

# EXPERT WITNESS TRAINING

How to Deliver Higher Quality Opinions,  
Reports, and Testimony



Faculty of Thought Leader Judges,  
Trial Attorneys and Experts



19 Interactive Sessions Offering  
The Latest Information & Strategies



Gorgeous Oceanfront Location:  
Opal Sands Resort



Invaluable Networking with  
Faculty & Colleagues

**PRECONFERENCE WORKSHOPS: APRIL 25-26, 2019**

- **How to Write a Bulletproof Expert Witness Report**
- **How to Start, Build, and Run a Successful Expert Witness Practice**
- **How to Be a More Persuasive Expert Witness at Trial** **NEW!**

## 28th Annual National Expert Witness Conference

## Registration Information

**Location/Hotel Accommodations:** The 2019 SEAK Expert Witness Conference will be held at the Opal Sands Resort, Clearwater Beach, FL. The Opal Sands Resort offers guests ultra-modern Gulf front accommodations on the Gulf of Mexico, right on Clearwater Beach's lively promenade. SEAK has secured a special group rate of \$214/night. Rooms are limited and this rate expires on April 2, 2019. To make your reservations, please call 1-855-335-1087 and refer to the SEAK Group rate and National Expert Witness Conference.

**Special Early Registration Savings:** Tuition for each course is \$1,295 on or before February 28, 2019; \$1,395 March 1, 2019 - April 2, 2019; \$1,495 after April 2, 2019.

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

**Attendee Discount - SEAK Directory:** A special 50% Conference discount is available on all new and renewal standard listings in the SEAK Expert Witness Directory placed by attendees while at the seminar.

**Continuing Education Credits:** Continuing education credits are offered for the programs. Please see pages 4, 11, 14, 17 for more information.

**Conference Cancellations:** Conference cancellations received in writing on or before April 2, 2019 will receive a full refund. Conference cancellations received after April 2, 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](http://www.seak.com)

**Please register me for the following preconference:**

Each preconference is \$1,295 on or before February 28, 2019; \$1,395 March 1, 2019 - April 2, 2019; \$1,495 after April 2, 2019.

- How to Write a Bulletproof Expert Witness Report** April 25-26, 2019
- How to Start, Build, and Run a Successful Expert Witness Practice** April 25-26, 2019
- How to Be a More Persuasive Expert Witness at Trial** April 25-26, 2019

**Please register me for the Main Conference:**

- 28th Annual National Expert Witness Conference** April 27-28, 2019 (Tuition is \$1,295 on or before February 28, 2019; \$1,395 March 1, 2019 - April 2, 2019; \$1,495 after April 2, 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 Assist An Expert Witness Practice: The Support Staff Program** (\$595)
- How to Excel as an Expert Witness in Medical Malpractice Cases: Special Techniques** (\$895)
- How to Excel as an Expert Witness in Patent Cases: Special Techniques** (\$895)
- How to Excel as an Expert Witness in Workers' Compensation Cases: Special Techniques** (\$595)

Please print or type all items to assure accuracy.

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

Priority Code: EW2019

<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:		

# For 2019, please join SEAK on what has been rated the best beach in the USA!

We are pleased to once again be holding our 2019 program directly on Clearwater Beach in the Opal Sands Resort. All rooms at the Opal Sands are Gulf Front and feature private balconies. We have secured a group rate of only \$214/night.



Opal Sands Pool



Opal Sands Balcony

## Frequently Asked Questions

### **Q. I am new to expert witnessing. Will this conference be appropriate for me?**

A. Yes, although we also highly recommend that you sign up for our *How to Start, Build, and Run a Successful Expert Witness Practice* preconference if your schedule permits.

### **Q. What types of experts is your training conference appropriate for?**

A. All disciplines and all levels of experience. Each year we have experts who have testified hundreds of times attend as well as brand new experts. The level of diversity in terms of disciplines who attend the conference is breathtaking and includes accountants, engineers, physicians, attorneys, psychologists, life care planners, chiropractors, fire investigators, arborists, nurses, computer specialists, patent experts, damages experts, security, investments, etc.

### **Q. Are there continuing education credits for my discipline?**

A. If we reasonably can obtain your credits, we will. Please see page 4 for more details and if you have any additional questions please contact Karen Cerbarano at 781-826-4974 or Karen@seak.com.

