

EXPERT WITNESS SUMMIT



2006



PLUS TWO
PRE-CONFERENCE
WORKSHOP
CHOICES...
SIGN UP TODAY!



FEWA ANNUAL CONFERENCE:
MARCH 31-APRIL 1, 2006

FAIRMONT NEWPORT BEACH
[FORMERLY SUTTON PLACE HOTEL]

MARCH 30 PRE-CONFERENCES:
HOW TO BECOME A
DANGEROUS EXPERT WITNESS



TESTIFYING SKILLS WORKSHOP

 FORENSIC
EXPERT WITNESS
ASSOCIATION

SEAK
EXCELLENCE IN EDUCATION SINCE 1980



FEWA ANNUAL CONFERENCE: 2006 EXPERT WITNESS SUMMIT

MARCH 31–APRIL 1, 2006

Renowned trial judges, nationally recognized attorneys, experts and jury consultants will discuss how you can improve all aspects of your practice and testimony, to succeed as an expert witness. Expert witnesses from all fields and with all levels of experience will benefit from this multi-disciplinary two-day program. Take advantage of this unsurpassed opportunity to improve your skills while networking and meeting other professionals in a stimulating and congenial atmosphere.

SEE COMPLETE SUMMIT AGENDA PAGES 8–10

SEE REGISTRATION FORM PAGE 11

PRE-CONFERENCE WORKSHOP: HOW TO BECOME A DANGEROUS EXPERT WITNESS

MARCH 30, 2006

Dangerous expert witnesses are widely sought after and valuable, are highly resistant to attack, know how to defeat counsel's tactics, and are skilled at persuading a jury. This *advanced* one-day interactive workshop will teach you how to become a dangerous expert witness. *Designed for experienced experts who have already had some formal expert witness training.*

SEE COMPLETE WORKSHOP AGENDA PAGES 4–5

SEE REGISTRATION FORM PAGE 11

PRE-CONFERENCE WORKSHOP: TESTIFYING SKILLS WORKSHOP

MARCH 30, 2006

Designed to show experts exactly what to do, and what not to do, when testifying, this one-day workshop features concise, didactic presentations combined with numerous mock trial and deposition demonstrations. Improve your ability to excel when testifying.

SEE COMPLETE WORKSHOP AGENDA PAGES 6–7

SEE REGISTRATION FORM PAGE 11

CONFERENCE VENUE

FAIRMONT NEWPORT BEACH [formerly Sutton Place Hotel]

4500 MacArthur Blvd.
Newport Beach, CA 92660

Room Rates: Please call the hotel directly at 949.476.2001 to make your room reservations—
FEWA rate of \$130 (single/double) if you reserve before March 8.

THURSDAY, MARCH 30, 2006 PRE-CONFERENCE WORKSHOPS

7 AM–4:30 PM	PRE-CONFERENCE WORKSHOP: How to Become a Dangerous Expert Witness	Steven Babitsky ESQ
7 AM–4:30 PM	PRE-CONFERENCE WORKSHOP: Testifying Skills Workshop	James J. Mangraviti, Jr. ESQ

FRIDAY, MARCH 31, 2006 EXPERT WITNESS SUMMIT—DAY 1

7:30–8:30 AM	REGISTRATION AND CONTINENTAL BREAKFAST	
8:30–9:30 AM	A View From the Bench	Hon. David Thomas McEachen
9:30–10:30 AM	The Creative and Interesting Uses of Expert Witnesses in High Profile Cases	Prof. Laurie L. Levenson
10:30–10:45 AM	BREAK AND NETWORKING OPPORTUNITY	
10:45–11:45 AM	Advanced Practice Management for Experts	James A. Blanco
11:45 AM–NOON	Roundtable Discussion	
NOON–1 PM	LUNCH WITH FACULTY (PROVIDED)	
1–2 PM	Defending Yourself During Deposition and Cross-Examination	Douglas A. Sears ESQ
2–3 PM	Advanced Deposition Skills for the Expert	Dr. Gerda Govine
3–3:15 PM	BREAK AND NETWORKING OPPORTUNITY	
3:15–4:15 PM	How Experts Make Themselves Invaluable to Counsel	Wayne H. Maire ESQ
4:15–4:30 PM	Concluding Roundtable Review and Discussion	
5–6 PM	WINE AND CHEESE RECEPTION	

