

SEAK

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WEST COAST!



Expert Witness Training San Diego, California

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

January 22–23, 2015

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

January 24–25, 2015

- **Small Group, Interactive Training**
- **Convenient Fly In, Fly Out, Venue**
- **SEAK's only 2015 West Coast
Expert Witness Training**

Registration Information

LOCATION/HOTEL ACCOMMODATIONS: A limited block of rooms will be available at special rates at the Catamaran Resort Hotel & Spa (\$159 plus tax single/double). To make your reservations at the special group rate, please call (800) 422-8386 and mention that you are with the SEAK Expert Witness Group. Rooms are limited and this rate expires on 1/7/2015, or as soon as the room block fills up, so you are encouraged to make your reservations as soon as possible. Hotel Highlights: Located directly on Mission Bay-the World's largest aquatic park. 15 minutes from airport. Short ride to SeaWorld, Old Town, and San Diego Zoo. Over 100 restaurants within walking distance. Beach. Spa. Jogging trail. Meticulously kept tropical gardens. Complimentary wireless internet in sleeping rooms. Complimentary use of indoor/outdoor fitness facility.

SPECIAL EARLY REGISTRATION SAVINGS: Tuition is \$1,195 before October 31, 2014; \$1,295 November 1, 2014-January 8, 2015 and \$1,395 after January 8, 2015.

GROUP DISCOUNTS: Group discounts are available for two or more persons registering from the same organization. Discount prices depend on the size of the group. Our programs can also be brought onsite to your organization. Please call 508-457-1111.

CONTINUING EDUCATION CREDIT: Please see pages 3 & 6 for CEU information.

CANCELLATIONS: Conference cancellations received in writing prior to January 10, 2015 will receive a full tuition refund. Persons cancelling after January 10, 2015 will receive a full tuition credit.

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

PLEASE REGISTER ME FOR:

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

January 22-23, 2015 (\$1,195 before October 31, 2014; \$1,295 November 1, 2014-January 8, 2015; \$1,395 after January 8, 2015)

Advanced Testifying Skills for Experts: The Master's Program

January 24-25, 2015 (\$1,195 before October 31, 2014; \$1,295 November 1, 2014-January 8, 2015; \$1,395 after January 8, 2015)

Please print or type all items to assure accuracy.

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

Priority Code: SD2015

<input type="checkbox"/> Check here if you require special accommodations to fully participate.		
First Name (as it will appear on name badge):		
Last Name:		
Title:		
Company/Organization:		
Specialty/Area of Expertise (to be included on your nametag for networking purposes):		
Mailing Address:		
City:	State:	Zip:
Phone:	Fax:	
E-Mail: (Please print neatly - confirmations and other information will be sent via e-mail)		
<input type="checkbox"/> I've enclosed a check payable to: SEAK, Inc., P.O. Box 729 Falmouth, MA 02541		
OR I'm Paying by Credit Card (please circle card type) MC / Visa / Amex / Discover		
Card Number:	Exp. Date:	
Name as it appears on the card:	Security Code:	
Signature:		

How to Start, Build and Run a Successful Expert Witness Practice Catamaran Resort Hotel & Spa, San Diego, CA Thursday-Friday, January 22-23, 2015

Executive Summary: Excellent and ethical legal consultants can easily double their income by devoting one day a week to expert witnessing. Time spent by experts on such matters is commonly billed out at \$200-\$500 or more per hour. **How to Start, Build and Run a Successful Expert Witness Practice** is an intensive, content rich workshop that is designed to show you how to start, build, and run a successful expert witness practice. This course is appropriate for professionals with all levels of legal-consulting experience including prospective and novice expert witnesses. Attendees will learn from an experienced faculty in a step-by-step fashion how to start, build, and run a successful and ethical expert witness practice. **This course is part of SEAK's only 2015 West Coast Expert Witness Training.**

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,
- 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, call 508-457-1111 or visit www.seak.com. Tuition is \$1,195 before October 31, 2014; \$1,295 November 1, 2014 – January 8, 2015 and \$1,395 after January 8, 2015. Your tuition includes continental breakfast and lunch with faculty each day and a detailed conference manual. Group discounts are available, please call 508-457-1111.