### **Q. How many expert witnesses have attended this training conference?**

A. Over 4,000 since 1990. SEAK has trained many thousands more experts through seminars, on-site training, and 1-1 training.

### **Q. Are there any discounts available?**

A. Yes. You can save up to \$400 by registering early (\$200 for the main conference and \$200 for a preconference). Group discounts are also available. Call 508-457-1111. A special 50% Conference discount is available on all new and renewal standard listings in the SEAK Expert Witness Directory placed by attendees while at the seminar.

### **Q. I can't make it to the conference, what are my other options?**

A. SEAK Expert witness training is offered 3–4 times a year. For a complete upcoming seminar schedule please visit [www.seak.com](http://www.seak.com). We also offer 1-1 training. Call 508-457-1111.

### **Q. Should I sign up for a preconference or is that information already covered in the main conference?**

A. We highly recommend that you take advantage of the small group format preconferences and sign up for one if your schedule permits. The preconferences go into far more depth than what is covered at the main conference and allow you to drill down and perfect your skills. For example, we spend 14 hours teaching report writing in the *How to Write a Bulletproof Expert Witness Report* preconference, whereas report writing is covered in 1 hour at the main conference. A large percentage of attendees historically also attend a preconference.

### **Q. I am having trouble deciding on which preconference to attend. Can you offer any guidance?**

A. Yes, please feel free to call Seminar Leader Attorney Steven Babitsky (508-548-9443) and he will evaluate your situation and make recommendations.

**To register call 508-457-1111 or visit [www.seak.com](http://www.seak.com)**

*“Phenomenal, game changer!”*

*“Tons of helpful information and strategies for expert witnesses.”*

*“Awesome, I will be back.”*

*“Informative and effective. I picked up a wealth of techniques that will change my business practices.”*

*“Fantastic.”*

*“Excellent. Lots of great speakers with relevant content and valuable experience.”*

*“Very informative-all presenters knew their stuff.”*

*“Fabulous-I am new to the field and it has been a great foundation to use to build my skills.”*

*“Well organized with a nice variety of topic areas and targeting various levels of experience.”*

*“High class and informative.”*

*“Fabulous, exciting.”*

*“Engaging presenters who understood what was expected of them.”*

*“I appreciated all of the preparedness of the professionals speaking.”*



**Main Conference Continuing Education Credit Information**

Note: **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](http://www.nasbaregistry.org). For SEAK, Inc.'s complaint and program cancellation policies please call SEAK, Inc. at 508-457-1111. All attendees should have the education and experience that would qualify them as an expert witness. This is an intermediate group live program. Advanced Preparation: None. This program was created in July 2018. 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. **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.

**For questions or more information call 508.457.1111 or email [mail@seak.com](mailto:mail@seak.com). NOTE: SEAK does not accept commercial support for its programs and does not use faculty members with conflicts of interest.**

**To register call 508-457-1111 or visit [www.seak.com](http://www.seak.com)**

# Preconference Workshops: April 25–26, 2019

- How to Write a Bulletproof Expert Witness Report
- How to Start, Build, and Run a Successful Expert Witness Practice
- How to Be a More Persuasive Expert Witness at Trial **NEW!**

