



IME TRAINING FOR PHYSICIANS

Naples, Florida

How to Start, Build
and Run a Successful
IME Practice

November 12-13, 2015

IME Skills for Physicians:
The Master's Program

November 14-15, 2015

How to Excel at Your
Expert Witness Deposition

November 14-15, 2015

Registration Information

LOCATION/HOTEL ACCOMMODATIONS: A limited block of rooms will be available at special rates at the site hotel, The Naples Beach Hotel & Golf Club (www.naplesbeachhotel.com) (\$189 Resort View/\$239 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 Wednesday, October 21, 2015 so you are strongly encouraged to make your reservations as soon as possible. Please see page 3 for additional information.

TUITION INFORMATION: Tuition is \$1,195 before September 16, 2015; \$1,295 September 16, 2015 - October 21, 2015 and \$1,395 after October 21, 2015.

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

CONTINUING MEDICAL EDUCATION CREDIT: Please see pages 4, 7 & 10 for CME information.

CANCELLATIONS: Conference cancellations received in writing on or prior to October 21, 2015 will receive a full tuition refund. Persons cancelling after October 21, 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 IME Practice** (November 12-13, 2015)
 (\$1,195 before September 16, 2015; \$1,295 September 16, 2015 - October 21, 2015 and \$1,395 after October 21, 2015)
- IME Skills for Physicians: The Master's Program** (November 14-15, 2015)
 (\$1,195 before September 16, 2015; \$1,295 September 16, 2015 - October 21, 2015 and \$1,395 after October 21, 2015)
- How to Excel at Your Expert Witness Deposition** (November 14-15, 2015)
 (\$1,195 before September 16, 2015; \$1,295 September 16, 2015 - October 21, 2015 and \$1,395 after October 21, 2015)

Also Available on DVD: (MA residents add 6.25% sales tax)

- IME Skills for Physicians: The Master's Program (\$895)**
- How to Market and Grow Your IME Practice (\$895)**
- Causation of Occupational Injuries: Fact or Fiction (\$395)**

Please print or type all items to assure accuracy.
 All confirmations will be sent via email to the individual indicated.

Priority Code: IME2015

<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 name tag 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:		

Hotel And Travel Information

A limited block of rooms will be available at special rates at the site hotel, The Naples Beach Hotel & Golf Club (\$189 Resort View/\$239 Gulf View). Rooms are limited and this rate expires October 21, 2015. 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) features a gorgeous beach on the Gulf of Mexico, on site championship golf, an award winning Tennis Center, large beach side 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 or a 15-minute walk 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.



SEAK 2015 IME Training**How to Start, Build and Run a Successful IME Practice**

The Naples Beach Hotel and Golf Club, Naples, FL

Thursday–Friday, November 12-13, 2015

Executive Summary:

This is SEAK's highly-acclaimed continuing education seminar 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 has 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. **This course is only offered once per year.**

WHAT YOU WILL ACCOMPLISH BY ATTENDING:

- Understand specifically what providers are looking for from IME physicians
- Improve the opportunities for growing an 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
- Start and run an efficient and profitable IME practice
- Obtain 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"***Registration Information:**

Tuition is \$1,195 before September 16, 2015; \$1,295 September 16, 2015 – October 21, 2015 and \$1,395 after October 21, 2015. To register, please use the form on page 2, call (508) 457-1111 or visit www.seak.com.

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 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.

Faculty:

Anthony J. Dorto, MD, FAAEP 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 since 2003.

John W. Valente, Esq., is a trial lawyer with the Rutland, Vermont law firm of Ryan, Smith & Carbine, LTD. He received his BA from Boston College and his JD from Suffolk University School of Law. Attorney Valente has written and lectured extensively on all aspects of workers' compensation defense. Attorney Valente is a member of the Defense Research Institute, Society for Human Resource Management and Vermont Bar Association Workers' Compensation Committee. Attorney Valente is the author of *Avoiding Workers' Compensation Aggravation*, *Workers' Compensation Practice and Procedure*, *Workers' Compensation Fraud*, and *Understanding Workers' Compensation, Managing Workplace Injuries and Lowering Costs*.