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

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

Accountants: Earn 16.5 CPE credits in the field of study of Specialized Knowledge and Applications. SEAK, Inc. is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors through its website: www.learningmarket.org. For SEAK's complaint and program cancellation policies please call SEAK, Inc. at 508-457-1111. All attendees should have the education and experience that would qualify them as an expert witness. This is an intermediate group-live program. Advanced Preparation: None. This course was reviewed and revised in March 2014. To register, please follow the instructions on page 2. **Appraisers:** Credits from The American Society of Appraisers will be applied for on written request at the time of registration. **Arborists:** SEAK will apply for Continuing Education hours through The International Society of Arboriculture (ISA) on written request at time of registration. **Attorneys:** Credit varies by state. Continuing legal education credits for attorneys will be applied for if requested in writing at the time of registration. **Engineers:** 14 PDHs. The acceptance of this course is dependent upon your state(s) of registration. The vast majority of states do not require preapproval of either courses or course sponsors. SEAK is preapproved as a sponsor by the State Boards of Florida and Louisiana. **Life Care Planners:** SEAK will apply for credits through The Commission on Health Care Certification (CHCC) upon written request at the time of registration. **Physicians:** SEAK, Inc. is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education for physicians. SEAK, Inc. designates this live activity for a maximum of 14 AMA PRA Category 1 Credit(s)[™]. Physicians should claim only the credit commensurate with the extent of their participation in the activity. NOTE: SEAK does not accept commercial support for its programs and does not use faculty members with conflicts of interest.

Distinguished Faculty:



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



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.



Nadine Nasser Donovan, Esq., is a former trial lawyer with extensive litigation experience. She has been on the SEAK Faculty since 2002 and has trained hundreds of experts through SEAK's scheduled programs for expert witnesses, invited presentations, customized on-site expert witness training programs, and via one-on-one training. Nadine is the co-author of the SEAK text *How to Write an Expert Witness Report*. In addition to her work consulting and teaching for SEAK, Ms. Donovan is a Legal Writing Instructor at Boston University School of Law, and an Adjunct Professor at New England School of Law, Boston, where she teaches in the areas of medical malpractice and hospital law. Ms. Donovan also serves as a Dispute Resolution Arbitrator for the Financial Industry Regulatory Authority. Ms. Donovan previously practiced litigation for 21 years. She spent 18 years in the defense of medical professionals in medical malpractice actions and before medical licensing boards. In addition, Ms. Donovan started off her litigation career in New York City, first as a prosecutor in Queens, and then as counsel for the City of New York. Ms. Donovan received her J.D. *cum laude* from Boston College Law School. She graduated from Fordham University *summa cum laude* with a B.A. in French Literature.

Registration is limited. Register Today!

SEAK West Coast Expert Witness Training**How to Start, Build and Run a Successful Expert Witness Practice****Catamaran Resort Hotel & Spa, San Diego, CA****DAY ONE: Thursday, January 22, 2015****7:30-8:00 REGISTRATION AND CONTINENTAL BREAKFAST****8:00-8:30 The 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**

8:30-9:30 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 will be reviewed. Lessons for the attendees will be drawn from these examples. **Questions and Answers**

9:30-10:30 Finding and Developing Your Niche in the Expert Witness Marketplace

Faculty will explain the advantages of identifying a 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**

10:30-10:45 BREAK AND NETWORKING OPPORTUNITY**10:45-12:00 Pulling Together a CV Appropriate for Expert Witness Work**

Anyone considering starting an expert witness practice needs to maintain a CV. Attendees will learn the importance of an accurate, up-to-date CV, what should and should not be on a CV, and how mistakes in preparing CVs can damage or destroy an expert's credibility. Sample CVs will be provided. **Questions and Answers**

12:00-12:45 LUNCH PROVIDED WITH FACULTY**12:45-1:45 Bulletproofing Yourself – Your Qualifications, Marketing Activities, Web Site, Image & Reputation**

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 qualifications, marketing activities, web site, image and reputation. **Questions and Answers**

1:45-2:15 Bulletproofing Your Opinions – Passing the *Daubert* Tests, Your Methodology

An in-depth discussion of the legal requirements of *Daubert* and FRE 702 as they relate to how an expert forms and expresses his/her opinion(s) and the admissibility of the opinions. Numerous examples will be discussed. The lecture continues with practical advice on how to avoid being caught in a *Daubert* nightmare and how to use the *Daubert* criteria as a roadmap to bolster the persuasiveness of any opinion. **Questions and Answers**

2:15-3:00 Bulletproofing Your Opinions – Research, Investigation, Chart Review and Examination

An expert witness's opinion will only be as strong as the facts, research and investigation upon which it is based. Attendees will learn how to conduct an investigation, perform research and collect data in a manner that bolsters an expert's opinion. **Questions and Answers**

3:00-3:15 BREAK AND NETWORKING OPPORTUNITY**3:15-3:45 Bulletproofing Your Opinions – Managing the Potentially Damaging Influence of Retaining Counsel**