SATURDAY, APRIL 1, 2006 EXPERT WITNESS SUMMIT—DAY 2

7:30–8:30 AM	CONTINENTAL BREAKFAST	
8:30–9:30 AM	A View From the Bench	Hon. Douglas H. Hatchimonji
9:30–10:30 AM	Effective Presentation of Expert Witness Testimony	Dr. Jo-Ellan Dimitrius
10:30–10:45 AM	BREAK AND NETWORKING OPPORTUNITY	
10:45–11:45 AM	Communicating Your Expertise Effectively	Glynn Bedington
11:45 AM–NOON	Roundtable Discussion	
NOON–1 PM	LUNCH WITH FACULTY (PROVIDED)	
1–2 PM	How Lawyers Dig Up Dirt on Experts	Alan C. Brown ESQ
2–3 PM	Trial Demonstration	Dr. Robert N. Anderson Douglas M. DeGrave ESQ James J. Mangraviti, Jr. ESQ
3–3:15 PM	BREAK AND NETWORKING OPPORTUNITY	
3:15–4:15 PM	The Secrets to Becoming a World Class Expert Witness	Dana A. Basney CPA
4:15–4:30 PM	Concluding Remarks	

Attend either pre-conference workshop—"How to Become a Dangerous Expert Witness" or "Testifying Skills"—and attend the FEWA 2006 Expert Witness Summit at a REDUCED RATE.

See REGISTRATION FORM on page 11 for complete details. Register before March 1 for BEST SAVINGS!



HOW TO BECOME A DANGEROUS

EXECUTIVE SUMMARY

Dangerous experts are the most sought after and valuable of all experts. Dangerous experts are those experts who are highly resistant to attack, who know how to defeat counsel's tactics, are skilled at persuading a jury, and recognize when to seize the moment and turn the tables on opposing counsel. This course will teach its attendees how to become dangerous expert witnesses. *How to Become a Dangerous Expert Witness* is an advanced, fast-paced, interactive workshop designed for experienced experts who have already had some formal expert witness training. It is taught by an experienced faculty and features concise, didactic presentations coupled with numerous interactive, hands-on exercises.

LEARNING OBJECTIVES

By the completion of this seminar, you will learn how to:

- Insulate yourself from attacks by opposing counsel
- Formulate "bullet-proof" opinions
- Defeat opposing counsel's deposition tactics
- Hit a home run during your direct testimony
- Defeat opposing counsel's cross-examination tactics
- Truthfully and artfully answer trick and difficult questions
- Turn the tables on opposing counsel and "stick the knife in"
- Much, much more

REGISTRATION INFORMATION

Tuition includes continental breakfast, breaks, lunch with faculty, a workshop manual *not available elsewhere*, and a unique, memorable educational experience. Registration is limited. Mail your registration form today—see page 11.

MCLE CREDIT

This workshop is approved for 7 hours MCLE credit by the State Bar of California.

THURSDAY, MARCH 30, 2006

7-8 AM	REGISTRATION AND CONTINENTAL BREAKFAST
8-8:15 AM	INTRODUCTION
8:15-9:15 AM	Bullet-proofing Yourself
9:15-10 AM	Bullet-proofing Your Opinions
10-10:15 AM	BREAK AND NETWORKING OPPORTUNITY
10:15-11:15 AM	Defeating Opposing Counsel's Deposition Tactics
11:15 AM-NOON	Hitting a Home Run During Your Direct Examination
NOON-1 PM	LUNCH WITH FACULTY (PROVIDED)
1-2 PM	Defeating Opposing Counsel's Cross-Examination Tactics
2-3:15 PM	Truthfully and Artfully Answering Trick and Difficult Questions
3:15-3:30 PM	BREAK AND NETWORKING OPPORTUNITY
3:30-4:15 PM	Sticking the Knife In
4:15-4:30 PM	Takeaways and Conclusions