"Excellent coverage of entire process"
"Terrific course material and presenters"
"Fantastic and very helpful"
"Excellent"

**REGISTRATION IS LIMITED. TO REGISTER, PLEASE SEE PAGE 2.
 REGISTER EARLY AND SAVE!**

How to Start, Build and Run a Successful IME Practice

The Naples Beach Hotel and Golf Club, Naples, FL

Day One (Thursday, November 12, 2015)

7:30–8:00 REGISTRATION & 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 How 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. Volunteers 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 Mine fields

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. To register, please see page 2.
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How to Start, Build and Run a Successful IME Practice

The Naples Beach Hotel and Golf Club, Naples, FL

Day Two (Friday, November 13, 2015)

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 their 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 volunteers 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 common 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.

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IME Skills for Physicians: The Master's Program**The Naples Beach Hotel and Golf Club, Naples, FL****Saturday-Sunday, November 14-15, 2015**ALSO
AVAILABLE
ON DVD

Executive Summary: This is the most advanced training available on Independent Medical Evaluations (IMEs) and will be offered only once in 2015. Attendees will learn through lecture, case studies, questions and answers, demonstrations, and interactive learning how to distinguish themselves as independent medical evaluators. Physicians completing these intensive two days of training will raise the level of their IME work product, produce more valuable and defensible reports, and become "go-to" evaluators sought after by insurers, attorneys, brokers, and other clients. Physicians who are serious about improving their IME skills are encouraged to attend and participate in this advanced training. **Tuition includes continental breakfast and lunch with faculty each day, a written critique of your CV, a written critique of one of your sample IME reports, and a detailed conference manual.**

What You Will Learn by Attending:

- History Taking Recommendations for Complex Cases Including Those with Multiple Injuries
- Formulating and Communicating Defensible Opinions
 - Causation and apportionment in-depth
 - How to effectively use objective medical evidence
 - How and when to use evidence-based medical literature
 - How to effectively use diagnostic testing and explain the results thereof
 - How to write a high quality IME report with bullet-proof opinions
 - Effective use of time lines, tables, and charts in your reports
 - Mechanism of injury
- Disability and Fitness for Duty
 - How and when to use disability guidelines
 - How to confidently deal with questions on ability to return to work, work capacity, and restrictions
 - How to obtain and perform fitness for duty exams
 - How to defend return to work opinions
- How to Effectively Deal with Attacks by Counsel during Cross-Examination

HERE'S WHAT PAST ATTENDEES HAD TO SAY:*"Both excellent instructors"**"Entertaining"**"Excellent handout book"**"Goldmine of legal and medical pearls of knowledge"**"Informative, thorough, well referenced"**"New and useful info and technique"**"Outstanding"**"Well organized - a lot of work put in"**"Excellent presentations"*

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Distinguished Faculty:

James B. Talmage, M.D., FAADEP is an orthopaedic surgeon who now has a non-operative practice. Dr. Talmage is a Fellow in the American Academy of Disability Evaluating Physicians and has been since 1987. He has been the Course Director for many courses and he has twice received the "President's Award" for service to AADEP. Dr. Talmage is one of the original Examination Committee members for the American Board of Independent Medical Examiners. He chaired the Committee for two years and served on the Committee for a total of four years. Dr. Talmage is a frequent contributor to, and the Associate Editor of *The Guides Newsletter*. He was associate editor of *The Guides Casebook, 2nd Edition* published by the AMA. He is an Adjunct Associate Professor (Occupational Medicine) in the Department of Family and Community Medicine of Meharry Medical College, in Nashville, Tennessee.



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*.



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SEAK 2015 Physician Training**IME Skills for Physicians: The Master's Program****The Naples Beach Hotel and Golf Club, Naples, FL****Day One (Saturday, November 14, 2015)****7:30–8:00 Continental Breakfast & Registration****8:00–8:15 Introduction**

The faculty introduces themselves.