Expert Witnesses 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 attendees will learn how to insulate their opinions from the appearance of being under the influence of retaining counsel, for example through the information the expert witness relies upon, the modification of draft and preliminary opinions, and through the communications between the expert witness and retaining counsel. **Questions and Answers**

3:45-4:00 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**

4:00-5:00 Best Practices in Forensic Office Management

Attendees will learn myriad techniques that will help them run an efficient and successful litigation support consulting practice. These include optimum new case intake procedures, billing systems, document receipt and retention policies, support staff training and instruction, file maintenance, trial scheduling, procedures for keeping your CV up-to-date, how to account for all time spent on the case, responsibilities and boundaries, security and confidentiality protocols and developing and using forms, templates and checklists. **Questions and Answers**

“Excellent, only wish I had taken the course when I first heard about it”

“Loved it!”

“Excellent. The faculty have taken so much great information and condensed it into an invaluable starter kit. I'm amazed at the things I've learned in just 2 days.”

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

Catamaran Resort Hotel & Spa, San Diego, CA

DAY TWO: Friday, January 23, 2015

6:30–7:00 CONTINENTAL BREAKFAST

7:00–8:00 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

8:00–9:00 Best Practices in Report Writing

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. A sample expert witness report will be provided. **Questions and Answers**

9:00–9:15 BREAK AND NETWORKING OPPORTUNITY

9:15–10:00 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. A list of expected areas of inquiry will be provided. **Questions and Answers**

10:00–10:45 Trial Best Practices

Attendees will learn more than twenty techniques to help them prepare for trial. These techniques deal with issues which include dress, logistics, travel, scheduling, payment, and visual aids. **Questions and Answers**

10:45–11:00 BREAK AND NETWORKING OPPORTUNITY

11:00–12:00 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. Attendees will be provided with sample expert witness retention contract language that addresses 15 common problems faced by expert witnesses. **Questions and Answers**

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

12:45–1:45 Advanced Marketing Techniques for Building an Expert Witness Practice

Faculty and attendees will engage in a frank discussion and analysis of the utility of: search engine optimization, social media, networking, writing articles, speaking, directory listings, fees, advertising, referral services/brokers and 24-7 marketing. **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**

“The training was excellent-very informative, engaging speakers, great teaching methods”

“You guys are great, very personable, honest, available and engaging, great job”

“Excellent, well organized, engaging, and practical”

“Loaded with powerful information”

“Phenomenal-did not want the seminars to end”

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

Advanced Testifying Skills for Experts: The Master's Program

Catamaran Resort Hotel & Spa, San Diego, CA

Saturday – Sunday, January 24-25, 2015

Executive Summary: This program is the most advanced course offered by SEAK on expert witnessing. It is designed specifically for experienced expert witnesses and provides personalized written feedback to attendees on their presubmitted CVs and sample expert reports (for those registering prior to December 15, 2014). This program is SEAK's only 2015 West Coast testifying training.

Registration Information: Tuition is \$1,195 before October 31, 2014; \$1,295 November 1, 2014-January 8, 2015 and \$1,395 after January 8, 2015 and includes two days of unique and practical instruction, written feedback on your CV and report (for those registering prior to December 15, 2014), a detailed printed course manual not available anywhere else, and continental breakfast and lunch with faculty each day. To register, please use the form on page two, call 508-457-1111 or visit www.seak.com.

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

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

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

"Great performances."

"Great work!"

"Take no prisoners: I loved it."

FACULTY:

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



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Accountants: Earn 16.5 CPE credits in the field of study of Specialized Knowledge and Applications. SEAK, Inc. is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors through its website: www.learningmarket.org. For SEAK, Inc.'s complaint and program cancellation policies please call SEAK, Inc. at 508-457-1111. All attendees should have the education and experience that would qualify them as an expert witness. This is an advanced group live program. Advanced Preparation: None. This program was reviewed in June 2014. **Appraisers:** Credits from the The American Society of Appraisers will be applied for on written request at the time of registration. **Arborists:** SEAK will apply for Continuing Education hours through The International Society of Arboriculture (upon written request at time of registration). **Attorneys:** Credit varies by state. Continuing legal education credits for attorneys will be applied for if requested in writing at the time of registration. **Engineers:** 14 PDHs. The acceptance of this course is dependent upon your state(s) of registration. The vast majority of states do not require preapproval of either courses or course sponsors. SEAK is preapproved as a sponsor by the State Boards of Florida and Louisiana. **Life Care Planners:** SEAK will apply for credits through The Commission on Health Care Certification (CHCC) upon written request at the time of registration. **Physicians:** SEAK, Inc. is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education for physicians. SEAK, Inc. designates this live activity for a maximum of 14 AMA PRA Category 1 Credit(s)[™]. Physicians should claim only the credit commensurate with the extent of their participation in the activity. NOTE: SEAK does not accept commercial support for its programs and does not use faculty members with conflicts of interest.