FACULTY

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 *How to Be a Dangerous Expert Witness: Advanced Strategies and Techniques*, *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*. Attorney Babitsky is the co-developer and trainer for the "Testifying Skills Workshop," the seminar leader for SEAK's Annual National Expert Witness Conference (now in its 15th year), and the scriptwriter for the DVDs "The Most Difficult Questions For Experts: With Answers," "The Expert Deposition: How to Be an Effective and Ethical Expert," "Cross-Examination: How to Be an Effective and Ethical Expert Witness," and "Winning over the Jury: Techniques for Experts That Work." Mr. Babitsky has trained thousands of expert witnesses.

EXPERT WITNESS

8-8:15 AM INTRODUCTION

8:15-9:15 AM BULLET-PROOFING YOURSELF

In order to become dangerous, an expert must deny opposing counsel ammunition to attack the expert's credentials and credibility. This segment will identify a checklist of potential areas of attack that experts may be subject to regarding their credentials and credibility, including problem language on CVs, skeletons in the closet, past testimony, controversial associations, missing credentials, and more. The faculty will provide specific advice on how to insulate yourself as much as possible from these attacks before you ever take the stand. QUESTIONS AND ANSWERS.

9:15-10 AM BULLET-PROOFING YOUR OPINIONS

Dangerous expert witnesses express opinions that hold up under the most rigorous scrutiny and cross-examination. This segment identifies the most common ways in which opposing counsel is able to poke holes in an expert's opinion and provides specific action steps to bullet-proof your opinion, including learning how and when to say "no" to retaining counsel, buttressing your opinions with research, conducting a thorough investigation, staying within your true area of expertise, selecting cases, and more. QUESTIONS AND ANSWERS.

10:15-11:15 AM DEFEATING OPPOSING COUNSEL'S DEPOSITION TACTICS

Most cases are won and lost in the discovery phase. The expert's deposition is a crucial component of discovery. The rules under which a deposition is conducted are much different than the rules that apply at trial. For example, there is no judge present at a deposition and the grounds for objection are far more limited at deposition than at trial. In this segment, experts will learn advanced techniques for defeating 25 of opposing counsel's tactics used to trick and trap an expert at depositions. Many of these tactics and defenses will be demonstrated with attendee participation. QUESTIONS AND ANSWERS.

11:15 AM-NOON HITTING A HOME RUN DURING YOUR DIRECT EXAMINATION

Experts typically obsess about cross-examination and worry (and prepare) far less than they should for direct examination. Dangerous experts understand that their direct examination testimony is probably more important in most cases than their cross-examination testimony. In this section, a concise lecture on advanced direct examination strategies for experts will be followed by short interactive demonstrations where attendees are asked to provide direct testimony and this testimony is critiqued by the group and judged on understandability, persuasiveness, style, and the all important "intangibles." QUESTIONS AND ANSWERS.

1-2 PM DEFEATING OPPOSING COUNSEL'S CROSS-EXAMINATION TACTICS

Experts can expect opposing counsel to use numerous tactics, fair and unfair, to attempt to twist and spin the facts and attack and degrade the expert. Dangerous experts are prepared to defeat opposing counsel's cross-examination tactics. In this segment, experts will learn advanced techniques for defeating 25 of opposing counsel's cross-examination tactics. Many of these tactics and defenses will be demonstrated with attendee participation.

QUESTIONS AND ANSWERS.

2-3:15 PM TRUTHFULLY AND ARTFULLY ANSWERING TRICK AND DIFFICULT QUESTIONS

Good experts often do very well while testifying except for one or two trick or difficult questions which they are unprepared to answer and stumble on. Dangerous experts have mastered the techniques for identifying and responding to trick and difficult questions. In this segment, experts will learn advanced techniques for identifying and responding to trick and difficult questions. These techniques will be demonstrated and attendees tested and critiqued on their skills as the instructor asks numerous difficult trick and difficult questions. QUESTIONS AND ANSWERS.