8:15–9:00 Advanced History Taking

The faculty will discuss and demonstrate interviewing and history taking techniques in complex cases including those with multiple injuries and/or illnesses, as well as multiple dates of injury. Attendees will be encouraged to perfect their interviewing techniques, including asking the questions necessary to obtain a good understanding of the mechanism and magnitude of injury. **Exercises and Case Studies. Questions & Answers.**

9:00–10:00 IME Causation In-Depth

The faculty will present causation analysis for both occupational and non-occupational injuries and illnesses. Attendees will learn the meaning of cause and effect, apportionment, and recurrence. They will also learn the differences between proximate, precipitating, and predisposing causes; as well as worsening, exacerbation, and aggravation. Attendees will be presented with illustrative case studies and exercises to bring these static concepts to life. **Questions & Answers.**

10:00–10:15 BREAK & NETWORKING OPPORTUNITY**10:15–12:00 IME Causation In-Depth (Continued)**

Attendees will be presented with vexing causation issues to analyze and work through with the help of the faculty and fellow attendees. Examples will include symptoms vs. disease, arthritic changes and hip/knee replacements, and mechanisms of injury. **Medical-Legal Demonstrations. Questions & Answers.**

12:00–12:45 LUNCH (PROVIDED WITH FACULTY)**12:45–2:45 Effective Use of Objective Medical Evidence & Diagnostic Test Results**

The faculty will present when and how to most effectively use objective medical evidence, results of diagnostic testing, medical literature, and disability guidelines. The faculty will explain and demonstrate the most effective and persuasive techniques for explaining and presenting the medical significance of objective medical evidence and diagnostic test results to a judge, fact finder, or jury. Use of normative values and medical literature will be demonstrated with case studies and exercises. **Questions & Answers.**

2:45–3:00 BREAK & NETWORKING OPPORTUNITY**3:00–4:00 Forming Defensible Opinions**

The faculty will demonstrate, with the aid of examples, how to form opinions that are medically and legally supportable, defensible, and thereby credible. **Medical-Legal Demonstration. Questions & Answers.**

4:00–4:30 Ability to Work

The faculty will discuss and demonstrate what physicians should and should not say about ability to return to work, work capacity, disability, impairment, and restrictions. **Medical-Legal Demonstrations. Questions & Answers.**

4:30–5:00 Takeaways & Discussions

Concluding remarks will be followed by an open and frank give and take between the faculty and the attendees.

**Registration is limited. Register Today! To register, please see page 2.****REGISTER EARLY AND SAVE!**

IME Skills for Physicians: The Master's Program

The Naples Beach Hotel and Golf Club, Naples, FL

Day Two (Sunday, November 15, 2015)

6:30–7:00 Continental Breakfast

7:00–8:30 Mechanism of Injury

The faculty will present the mechanism of injury for the injuries that evaluators are most commonly faced with and will offer the attendees the tools, techniques, and literature to support a robust analysis of the mechanism of injury. **Case Studies. Questions & Answers.**

8:30–9:00 Fitness for Duty Exams

The faculty will present what IME physicians need to know about the legal and medical aspects of fitness for duty examinations, reports, and testimony. **Medical-Legal Demonstrations. Questions & Answers.**

9:00–9:15 BREAK & NETWORKING OPPORTUNITY

9:15–11:00 Writing Your IME Report

Attendees will learn best practices for IME report writing including formatting, documentation of records reviewed, qualifications of the examiner, history, physical examination, expressing defensible opinions, and avoiding mistakes. **Medical-Legal Demonstrations. Questions & Answers.**

11:00–12:00 Dealing Effectively with the Attacks of Counsel

The faculty will explain attacks that IME physicians can expect to face including those on your impartiality, bias, finances, credibility, credentials, and medical opinions. Techniques for successfully dealing with these attempts to destroy you will be explained and demonstrated. **Questions & Answers.**

