



**SEAK'S 2019
WEST COAST TRAINING**

SEAK

The Expert Witness Training Company

Expert Witness Training

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

March 7-8, 2019 San Diego, CA

Advanced Testifying Skills for Experts: The Master's Program

March 9-10, 2019 San Diego, CA

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



www.TestifyingTraining.com • www.SeakExperts.com

Registration Information

LOCATION/HOTEL ACCOMMODATIONS: A limited block of rooms will be available at special rates at the site hotel, The Hilton San Diego Harbor Island (www.hiltonsandiegoairport.com) (\$169/night). To make your reservations please call 1-800-445-8667 and mention that you are with SEAK, Inc. Rooms are limited and this rate expires Wednesday, February 12, 2019 so you are strongly encouraged to make your reservations as soon as possible. Please see page 3 for additional information.

REGISTRATION INFORMATION: Tuition for each course is \$1,295 on or before December 21, 2018; \$1,395 December 22, 2018-February 12, 2019; \$1,495 after February 12, 2019.

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.

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

CANCELLATIONS: Conference cancellations received in writing on or prior to February 12, 2019 will receive a full tuition refund. Persons cancelling after February 12, 2019 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

Tuition for each course is \$1,295 on or before December 21, 2018; \$1,395 December 22, 2018 - February 12, 2019; \$1,495 after February 12, 2019.

PLEASE REGISTER ME FOR:

- How to Start, Build, and Run a Successful Expert Witness Practice** (March 7-8, 2019)
 Advanced Testifying Skills for Experts: The Master's Program (March 9-10, 2019)

Expert Witness 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: Special Techniques (\$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: SD2019

<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:		

Let SEAK show you how to excel and succeed as an expert witness.

Please join us in gorgeous San Diego, California for:

- 1. How to Start, Build and Run a Successful Expert Witness Practice**
SEAK's most popular expert witness training. This course is appropriate for experts of all levels of experience. New experts should be ready to start accepting cases immediately upon the completion of this course.
- 2. Advanced Testifying Skills for Experts: The Master's Program**
This is SEAK's most hands-on testifying workshop. We cover depositions, direct examination and cross-examination. Attendees will have the opportunity to participate in or observe numerous mock trial/ deposition exercises based on pre-submitted reports and to receive personalized, written feedback.

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**.

Questions About SEAK's San Diego 2019 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.

Hotel And Travel Information

The Hilton Harbor Island is located near the airport and is situated on San Diego Bay. Guest rooms enjoy scenic views of the marina, Bay and downtown San Diego skyline. The Hilton Harbor Island features ideal proximity to the city's most popular attractions including the Midway, Gaslamp Quarter, Sea World, and the Zoo. The hotel is within walking distance of fine dining options and features free airport shuttle, heated pool, free wifi, and a 24 hour gym. See page 2 for Group Rate Information.

Hilton Harbor Island Hotel

SEAK Expert Witness Training**How to Start, Build, and Run a Successful Expert Witness Practice****The Hilton San Diego Harbor Island****Thursday-Friday, March 7-8, 2019**

Executive Summary: Excellent and ethical legal consultants can easily double their income by devoting one day a week to expert witnessing. Time spent by experts on such matters is commonly billed out at \$250-\$500 or more per hour. This course is appropriate for professionals with all levels of legal-consulting experience including prospective and novice expert witnesses. Attendees will learn from an experienced faculty in a step-by-step fashion how to start, build, and run a successful and ethical expert witness practice. **This is SEAK's most popular expert witness training program and will not be offered again on the west coast until 2021. New experts should be ready to start accepting cases immediately upon completion of the course.**

Learning Objectives: At the completion of this course you will learn:

- The role of expert witnesses in civil litigation,
- What attorneys are looking for from their experts,
- How to properly define your area(s) of expertise and practice areas,
- How to draft a curriculum vitae appropriate for expert witness work,
- How to get cases,
- How to avoid ethical problems and maintain your integrity,
- The essentials of expert witness report writing,
- How to set your fee and collect it,
- What to bill for and when,
- How to draft a retention agreement to protect your rights,
- How to form defensible opinions,
- Techniques for maintaining your independence and objectivity,
- How to exceed expectations,
- How to build a tremendous reputation,
- Ethics,
- Expert witness risk management techniques, and
- Much, much more.