3:30-4:15 PM STICKING THE KNIFE IN

The most dangerous of all experts are those experts who are able to turn the tables on opposing counsel and "stick the knife in." These experts are particularly dangerous as opposing counsel is quite likely to lose far more ground during cross-examination that he is to gain. In this section the faculty will explain techniques on how and when to seize the opportunity to turn the tables on opposing counsel. Each of these techniques will be demonstrated by brief interactive cross-examination demonstrations using attendees. QUESTIONS AND ANSWERS.

4:15-4:30 PM TAKEAWAYS AND CONCLUSION

The instructor 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 workshop.

HERE'S WHAT PAST ATTENDEES HAVE TO SAY:

"More candid info than I ever received from any attorney, including those I work with"

"Top notch—as always"

"Please don't ever stop giving this presentation"

"The whole day was great"

"Dynamic speaker"



TESTIFYING SKILLS WORKSHOP

EXECUTIVE SUMMARY

An expert's value ultimately depends on his or her ability to excel when testifying. *Testifying Skills Workshop* is a hands-on interactive program which has been designed to show experts exactly what to do, and what not to do, when testifying. It features concise, didactic presentations combined with numerous mock trial and deposition demonstrations using volunteer attendees. The fact patterns, CVs, difficult questions, and reports used in the demonstrations will be submitted in advance by attendees. There will be ample time for questions and answers.

LEARNING OBJECTIVES

By the completion of this seminar, you will learn how to:

- Connect with and persuade the jury
- Understand counsel's trick questions and trial tactics and how to defeat them
- Be confident and effective during cross-examination
- Understand how optimum deposition testimony techniques differ from those which should be used at trial
- Understand how to better defend your reports and qualifications under cross-examination
- Be a better and more successful expert witness

REGISTRATION INFORMATION

Tuition includes continental breakfast, breaks, lunch with faculty, a workshop manual *not available elsewhere*, and a unique and practical hands-on learning experience. Registration is limited. Mail your registration form today—see page 11.

MCLE CREDIT

This workshop is approved for 7 hours MCLE credit by the State Bar of California.

THURSDAY, MARCH 30, 2006

7-8 AM	REGISTRATION AND CONTINENTAL BREAKFAST
8-9:30 AM	Depositions: Special Techniques
9:30-9:45 AM	BREAK AND NETWORKING OPPORTUNITY
9:45-11 AM	Direct Examination: Persuading the Jury
11 AM-NOON	Cross-Examination: Bending But Not Breaking
NOON-1:15 PM	LUNCH WITH FACULTY (PROVIDED)
1:15-2:15 PM	Cross-Examination: Your C.V.
2:15-3 PM	Cross-Examination: Your Report
3-3:15 PM	BREAK AND NETWORKING OPPORTUNITY
3:15-4 PM	Trick and Difficult Questions
4-4:30 PM	Concluding Roundtable Review and Discussion

FACULTY

James J. Mangraviti, Jr., ESQ., has trained hundreds of expert witnesses across the United States and Canada. He is a former trial lawyer 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 *How to Be a Dangerous Expert Witness: Advanced Strategies and Techniques*, *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*.

8-9:30 AM DEPOSITIONS: SPECIAL TECHNIQUES

Attendees will learn the special techniques which should be used when testifying at transcribed and videotaped depositions. Included is an explanation of what questions experts are likely to be asked at deposition, why they are likely to be asked those questions, the rules the attorneys must play by at deposition, and how the expert deposition fits into both sides of the case. DEPOSITION DEMONSTRATIONS & QUESTIONS AND ANSWERS.

9:45-11 AM DIRECT EXAMINATION: PERSUADING THE JURY

Attendees will learn how to best connect with and persuade a jury. Techniques explained and demonstrated include speaking in laymen's terms, acting as a teacher, using proper body language and demeanor, and how and when to use demonstrative evidence. DIRECT EXAMINATION DEMONSTRATIONS & QUESTIONS AND ANSWERS.