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

12:45–1:45 Building Your IME Brand and Becoming a “Go-To” IME Physician

Faculty will explain and demonstrate with examples how attendees can build their brand, image, credibility, and reputation. The attendees will be presented with ten techniques for becoming a sought after “go-to” IME physician who works on complex, interesting, and lucrative IMEs. **Questions & Answers.**

1:45–2:15 Defending Return to Work Decisions

Faculty, through demonstrations, will illustrate how to defend physical capacity and activity decisions under rigorous cross-examination. Faculty will also discuss questions about liability of physicians for workers who get re-injured when returned to work. **Questions & Answers.**

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

The faculty will review key points and open the floor for a free flowing discussion of the issues covered in the two-day training session. **Questions & Answers.**



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How to Excel at Your Expert Witness Deposition

The Naples Beach Hotel and Golf Club, Naples, FL

Saturday-Sunday, November 14-15, 2015

Executive Summary: *How to Excel at Your Expert Witness Deposition* is SEAK's most intensive deposition training seminar. It is designed to help expert witnesses to markedly improve their deposition skills. *How to Excel at Your Expert Witness Deposition* is fast moving and content rich. The course is taught using five methodologies: lecture, interactive exercises, videos of experts testifying in real cases, mock deposition demonstrations, and questions and answers. This is a hands on course. All attendees will have the opportunity to practice their deposition skills through in class exercises and to receive feedback from the faculty.

After completing this interactive training you will be able to:

- Demonstrate improved active listening skills.
- Deliver powerful, bullet point responses.
- Answer questions truthfully while leaving yourself some flexibility.
- Employ numerous proven strategies to excel at deposition.
- Recognize and defeat opposing counsel's tactics.
- Excel at answering trick questions.
- Articulately answer questions regarding your qualifications, fees, biases, opinions, methodology, and report.
- Effectively deal with skeletons in your closet.
- Better handle abusive questioning.
- Prepare an individualized protocol to excel at expert witness depositions.

Continuing Medical Education:

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FACULTY: **James J. Mangraviti, Jr., Esq.**, has trained thousands of expert witnesses through seminars, conferences, corporate training, training for professional societies and one-on-one training/mentoring. He is also frequently called by experts, their employers, and retaining counsel to train and prepare individual expert witnesses for upcoming testimony. Mr. Mangraviti is a former litigator with experience in defense and plaintiff personal injury law and insurance law. He currently serves as Principal of the expert witness training company SEAK, Inc. (www.testifyingtraining.com). Mr. Mangraviti received his BA degree in mathematics *summa cum laude* from Boston College and his JD degree *cum laude* from Boston College Law School. He is the co-author of twenty-nine books, including: *How to Be a Successful Expert Witness: SEAK's A-Z Guide to Expert Witnessing, How to Become a Dangerous Expert Witness: Advanced Techniques and Strategies; Depositions: The Comprehensive Guide for Expert Witnesses; How to Write an Expert Witness Report; The Biggest Mistakes Expert Witnesses Make: And How to Avoid Them; Cross-Examination: The Comprehensive Guide for Experts; and How to Market Your Expert Witness Practice: Evidence-Based Best Practices*. He can be reached at 978-276-1234 or jim@seak.com.

“Excellent”

“Exactly what I needed”

“Well worth the time and money”

“Very effective”

“Truly superb”

“Great examples”

“Excellent, very informative, helped to calm my fears”

“Perfectly run and excellent”

**Registration is Limited. Register Today.
REGISTER EARLY AND SAVE!**

How to Excel at Your Expert Witness Deposition

The Naples Beach Hotel and Golf Club, Naples, FL

DAY ONE, Saturday, November 14, 2015

7:30 – 8:00 Registration and Continental Breakfast with Faculty

PART I: LAW, STRATEGY & SKILLS

8:00 – 8:45 Law and Procedure Attendees will learn the key legal principles and rules which govern depositions including what questions can be asked, the legal basis and limits of “fishing expeditions,” applicability and limits of claims of privilege, meaning and effect of “off the record,” meaning and effect of “the standard stipulations,” discoverability of expert-retaining counsel communication, time limits, limitations on questioning because of abusive intent, harassment, or undue burden, admissibility of deposition questions at trial, reading and signing, and protective orders. **Questions and Answers** *Learning Objective: Explain the law and procedure governing expert witness depositions.*

