

Expert Witness Training

**How to
Market
Your Expert
Witness
Practice**

November 12-13, 2015

**How to
Excel at
Your Expert
Witness
Deposition**

November 14-15, 2015

- **Small Group, Interactive Training**
- **Beach Resort Venue**

Naples, Florida

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.

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.

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 on site to your organization. Please call 508-457-1111.

CONTINUING EDUCATION CREDIT: Please see pages 4 and 7 for CEU 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

Each course is \$1,195 before September 16, 2015; \$1,295 September 16, 2015 - October 21, 2015 and \$1,395 after October 21, 2015.

PLEASE REGISTER ME FOR:

- How to Market Your Expert Witness Practice** (November 12-13, 2015)
- How to Excel at Your Expert Witness Deposition** (November 14-15, 2015)

Training seminars available on DVD: (MA residents add 6.25% sales tax)

- Law For Experts: What You Need to Know to Succeed (\$895)**
- How to Assist An Expert Witness Practice: The Support Staff Program (\$595)**

Please print or type all items to assure accuracy.

All confirmations will be sent via email to the individual indicated. **Priority Code: NAPLESEW15**

<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:		

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 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 Expert Witness Training**How to Market and Grow Your Expert Witness Practice:
With Personal Attention****The Naples Beach Hotel & Golf Club, Naples, Florida****Thursday-Friday, November 12-13, 2015**

Executive Summary: This is the nation's most advanced program on expert witness business development. At the conclusion of this small group, limited attendance program, **each attendee will leave with a personalized action plan** containing numerous concrete, cost-effective action steps to further develop their expert witness practice. **Each attendee will also receive individualized written feedback** from the faculty regarding their niches, retention agreement, past and current marketing activities, case histories, communication and response policies, testimonial history, billing practices, expert witness website, a print or online ad or listing, letterhead/business card, and their curriculum vitae. **This program is only offered once per year.**

Pre-work: Each attendee will be asked to submit for review and written critique the following:

- Detailed Attendee Questionnaire – past clients, forensic case history, areas of expertise, niches, fees, retention agreement, past and current marketing efforts, communication and response policies, qualifications, testimonial history, billing practices, and client valuation.
- Expert Witness Website.
- The copy from your online or print ads/listings.
- Fee Schedule/Agreement.
- Business Card.
- Letterhead.
- CV.

What you will learn:

- How to identify and position yourself in a lucrative niche.
- Easy ways to make yourself more attractive to potential clients.
- What you can and should do to maximize repeat and word of mouth referrals.
- The unique dynamics of marketing an expert witness practice.
- Bullseye expert witness marketing – how to target the subset of attorneys most likely to hire you.
- How to avoid backlashes from inappropriate business development activities.
- How to build a platinum brand for your services.
- Where and how to speak and write to generate cases.
- The best and worst places to advertise and how to draft an ad most likely to produce results.
- The pros and cons of expert witness brokers and referral agencies.
- How to draft your personalized action plan which you will leave the training session with.
- Advanced, but easily implementable networking techniques to develop your expert witness business.
- How to properly track your referrals and how to properly value a new client.
- Much, much more.

Continuing Education Information: There are no continuing education credits available for this program.

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



Faculty: Steven Babitsky, Esq., is the president of SEAK, Inc. and has trained thousands of expert witnesses through SEAK's scheduled programs for expert witnesses, invited presentations, and customized expert witness training programs presented to corporations, associations, and governmental agencies. He also serves as a one-on-one consultant to expert witnesses who desire to improve their expert witness practices. He is the creator and co-seminar leader for the Annual National Expert Witness Conference and numerous one and two day training seminars. Attorney Babitsky is the co-author of numerous texts including *How to Market Your Expert Witness Practice: Evidence-Based Best Practices*, *The A-Z Guide to Expert Witnessing*, *How to Become a Dangerous Expert Witness*, *How to Write an Expert Witness Report* and *Never Lose Again: Become a Top Negotiator by Asking the Right Questions*. He can be reached at StevenBabitsky@seak.com.



James J. Mangraviti, Jr., Esq. has trained thousands of expert witnesses (see www.testifyingtraining.com). He is a former litigator with experience in defense and plaintiff personal injury law and insurance law. He currently serves as Principal of SEAK, Inc. Mr. Mangraviti received his BA degree in mathematics *summa cum laude* from Boston College and his JD degree *cum laude* from Boston College Law School. His publications include the texts *How to Market Your Expert Witness Practice*, *The Biggest Mistakes Expert Witnesses Make: And How to Avoid Them*, *Depositions: The Comprehensive Guide for Expert Witnesses*, *The A-Z Guide to Expert Witnessing*, *Cross-Examination: The Comprehensive Guide for Experts*, *National Guide to Expert Witness Fees and Billing Procedures*, *Writing and Defending Your IME Report*, *How to Excel During Depositions: Techniques for Experts That Work*, *How To Write An Expert Witness Report*, and *How to Become a Dangerous Expert Witness: Advanced Techniques and Strategies*. In addition to his writing and teaching, Mr. Mangraviti also works one-on-one with expert witnesses to help them start and expand their practices.