11 AM-NOON CROSS-EXAMINATION: BENDING BUT NOT BREAKING

Attendees will learn how to stand up to even the most withering of cross-examinations. Faculty will explain the goals of counsel during cross-examination and the trick questions and trial tactics that are commonly used. Techniques for deflecting counsel's attacks and excelling during cross examination will be provided. CROSS-EXAMINATION DEMONSTRATIONS & QUESTIONS AND ANSWERS.

1:15-2:15 PM CROSS-EXAMINATION: YOUR C.V.

Attendees will learn how counsel will attempt to challenge their qualifications during cross-examinations. Artful responses that meet these challenges will be suggested. Volunteer attendees will be cross-examined on their pre-submitted CVs. CROSS-EXAMINATION DEMONSTRATIONS & QUESTIONS AND ANSWERS.

2:15-3 PM CROSS-EXAMINATION: YOUR REPORT

Attendees will learn how experienced counsel will attempt to pick apart their expert report. Advanced techniques to blunt counsel's pointed questions will be provided and demonstrated. Volunteer attendees will be cross-examined on their pre-submitted reports. CROSS-EXAMINATION DEMONSTRATIONS & QUESTIONS AND ANSWERS.

3:15-4 PM TRICK AND DIFFICULT QUESTIONS

Attendees will identify the most difficult questions they can be asked as an expert. Artful replies to these questions will be discussed and demonstrated. CROSS-EXAMINATION DEMONSTRATIONS & QUESTIONS AND ANSWERS.

4-4:30 PM CONCLUDING ROUNDTABLE REVIEW AND DISCUSSION

HERE'S WHAT PAST ATTENDEES HAVE TO SAY:

"Faculty excellent"

"Very informative, enjoyed the fast pace"

"First workshop on subject attended, it was very informative"

"Well organized and informative"

"Hard hitting questions and how to avoid embarrassing situations"

"Passion and energy of presentation was excellent"

"Excellent program"



2006 EXPERT WITNESS SUMMIT

EXECUTIVE SUMMARY

Expert witnesses from all fields and with all levels of experience will benefit from the multi-disciplinary, advanced learning techniques offered at the *2006 Expert Witness Summit*. Renowned trial judges, nationally recognized attorneys, experts, and jury consultants will discuss how experts can improve all aspects of their practice and testimony and succeed as expert witnesses. This advanced two-day program will include lectures, trial demonstrations, and lively and provocative question and answer periods. Attendees are encouraged to participate in the roundtable discussions. Seminar registrants will have an opportunity to improve their skills while networking and meeting other professionals in a stimulating and congenial atmosphere. Each presenter will conclude with a question and answer period.

LEARNING OBJECTIVES

By the completion of this seminar, you will learn how to:

- Improve your expert witness testimony
- Develop new practice management techniques
- Defend yourself during deposition and cross-examination
- Develop advanced deposition techniques
- Make yourself invaluable to counsel
- Communicate your expertise effectively
- Improve your jury presence

REGISTRATION INFORMATION

Tuition includes continental breakfast each day, breaks, lunch with faculty each day, a workshop manual *not available elsewhere*, and a unique and practical hands-on learning experience. Registration is limited. Mail your registration form today—see page 11.

MCLE CREDIT

This workshop is approved for 12 hours MCLE credit by the State Bar of California.

FRIDAY, MARCH 31, 2006

7:30–8:30 AM	REGISTRATION AND CONTINENTAL BREAKFAST
8:30–9:30 AM	A View From the Bench: How to Improve Your Expert Witness Testimony
9:30–10:30 AM	The Creative and Interesting Uses of Expert Witnesses in High Profile Cases
10:30–10:45 AM	BREAK AND NETWORKING OPPORTUNITY
10:45–11:45 AM	Advanced Practice Management for Experts
11:45 AM–NOON	Roundtable Discussion
NOON–1 PM	LUNCH WITH FACULTY (PROVIDED)
1–2 PM	Defending Yourself During Deposition and Cross-Examination: Becoming an Active Expert
2–3 PM	Advanced Deposition Skills for the Expert
3–3:15 PM	BREAK AND NETWORKING OPPORTUNITY
3:15–4:15 PM	How Experts Make Themselves Invaluable to Counsel: Beyond the Favorable Opinion
4:15–4:30 PM	Concluding Roundtable Review and Discussion
5–6 PM	WINE AND CHEESE RECEPTION