## MAIN CONFERENCE

### Saturday, April 27, 2019

- 7:00am – 8:00am** **REGISTRATION & CONTINENTAL BREAKFAST**
- 8:00am – 9:00am** **A View from the Bench**  
 The Honorable Jeffrey Locke  
*Massachusetts Superior Court*  
 Boston, MA
- 9:00am – 10:00am** **How Expert Witnesses Can Deliver More Effective and Persuasive Testimony**  
 Merrie Jo Pitera, PhD  
*Litigation Insights, Inc.*  
 Overland Park, KS
- 10:00am – 10:10am** **BREAK AND NETWORKING OPPORTUNITY**
- 10:10am – 11:10am** **How Attorneys Go About Selecting and Preparing Expert Witnesses**  
 Peter Schmit, Esq.  
*Robins Kaplan LLP*  
 Minneapolis, MN
- 11:10am – 12:10pm** **How Lawyers Attack Expert Witnesses**  
 David J. Galluzzo, Esq.  
*Lucas & Mercanti, LLP*  
 New York, NY
- 12:10pm – 1:10pm** **LUNCH (PROVIDED WITH FACULTY)**
- 1:10pm – 2:10pm** **Breakout Session: Choose One**
- How to Destroy Your Expert Witness Career: The 7 Deadly Sins**  
 Steven Babitsky, Esq.  
*SEAK, Inc.*  
 Falmouth, MA
- OR**
- Testifying at Trial: Clear, Concise, and Compelling Testimony**  
 Steve Roberts, CPA, CFE  
*Veritas Forensic Accounting & Economics*  
 Sammamish, WA
- 2:10pm – 2:20pm** **BREAK AND NETWORKING OPPORTUNITY**
- 2:20pm – 3:20pm** **Breakout Session: Choose One**
- How Expert Witnesses Can Excel at Direct Examination**  
 Wil H. Florin, Esq.  
*Florin Roebig*  
 Palm Harbor, FL
- OR**
- Practice Management for Expert Witnesses: What Works**  
 Maria A. Babinetz, MS, CRC, ABVE/D, CCM, CDMS  
*Signature Rehabilitation Services, LLC*  
 Fort Washington, PA
- 3:20pm – 3:30pm** **BREAK AND NETWORKING OPPORTUNITY**
- 3:30pm – 4:30pm** **Breakout Session: Choose One**
- Women Expert Witnesses: How to Overcome Gender Barriers on the Path to Success**  
 Nadine Nasser Donovan, Esq.  
*SEAK, Inc.*  
 Falmouth, MA
- OR**
- How to Excel at Expert Witness Report Writing: Essentials and Failures**  
 Kevin Rider, PhD, PE, CPE  
*Forensic Human Factors, LLC*  
 Columbus, OH
- 4:30pm – 6:00pm** **NETWORKING RECEPTION**

### Sunday, April 28, 2019

- 6:30am – 7:00am** **CONTINENTAL BREAKFAST**
- 7:00am – 8:00am** **So You Want to Be an Expert?**  
**A View from the Bench**  
 The Honorable Jack Zouhary  
*Federal District Court of Ohio*  
 Toledo, OH
- 8:00am – 9:00am** **Breaking into the Big Leagues: How to Obtain and Excel at Large Cases**  
 Andrew Calman, MD, PhD  
*Premier Eyecare*  
 San Francisco, CA
- 9:00am – 9:10am** **BREAK AND NETWORKING OPPORTUNITY**
- 9:10am – 10:10am** **How Lawyers Use the Weaknesses of Expert Witnesses**  
 Douglas Burrell, Esq.  
*Drew Eckl Farnham*  
 Atlanta, GA
- 10:10am – 11:10am** **Excelling at Your Deposition**  
 Serina Hoover, PsyD, ABPP  
*Psychological Assessment Center*  
 Los Alamitos, CA
- 11:10am – 11:20am** **BREAK AND NETWORKING OPPORTUNITY**
- 11:20am – 12:20pm** **How to Avoid Being Disqualified as an Expert Witness**  
 Stephen McConnell, Esq.  
*ReedSmith*  
 Philadelphia, PA
- 12:20pm – 1:20pm** **LUNCH (PROVIDED WITH FACULTY)**
- 1:20pm – 2:20pm** **Breakout Session: Choose One**
- How to Run a More Profitable Expert Witness Practice**  
 James J. Mangraviti, Jr., Esq.  
*SEAK, Inc.*  
 Falmouth, MA
- OR**
- How to be an Effective Teaching Expert**  
 Randall Bell, PhD, MAI  
*Landmark Research Group*  
 Laguna Beach, CA
- 2:20pm – 2:30pm** **BREAK AND NETWORKING OPPORTUNITY**
- 2:30pm – 3:30pm** **Breakout Session: Choose One**
- Attracting Clients to Your Website: Blog Post and Search Engine Optimization**  
 Homer R. Peterson II, PE, CSP  
*Peterson Construction Consulting, Inc.*  
 Houston, TX
- OR**
- How to Exceed the Expectations of Retaining Counsel**  
 Brett Turnbull, Esq.  
*Cory Watson, PC*  
 Birmingham, AL



## Conference Program: Saturday, April 27, 2019

**7:00am – 8:00am****REGISTRATION & CONTINENTAL BREAKFAST****8:00am – 9:00am**A View from the Bench  
*The Honorable Jeffrey Locke*

Judge Locke will explain the characteristics that effective, credible, and persuasive expert witnesses have in common. He will discuss the common mistakes some experts make when testifying at trial. Judge Locke will offer practical suggestions and advice for experts preparing for trial testimony.



