert Medical Deposition: How to Be an Effective and Ethical Witness." Mr. Babitsky is the co-producer of the videotapes "How to Use the *AMA Guides*, Fourth Edition." He trains hundreds of physicians every year.



**Anthony J. Dorto, MD, FADEP** is the Medical Director of the Disability Assessment Center in Miami, Florida, which performs Independent Medical Evaluations, second opinions, functional capacity, and earning capacity assessments. Dr. Dorto is certified by the American Board of Independent Medical Examiners, is a Fellow of the American Academy of Disability Evaluation Physicians, and is Board Certified in Physical Medicine and Rehabilitation. Dr. Dorto has lectured and written extensively on IMEs, symptom magnification and malingering, disability evaluation, and impairment rating. Dr. Dorto is an experienced trainer and has been on the SEAK IME faculty for the past 5 years.

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

## 2010 Independent Medical Examination Best Practices: Achieving Excellence and Success

The Naples Beach Hotel & Golf Club, Naples, Florida

Day One (Thursday, April 22, 2010)

7:30-8:00 CONTINENTAL BREAKFAST

### 8:00-8:15 Introduction

The faculty introduces themselves, explains the goals for the course and the interactive teaching methodology that will be utilized.

### 8:15-9:00 The Biggest Mistakes IME Physicians Make and How to Avoid Them

In this segment the faculty will utilize their 40 years plus of experience to identify and discuss the most common and significant IME mistakes physicians make: administratively, gathering and reviewing the medical records, conducting the examination, interacting with the examinee, report writing, testifying at deposition and hearing, billing, collection and marketing. **Questions and Answers**

### 9:00-9:30 Pleasing the Clients: The Latest Research on What Clients Really Want and Can You Deliver it?

Faculty will review with attendees the results of their research into what IME clients are looking for from IME physicians and how these influence their selection process. Included in the discussion will be: credentials, specialization, cooperativeness, report writing ability, and ability and willingness to testify at deposition or hearing. **Questions and Answers**

### 9:30-10:30 Advanced Physical Examination Techniques and the Quality IME Demonstrated

In this segment the faculty will discuss and demonstrate an exceptional IME exam. Discussion and demonstration will include: interview and history, questionnaires, review of records, diagnostic studies, physical orthopedic/neurological evaluation, testing in numerous examination positions, tools of the trade, report writing and comment sections of the report. **Questions and Answers**

10:30-10:45 BREAK AND NETWORKING OPPORTUNITY (WITH THE FACULTY)

### 10:45-12:00 Identifying Symptom Magnification, Fraud and Malingering: Advanced Techniques

Faculty will discuss and demonstrate with the use of videos, the proper symptom magnification definitions, injury red flags, non-organic signs and their meanings, how to identify and demonstrate any inconsistencies, specific tests for symptom magnification, the proper use of functional capacity evaluation, and the role of surveillance. **Questions and Answers**

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

### 12:45-1:45 Writing the Bulletproof IME Report: Exceeding Expectations

In this segment the faculty will discuss and demonstrate how to draft an IME report that will stand up under scrutiny and cross-examination. Attendees will be called upon to defend their pre-submitted IME reports. **Questions and Answers**

### 1:45-2:30 Efficiently and Effectively Dealing with Medical and Other Records and Materials Provided: Solving the Most Common Problems

The faculty will explain the most efficient techniques for obtaining, organizing, and reviewing the medical and other records provided. Emphasis will be placed on missing and disorganized records. **Questions and Answers**

2:30-2:45 BREAK AND NETWORKING OPPORTUNITY (WITH THE FACULTY)

### 2:45-3:30 IME Ethical Dilemmas: Avoiding Pitfalls and Minefields

In this segment the faculty will identify the most common and difficult IME dilemmas faced by IME physicians and will offer practical suggestions for resolving them. **Questions and Answers**

### 3:30-4:30 Innovative Premium Fee Setting and Billing Techniques

Faculty will present cost-effective efficient protocols for premium fee setting and billing. Emphasis will be placed on being paid for the time spent, expertise and quality of the work product. **Questions and Answers**