Registration Information: Tuition is \$1,295 on or before December 21, 2018; \$1,395 December 22, 2018-February 12, 2019; \$1,495 after February 12, 2019 and includes continental breakfast each day, lunch with faculty each day, a workshop manual, and a dynamic learning experience. **To register, please use the form on page 2, call (508) 457-1111 or visit www.seak.com.** Group discounts are available for two or more persons registering together from the same company, please call 508-457-1111. Our programs can also be brought on site to your organization. **Register early and save!**

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

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

Accountants: Earn 16.5 CPE credits in the field of study of Specialized Knowledge and Applications. SEAK, Inc. is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors through its website: www.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 intermediate group-live program. Advanced Preparation: None. This course was reviewed in February 2018. To register, please follow the instructions above. **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)[™]. Physicians should claim only the credit commensurate with the extent of their participation in the activity. **NOTE: SEAK does not accept commercial support for its programs and does not use faculty members with conflicts of interest.**

DISTINGUISHED FACULTY:

John D. Baker, MD, FACP, FACC, FSCAI practices invasive/interventional cardiology in Orange County, California. He is Board Certified in both Cardiology and Interventional Cardiology. Dr. Baker received his BS and MD from USC and later trained at USC, UCLA, and the University of Chicago. He has extensive experience with case review on defense and plaintiff cases, deposition and trial testimony experience. Dr. Baker practices and promotes evidence based medicine in his practice and reviews. He has extensive experience in peer review and serves as a Cardiology Expert Consultant for the Medical Licensing Board of California Physicians and Surgeons.



Nadine Nasser Donovan, Esq., 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.**

To register visit www.seak.com or call 508-457-1111

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

The Hilton San Diego Harbor Island

DAY ONE: Thursday, March 7, 2019

7:30–8:00 REGISTRATION AND CONTINENTAL BREAKFAST

8:00–8:30 The Role of Expert Witnesses in Civil Litigation

Attendees will learn the proper role of expert witnesses in civil litigation. Included is an explanation of Federal Rule of Evidence 702 and the types of specific assignments experts can expect from retaining counsel including forensic consulting, report writing, and where necessary, testifying at deposition or trial. **Questions and Answers**

8:30–9:30 What Successful Expert Witnesses Have in Common

Faculty and the attendees will analyze what some of the nation's "go to" experts have in common and how they got to their position of prominence. Videotaped interviews of the experts will be reviewed. Lessons for the attendees will be drawn from these examples. **Questions and Answers**

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

Faculty will explain the advantages of identifying a niche for yourself. Attendees will be provided with a protocol for researching their niche, determining the proper fit and developing their niche to its fullest potential. **Questions and Answers**

10:30–10:45 BREAK AND NETWORKING OPPORTUNITY

10:45–12:00 Pulling Together a CV Appropriate for Expert Witness Work

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

12:00–12:45 LUNCH PROVIDED WITH FACULTY

12:45–1:45 Bulletproofing Yourself – Your Qualifications, Marketing Activities, Web Site, Image & Reputation

A mock trial demonstration followed by bottom line bullet point advice with numerous examples on how to avoid potentially devastating problems in an expert's qualifications, marketing activities, web site, image and reputation. **Questions and Answers**

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

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

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

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

3:00–3:15 BREAK AND NETWORKING OPPORTUNITY

3:15–3:45 Bulletproofing Your Opinions – Managing the Potentially Damaging Influence of Retaining Counsel

Expert Witnesses often severely damage or destroy the persuasiveness of their opinions by allowing retaining counsel to influence (or appear to influence) their investigation, assumptions, and opinions. In this segment attendees will learn how to insulate their opinions from the appearance of being under the influence of retaining counsel, for example through the information the expert witness relies upon, the modification of draft and preliminary opinions, and through the communications between the expert witness and retaining counsel. **Questions and Answers**

3:45–4:00 Bulletproofing Your Opinions – Rebuttals and Commenting On Other Experts

Commenting on another expert's opinions is an area that gets many experts into unnecessary difficulty. In this segment experts will learn the right way and wrong way to comment on another expert's opinions. **Questions and Answers**

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

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

"The information provided during this conference was incredible. This was certainly an investment in my practice and not an expense for it."

"Informative, inspiring and fun. I learned what I need to get started and be successful."