**“Excellent”
“Exactly what I needed”
“Well worth the time and money”**

How to Market and Grow Your Expert Witness Practice: With Personal Attention

The Naples Beach Hotel & Golf Club, Naples, Florida

Thursday, November 12, 2015

7:30-8:00 REGISTRATION & CONTINENTAL BREAKFAST

8:00-8:30 The Six Guiding Principles of Expert Witness Business Development

Faculty will discuss and explain the six guiding principles of expert witness marketing: the art of business development — why there is no magic formula that will work for everyone and what to do about it, how to experiment with various techniques, how to better track your results, be patient and persistent, and finding modifications that work. **Questions & Answers.**

8:30-9:00 Understanding How Much Each New Client is Worth

No marketing technique can be properly evaluated until an expert understands how to calculate how much each new client is worth. In this segment the faculty will explain the numerous factors that must be accounted for in order to determine the true value of a new client. **Questions & Answers.**

9:00-10:00 The Special Dynamics of Marketing an Expert Witness Practice

Marketing an expert witness practice presents unique challenges. In this segment the faculty will discuss the three principles of marketing and how to account for and minimize a potential backlash from poorly conceived or worded marketing materials. **Questions & Answers.**

10:00-10:15 BREAK AND NETWORKING OPPORTUNITY

10:15-11:15 The 24/7/365 Approach to Expert Witness Business Development

A critical concept of expert witness business development is that everything an expert or his staff does can influence how much work the expert is able to obtain. The faculty will detail best practices that will help increase any expert's case referrals, including telephone intake procedures, gatekeeper assignment, training and protocol, client and lead communication protocol, contact information availability and dissemination, how to excel during the first call from a prospective client, making yourself and your CV as attractive as possible, rate setting, engagement terms, and billing procedures. Examples from the attendees will be critiqued, analyzed, and discussed. **Questions & Answers.**

11:15-12:00 Best Practices in Evaluating and Tracking Business Development Efforts

Any proper evaluation of a business development strategy must accurately account for the direct and indirect revenue generated by the strategy as well as the out of pocket and hidden costs associated with the strategy. In this segment the faculty will explain how to properly account for cost and revenue from an expert witness marketing strategy. Also discussed and explained will be specific methodologies for tracking the success of your business development techniques. **Questions & Answers.**

12:00-12:45 LUNCH PROVIDED WITH FACULTY

12:45-1:45 Positioning Yourself in the Best Possible Light

Expert witnesses who are more attractive to potential clients will get more business. In this segment the faculty will explain how to make yourself as attractive as possible to potential clients. Specifically, the faculty will explain in detail how to project a positive and professional image (and the biggest mistakes experts make in this area), how case selection influences your image, which cases/law firms to seek out and which cases/law firms to avoid, demonstrably effective communication skills, filling in gaps and building your CV, keeping a low profile, and gaining the hands-on and relevant testifying experience that attorneys want to see. **Questions & Answers.**

1:45-2:45 Maximizing Repeat and Word of Mouth Business: Evidence Based Best Practices

By far the most valuable and cost effective business development technique for expert witnesses is generating positive word of mouth. In this section the faculty will discuss the results of their proprietary research about action steps to take and what specifically will make attorneys want to hire an expert again or recommend that expert to a colleague, including: accessibility, exceeding expectations (and how to do this), communication skills, credibility, meeting deadlines, cross-examination performance, a personality that is likeable, fees and billings, work ethic, preparation, strength of opinions, and effectiveness on the witness stand. **Questions & Answers.**

2:45-3:00 BREAK AND NETWORKING OPPORTUNITY

3:00-4:00 Finding your Niche

One of the most common and serious business development mistakes expert witnesses make is holding oneself out as an expert in numerous and broad areas. This is usually done to maximize potential business, but almost always has the opposite result. In this section the faculty will detail the substantial advantages which can flow from positioning yourself in the best narrow and lucrative niche including branding, vastly more efficient target marketing, decreased competition, increased subject matter knowledge, and making yourself far more attractive to potential clients. **Questions & Answers.**

4:00-5:00 Identifying your Target Market

Business development can be greatly facilitated when an expert witness is able to identify and reach the precise subset of lawyers most likely to hire that expert. In this section the faculty will explain the benefits of finely targeted lead identification and will provide specific strategies for doing so including bar association membership and practice sub groups, online directories, CLE attendees and faculty, stand alone bar associations, networking, and leveraging your research. The faculty will use volunteer attendees as examples and discuss and explain how these volunteers can identify and reach their target market. **Questions & Answers.**

“Lots of great information”

“Outstanding, very helpful”

“Superb”

How to Market and Grow Your Expert Witness Practice: With Personal Attention

The Naples Beach Hotel & Golf Club, Naples, Florida

Friday, November 13, 2015

6:30-7:00 CONTINENTAL BREAKFAST

7:00-8:00 How and Where to Advertise: Evidence Based Best Practices

Many experts shy away from advertising. Most shouldn't. Research and evidence suggests both that advertising can be remarkably cost effective and that, for most experts, there is little if any backlash from tasteful, factual ads. In this section the faculty will discuss and explain SEAK's detailed research on expert witness advertising including the best and worst-rated places to advertise. The faculty will also specifically explain what should and should not be in expert witness advertisements, how specifically to maximize the effectiveness of your ads, and how and where to test advertising.