### 4:30-5:00 Working with Defense Attorneys: What They Are Really Looking For

The attendees will be provided insight into what defense attorneys are really looking for from IME physicians. Videos of defense attorneys explaining their needs and issues will be presented. **Questions and Answers**

**Registration is limited. Register Today! To register, please see page 2.**

## 2010 Independent Medical Examination Best Practices: Achieving Excellence and Success

The Naples Beach Hotel & Golf Club, Naples, Florida

Day Two (Friday, April 23, 2010)

### 6:30–7:00 CONTINENTAL BREAKFAST

#### 7:00–8:00 Advanced Practice Management: Maximizing the Efficiency of Your IME Practice

The faculty explains how to make your IME practice more efficient and profitable. **Questions and Answers**

#### 8:00–9:00 Innovative, Professional, and Cost Effective IME Marketing Methods That Work: Selection and Engagement

Attendees will be presented with simple, cost-effective strategies to market and expand an IME practice. Emphasis will be placed on what the physician and staff can do to build a premium practice. **Questions and Answers**

### 9:00–9:15 BREAK AND NETWORKING OPPORTUNITY

#### 9:15–9:30 IME Brokers and Scheduling Companies

The faculty will discuss and explain how to identify the companies physicians may want to work with, how to develop good working relationships and what should be avoided in considering working with these companies. **Questions and Answers**

#### 9:30–10:00 Causal Relationships and the IME Physician: What You Need to Know

Attendees will be presented with a detailed review of the numerous causal relationship issues they face and will be provided techniques and explanations for dealing with them. Demonstrations with attendees will be conducted to illustrate key points of contention. **Questions and Answers**

### 10:00–10:15 BREAK AND NETWORKING OPPORTUNITY (WITH THE FACULTY)

#### 10:15–11:00 The IME Physician Deposition: How to Excel

The faculty will provide a detailed checklist containing many of the issues physicians will face at deposition. Special emphasis will be placed on particular IME issues and questions. Demonstrations based on pre-submitted reports will highlight key points. **Questions and Answers**

#### 11:00–11:30 How to Deal With Requests for “Modifications,” “Alterations,” or “Corrections” to Your Report

Attendees will express the most troubling issues they face in the cat and mouse requests of attorney and clients for modifications, alterations and corrections of their reports. The faculty will offer practical, ethical, and time tested solutions to these vexing issues. **Questions and Answers**

#### 11:30–12:00 Independent Medical Examination Risk Management: What Can Go Wrong and How to Avoid It

The faculty will identify the most potentially troubling and dangerous risk management issues for IME physicians and offer safe protocols for dealing with these issues. Particular emphasis will be placed on avoiding unnecessary risk. **Questions and Answers**

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

#### 12:45–1:30 Disability, Impairment and Ability to Work

In this segment the faculty will review with the attendees what their role should be in evaluating and defining the disability, impairment and ability to work of examinees. Particular emphasis will be placed on the precise wording of opinions and reports. **Questions and Answers**

#### 1:30–2:15 Trick and Difficult Questions for the IME Physician

The faculty will demonstrate in an interactive fashion the most difficult questions IME physicians face and how to answer them truthfully and artfully. Insight will be provided into the significance of the questions and the replies. **Questions and Answers**

#### 2:15–2:30 Takeaways, Conclusions and Evaluation

The faculty will review key points and open the floor for a free-flowing discussion of the issues covered in the entire two day conference.