8:45 – 9:30 Understanding Opposing Counsel's Strategies and Goals Excelling at deposition requires an appreciation of opposing counsel's likely strategies. Attendees will learn why opposing counsel will likely ask open ended questions and may interrogate the witness in a non-confrontational manner designed to keep the witness talking. Attendees will also learn the numerous likely goals of retaining counsel and will be provided with suggestions for dealing with each of these. These likely goals include learning the expert's opinions, learning the expert's qualifications, locking down the expert, sizing up the expert as a witness, probing for bias, discovering the expert's factual assumptions, gathering as much information as possible, using the expert to help his own case, intimidating the expert, learning what the expert did, and setting the stage to later get the expert or the expert's opinion excluded. In addition, the faculty will discuss the strategies of retaining counsel at deposition including objections and questioning of their own expert. **Questions and Answers** *Learning Objective: List the strategies and goals of opposing counsel.*

9:30 – 10:15 How to Improve Your Active Listening Skills Excelling at deposition requires superior active listening skills. Deponents should be able to recognize and recall every word of a question and should be able to repeat back questions asked of them verbatim. In this segment attendees will be shown how to improve their active listening skills using techniques such as picturing the question as if it were written on a white board. The group will conduct interactive exercises to assess, practice and improve their active listening skills. **Questions and Answers** *Learning Objective: Describe techniques for improving active listening.*

10:15 – 10:30 Break (Networking Opportunity)

10:30 – 11:15 How to Leave Yourself Wiggle Room A fundamental technique for truthfully and artfully answering deposition questions is to do so in a manner, where appropriate, that does not leave the witness 100% boxed in and locked down. In this segment attendees will learn how to recognize and truthfully respond to lock down questions in a way that leaves the expert some flexibility, but does not make the expert sound evasive or defensive. The group will conduct interactive exercises to assess, practice and improve their responses to lock down questions. **Questions and Answers** *Learning Objective: List techniques for recognizing and truthfully and artfully answering lock down questions.*

11:15 – 12:00 Deposition Strategies for Expert Witnesses Attendees will learn forty-seven techniques for excelling at their deposition. These include telling the whole truth, listening carefully to objections, insisting on finishing answers, not exaggerating, speculating, or guessing, avoiding arguing, not showing weakness, following a question answering protocol, staying calm, avoiding absolute words, avoiding rambling by putting a period on the answer, recognition of unintelligible questions, breaking counsel's momentum, staying in your sandbox, using time limits to your advantage, and encouraging opposing counsel to lose his cool. Many of these techniques will be demonstrated by short videos and interactive exercises. **Questions and Answers** *Learning Objective: List techniques for excelling at your deposition.*

12:00 – 12:45 Lunch (Provided with Faculty)

12:45 – 1:30 Deposition Strategies for Expert Witnesses (Continued)

PART II: CORE AREAS OF INQUIRY

1:30 – 2:30 Qualifications Expert witnesses should expect probing questions regarding why specifically they are qualified to opine in the case. Failure to excel in this area can lead to the expert being excluded from testifying – which can be a career ending event. Attendees will learn techniques for answering expected questions about their qualifications. Issues covered include articulating relevant experience and education and how these apply to the case at hand, dealing with missing or sub optimum levels of experience or credentials, CV issues, “have you ever done?” questions, number of similar cases, and recognizing what you are not an expert in. Many of these lines of inquiry will be demonstrated by short videos and will be practiced by the attendees through interactive exercises. **Questions and Answers** *Learning Objective: Describe techniques for answering qualifications questions.*