**The Honorable Jeffrey Locke** is an associate justice of the Massachusetts Superior Court. He was nominated to the bench by former Governor Jane Swift in 2001. He received his BA from Georgetown University and his JD from Boston University. Prior to his appointment to the bench he served as Commissioner for the Department of Children and Family Services. Judge Locke served as both, a district attorney and an assistant US attorney. He has taught trial advocacy at the Northeastern University School of Law and is adjunct faculty, trial practice, for Boston College Law School.

**9:00am – 10:00am**How Expert Witnesses Can Deliver More Effective and Persuasive Testimony  
*Merrie Jo Pitera, PhD*

Dr. Pitera will explain and demonstrate, with video of jurors' focus group feedback, how experts can use storytelling, graphics, visuals, and straight talk to increase their credibility, effectiveness, and persuasiveness. She will discuss and demonstrate the common mistakes such as jargon, getting in the weeds, and speaking over jurors, that turn off jurors. Dr. Pitera will offer testifying best practices for expert witnesses.



**Merrie Jo Pitera, PhD** is the CEO of Litigation Insights, Inc. and is a psychology and communications expert who specializes in complex litigation and trial consulting and has more than 28 years of experience in the field. Her areas of expertise include intellectual property, product liability/personal injury, employment, securities, commercial, and environmental litigation. Dr. Pitera is a perceptive listener and observer of jury dynamics and sentiments and provides clear insights into how they are likely to impact a case. In addition to 30(b)(6) and fact witnesses, Merrie Jo has extensive experience preparing CEOs and expert witnesses for depositions, trials, arbitrations, and congressional hearings. Dr. Pitera is a frequent national and international speaker on jury behavior and witness prep methods, including a communication training seminar for the Lloyds of London Syndicates. She routinely publishes articles in a variety of law journals on jury selection and trial preparation.

**10:00am – 10:10am****BREAK AND NETWORKING OPPORTUNITY****10:10am – 11:10am**How Attorneys Go About Selecting and Preparing Expert Witnesses  
*Peter Schmit, Esq.*

Attorney Schmit will discuss the process trial attorneys use to locate, interview, and select expert witnesses. He will offer suggestions that experts can use to make themselves more attractive to attorneys. Attorney Schmit will explain and demonstrate, with examples, how experienced trial attorneys prepare expert witnesses for their depositions and trials.



**Peter Schmit, Esq.** is a partner, chair of the national personal injury, and medical malpractice group and the Robins/Kaplan firm. He has been recognized numerous years as a "Minnesota Super Lawyer" by Super Lawyers, is certified as a Civil Trial Specialist by the Minnesota State Bar Association, is a Past President of the Minnesota Association of Justice, was inducted into the American Board of Trial Attorneys in 2013. Attorney Schmit has, over the course of his 28 years as a trial attorney, achieved numerous seven figure verdicts and settlements for his clients. He has been recognized and listed in the Best Lawyers in American and as a Minnesota Super Lawyer.

**11:10am – 12:10pm**How Lawyers Attack Expert Witnesses  
*David J. Galluzzo, Esq.*

Attorney Galluzzo will explain and demonstrate, with examples, how counsel digs deep for information to disqualify, impeach, and cross-examine expert witnesses. He will discuss pre-trial attacks, discovery, deposition, cross-examination, and trial, Attorney Galluzzo will offer practical advice and suggestions on how experts can avoid and deal with serious attacks on their credibility, reputation, and testimony.



**David J. Galluzzo, Esq.** is a partner and trial attorney at the New York law firm of Lucas & Mercanti. He represents pharmaceutical companies, arts and entertainment manufacturing, insurance, famous artists, and television and movie producers. Prior to his legal career, David was a research scientist at Pfizer, where he synthesized pharmaceutical compounds for the treatment of metabolic diseases. David is the author of the book, *Qualifying and Attacking Expert Witnesses*, which teaches attorneys how to win the battle of the experts.