# How To Start, Build and Run a Successful Disability and File Review Consulting Practice

The Naples Beach Hotel & Golf Club, Naples, Florida  
Saturday–Sunday, April 24–25, 2010

**Executive Summary:** Disability and file review consulting is a growing and lucrative medical-legal field which offers opportunities for physicians beyond the traditional medical-legal work of IMEs and expert witnessing. These opportunities are for physicians of wide ranging specialties for full time, part time, and work at home employment/consulting assignments. It is a perfect field for physicians who dislike testifying, travel, and confrontation and who wish to apply their expertise in a way different from IMEs and testifying. *How To Start, Build and Run a Successful Disability and File Review Consulting Practice* prepares physicians to excel in the niche of disability and file review consulting. This unique course is taught by a highly-qualified faculty and attendees will be provided with information unavailable elsewhere. **BONUS** The attendees will be provided with the names and contact information for 100 prime referral sources for file review work. Recommendations will be made as to the best way to solicit and obtain this work.

## LEARNING OBJECTIVES

At the completion of this two-day interactive workshop you will be able to:

- Determine the specific career opportunities available to you in Disability and File Review Consulting
- Understand what a high quality file review consists of
- Learn the key medical-legal disability issues
- Understand the differing disability standards and contractual terms
- Efficiently write concise file reviews with supportable opinions
- Understand how to deal with issues such as:
  - Functional ability
  - Diagnostic tests
  - Impacts of medications on ability to work
- Market yourself directly and confidently to disability insurers and others looking for file reviews
- Understand the effects of inactivity
- Appreciate the pros and cons of developing an independent consulting practice

## COMMENTS FROM PAST ATTENDEES

- “Outstanding information not obtainable elsewhere”
- “Excellent”
- “Very good and professional”
- “Very informative”
- “Very good”
- “Very well organized”
- “Very good overview”
- “A great way to get started”
- “Excellent, informative, helpful”
- “High quality”

## Distinguished Faculty



**Robert N. Anfield, MD, JD, FFAFP** is Lead Medical Director of Cigna Group Insurance and is a former Regional Medical Director for Aetna. He has 20 years of experience managing disability. His experience began at Ameritech, a regional telecommunications company headquartered in Chicago, IL, where, as a Manager, Corporate Occupational Medicine he was responsible for the integrated management of the STD, LTD and workers' compensation experience of Ameritech's 70,000 employees. Subsequently, Dr. Anfield was employed by UnumProvident Corporation as a Medical Director and also served as the Corporate Medical Director of GENEX. Dr. Anfield has had extensive experience in the disability consulting field including: defining role, authority and accountability of physicians within the claim process, developing and implementing processes for claim referrals to medical professionals, developing and implementing recommendations for organization and staffing of physicians within claims, recruiting and hiring physicians, developing and implementing metrics and reporting methodology to track physician productivity, developing and implementing policies and process for on-going credentialing of physicians, budgeting for and managing and organization of 100+ physicians at 4 U.S. sites. Dr. Anfield has testified regarding private sector disability programs and recommendations to improve the Social Security Administration's disability claim process before the U.S. House of Representatives Subcommittee on Social Security (2002) and before the Social Security Advisory Board (2005). Dr. Anfield's area of practice is Occupational and Environmental Medicine; he is board certified in Family Medicine and holds degrees from Indiana University School of Medicine and the UCLA School of Law. He is a Fellow of the American Academy of Family Physicians.



**Steven Babitsky, Esq.**, is the President of SEAK, Inc. He was a personal injury trial attorney for twenty years and is the former managing partner of the firm Kistin, Babitsky, Latimer & Beitman. Mr. Babitsky is a prolific writer on expert witness issues and is the co-author of the texts *Cross-Examination: The Comprehensive Guide for Experts*, *Writing and Defending Your Expert Report: The Step-by-Step Guide with Models*, *How to Excel During Cross-Examination: Techniques for Experts That Work*, *The Comprehensive Forensic Services Manual: The Essential Resources for All Experts*, *2004 National Guide To Expert Witness Fees and Billing Procedures* and *How to Excel During Depositions: Techniques for Experts That Work*.