2:30 – 3:15 Bias and Fees The more opposing counsel can establish an expert as being biased, the less believable that expert will be. Attendees will learn techniques for answering expected questions about their bias and fees. Issues covered include fee questions, plaintiff v. defendant issues, long held beliefs, billings to date, bills, prior writings, prior testimony, association with outside groups, political beliefs, opinion always the same in every case, influence of retaining counsel, and percentage of income questions. Many of these lines of inquiry will be demonstrated by short videos and will be practiced by the attendees through interactive exercises. **Questions and Answers** *Learning Objective: Explain methods for answering bias and fees questions.*

3:15 – 3:30 Break (Networking Opportunity)

3:30 – 5:00 Opinions Expert witnesses are retained to provide opinions and must be able to articulate these opinions persuasively at deposition. Attendees will learn techniques for answering expected questions about their opinions. Issues covered include what the expert will and will not be testifying to, degree of flexibility in opinions, areas of agreement with opposing expert, new/additional opinions, degree of certainty, and rationale for opinions. Many of these lines of inquiry will be demonstrated by short videos and will be practiced by the attendees through interactive exercises. **Questions and Answers** *Learning Objective: Describe strategies for responding to questions about your opinions.*

“Very informative and useful”

“Very helpful, enjoyable, practical”

“Excellent, very informative, helped to calm my fears”

REGISTER EARLY AND SAVE!

DAY TWO, Sunday, November 15, 2015**6:30 – 7:00 Continental Breakfast with Faculty**

7:00 – 7:45 Methodology Opposing counsel may use the deposition to set the expert witness up for a later motion to exclude under *Daubert*. If the expert is so excluded this can often be a career ending occurrence. Attendees will learn techniques for answering expected questions about their methodology. Issues covered include how the expert's theory was tested, where the theory was subjected to peer review and publication, known or potential error rate, standards and controls, general acceptance in field, evidence of level of care, why extrapolation was justified, alternative explanations, and basis of research. Many of these lines of inquiry will be demonstrated by short videos and will be practiced by the attendees through interactive exercises.

Questions and Answers Learning Objective: Explain techniques to protect yourself from being set up for a *Daubert* challenge.

7:45 – 8:15 Your Expert Witness Report In many if not most cases an expert witness will have submitted a written report prior to deposition. The expert witness's report will often raise numerous potential issues at deposition. Attendees will learn techniques for answering expected questions about their reports. Issues covered include who helped write the report, drafts/preliminary reports, research, footnotes or lack thereof, and mistakes/typos. Many of these lines of inquiry will be demonstrated by short videos and will be practiced by the attendees through interactive exercises. **Questions and Answers Learning Objective:** Describe strategies for answering questions about your report.

8:15 – 9:00 Facts/Bases of Opinions An expert witness's opinions are only as strong as what these opinions are based on. Expert witnesses can expect to be questioned closely regarding the bases of their opinions. Attendees will learn techniques for answering expected questions about the basis of their opinions. Issues covered include key facts of the case, assumptions, documentation, existence and extent of firsthand inspection, what was not done, cherry picking, interviews, veracity judgments, investigation, reliance on staff and/or other experts, time-line, and hypothetical questions. Many of these lines of inquiry will be demonstrated by short videos and will be practiced by the attendees through interactive exercises. **Questions and Answers Learning Objective:** List the key facts that you will likely be asked about at deposition.

9:00 – 9:15 Break (Networking Opportunity)

9:15 – 9:45 Opposing Expert An expert witness can expect numerous questions concerning the opposing expert and the opposing expert's opinions. Attendees will learn techniques for answering expected questions about opposing experts. Issues covered include qualifications, methodology, areas of agreement, and reasons for disagreement. Many of these lines of inquiry will be demonstrated by short videos and will be practiced by the attendees through interactive exercises. **Questions and Answers Learning Objective:** List techniques for responding to questions about opposing expert and opposing expert's opinions.