**12:10pm – 1:10pm****LUNCH (PROVIDED WITH FACULTY)****1:10pm – 2:10pm****Breakout Session: Choose One**  
How to Destroy Your Expert Witness Career: The 7 Deadly Sins  
*Steven Babitsky, Esq.*

Attorney Babitsky will discuss how experts, through their actions/inactions, can quickly and easily destroy their expert witness career. The seven deadly sins for expert witnesses explained and demonstrated with examples include: greed, sloth, wrath, pride, arrogance, envy, and dishonesty. Attorney Babitsky will offer practical advice and suggestions on how to make the right choices in the face of difficult situations and avoid these potential career killers.



**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

# Conference Program: Saturday, April 27, 2019

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 Market Your Expert Witness Practice: Evidence-Based Best Practices*; *How to Become a Dangerous Expert Witness: Advanced Techniques and Strategies*; *Writing and Defending Your Expert Report: The Step-by-Step Guide with Models*; *How to Excel During Cross-Examination: Techniques for Experts That Work*; *The A-Z Guide to Expert Witnessing*; *How to Write an Expert Witness Report*; and *How to Excel During Depositions: Techniques for Experts That Work*. 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](mailto:stevenbabitsky@seak.com).

**OR**  
**Testifying at Trial: Clear, Concise, and Compelling Testimony**  
*Steve Roberts, CPA/CFF, CFE*

Steve Roberts will explain and demonstrate, with examples, how to use preparation, compelling demonstratives, and a micro/macro approach to excelling at your trial testimony. He will discuss making the complex simple, dealing with retaining and opposing counsel, and keeping your message simple, direct, and compelling even in the face of cross-examination. Mr. Roberts will offer practical advice and suggestions for excelling at your trial testimony.



**Steve Roberts, CPA/CFF, CFE** is a principal at Veritas, a forensic accounting and economics firm, and an experienced expert witness. His assignments regularly include expert report and exhibit preparation, and deposition and courtroom testimony. Mr. Roberts has also been retained directly by the court as a Special Master relative to economic loss measurement and forensic accounting issues. He is a certified public accountant, and a certified fraud examiner.

Mr. Roberts is also certified by the AICPA in financial forensics, is a certified criminal investigator, and is a member of the academy of court appointed special masters. Over the past 29 years, Mr. Roberts has been directly responsible for designing, implementing, and managing more than 2,000 engagements involving billions of dollars.

**2:10pm – 2:20pm**

**BREAK AND NETWORKING OPPORTUNITY**

**2:20pm – 3:20pm**

**BREAKOUT SESSION: CHOOSE ONE**

**How Expert Witnesses Can Excel at Direct Examination**  
*Wil H. Florin, Esq.*

Attorney Florin will explain and demonstrate using examples how, with proper preparation with counsel and the use of demonstratives, experts can excel during their direct examination. He will discuss: dealing with problem areas, humanizing the expert, and demonstrating the expert’s knowledge, credibility, personality, likeability, and fairness. Attorney Florin will provide practical suggestions for achieving effective, memorable, powerful, and persuasive direct testimony.



**Wil H. Florin, Esq.** is a triple board-certified trial attorney and President and founder of the Florida based multi-state plaintiff’s law firm of Florin Roebig. Florin Roebig has been named by *US News & World Report* as one of the “Best Law Firms in America” during every year since 2010. Attorney Florin has lectured to trial groups across the country and has worked extensively with expert witnesses. Wil has been repeatedly named by his peers to “Best Lawyers in America.”

Attorney Florin has been selected by the National Trial Lawyers Association as one of the “Top 100 Trial Lawyers” in Florida each of the past eight years. Attorney Florin has achieved numerous multi-million-dollar jury verdicts on behalf of his clients, including jury verdicts placed in the Top 50 nationwide in 2014 (\$47,420,000) and 2016 (\$41,956,473.70). In over 30 years as a plaintiff’s civil trial lawyer his average jury verdict exceeds \$1 Million Dollars. He is board-certified as a civil trial attorney by the Florida Bar and the National Board of Trial Advocacy and as a Civil Pretrial Practice Advocate by the National Board of Trial Advocacy.

**OR**  
**Practice Management for Expert Witnesses: What Works**  
*Maria A. Babinetz, MS, CRC, ABVE/D, CCM, CDMS*

Ms. Babinetz will explain best practices for expert witness practice management, including: intake; protocols; obtaining records; document management; fees and billing; dealing with retaining counsel; scheduling; report writing; use of staff; dealing with unexpected developments and emergencies; marketing strategies; ethical conundrums; building one’s brand; how to avoid mistakes as an expert witness that can be costly; and office procedures and practices. She will offer practical suggestions for developing and running a successful and efficient expert witness practice.