**Alan Neuren, MD** is a private contractor providing consultation services to disability carriers in the Portland, Maine area. He received his BA from Bowdoin College and his M.D. from the Medical College of Georgia. Dr. Neuren completed residencies in psychiatry at the University of Connecticut and neurology at Albany Medical Center in New York. He is board certified in both specialties. Dr. Neuren was in clinical practice until 2001 when he was hired as Vice-president Medical Director at Unum. He also served on active duty with the United States Navy between 1975 and 1977 and again in 1991 when he was recalled to active duty for Operation Desert Storm. Dr. Neuren is a Fellow of the American Academy of Neurology.

**Tuition:** Tuition is \$1295 and includes continental breakfast, lunch with faculty each day and a detailed conference manual. All persons registering prior to December 31, 2009 will receive a complimentary copy of the best-selling 52-minute DVD *The Expert Medical Deposition: How To Be An Effective and Ethical Witness* (a \$104 value).

**Continuing Education Information:** SEAK, Inc. is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education for physicians. SEAK, Inc. designates this educational activity for a maximum of 14 AMA PRA Category 1 Credit(s)<sup>™</sup>. Physicians should only claim credit commensurate with the extent of their participation in the activity.

# How To Start, Build and Run a Successful Disability and File Review Consulting Practice

The Naples Beach Hotel & Golf Club, Naples, Florida

Day One (Saturday, April 24, 2010)

## 7:30-8:00 CONTINENTAL BREAKFAST

### 8:00-8:15 Introduction

The faculty introduces themselves, explains the goals of the course and the interactive teaching methodology that will be utilized. **Questions & Answers**

### 8:15-9:00 Disability & File Review Consulting: Compared & Contrasted

The faculty will compare and contrast the independent medical evaluation process and report from that of other file reviews including: disability reviews, utilization reviews, pre-authorizations, chart reviews, and medical necessity reviews. **Questions & Answers**

### 9:00-9:30 Disability Medical-Legal Issues

In this segment the faculty will begin with a review and discussion of the key medical-legal issues facing disability consultants including: diagnosis, impairment, disability, and ability to work. **Questions & Answers**

### 9:30-10:00 File Reviews Overview

Faculty will explain and demonstrate what a high quality file review consists of and what is outside the scope of the file review. A discussion of medical records, what is and what is not in the file, and the crucial importance of credibility and consistency of the medical findings and complaints will follow. **Questions & Answers**

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

### 10:15-10:45 Functional Ability

Faculty will review what the latest clinical data tells physicians about functional ability. Discussion will include: physical examination, functional damage, constellations of symptoms, connecting the dots and the medical contraindications to work. **Questions & Answers**

### 10:45-11:30 Reasonable and Appropriate Care

Faculty will review the applicable standards and best practices with regard to reasonable and appropriate care. The effectiveness of treatments; what does and does not work and how to support findings will be presented. The practical implications for file review consultants will be explored with the attendees. **Questions & Answers**

### 11:30-12:00 Disability Contracts

Faculty will explain and demonstrate with examples the language in standardized disability policies (contracts), the old occupation versus any occupation definition and the changes in definitions and their implication for file reviews and disability consultants. **Questions & Answers**

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

### 12:45-1:30 Critique of Attendees' Disability Consulting Review

Faculty will discuss, review, and critique the pre-submitted file reviews of the attendees. **Questions & Answers**

### 1:30-2:00 Red Flags for Disability/Impairment

In this session, concrete examples of indications of disability/impairment, paper trails and their significance, indicia of ability, and the impact of secondary gain will be presented. **Questions & Answers**

### 2:00-2:30 Medications

Faculty will discuss and provide specific examples of the impact of medications on the ability to work. The discussion will include: dosing, side effects, and cognitive impairments. **Questions & Answers**

## 2:30-2:45 BREAK AND NETWORKING OPPORTUNITY

### 2:45-3:30 Diagnostic Testing

The faculty will present the most commonly used/abused diagnostic tests and the relationship of findings to functional ability. A discussion of the over reliance on test results will take place with the attendees. **Questions & Answers**

### 3:30-4:30 Disability Challenges

A discussion of the practical disability evaluation challenges faced by physicians will be presented with proposed solutions. Included in the discussion will be time constraints, missing records/information, and the expectations of insurers. **Questions & Answers**