SATURDAY, APRIL 1, 2006

7:30–8:30 AM	CONTINENTAL BREAKFAST
8:30–9:30 AM	A View From the Bench: The Biggest Mistakes Experts Make and How to Avoid Them
9:30–10:30 AM	Effective Presentation of Expert Witness Testimony: What Jurors Like and Dislike About Experts
10:30–10:45 AM	BREAK AND NETWORKING OPPORTUNITY
10:45–11:45 AM	Communicating Your Expertise Effectively: Dramatically Enhancing Your Presentation Skills
11:45 AM–NOON	Roundtable Discussion
NOON–1 PM	LUNCH WITH FACULTY (PROVIDED)
1–2 PM	How Lawyers Dig Up Dirt on Experts: Dissecting and Analyzing the Expert
2–3 PM	Trial Demonstration: Direct and Cross-Examination of the Expert Witness
3–3:15 PM	BREAK AND NETWORKING OPPORTUNITY
3:15–4:15 PM	The Secrets to Becoming a World-Class Expert Witness
4:15–4:30 PM	Concluding Remarks

FRIDAY'S CONFERENCE SESSIONS & FACULTY

8:30–9:30 AM A VIEW FROM THE BENCH: HOW TO IMPROVE YOUR EXPERT WITNESS TESTIMONY

The Honorable David Thomas McEachen will discuss how expert testimony can be effectively delivered and improved. He will review why some expert witnesses are more credible than others and will offer practical suggestions to experts on how to improve the quality and effectiveness of their testimony. Judge McEachen will leave time for an expanded question and answer session with the attendees.

Honorable David Thomas McEachen is a Superior Court Judge of the Orange County Superior Court. He received his BS from Oregon State University and his JD from Southwestern University School of Law. Judge McEachen served two tours of duty in Vietnam. Judge McEachen is a former Judge of the Year, Orange County Trial Lawyers Association, and he is an instructor at the Expert Witness Certificate Program at CSULB. Judge McEachen is a member of the American Board of Trial Advocates.

9:30–10:30 AM THE CREATIVE AND INTERESTING USES OF EXPERT WITNESSES IN HIGH PROFILE CASES

Professor Laurie L. Levenson will discuss the use and abuse of expert witness testimony in high profile cases. She will demonstrate and explain what worked and what did not work. Professor Levenson will draw lessons for experts on how they can improve their performance.

Laurie L. Levenson is a professor of law, William M. Rains Fellow and Director of the Center for Ethical Advocacy at Loyola Law School, Los Angeles. She was an Assistant United States Attorney, Criminal Section, in Los Angeles, where she was a trial and appellate lawyer for eight years and where she attained the position of Senior Trial Attorney. Professor Levenson is a prolific author and commentator, and she is a Special Master, Los Angeles County Superior Court and United States District Court.

10:45–11:45 AM ADVANCED PRACTICE MANAGEMENT FOR EXPERTS

James A. Blanco will explain and demonstrate his case intake procedures, data information system, and how he manages communication, transmittals, invoices, reports, notes, exhibits and documents. He will discuss tucking away documents such as your CV, fee schedule and retainer agreements on your Web site. Mr. Blanco will show how proper organization and management can help experts be more efficient and effective.

James A. Blanco is a forensic document examiner and president and CEO of Blanco & Associates in San Francisco. He has testified as an expert in 120 federal and superior court trials and has provided over 5,000 expert opinions. He was a document examiner for the U.S. Treasury Department as well as the California Department of Justice. Mr. Blanco has worked on the notable cases of the Unabomber, Waco, Irish Republican Army, and numerous drug cartels.