**Maria A. Babinetz, MS, CRC, ABVE/D, CCM, CDMS** is a vocational rehabilitation and employment expert from Fort Washington, Pennsylvania, which is located in suburban Philadelphia. Ms. Babinetz has over 29 years of experience working with plaintiff attorneys and defense attorneys in civil matters and has vast testimony experience in Federal jurisdictions and various state jurisdictions. Ms. Babinetz has a bachelor’s degree in Individual and Family Studies from the Pennsylvania State University, a master’s degree in Rehabilitation Counseling from the University of Scranton, and is presently completing her doctoral degree in General Psychology with an emphasis in Industrial and Organizational (I/O) Psychology with Grand Canyon University. She has completed all doctoral coursework and is working on her dissertation, which explores attorneys hiring vocational experts in civil litigation matters. Ms. Babinetz offers expert services in vocational employability evaluations, earning capacity assessments, transferable skills analysis, labor market surveys, vocational testing, job development, job placement, resume preparation and career counseling.

**3:20pm – 3:30pm**

**BREAK AND NETWORKING OPPORTUNITY**

**3:30pm – 4:30pm**

**BREAKOUT SESSION: CHOOSE ONE**

**Women Expert Witnesses: How to Overcome Gender Barriers on the Path to Success**  
*Nadine Nasser Donovan, Esq.*

## Conference Program: Saturday, April 27, 2019

Women expert witnesses face unique gender challenges in the litigation setting, such as asserting confidence in their qualifications, being retained, and effectively defending their opinions. Attorney Donovan will lead a frank discussion of these leading challenges for women experts. The discussion will cover practical strategies for taking on and overcoming issues such as “imposter syndrome”, under-billing for valuable services, subtle (and sometimes overt) gender stereotyping, and how to firmly signal authority when expressing opinions. She will also discuss ways to create professional networks of mentoring and mutual support to excel and thrive as a female expert witness.



**Nadine Nasser Donovan, Esq.**, is a former trial lawyer with extensive litigation experience. She is a senior SEAK trainer and consultant, and has been on the SEAK Faculty since 2002, having trained hundreds of experts via SEAK's scheduled courses, customized on site expert witness training programs, and one-on-one consulting. Nadine is the co-author of the SEAK 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 *How to Be a Successful Expert Witness: SEAK's A-Z Guide to Expert Witnessing*. She is licensed to practice law in New York, Massachusetts, and Rhode Island. In addition, Nadine is a Legal Writing Instructor at Boston University School of Law. Nadine also serves as a Dispute Resolution Arbitrator for the Financial Industry Regulatory Authority. Nadine previously practiced litigation for 21 years. She spent 18 years in the defense of medical professionals in medical malpractice actions and before medical licensing boards. Nadine started off her legal career in New York City, first as a prosecutor in Queens, and then as counsel for the City of New York. 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.

OR

### How to Excel at Expert Witness Report Writing: Essentials and Failures

*Kevin Rider, PhD, PE, CPE*

Dr. Rider will discuss and demonstrate, with examples, the essentials that need to be covered in your expert witness report, and what to avoid. He will explain how excellent reports are used and the difference in style and substance between reports and affidavits. Dr. Rider will review how to write an effective rebuttal report. He will demonstrate, with examples, how to explain your methodology and will offer practical suggestions for how to write an effective excellent report.



**Kevin Rider, PhD, PE, CPE** is a human factors expert and owner of Forensic Human Factors, LLC, providing investigations, reports and expert testimony for personal injury cases – plaintiff and defense. His expertise involves investigating how people interact with other people, products and environments in predictable ways, and applying this understanding to effective, efficient and safe products, services and systems. He has been retained as an expert in more than 30 states and territories. Dr. Rider is a Professional Engineer (PE), a Certified Professional Ergonomist (CPE), and has served as a human factors consultant since 1999, including five years as a professor at West Virginia University. Dr. Rider attended the University of Tennessee, which conferred his Bachelor and Master degrees in Industrial Engineering. Dr. Rider then received his Ph.D. in Industrial and Operations Engineering from the University of Michigan. Dr. Rider's research includes driver behavior and distraction, the performance of in-vehicle tasks, and occupational safety. He has demonstrated abilities to explain complex scenarios in easily understood ways, both in the classroom and the courtroom.

