

The logo for SEAK, featuring the word "SEAK" in a bold, white, sans-serif font with horizontal lines above and below it, set against a dark background.

The Expert Witness Training Company

A photograph of a courtroom with wooden desks and microphones.

# Expert Witness Training

## How to Make More Money as an Expert Witness

November 29-30, 2018, Naples, FL

## How to Excel at Your Expert Witness Deposition

December 1-2, 2018, Naples FL

**Take your expert witness practice  
to the next level.**

A photograph of a tropical beach with turquoise water, white sand, and lounge chairs.

[www.TestifyingTraining.com](http://www.TestifyingTraining.com) • [www.SeakExperts.com](http://www.SeakExperts.com)

## 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](http://www.naplesbeachhotel.com)) (\$194 Resort View/\$244 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, November 7, 2018 so you are strongly encouraged to make your reservations as soon as possible. Please see page 3 for hotel and travel information.

**TUITION INFORMATION:** Tuition is \$1,295 on or before September 30, 2018; \$1,395 October 1, 2018–November 7, 2018 and \$1,495 after November 7, 2018. **Register early and save!**

**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 EDUCATION CREDIT:** Please see pages 4 & 7 for information on available credits.

**CANCELLATIONS:** Conference cancellations received in writing on or prior to November 7, 2018 will receive a full tuition refund. Persons cancelling after November 7, 2018 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](http://www.seak.com)

Tuition is \$1,295 on or before September 30, 2018; \$1,395 October 1, 2018–November 7, 2018 and \$1,495 after November 7, 2018.

### PLEASE REGISTER ME FOR:

- How to Make More Money as an Expert Witness** (November 29-30, 2018)  
 **How to Excel at Your Expert Witness Deposition** (December 1-2, 2018)


### 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 Excel as an Expert Witness in Patent Cases: Special Techniques (\$895)**  
 **How to Excel as an Expert Witness in Medical Malpractice Cases (\$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: EW2018

<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		
<b>OR</b> 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:		

# ***Let SEAK show you how to take your expert witness practice to the next level.***

**Please join us in gorgeous Naples, Florida for:**

## **1. How to Make More Money as an Expert Witness**

This unprecedented program will provide you with dozens of strategies for making your expert witness practice far more lucrative.

## **2. How to Excel at Your Expert Witness Deposition**

This is a hands-on and highly interactive program which will show you how to markedly improve your performance at deposition.

### ***About SEAK, Inc.***

**SEAK, Inc. is the Expert Witness Training Company.** We were founded in 1980 and have trained thousands upon thousands of expert witnesses and publish numerous texts and practice aids for expert witnesses. For more information, please visit [www.TestifyingTraining.com](http://www.TestifyingTraining.com).

### ***Questions About SEAK's Naples 2018 Expert Witness Training?***

If you have any questions about our upcoming SEAK Expert Witness Training feel free to contact SEAK's Principal James J. Mangraviti Jr., Esq., at 978-276-1234 or [Jim@seak.com](mailto:Jim@seak.com).

## ***Hotel And Travel Information***

The Naples Beach Hotel & Golf Club ([www.naplesbeachhotel.com](http://www.naplesbeachhotel.com)) features a gorgeous beach on the Gulf of Mexico and is located in the heart of Olde Naples. It 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.



## How to Make More Money as an Expert Witness

The Naples Beach Hotel and Golf Club, Naples, FL

November 29-30, 2018

**Executive Summary:** This course will teach you how to dramatically increase the profitability of your expert witness practice. It is taught by a thought leader in expert witnessing. The fast moving interactive presentation addresses revenue enhancement strategies from many perspectives including marketing, sales, fee setting, collections, practice management, branding, and positioning. You will leave with a personalized action plan describing the concrete steps you should take in order to make vastly more money through your expert witness practice. **SEAK will not be offering this course at any other times in 2018.**

### You will learn how to:

- Make yourself far more attractive to potential clients,
- Get new clients to come to you,
- Optimize your fee structure and minimize collection difficulties,
- Convert more case leads into paying clients,
- Position yourself in a lucrative niche,
- Data mine your old cases and case inquiries,
- Maximize repeat and word of mouth business,
- Cost effectively market your expert witness practice,
- Reduce non-billable time,
- Leverage yourself, and
- Make far more money through your expert witness practice.