### 4:30-4:45 Ethics

The faculty will identify and lead a frank discussion of the ethical challenges faced by physician file review consultants including: maintaining your credibility and effectiveness, always being able to defend your findings and never having to say you are sorry. **Questions & Answers**

### 4:45-5:00 Concluding Remarks

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 Disability and File Review Consulting Practice

The Naples Beach Hotel & Golf Club, Naples, Florida

Day Two (Sunday, April 25, 2010)

### 6:30-7:00 CONTINENTAL BREAKFAST

#### 7:00-8:00 Writing File Reviews

The faculty will explain and demonstrate a protocol and style physicians can utilize to write high quality file reviews. Included will be a discussion of efficiency, conciseness, and how to express your opinions properly dealing with: the weight of the evidence, collateral evidence, support with objective facts/data and opining on the ability to do past, light, or other work. **Questions & Answers**

#### 8:00-9:00 Critiques of Attendees' File Reviews (Cont'd)

In this session, the faculty will review pre-submitted file reviews of the attendees. The attendees and faculty will point out areas of concern and where and how the review can be improved. **Questions & Answers**

### 9:00-9:15 BREAK & NETWORKING OPPORTUNITY

#### 9:15-9:30 Effects of Inactivity

A discussion of the latest medical and scientific research of the data on the effects of inactivity and the beneficial effects of work will be presented. **Questions & Answers**

#### 9:30-10:30 Marketing

A practical discussion of how to obtain high quality work, what the insurance companies are really looking for, and making yourself desirable will be led by the faculty. **Questions & Answers**

**BONUS** *The attendees will be provided with the names and contact information for 100 prime referral sources for file review work. Recommendations will be made as to the best way to solicit and obtain this work.*

### 10:30-10:45 BREAK & NETWORKING OPPORTUNITY

#### 10:45-12:00 Disability Case Studies

The faculty will present disability case studies from differing specialties and work through them with the attendees. Attention will be paid to disability consulting and advanced techniques and strategies to bring to life many of the disability concepts covered in the workshop. **Questions & Answers**

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

#### 12:45-1:45 Practice Setting for Physicians

A frank and lively discussion of the type of file review consulting practices available to physicians (in-house vs. independent) will be presented and the advantages and disadvantages of each will be explained. The faculty will discuss how to start and run a file review consulting practice, working as an employee, and how to find and maintain high quality work. **Questions & Answers**

#### 1:45-2:30 Takeaways, Conclusion and Evaluation

The faculty will answer any and all outstanding questions. The faculty and attendees will then work together to develop a "bulletpoint" list of the most important concepts, techniques and action steps learned in this workshop. **Questions & Answers.**



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

## How to be an Effective Medical Expert Witness

The Naples Beach Hotel & Golf Club, Naples, Florida

Saturday–Sunday, April 24–25, 2010

**Executive Summary:** This is a small group, hands-on, fast-moving interactive workshop covering deposition, direct examination, and cross-examination skills for physicians. Participating physicians will learn how to become markedly more effective and significantly more valuable expert witnesses. Instruction will utilize four methods: lecture, questions & answers, videos of experts actually testifying in real cases, and mock trial demonstrations using student volunteers. The mock trial demonstrations are based upon a C.V. and sample report submitted in advance by each attendee. Each physician will have an opportunity to participate in demonstrations and to receive constructive feedback as to how to improve their performance. Each physician will also receive feedback on their pre-submitted bio and report. In addition, each attendee will be provided with a content rich, 239 page seminar manual.