PART III: SPECIAL SITUATIONS

9:45 – 10:15 Giving a Deposition in a Case Where You Didn't Write a Report It is becoming increasingly common for expert witnesses in state courts to be asked not to write a report. In this segment the faculty will offer practical advice regarding resulting issues such as, how to prepare for a deposition where you did not write a report, discussing with retaining counsel potentially drafting a simple list of opinions with reasons, and special techniques to prepare for a deposition in cases where a report was not written. **Questions and Answers Learning Objective:** Discuss options to excel at depositions in cases where no report was written.

10:15 – 10:45 Dealing with Skeletons in Your Closet Some experts are concerned about being asked about things in their past that they rather not talk about. In many cases questions in this area may be inappropriate. In further instances, questions about skeletons in the closet may be permissible at deposition, but would probably not be admissible at trial. In this segment the faculty will explain what is and is not likely to be a problem and how to deal with common issues such as being sued, disciplinary problems, being terminated, failing tests, mediocre or worse grades, health issues, private life, divorces, bankruptcy, arrests, convictions, etc. Each attendee will be afforded the opportunity to anonymously submit to the faculty for review, comment, and advice any issues which they may be concerned with in their own backgrounds. **Questions and Answers Learning Objective:** Explain techniques for dealing with skeletons in your closet.

10:45 – 11:00 Break (Networking Opportunity)

11:00 – 11:30 Abusive Questioning Experts may at some point experience questioning that is abusive and beyond the scope of what is legally permissible. Faculty will review the legal rules dealing with abusive questioning and provide practical advice for determining what is and is not abuse and how to deal with abusive questioning. **Questions and Answers Learning Objective:** Describe strategies for dealing with abusive questioning.

11:30 – 12:00 Video Depositions More and more expert witness depositions are recorded on video. These video depositions present additional challenges for the expert. In this segment the faculty will provide suggestions for excelling during a deposition that is recorded on video. Demonstrations will be conducted to provide feedback to how attendees look while being deposed. In addition, the attendees will be shown video clips of actual depositions to exemplify the issues that can occur with video depositions. **Questions and Answers Learning Objective:** Describe strategies for excelling during video depositions.

12:00 – 12:45 Lunch (Provided with Faculty)**PART IV: TACTICS AND DEFENSES**

12:45 – 1:30 Recognizing and Defeating Opposing Counsel's Deposition Tactics The faculty will explain numerous tactics that opposing counsel may use against the expert. Many of these tactics will be demonstrated by showing videos of actual depositions or by interactive exercises using volunteer attendees. The faculty will provide suggestions for dealing with each of the tactics. Tactics covered include going for the jugular off the bat, wearing the deponent down, intimidation, fishing for contradictions, catchalls, magic words, hypotheticals, mischaracterizations, and authoritative treatises. **Questions and Answers Learning Objective:** Identify opposing counsel's deposition tactics and explain strategies for defeating each tactic.

1:30 – 2:00 Trick and Difficult Questions The faculty will demonstrate, utilizing questions submitted by the attendees, numerous trick and difficult questions. The goal is to practice the techniques learned in the class such as active listening, refusal to be 100% locked down, and defeating counsel's tactics. The answers provided by volunteer attendees will be critiqued and possible better answers will be provided. **Questions and Answers Learning Objective:** Describe a protocol for answering trick and difficult deposition questions.

PART V: PREPARATION

2:00 – 2:30 Expert Witness Deposition Preparation Protocol Success at deposition is far more a function of preparation, rather than inspiration. In this segment the faculty will provide suggestions for how to develop a protocol for proper preparations. Issues covered include, identifying issues of potential vulnerability, what to ask retaining counsel to do to prepare you, dealing with a refusal by retaining counsel to prepare you, getting your facts and files in order, how to review your file, what to know cold, and preparing headline-bullet point responses to key anticipated questions. **Questions and Answers Learning Objective:** Explain a protocol for diligently preparing for an expert witness deposition.