**Registration Information:** Tuition is \$1,295 on or before September 30, 2018; \$1,395 October 1, 2018–November 7, 2018 and \$1,495 after November 7, 2018. **To register, please use the form on page 2, call 508-457-1111 or visit [www.seak.com](http://www.seak.com).** 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 onsite to your organization. Please call 508-457-1111. **Register early and save.**

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

**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](http://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 thirty-one books, including: *How to Be an Effective Expert Witness at Deposition and Trial: The SEAK Guide to Testifying as an Expert Witness*; *How to Be a Successful Expert Witness: SEAK's A-Z Guide to Expert Witnessing*; *How to Write an Expert Witness Report*; *The Biggest Mistakes Expert Witnesses Make: And How to Avoid Them*; and *How to Market Your Expert Witness Practice: Evidence-Based Best Practices*. **He can be reached at 978-276-1234 or [jim@seak.com](mailto:jim@seak.com).**



**“Treasure trove of real world, practical information.”**

**“Jim, thanks for the class on making more money!  
It was VERY helpful!”**

**“Thank you for a great conference. John and I are motivated  
to move forward with vigor.”**

**“Excellent job in giving practical things we can do!”**

**“Awesome! I will be coming back.”**

**“Fabulous.”**

**“Very helpful info, validated I’m doing a number of things well,  
but also showed me areas/opportunities for improvement.”**



# How to Make More Money as an Expert Witness

The Naples Beach Hotel and Golf Club, Naples, FL

DAY ONE, Thursday, November 29, 2018

## 7:30 – 8:00 REGISTRATION & CONTINENTAL BREAKFAST

### 8:00 – 8:45 What Potential Clients are Looking For in Expert Witnesses

The faculty will detail what attorneys are looking for in expert witnesses. [Questions & Answers.](#)

### 8:45 – 9:30 How to Recognize and Showcase What Makes You Most Attractive To Potential Clients

A first step in developing a business development strategy is creating and refining your “elevator speech,” —i.e. a concise summary of what potential clients would like about you. Building upon the previous segment, the faculty will explain a protocol for developing your ideal elevator speech and provide examples of effective elevator speeches.

[Questions & Answers.](#)

### 9:30 – 10:15 Finding Your Niche and Utilizing it to Increase Your Income

The potentially enormous benefits of finding a good niche will be explained and attendees will be provided with numerous successful examples as well as a protocol to identify/develop their lucrative niche. [Questions & Answers.](#)

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

### 10:30 – 11:15 Positioning Yourself in the Best Possible Light

The faculty will explain how to make yourself as attractive as possible to potential clients, including: 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, how to demonstrate effective communication skills, how and when to fill in gaps and build your CV, why you should keep a low profile, and how to gain hands-on and relevant testifying experience. [Questions & Answers.](#)

### 11:15 – 12:00 How to Develop and Implement an Income Maximizing Fee Structure

Faculty will provide suggestions and a “litmus” test attendees can use when reconsidering their fee and retainer structure. Emphasized will be techniques to make sure that you are not undercharging. [Questions & Answers.](#)

## 12:00 – 12:45 LUNCH PROVIDED WITH FACULTY

### 12:45 – 1:30 How to Minimize Collection Difficulties and Write Offs

Simply put, every billed dollar that is not ultimately collected comes right off your bottom line. In this segment the faculty will provide practical advice for minimizing both collection losses and write-offs. [Questions & Answers.](#)

### 1:30 – 2:15 How to Convert a Higher Percentage of Inquiries into Paid Assignments

Faculty will share with attendees: how to prepare for calls, what counsel are looking for, key “talking points” and numerous strategies and techniques for excelling during the call and its aftermath and converting the inquiry into a paid expert witness assignment. [Questions & Answers.](#)

### 2:15 – 3:00 How Much Are Your New Clients Worth?

Attendees will learn how to consider the true worth of a new client. Such an understanding is critical in order to accurately assess the cost-effectiveness of the business development techniques discussed later in the course.

[Questions & Answers.](#)

## 3:00 – 3:15 Break (Networking Opportunity)

### 3:15 – 4:00 Fundamentals of Expert Witness Business Development

Faculty will discuss and explain the art and science of business development for expert witness practices. Emphasis will be placed on cost-effective techniques that attendees can immediately use to increase their income without creating a backlash or fodder for cross examination. [Questions & Answers.](#)

### 4:00 – 4:30 How to Track Your New Client Development

Faculty will explain techniques for tracking inquiries and cases. A model tracking form will be provided.

[Questions & Answers.](#)

### 4:30 – 5:00 How to Data Mine Your Old Cases and Inquiries to Make More Money

Maximizing your revenue requires a periodic analysis of your past cases and inquiries. The faculty will provide a protocol and form to conduct this analysis and will demonstrate through examples the highly valuable and actionable data that may well be within your easy reach. [Questions & Answers.](#)

**“Extremely helpful to my practice.”**

**“Loved it. Great information, very helpful.”**

**“Engaging, relevant, practical, friendly, comfortable.”**

**How to Make More Money as an Expert Witness****The Naples Beach Hotel and Golf Club, Naples, FL****DAY TWO, Friday, November 30, 2018****6:30 – 7:00 Continental Breakfast with Faculty****7:00 – 7:30 How to Identify and Reach the Attorneys Most Likely to Hire You**

Faculty will discuss and demonstrate how you or your staff can easily locate the particular attorneys most likely to hire you for new expert witness assignments. **Questions & Answers.**

**7:30 – 8:30 How to Maximize Repeat and Word of Mouth Business**

By far the most valuable and cost effective business development technique for expert witnesses is generating positive word of mouth. The faculty will provide dozens of suggestions and strategies for increasing repeat business with resulting increased income. **Questions & Answers.**