### Learning Objectives:

At the conclusion of this workshop, physicians should be able to:

- Discuss the strategies and goals of opposing counsel at deposition and during cross-examination
- Describe how to properly prepare for deposition and trial
- Discuss strategies that can be followed when giving an expert deposition and when testifying at trial
- Explain techniques for excelling at videotaped depositions
- Explain opposing counsel's deposition and cross examination tactics and how to defeat each tactic
- Describe techniques physicians can use when testifying at deposition and trial
- Discuss methods for responding to trick and difficult questions at deposition and trial
- List teaching methods that can be used to improve the persuasiveness of your expert testimony
- List techniques for developing powerful, memorable language and analogies
- Describe how to best insulate yourself from attacks by opposing counsel
- Discuss techniques to make a positive impression on the jury

### Registration Information:

To register, please use the form on page 2. The \$1295 tuition includes continental breakfast and lunch with faculty each day and a detailed conference manual. All persons registering prior to December 31, 2009 will receive a complimentary copy of the best-selling 52-minute DVD *The Expert Medical Deposition: How To Be An Effective and Ethical Witness* (a \$104 value).

**Continuing Education Information:** SEAK, Inc. is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education for physicians. SEAK, Inc. designates this educational activity for a maximum of 14 AMA PRA Category 1 Credit(s)<sup>™</sup>. Physicians should only claim credit commensurate with the extent of their participation in the activity.

### Distinguished Faculty:



**The Honorable David Lawson** is a United States District Court Judge for the Eastern District of Michigan. He was formerly a member of the Detroit law firm of Clark Hill, PLC (Birmingham office). He received his BA degree *magna cum laude* from the University of Notre Dame, and his JD *magna cum laude* from Wayne State University. Judge Lawson is a former Special Assistant Attorney General and Special Prosecutor, and is currently on the faculty of the Michigan Judicial Institute. Prior to taking the bench his practice included both civil and criminal trial litigation, and he was actively involved in the trial of medical malpractice, negligence, and product liability cases. Judge Lawson has written and lectured extensively on scientific evidence and trial techniques.



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

*Depositions: Techniques for Experts That Work*, *Writing and Defending Your Expert Report: The Step-by-Step Guide with Models*, and *How to Become a Dangerous Expert Witness: Advanced Techniques and Strategies*.

### HERE'S WHAT LAST YEAR'S ATTENDEES HAD TO SAY:

"High Quality"

"Outstanding Seminar"

"Superb"

"Good pace, key information"

"The personal attention was most useful"

"Loved the videos which demonstrated the points"

"Terrific"

"Faculty is excellent!"

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

## How to be an Effective Medical Expert Witness

The Naples Beach Hotel & Golf Club, Naples, Florida

Day One (Saturday, April 24, 2010)

### SECTION 1: DEPOSITION SKILLS

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

#### 8:00-8:30 Deposition Law and Procedure

You will learn what counsel can and can not ask, the extent of privilege protections, what objections may and may not be made, how to recognize and deal with abusive attorney behavior and whether you should read and sign the deposition transcript. **Questions & Answers**

#### 8:30-9:00 Understanding the Strategies and Goals of Opposing Counsel

You will learn the general and specific goals of deposing counsel and how counsel will prepare to depose you. **Questions & Answers**

#### 9:00-9:30 Preparing for your Deposition

You will learn how to prepare for your deposition, both alone and with retaining counsel. You will be provided with a detailed list of the likely areas of inquiry in an expert medical deposition. **Questions & Answers**

#### 9:30-10:15 Deposition Strategies for Experts

You will learn a 4 step methodology for answering deposition questions. In addition, you will learn numerous strategies to truthfully and artfully answer deposition questions. **Questions & Answers**

#### 10:15-10:30 BREAK

#### 10:30-11:00 Understanding and Defeating Counsel's Deposition Tactics

You will learn over two dozen tactics that are likely to be used against you and will be provided with strategies to defeat each of these tactics. **Questions & Answers**

#### 11:00-11:15 Videotape Depositions: Special Techniques

You will learn special techniques which are applicable when your deposition is being videotaped. **Questions & Answers**

#### 11:15-12:00 Advanced Deposition Tactics for Experts

You will learn numerous techniques that will help you to excel during your expert medical deposition. **Questions & Answers**

#### 12:00-12:45 LUNCH WITH FACULTY (Provided)

#### 12:45-1:30 Pulling it all Together: Truthfully and Artfully Answering Trick and Difficult Questions at Deposition

The faculty will go around the room and ask difficult deposition questions. The attendees' responses will be critiqued.