11:45 AM–NOON ROUNDTABLE DISCUSSION

1–2 PM DEFENDING YOURSELF DURING DEPOSITION AND CROSS-EXAMINATION: BECOMING AN ACTIVE EXPERT WITNESS

Douglas A. Sears, ESQ. will contrast the goals of opposing counsel during deposition and trial. He will discuss how experts can and should prepare for their deposition and cross-examination. Mr. Sears will explain how to deal with threats, abusive tactics and intimidation of opposing counsel. He will discuss the pros and cons of being a proactive expert witness and how to seize the initiative from opposing counsel. Mr. Sears will offer practical suggestions for expert witnesses.

Douglas A. Sears, ESQ, is a senior partner and trial attorney in the Sacramento law firm of Matheny, Sears, Linkert, & Long. He received his BA from the University of San Francisco and his JD from McGeorge School of Law, University of the Pacific. He is a former District Attorney and is a member of the Board of Directors of the California Defense Counsel.

2–3 PM ADVANCED DEPOSITION SKILLS FOR THE EXPERT

Gerda Govine, EDD, will explain how to prepare properly for your deposition testimony. She will discuss dealing with the good, bad and ugly tactics of opposing counsel and specifically with overly aggressive counsel. Dr. Govine will review the differing deposition strategies of counsel and how to utilize this information as the deponent. She will offer practical suggestions on how experts can excel at their deposition.

Gerda Govine, EDD, is an expert witness and CEO of G. Govine Consulting in Pasadena. Dr. Govine is a highly experienced expert witness and litigation consultant. She has taught, lectured and written about forensic issues. She received her MA and BS from New York University and her EDD from Columbia University. Dr. Govine has served as an expert in numerous states.

3:15–4:15 PM HOW EXPERTS MAKE THEMSELVES INVALUABLE TO COUNSEL: BEYOND THE FAVORABLE OPINION

Wayne H. Maire, ESQ. will review the ways an expert can make himself invaluable to retaining counsel including availability, providing insight into the issues, candor, review of the opposing expert's report, and suggestions on literature searches, fact investigation and demonstrative aids. He will explain the importance of attention to detail, appearance, credibility, and a clear and concise report. Mr. Maire will discuss how invaluable experts are willing to defend their report and opinion without being an advocate.

Wayne H. Maire, ESQ, is a partner and trial attorney in the Redding law firm of Maire & Beasley. He concentrates his practice in insurance defense and civil litigation. Mr. Maire received his BA from Brigham Young University and his law degree from the University of Santa Clara School of Law. He is a member of the Defense Research Institute and is a former president for the Association of Defense Counsel of Northern California.



SATURDAY'S CONFERENCE SESSIONS & FACULTY

8:30–9:30 AM A VIEW FROM THE BENCH: THE BIGGEST MISTAKES EXPERTS MAKE AND HOW TO AVOID THEM

The Honorable Douglas H. Hatchimonji will review common mistakes expert witnesses make in presenting testimony. He will discuss how and why those mistakes occur. Judge Hatchimonji will explain the impact those mistakes have on the fact finder, be that fact finder a jury or a judge, and he will offer practical advice on how to give effective testimony while avoiding those mistakes.

Honorable Douglas H. Hatchimonji is a Superior Court Judge of the Orange County Superior Court. He received his BA from the University of California and his JD from Southwestern University School of Law. Judge Hatchimonji has been assigned criminal and civil matters. Prior to his appointment to the bench, Judge Hatchimonji was a partner with the Law Firm of Rose, Klein and Marias, specializing in complex tort matters.

9:30–10:30 AM EFFECTIVE PRESENTATION OF EXPERT WITNESS TESTIMONY: WHAT JURORS LIKE AND DISLIKE ABOUT EXPERTS

Jo-Ellan Dimitrius, PHD, will discuss why jurors find some expert witnesses credible and discount others. She will explain how to present effective expert witness testimony to jurors. Dr. Dimitrius will offer practiced suggestions on how experts of all disciplines can improve their performance.

Jo-Ellan Dimitrius, PHD, is a trial and jury consultant at Dimitrius & Associates in Pasadena. She has consulted in over 1,000 trials, picked over 600 juries and has evaluated over 10,000 jurors, witnesses, lawyers and judges. Dr. Dimitrius has been involved in high profile cases, including the Night Stalker, Rodney King, Reginald Denny, John Dupont, Francis Ford Coppola, and O.J. Simpson. She received her PHD from Claremont Graduate School and is the author of two texts.