**4:30pm – 6:00pm**

### NETWORKING RECEPTION

## Conference Program: Sunday, April 28, 2019

**6:30am – 7:00am**

### CONTINENTAL BREAKFAST

**7:00am – 8:00am**

### So You Want to Be an Expert? A View from the Bench *The Honorable Jack Zouhary*

Judge Zouhary will offer insights gleaned from twelve years as a federal trial court judge. Using examples from real cases (including feedback from real juries), he will discuss how effective experts walk the line between authoritative and understandable as they communicate complex material in an adversarial setting. Judge Zouhary will also explain the concept of “hot tubbing,” or concurrent expert evidence -- how it works, when it is used, and what an involved expert witness needs to know.



**The Honorable Jack Zouhary** is a federal district court judge in Toledo, Ohio. He graduated *cum laude* from Dartmouth College ('73) and received his law degree from the University of Toledo ('76) where he was an Associate Editor of the Law Review. He was in private practice with RCO Law until January 2000 when he became Senior Vice President and General Counsel for S. E. Johnson Companies. He was appointed by the Ohio Governor to the State Court of Common Pleas in March 2005, and then nominated by the President to the federal District Court in December 2005, with unanimous Senate confirmation in March 2006. He has served as a visiting district court judge in Alabama, Arizona, California, Connecticut, Michigan, Tennessee, and Texas, and sits by designation on the Sixth and Ninth Circuit Courts of Appeals. Judge Zouhary was inducted as a Fellow of the American College of Trial Lawyers (ACTL) in 1995, and is a past Chair of its Judiciary Committee. He also served on the Institute for the Advancement of the American Legal System (IAALS) and ACTL Task Force on Discovery and Civil Justice. He is a Master and past President of the Morrison Waite Chapter of the Inns of Court. He currently serves on the Standing Committee on Rules of Practice and Procedure of the Judicial Conference of the United States and on the IAALS Advisory Board.

**8:00am – 9:00am**

### Breaking into the Big Leagues: How to Obtain and Excel at Large Cases

*Andrew Calman, MD, PhD*

Dr. Calman will explain and demonstrate, with examples, how to obtain and transition into large and complex expert witness assignments. He will discuss dealing with: large amounts of data and records, time commitments and deadline pressure, higher caliber attorneys, intense deposition and trial preparation, and the intellectual challenges these cases offer. Dr. Calman will offer best practices for excelling at these large and high profile cases.

**To register call 508-457-1111 or visit [www.seak.com](http://www.seak.com)**

# Conference Program: Sunday, April 28, 2019



**Andrew Calman, MD, PhD** is an ophthalmologist, associate clinical professor at UC-San Francisco and an experienced expert witness. Dr. Calman has 20 years of experience as an expert witness, including eye injuries, medical malpractice, class-action suits, and patent infringement and antitrust disputes involving ophthalmic pharmaceuticals with billions of dollars in annual sales. He has been qualified as an expert in state and Federal courts, and in the Oberlandesgericht (Higher Regional Court), Frankfurt, Germany.

**9:00am – 9:10am**

## BREAK AND NETWORKING OPPORTUNITY

**9:10am – 10:10am**

### How Lawyers Use the Weaknesses of Expert Witnesses

*Douglas Burrell, Esq.*

Douglas will explain and demonstrate, with examples, how lawyers research experts, their background, and testimonial history. He will discuss the areas where experts are most vulnerable and how lawyers utilize these weaknesses to neutralize the experts. He will also offer practical advice for experts on how they can avoid problematic actions and inactions.



**Douglas Burrell, Esq.** is a partner at Drew Eckl & Farnham in Atlanta, GA. His practice consists of civil defense litigation with an emphasis on wrongful death and catastrophic injury, construction law, premises liability, transportation and trucking law and product liability. Mr. Burrell has been a practicing trial lawyer for over 24 years. He developed comprehensive experience while serving as first chair on more than 40 jury trials and more than 100 bench trials. Mr. Burrell uses his substantial trial experience to counsel companies in evaluating the options and strategies for trial, including the use of pre-trial mediation. He has developed particular experience with national retailers, manufacturers, companies in the food & beverage industry, commercial trucking and transportation companies, furniture and construction companies.