Exercise: Example ads from the attendees will be critiqued, analyzed, and discussed. **Questions & Answers.**

8:00-9:00 Advanced Networking Techniques

Networking has consistently been shown to be one of the most cost effective methods for developing an expert's practice. In this segment the faculty will explain six specific techniques for staying in front of clients and how specifically to implement each. The faculty will further describe methods for networking with one's colleagues and how this can lead to case referrals. Also covered will be which professional organizations to join, how to leverage your personal relationships, why you should serve as a mentor, which conferences you should attend, and how to use online networking through LinkedIn to boost your expert witness practice. **Exercise:** The faculty will lead an interactive discussion utilizing volunteer attendees on what action steps these attendees should implement to improve their networking. **Questions & Answers.**

9:00-9:15 BREAK AND NETWORKING OPPORTUNITY

9:15-10:00 Speaking

Speaking can be very good for business. In this segment the faculty will explain the subtle nuances that need to be navigated to get the most out of one's speaking engagement. The faculty will explain where to talk, how to get invited, when the best time to talk is, and how to get invited back. The benefits and drawbacks of each category of venues will be discussed. The faculty will also describe how to calculate the true cost of your speaking engagements. In addition, the faculty will offer advice on risk management so that the expert's presentation does not come back to haunt the expert.

Exercise: The faculty will lead an interactive discussion utilizing volunteer attendees on what action steps these attendees should implement to obtain helpful speaking opportunities. **Questions & Answers.**

10:00-10:45 Writing

Publishing can also be quite helpful to an expert's practice development. In this segment the faculty will explain how to choose the correct topic to write on, the various types of writing that experts can do (white papers, articles, peer review articles, books, etc.), how to calculate the cost of writing, risk management considerations influencing your title, content, and where to publish. **Exercise:** The faculty will lead an interactive discussion utilizing volunteer attendees on what action steps these attendees should implement to utilize writing to promote their expert witness practices. **Questions & Answers.**

10:45-11:00 BREAK AND NETWORKING OPPORTUNITY

11:00-12:00 Your Expert Witness Web Site

Some experts have found having a dedicated website to be helpful to business development. Others have not. In this section the faculty will discuss their research as to how trial attorneys view expert web sites and give candid advice as to whether experts should develop one. The faculty will explain low and no cost ways to develop and optimize a web presence without creating a web site from scratch. The faculty will also explain the most common ways to create your web site and how experts should and should not optimize these. Also discussed will be what should and should not be on an expert's web site. **Exercise:** The faculty will lead an interactive discussion utilizing volunteer attendees on what action steps these attendees should implement regarding a web presence to support practice development. **Questions & Answers.**

12:00-12:45 LUNCH PROVIDED WITH FACULTY

12:45-1:15 Expert Witness Brokers and Referral Services: The Good, The Bad, and The Ugly

Numerous third party "matchmakers" such as brokers and referral services can be utilized to facilitate case referrals. The faculty will provide a frank description of the results of their research on how satisfied other experts have been with these services. Included will be a discussion of which services are most highly rated by your colleagues and what experts should know before deciding whether to work with matchmakers including, experiences of your colleagues, contracting, common issues, the types of cases you are likely to get, fee collection, tire kickers, restrictive covenants and other issues. **Questions & Answers.**

1:15-2:15 Personalized Marketing Plans

Attendees will work with faculty to pull together a personalized marketing plan to greatly expand their practices. **Questions & Answers.**

2:15-2:30 Conclusion

The faculty will answer any final questions.

"Incredible, life changing" "Well organized and helpful information"

REGISTER EARLY AND SAVE!

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:

Continuing Education Credits: Note: If your specialty does not appear below and you desire credits, please contact Karen

- 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.

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 advanced group-live program. Advanced Preparation: None. This program was reviewed in July 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.

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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.

REGISTRATION IS LIMITED. 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, timeline, 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 ins and outs of how a lawsuit works and the ethical and other rules the attorneys must follow, which will help you more effectively manage your role as an expert witness at different stages of the litigation
- The anatomy of a civil trial, including: the role of the judge and jury, opening statements, burdens of proof and persuasion, summation, directed verdicts, judgments notwithstanding the verdicts, jury deliberation and decision and judgments, all of which will help you understand your role as an expert in the trial process and become a more valuable and effective expert witness
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