10:45–11:45 AM COMMUNICATING YOUR EXPERTISE EFFECTIVELY: DRAMATICALLY ENHANCING YOUR PRESENTATION SKILLS

Glynn Bedington will explain why *how* experts express themselves is just as important as *what* they say. She will discuss how experts can utilize their own strengths and knowledge base when testifying. Ms. Bedington will review the ability to produce intelligent and comprehensive testimony for deposition and trial. She will train experts to think through seven simple questions that help them organize their thoughts.

Glynn Bedington is a presentation consultant located in San Diego. Her formal education is in the theatre, and she has lectured for the American Bar Association, The California Trial Lawyers Association, The New Jersey Trial Lawyers Association, and The San Diego Trial Lawyers Association. Ms. Bedington has authored and directed a CLE video series and is the author of "Who Do You Want To Be?—The Art of Presenting Yourself With Ease."

11:45 AM–NOON ROUNDTABLE DISCUSSION

1–2 PM HOW LAWYERS DIG UP DIRT ON EXPERTS: DISSECTING AND ANALYZING THE EXPERT

Alan C. Brown, ESQ, will review the various methods attorneys use to locate, select and evaluate expert witnesses. He will discuss the numerous ways attorneys gather information about experts and investigate their credentials and prior testimony. Mr. Brown will offer practical suggestions on how experts can ensure that their qualifications and prior testimony will be viewed in the most favorable light and withstand rigorous cross-examination.

Alan C. Brown, ESQ, is a trial attorney and partner in the Tustin law firm of Day, Day & Brown. He received his JD from Loyola Law School. Mr. Brown has written and lectured extensively on expert witnesses. He is a California State Bar Special Master, a member of the Board of Directors of the Orange County Trial Lawyers Association, and an Adjunct Professor of Law, Western State University College of Law.

2–3 PM TRIAL DEMONSTRATION: DIRECT AND CROSS-EXAMINATION OF THE EXPERT WITNESS

Douglas M. DeGrave, ESQ, and **James J. Mangraviti, Jr., ESQ**, will present a mock trial, and **Robert N. Anderson, PHD, PE**, will act as the expert witness. The stipulated facts are that this is a product liability action in which it is alleged that a suspension failure of a McPherson strut caused the car to go out of control.

Douglas M. DeGrave, ESQ, is a founding partner and trial attorney in the law firm of Polinquin & DeGrave in Laguna Hills. He is a state-certified trial advocate and member of the National Board of Trial Advocates. Mr. DeGrave specializes in civil litigation, personal injury, and product liability defense. He received his JD from Loyola Law School in Los Angeles.

James J. Mangraviti, Jr., ESQ, is vice president of SEAK, Inc. and trains hundreds of expert witnesses each year. He is a former trial attorney with experience in defense and plaintiff personal injury law, and he received his JD from Boston College Law School.

Robert N. Anderson, PHD, PE, is the president of RNA Consulting of Los Altos Hills, which specializes in forensic materials engineering and sciences. Dr. Anderson received his PHD from Stanford University and has more than twenty years' experience in forensic materials and metallurgical consulting in accident analysis.

3:15–4:15 PM THE SECRETS TO BECOMING A WORLD-CLASS EXPERT WITNESS

Dana A. Basney, CPA, will explain and demonstrate, with the use of humor, the techniques to use to become a world-class expert witness. He will review the mistakes he has made and the lessons to be learned from them. Mr. Basney will review the top ten pragmatic tips for expert witnesses and how common sense can be used to build a highly successful expert witness practice.

Dana A. Basney, CPA, is a shareholder in the firm of Mayer Hoffman McCann PC. He is a highly experienced expert witness testifying both in state and federal courts. Mr. Basney has written and lectured extensively on expert witness issues. He holds a BA from Bates College and an MBA from San Diego University. He has also testified as an expert witness in such exotic jurisdictions as Guam and the High Court of American Samoa.

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