
It is with great pleasure that we invite you to join your colleagues and SEAK, Inc. at SEAK's most advanced program for expert witnesses: Advanced Testifying Skills for Experts: The Master's Program, to be held Friday-Saturday, November 4–5, 2005 in Chicago, IL.

Executive Summary

This is the most advanced course on expert witnessing ever offered by SEAK, Inc. *Advanced Testifying Skills for Experts: The Master's Program* is specially designed for experienced expert witnesses. Class size is strictly limited. This is a hands-on, fast moving advanced program in which attendees will have the opportunity to actively participate.

Attendees registering in advance will have the opportunity to submit their CV and a report of up to 25 pages for review and written critique from the faculty. All registrations include breakfast and lunch with the faculty each day and a detailed seminar manual. Early registrants will be provided with a free copy of SEAK's *National Guide to Expert Witness Fees and Billing Procedures*.

Advanced Testifying Skills for Experts: The Master's Program has been designed by and will be taught by Steven Babitsky, Esq. and James J. Mangraviti, Jr., Esq. of SEAK, Inc. Attorneys Babitsky and Mangraviti train hundreds of experts each year and are the co-authors of numerous books on expert witnessing.

Learning Objectives

- Insulate yourself from attacks by opposing counsel.
- Formulate airtight opinions.
- Defeat opposing counsel's deposition tactics.
- Captivate and persuade the jury during your direct testimony.
- Stay one step ahead of opposing counsel during cross.
- Truthfully and artfully answer trick and difficult questions.
- Be able to go on the offensive against opposing counsel.
- Be optimally prepared for depositions and trials.
- Become a more highly-skilled, more highly sought after expert witness.

This Program:

- is the most advanced course ever offered by SEAK on expert witnessing,
- is designed specifically for experienced expert witnesses,
- provides personalized written feedback to attendees on their pre-submitted CVs and sample expert reports (for those registering prior to October 1, 2005),
- includes a free copy of SEAK's *National Guide to Expert Witness Fees and Billing Procedures* (for those registering prior to August 31, 2005).
- has a strictly limited class size,
- is fast moving and interactive, with a format featuring numerous demonstrations,
- includes breakfast and lunch with faculty each day,
- provides the opportunity to get all your questions answered,
- includes a detailed seminar handbook,
- is taught by Steven Babitsky, Esq. and James J. Mangraviti, Jr., Esq., and
- is strictly limited in size: registrations will be accepted on a first come basis.

Faculty

Steven Babitsky, Esq., is the President of SEAK, Inc. He was a personal injury litigator for twenty years. Mr. Babitsky is the co-author of the texts *How to Become a Dangerous Expert Witness: Advanced Techniques and Strategies*, *Writing and Defending Your Expert Report: The Step-by-Step Guide with Models*, *How to Excel During Cross-Examination: Techniques for Experts That Work*, *Cross-Examination: The Comprehensive Guide For Experts*, *The Comprehensive Forensic Services Manual: The Essential Resources for All Experts*, *National Guide to Expert Witness Fees and Billing Procedures*, and *How to Excel During Depositions: Techniques for Experts That Work*. Attorney Babitsky is the seminar leader for SEAK's Annual National Expert Witness Conference. Mr. Babitsky trains hundreds of experts every year.

James J. Mangraviti, Jr., Esq., has trained hundreds of expert witnesses across the United States and Canada. 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 *Cross-Examination: The Comprehensive Guide For Experts*, *National Guide to Expert Witness Fees and Billing Procedures*, *How to Excel During Depositions: Techniques for Experts That Work*, *The Comprehensive Forensic Services Manual: The Essential Resources for All Experts*, *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*.

Agenda

Day #1 – Friday, November 4, 2005

PART I: PREVENTION

8:00 – 8:30 **REGISTRATION AND CONTINENTAL BREAKFAST**

8:30 – 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.**

Note: Students registering prior to October 1, 2005 and submitting their CVs prior to October 15, 2005 will receive written feedback on potential problem areas in their CVs which could affect their credibility.

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

10:00 – 12:00 **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.**

Note: Students registering prior to October 1, 2005 and submitting sample reports prior to October 15, 2005 will receive written feedback on potential problems in forming and expressing their opinions as evidenced in their written reports.

12:00-1:00 **LUNCH WITH FACULTY (Provided)**

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PART II: PREPARATION**1:00 – 2:30 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.**

2:30 – 2:45 BREAK AND NETWORKING OPPORTUNITY**PART III: PERFORMANCE****2:45 – 4:45 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.**

4:45 – 5:00 TAKEAWAYS

Faculty will review with the attendees the key “bullet-point” takeaways for the day. **Interactive Discussion, Questions and Answers.**

Day #2 – Saturday, November 5, 2005**PART III: PERFORMANCE (CONTINUED)****8:00 – 8:30 CONTINENTAL BREAKFAST****8:30 – 10:00 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.**

10:00 – 10:15 BREAK AND NETWORKING OPPORTUNITY**10:15 – 12:00 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.**

12:00 – 1:00 LUNCH WITH FACULTY (Provided)**1:00 – 3:00 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.**

PART IV: PRACTICE**3:00 – 4:30 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.**

4:30 – 5:00 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 intensive, two-day program.

Note: Registration is strictly limited and will be accepted on a first come basis.

Dates & Location:

The conference will be held in the DePaul Center, Room DPC 8005 of Depaul University's Loop Campus, 1 East Jackson Blvd., Chicago, IL 60604. This is a state of the art meeting room in an academic setting in the heart of downtown Chicago.

Hotel Accommodations:

Attendees will be provided with a list of hotels nearby Depaul University when they register for the course.

Registration Information:

To register, please use the form on pages 6-7 or print out a registration form from www.seak.com. Tuition for *Advanced Testifying Skills for Experts: The Master's Program* is \$1,195. This includes:

- A written critique of your CV and a sample expert report not to exceed 25 pages (if you register prior to October 1, 2005 and submit your CV and report prior to October 15, 2005) You will be provided with instructions on how to submit your report and CV with your confirmation letter after you register.
- A detailed course book.
- Coffee breaks, breakfast and lunch with faculty each day.
- A free copy of SEAK's *National Guide to Expert Witness Fees and Billing Procedures* (if you register prior to August 31, 2005).
- A limited class size with a fast moving, interactive format.
- The most advanced training available for expert witnesses.

Cancellations:

Cancellations received in writing before October 15, 2005 will receive a full refund. Persons canceling after October 15, 2005 will not receive a refund, but will be provided with the seminar course book.

Note: Registration is strictly limited and will be accepted on a first come basis.