Advanced Testifying Skills for Experts: The Master's Program

Catamaran Resort Hotel & Spa, San Diego, CA

DAY ONE: Saturday, January 24, 2015

PART I: PREVENTION

7:30-8:00 CONTINENTAL BREAKFAST AND REGISTRATION

8:00-10:00 Protecting Yourself from Attacks on your Credibility and Credentials The most valuable experts deny opposing counsel ammunition to attack their credentials and credibility. This segment will identify a detailed checklist of potential areas of attack that experts may be subject to regarding their credentials and credibility including: every word on their CVs, skeletons in the closet, past testimony, their image, controversial or political associations, missing credentials, fees, fee schedules, fee agreements, marketing materials, web page, speeches, work on past cases, apparent and actual conflicts of interest, non-related litigation, hobbies, professional complaints or discipline, presentations and writings. The faculty will provide specific advice on how to insulate yourself as much as possible from these attacks. Emphasized will be prevention and the "hidden pitfalls" that can and will come back to haunt the expert at a later date. *Demonstrations, Interactive Discussion, Questions and Answers. Learning Objective: List techniques to insulate yourself from attack from opposing counsel.*

10:00-10:15 BREAK AND NETWORKING OPPORTUNITY

10:15-12:00 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. Learning Objective: Describe how to make your opinions more resistant to cross examination.*

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

PART II: PREPARATION

12:45-2:45 Properly Preparing to Testify at Deposition and Trial Peak performance requires proper and disciplined preparation done correctly. Well prepared experts are able to deliver confident testimony, deal with cross examination far more effectively, and are in a much better position to articulate and defend their opinions. In this segment, the faculty will explain advanced techniques that can and should be used to prepare for depositions, direct examination and cross-examination. Included is an explanation of the goals of retaining counsel at your deposition and how this effects your preparation, how to insure that retaining counsel properly prepares you to testify, how to study your file, which facts and documents must be known cold, making sure the language you intend to use is understandable to a lay audience, forming and testing analogies, conducting mock direct and cross-examinations with retaining counsel, gaining and using intelligence on the judge, jury, jurisdiction and opposing counsel, and being in your best form when it comes time to testify. *Demonstrations, Interactive Discussion, Questions and Answers. Learning Objective: Describe techniques to effectively prepare to testify.*

2:45-3:00 BREAK AND NETWORKING OPPORTUNITY

PART III: PERFORMANCE

3:00-5:00 Defeating Opposing Counsel's Deposition Tactics The best experts recognize that most cases are won and lost in the discovery phase and that the expert's deposition is a crucial—often outcome determinative—component of the case. In order to excel at the highest level during a deposition, experts need to be able to recognize and defeat opposing counsel's deposition tactics and recognize how these tactics differ from those used during trial. This segment will teach experts how to recognize and defeat counsel's most insidious deposition tactics including, going for the jugular at the start, physical discomfort, waiving rights, locking down the expert on the facts, playing games with the videotape image, the silence gambit, gaining extra discovery from the expert, wearing the expert down, baiting the expert, getting the expert to talk and volunteer information, questioning notes, setting the expert up for a subsequent *Daubert* challenge, setting the expert up for a subsequent learned treatise cross examination, putting many balls in the air at once, asking about conversations with retaining counsel, intimidating the expert, tricking the expert into inconsistencies, trick questions about documents, the "fumble and bumble" gambit, getting the expert into a rhythm, and utilizing broad catchall questions. Many of the above tactics will be demonstrated with a brief demonstration using attendees. *Demonstrations, Interactive Discussion, Questions and Answers. Learning Objective: Discuss how to defeat opposing counsel's deposition tactics.*

Advanced Testifying Skills for Experts: The Master's Program

Catamaran Resort Hotel & Spa, San Diego, CA

DAY TWO: Sunday, January 25, 2015

PART III: PERFORMANCE (CONTINUED)**6:30 – 7:00 CONTINENTAL BREAKFAST WITH FACULTY**

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

8:30–8:45 BREAK AND NETWORKING OPPORTUNITY

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

10:30–10:45 BREAK AND NETWORKING OPPORTUNITY

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

12:00–12:45 LUNCH WITH FACULTY (PROVIDED)**PART IV: PRACTICE**

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

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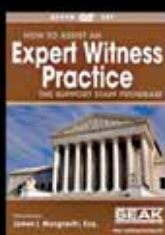
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