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

SEAK Expert Witness Training**How to Start, Build and Run a Successful Expert Witness Practice****The Hilton San Diego Harbor Island****DAY TWO: Friday, March 8, 2019****6:30–7:00 CONTINENTAL BREAKFAST****7:00–8:00 Best Practices in Dealing with Counsel**

A frank discussion of how to best deal with retaining and opposing counsel. Included is an explanation of the importance of maintaining boundaries, how to best communicate with retaining counsel, the importance of not giving away your theories or reviewing any confidential information until you have been retained, how to deal with non-responsive or incompetent lawyers, how to deal with failure to prepare you for deposition or trial, being pushed beyond your true area of expertise, how to handle “rush” requests for reports and opinions and how to avoid problems before they materialize.

Questions and Answers**8:00–9:00 Best Practices in Report Writing**

Faculty will review the most efficient methods for dealing with requests for preliminary, draft, and other written reports. Best practices for responding to input from counsel, formatting, editing, controls over release of the report, signing, and proofreading will be provided. There will also be an in-depth discussion on the use and misuse of computer templates to assist in report writing. A sample expert witness report will be provided. **Questions and Answers**

9:00–9:15 BREAK AND NETWORKING OPPORTUNITY**9:15–10:00 Deposition Best Practices**

Attendees will be provided with an in-depth look at scheduling, billing, postponements, cancellations, errata sheets, and retention/destruction of deposition transcripts. A list of expected areas of inquiry will be provided. **Questions and Answers**

10:00–10:45 Trial Best Practices

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

10:45–11:00 BREAK AND NETWORKING OPPORTUNITY**11:00–12:00 Best Practices in Fee Setting, Fee Schedules & Agreements, Billings and Collections**

Experts will learn how to correctly value their time and set their fee. They will be taught the importance of not undercharging and how to determine exactly what their time is worth. Also included is a detailed discussion of the amount and frequency of retainers, whether retainers should be non-refundable, cancellation fees, expense reimbursement and proven techniques to improve collections of expert witness and consulting fees. Attendees will be provided with sample expert witness retention contract language that addresses 15 common problems faced by expert witnesses. **Questions and Answers**

12:00–12:45 LUNCH (PROVIDED WITH FACULTY)**12:45–1:45 Advanced Marketing Techniques for Building an Expert Witness Practice**

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

1:45–2:15 Ethics and Risk Management

Experts will learn how to deal with common ethical problems and will learn the potential civil and professional liability of experts. Numerous specific risk management techniques for experts will be explained including avoidance, maintaining the appropriate insurance coverages, due diligence, confidentiality protocols, anti-spoliation procedures, avoiding conflicts and the overriding importance of being 100% honest. **Questions and Answers**

2:15–2:30 Conclusion and Takeaways

Concluding remarks will be preceded by an attendee and faculty generated numbered list of action steps and takeaways from the covered material that attendees will be taking home to their practices to start, build and run a better and more successful expert witness practice. **Questions and Answers**

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

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

“Excellent, well organized, engaging, and practical”

“Loaded with powerful information”

“Phenomenal – did not want the seminars to end”

REGISTER EARLY AND SAVE UP TO \$200 PER SEMINAR!

Advanced Testifying Skills for Experts: The Master's Program**The Hilton San Diego Harbor Island****Saturday-Sunday, March 9-10, 2019**

Executive Summary: This program is the most hands-on testifying skills course offered by SEAK. It is designed specifically for experienced expert witnesses and is the only SEAK testifying training which provides personalized written feedback to attendees on their presubmitted CVs and sample expert reports (for those registering on or before February 12, 2019). **This program will not be offered again on the west coast until 2021 at the earliest.**

Here's What Past Attendees Had To Say:

"Enjoyed most the immediate feedback critiquing testimony."

"Great performances."

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

"Great work!"

"Take no prisoners: I loved it."

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

"This was a fantastic, top-notch seminar."

Registration Information: Tuition is \$1,295 on or before December 21, 2018; \$1,395 December 22, 2018-February 12, 2019; \$1,495 after February 12, 2019 and includes continental breakfast each day, lunch with faculty each day, a workshop manual, and a dynamic learning experience. **To register, please use the form on page 2, call (508) 457-1111 or visit www.seak.com.** Group discounts are available for two or more persons registering together from the same company, please call 508-457-1111. Our programs can also be brought on site to your organization. **Register early and save!**

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Accountants: Earn 16.5 CPE credits in the field of study of Specialized Knowledge and Applications. SEAK, Inc. is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors through its website: www.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 February 2018. To register, please follow the instructions above. **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)[™]. Physicians should claim only the credit commensurate with the extent of their participation in the activity.