### SECTION 2: DIRECT EXAMINATION AND PERSUASION SKILLS

#### 1:30-2:00 Introduction and Executive Summary of Persuasion Techniques for Expert Witnesses

You will learn the twelve key techniques to utilize in order to be a more effective expert witness during direct examination. **Questions & Answers**

#### 2:00-2:30 Preparation

You will learn 15 techniques for how to best prepare to give persuasive expert testimony during direct examination. **Questions & Answers**

#### 2:30-3:00 How to Best Put Forth your Qualifications

You will learn 14 techniques to more persuasively explain your credential and to put your credentials in context. **Questions & Answers**

#### 3:00-3:15 BREAK

#### 3:15-3:30 Commenting on the Opposing Expert and His Opinion

You will learn the special techniques to utilize when you are asked to comment on the opposing expert's opinion. **Questions & Answers**

#### 3:30-4:00 Developing a Harmonious Interaction with Retaining Counsel

You will learn how to make your testimony easy to understand and interesting to follow. You will also learn how to avoid making your testimony appear to be rehearsed and how to present non-traditional, "soft challenge" direct testimony. **Questions & Answers**

#### 4:00-4:30 Creating and Using Powerful, Memorable Language and Analogies

You will learn 12 techniques for using more powerful, memorable and understandable language. **Questions & Answers**

#### 4:30-5:00 Optimizing Your "Teaching" Skills

You will learn numerous techniques to more effectively "teach" the jury. **Questions & Answers**

## How to be an Effective Medical Expert Witness

The Naples Beach Hotel & Golf Club, Naples, Florida

Day Two (Sunday, April 25, 2010)

6:30-7:00 CONTINENTAL BREAKFAST

### 7:00-7:30 Reading and Bonding with the Jury

You will learn 17 techniques to read and more effectively bond with the jury. **Questions and Answers**

### 7:30-8:00 Dealing with Problem Areas and Weaknesses

You will learn advanced ways to deal with problem areas during your direct examination. **Questions & Answers**

### 8:00-8:30 The Biggest Mistakes Experts Can Make that Can Turn Off Judge and Jury

You will learn how to avoid the 37 biggest mistakes that can turn off the judge and jury. **Questions & Answers**

## SECTION 3: CROSS-EXAMINATION SKILLS

### 8:30-9:15 Protecting Yourself from Attacks on your Credibility and Credentials

You will learn 8 techniques for protecting yourself from attacks on your credibility and credentials. **Questions & Answers**

9:15-9:30 BREAK

### 9:30-10:15 Forming Airtight Opinions

You will learn 24 methods to make your opinions resistant to effective cross-examination. **Questions & Answers**

### 10:15-10:30 How Trial Attorneys Prepare for Cross-Examination of an Expert

You will learn how an attorney investigates an expert and his opinions and how an attorney maps out the questions that he will ask during cross. **Questions & Answers**

10:30-10:45 BREAK

### 10:45-12:00 Advanced Cross-Examination Techniques

You will learn over 40 techniques to be a more effective expert witness during cross-examination. **Questions & Answers**

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

### 12:45-1:15 Staying One Step Ahead of Counsel During Cross-Examination

You will learn 34 tactics that attorneys will use during cross-examination and how to defeat each of these tactics. **Questions & Answers**

### 1:15-1:45 Going on Offense During Cross-Examination

You will learn numerous techniques for how to turn the tables on opposing counsel. **Questions & Answers**

### 1:45-2:30 How To Skillfully Answer Trick And Difficult Questions

The faculty will go around the room and ask difficult cross-examination questions. The attendees' responses will be critiqued. **Questions & Answers**



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PRACTICE**  
APRIL 24-25, 2010

- **HOW TO BE AN EFFECTIVE MEDICAL  
EXPERT WITNESS**  
APRIL 24-25, 2010

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