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The 24/7/365 Approach to IME Business Development and Marketing

In this segment the faculty teaches and demonstrates how each and every interaction with clients, attorneys, IME self-insureds, third party administrators, and others is a crucial link in the IME marketing chain.

Best Practices in Evaluating and Tracking IME Business Development Efforts

The faculty explains and demonstrates how to account for marketing costs and return on investment from an IME practice.

Improving the Quality of Your IME Work Product: Reports and Deposition Testimony

In this segment, the faculty identifies and reviews the biggest mistakes attendees have demonstrated in their pre-submitted reports and deposition transcripts.

Identifying Your Target Market

Faculty provides the latest research and strategies for IME physicians to help them identify all potential sources of IME business.

CVs and Websites

Faculty identifies and explains the biggest mistakes IME physicians are making on their CVs and websites.

Speaking, Writing, and Training

The faculty identifies the benefits and numerous opportunities for physicians to speak, write, and train attorneys and other potential clients to attract new IME business.

Building Your IME Brand

Faculty provides bottom-line advice and suggestions for IME physicians to build and position themselves and their practices in the best possible light.

Marketing to Attorneys, Self-Insureds, and Third Party Administrators (TPAs)

Faculty provides the latest SEAK research on how to effectively market to attorneys, self-insureds, and TPAs, what they are looking for in an IME physician.

Repeat Business

In this session, the faculty identifies the 10 guiding principles of obtaining repeat IME business.

Advanced Networking for IME Physicians: Building Relationships

In this segment, the faculty explains six proven techniques for staying in front of clients to help obtain new business.

Benefits of Certifications

IME physicians considering ABIME, AADEP, and other certifications will be provided with information on the costs and benefits of certifications.

HOW TO MARKET AND GROW YOUR IME PRACTICE WAS VERY HIGHLY RATED (4.8 OUT OF A POSSIBLE 5.0) BY THE ATTENDEES.

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By Steven Babitsky, Esq. and James J. Mangraviti, Jr., Esq.

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- How to successfully prepare for your deposition,
- How to set and collect your fee,
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By Steven Babitsky, Esq., James J. Mangraviti, Jr., Esq.

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How to Be a Successful Expert Witness: SEAK's A-Z Guide to Expert Witnessing

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Now in its third edition, this is SEAK's perennial best-selling text on expert witnessing. *How to Be a Successful Expert Witness: SEAK's A-Z Guide to Expert Witnessing* is the standard desktop reference of experienced experts and the perfect starting point for less experienced expert witnesses. Newly updated and expanded to reflect the latest developments in expert witnessing, this is the comprehensive resource which every expert witness should have on their desk. You will learn:

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- Advanced techniques on how to excel when testifying at deposition and at trial
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- The essential steps to running a profitable expert witness practice
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Writing and Defending Your IME Report

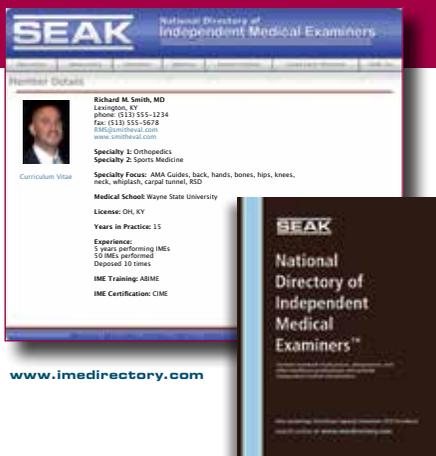
By Steven Babitsky, Esq., James J. Mangraviti, Jr., Esq. and J. Mark Melhorn, MD

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- 21 Techniques for making your report powerful, persuasive, and understandable with 65 detailed examples
- 20 Techniques for stating your opinions and conclusions in a defensible manner with 78 detailed examples
- 8 Techniques for using citations in your IME report to your advantage with detailed examples
- 14 Techniques for documenting a detailed physical examination with detailed examples
- 7 Techniques for obtaining and documenting a detailed, well-written, accurate history in your IME report with detailed examples
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