NOTE: SEAK does not accept commercial support for its programs and does not use faculty members with conflicts of interest.

Distinguished Faculty:

Steven Babitsky, Esq. is the President and founder of SEAK, Inc., the Expert Witness Training Company. He was a personal injury trial attorney for twenty years and is the former managing partner of the firm Kistin, Babitsky, Latimer & Beitman. Steve has helped expert witnesses and their attorneys prepare for deposition in a broad range of cases, including antitrust, patent, medical malpractice, wrongful death, computer forensics, and many others. He has trained the Federal Bureau of Investigation and the Federal Aviation Administration, and he has worked with numerous forensic and financial companies including Fortune 500 companies and has worked with numerous experts to help them expand and grow their practices. Mr. Babitsky is the co-author of the texts *How to Be an Effective Expert Witness at Deposition and Trial: The SEAK Guide to Testifying as an Expert Witness*, *How to Write an Expert Witness Report* and *The Biggest Mistakes Expert Witnesses Make And How to Avoid Them*. Attorney Babitsky is the co-developer and trainer for the "How to Be an Effective Expert Witness" seminar and has been the seminar leader since 1990 for the Annual National Expert Witness and Litigation Conference. Mr. Babitsky trains hundreds of experts every year. **He may be contacted at 508-548-9443 or stevenbabitsky@seak.com.**



Nadine Nasser Donovan, Esq., 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.**

Advanced Testifying Skills for Experts: The Master's Program

The Hilton San Diego Harbor Island

DAY ONE: Saturday, March 9, 2019

Part I: PREVENTION**7:30–8:00 CONTINENTAL BREAKFAST AND REGISTRATION****8:00–9:45 Protecting Yourself from Attacks on your Credibility and Credentials**

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

9:45–10:00 BREAK AND NETWORKING OPPORTUNITY**10:00–12:00 Forming Airtight Opinions**

The best experts express opinions that hold up under the most rigorous scrutiny and cross-examination. This segment will identify many ways in which opposing counsel is able to poke holes in an expert's opinion. The faculty will provide specific action steps to bullet-proof your opinion including, proper case and client selection, avoiding time crunches, using careful and confident language, not overstating or understating facts or opinions, consistency, dealing with the opinions of other experts, knowing exactly what needs to be proved, testing alternative theories, properly using reliable equipment, taking careful and precise measurements, being well-trained and well-versed in any computer program used, verifying computer results, leaving no stone unturned, taking photographs, verifying your factual assumptions, gaining as much first hand knowledge as possible, thoroughly researching the issues at hand, obtaining and carefully reviewing all relevant documents, not sharing draft reports with counsel, avoiding “junk science,” understanding how the *Daubert* rule applies in your specialty and jurisdiction, maintaining accurate billing records and avoiding even the appearance of impropriety. *Demonstrations, Interactive Discussion, Questions and Answers. Learning Objective: Describe how to make your opinions more resistant to cross examination.*

12:00–12:45 LUNCH WITH FACULTY (Provided)**PART II: PREPARATION****12:45–2:45 Properly Preparing to Testify at Deposition and Trial**

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

2:45–3:00 BREAK AND NETWORKING OPPORTUNITY**PART III: PERFORMANCE****3:00–5:00 Defeating Opposing Counsel's Deposition Tactics**

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

Advanced Testifying Skills for Experts: The Master's Program

The Hilton San Diego Harbor Island

DAY TWO: Sunday, March 10, 2019

PART III: PERFORMANCE (CONTINUED)**6:30 – 7:00 CONTINENTAL BREAKFAST WITH FACULTY****7:00–8:30 Mastering the Art of Persuasion During Direct Testimony**

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

8:30–8:45 BREAK AND NETWORKING OPPORTUNITY**8:45–10:30 Staying One Step Ahead of Opposing Counsel During Cross-Examination**

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

10:30–10:45 BREAK AND NETWORKING OPPORTUNITY**10:45–12:00 Going On Offense During Cross-Examination**

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

12:00–12:45 LUNCH WITH FACULTY (PROVIDED)**Part IV: PRACTICE****12:45–2:30 Advanced Testifying Skills in Action: Skillfully Answering Cross-Examination Questions**

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

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