**8:30 – 9:15 How to Develop a Comprehensive and Effective Internet Strategy**

An effective internet strategy goes far beyond just putting up a web page. The authors will provide advice for developing a comprehensive and effective internet strategy involving URL selection, web site design, blogging, social media, search engine optimization, pay per click, inbound marketing, and calls to action. **Questions & Answers.**

**9:15 – 9:30 Break (Networking Opportunity)****9:30 – 10:15 How and Where to Advertise: Evidence Based Best Practices**

Research and evidence suggests that advertising and listing in expert directories can be remarkably cost effective and that, for most experts, there is little if any backlash from tasteful, factual ads. The faculty will 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. **Questions & Answers.**

**10:15 – 10:45 Advanced Networking Techniques for Expert Witnesses**

The faculty will explain and provide examples of 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 discussed 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. **Questions & Answers.**

**10:45 – 11:00 Break (Networking Opportunity)****11:00 – 11:30 How to use Public Speaking and Writing to Increase Your Revenue**

Speaking and writing can be very good for your bottom line. The faculty will explain and demonstrate the subtle nuances that need to be navigated to get the most out of your 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 and will offer advice on risk management so that the expert's presentation does not come back to haunt the expert. In regards to writing, 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, blogs, books, etc.), how to calculate the cost of writing, risk management considerations influencing your title, content, and where to publish—all with the aim of generating lucrative cases. **Questions & Answers.**

**11:30 – 12:00 Direct Outreach**

The faculty will explain how to draft an effective communications piece and who to target this piece to. Also included will be tips and advice on how to make your outreach cost-effective. **Questions & Answers.**

**12:00 – 12:45 Lunch with Faculty (Provided-Networking Opportunity)****12:45 – 1:15 Reducing Non-Billable Time**

The less time you spend on non-billable time the more time you will have to bill, develop your practice, and increase your skills. The faculty will explain how to create large amounts of extra time by leveraging yourself through technology and proper staffing. **Questions & Answers.**

**1:15 – 1:45 Leveraging Your Name and Reputation to Earn More Money: Bringing on Additional Experts**

Many expert witnesses work in firms or group settings. Expanding your practice to a group can allow you to greatly increase your billings and revenue as well as build residual sale value in your firm. The faculty will discuss the benefits and drawbacks of expanding beyond a one person firm and will give practical advice for doing so successfully. **Questions & Answers.**

**1:45 – 2:30 Personalized Action Plans**

Attendees will work with faculty to pull together a personalized action plan to greatly expand the profitability of their practices. These plans will be discussed and critiqued. **Questions & Answers.**

**“Thanks for a very enlightening, motivating,  
and enjoyable program.”**

**“High-yield, inspiring and fun.”**

# How to Excel at Your Expert Witness Deposition

The Naples Beach Hotel and Golf Club, Naples, FL

December 1-2, 2018

**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. **SEAK will not be offering this course at any other times in 2018.**

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 Education Credits:** If your specialty does not appear below and you desire credits, please contact Karen Cerbarano (Karen@seak.com or 781-826-4974). 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.nasbaregistry.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 January 2018. To register, please follow the instructions below. **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. **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)<sup>™</sup>. 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.**

**Registration Information:** Tuition is \$1,295 on or before September 30, 2018; \$1,395 October 1, 2018 - November 7, 2018 and \$1,495 after November 7, 2018. Group discounts are available for two or more persons registering together from the same organization, please call 508-457-1111. Our programs can also be brought on site to your organization. **To register, please use the form on page 2, call (508) 457-1111 or visit www.seak.com. Register early and save!**



**FACULTY:**

**Nadine Nasser Donovan, Esq.,** is a SEAK seminar trainer and has been on the SEAK Faculty since 2002. She has trained countless experts in testifying skills, report writing, and practice development at SEAK conferences, customized on-site expert witness training programs, and via one-on-one training and mentoring. Nadine is the co-author of the SEAK texts *How to Be An Effective Expert Witness at Deposition and Trial: The SEAK Guides to Testifying as an Expert Witness*, *How to Be a Successful Experts Witness: SEAK's A-Z Guide to Expert Witnessing*, and *How to Write an Expert Witness Report*. She is also a Legal Writing Instructor at Boston University School of Law. Nadine spent 21 years practicing litigation, as a medical malpractice insurance defense attorney and previously, as a NYC prosecutor. Nadine 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. **She can be contacted at 617-791-4282 or nadine@seak.com.**

**“Thank you so much for your wonderful conference this weekend! I learned so much and look forward to taking another SEAK conference!”**

**“It was highly informative, I learned a lot, phenomenal.”**

**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, December 1, 2018

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.*

**“This was my 3rd SEAK seminar, it’s incredible. Every expert needs this course.”**

**“I learned too much to list. I learned enough by 9:30 the first day that would have prevented my disaster at my first depo several months ago.”**

**REGISTER EARLY AND SAVE!**



## How to Excel at Your Expert Witness Deposition

The Naples Beach Hotel and Golf Club, Naples, FL

Day Two (Sunday, December 2, 2018)

### 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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