**10:10am – 11:10am**

### Excelling at Your Deposition

*Serina Hoover, PsyD, ABPP*

Dr. Hoover will explain and demonstrate with examples an effective protocol for preparing to excel at your deposition. She will discuss identifying key issues, analyzing likely areas of inquiry, how and what to practice, working with counsel and by yourself, dealing with intrusive questions, and “difficult” issues and attorneys. Dr. Hoover will provide practical suggestions for excelling at even the most challenging depositions.



**Serina Hoover, PsyD, ABPP** is an award winning psychologist who received her doctoral degree from Pepperdine University. She specializes in neuropsychology of brain injury and has evaluated hundreds of brain injury patients over the course of her career. She is Board Certified by the American Board of Professional Psychology in Rehabilitation Psychology and holds administrative positions on the Board of Directors. She is on staff at the nationally recognized Rancho Los Amigos National Rehabilitation Center and is the President of Psychological Assessment Center in Orange County. Dr. Hoover is an experienced expert witness and has testified in hundreds of depositions.

**11:10am – 11:20am**

## BREAK AND NETWORKING OPPORTUNITY

**11:20am – 12:20pm**

### How to Avoid Being Disqualified as an Expert Witness

*Stephen McConnell, Esq.*

Attorney McConnell will discuss what experts need to know about challenges to their disqualifications and methodologies. He will demonstrate, with examples, how experts can best protect themselves against successful challenges. Attorney McConnell will offer practical suggestions for working with counsel to responding to and avoiding disqualification.



**Stephen McConnell, Esq.** is a partner and trial attorney in the international law firm ReedSmith. Attorney McConnell litigates antitrust, securities, white collar criminal, and mass tort cases throughout the United States. He has tried dozens of cases before juries in federal and state trial courts, with first-chair wins in both government and private practice cases. Attorney McConnell has successfully argued significant matters before federal and state appellate courts. The private practice clients include major consumer products, energy, and real estate companies, among others. Attorney McConnell is an instructor in litigation class at the University of Pennsylvania Law School.

**12:20pm – 1:20pm**

## LUNCH (PROVIDED WITH FACULTY)

**1:20pm – 2:20pm**

### BREAKOUT SESSION: CHOOSE ONE

#### How to Run a More Profitable Expert Witness Practice

*James J. Mangraviti, Jr., Esq.*

Attorney Mangraviti will provide numerous practical tips for building a more financially successful expert witness practice. He will explain why an expert witness is most often best served by thinking long term and taking a holistic approach to business development and marketing. Such an approach includes addressing areas such as: client service, case selection, subspecialty (niche) positioning, quality, time management, marketing/business development, and fees/billings/collections.



**James J. Mangraviti, Jr., Esq.**, has vast experience assisting experts to grow and expand their practices. He 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 retained by experts as a 1-1 consultant to draft personalized marketing plans and assist with business development. Atty. 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)). Atty. 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 a Successful Expert Witness: SEAK's A-Z Guide to Expert Witnessing* 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).

**“Excellent speakers and lecture content”**

**“Incredibly valuable”**

## Conference Program: Sunday, April 28, 2019

OR

How to be an Effective Teaching Expert

Randall Bell, PhD, MAI

Extensive research has shown that experts who teach the judge/jury/fact finder are the most effective expert witnesses. In this session Dr. Bell will explain and demonstrate with examples, how experts can excel at teaching. He will discuss using demonstratives, including graphs, charts, timelines, etc., make the complex understandable and memorable, showing passion for the subject, and empathy for the fact finder. Dr. Bell will provide best practices for becoming an excellent teaching expert.



**Randall Bell, PhD, MAI** is a real estate damages expert and a highly experienced teacher and expert witness. Dr. Bell leads the Landmark Research Group, LLC. He served as the CEO of Bell Anderson and Sanders, LLC for 15 years and led the Real Estate Damages practice of Price Waterhouse, which later merged to become PricewaterhouseCoopers. Dr. Bell consulted on the World Trade Center, the Flight 93 Crash Site, Hurricane Katrina, the BP Oil Spill, the Bikini Atoll Nuclear Test Sites, the Sargent Yokoi Cave in Guam, the San Bruno Pipeline Explosion, the Anniston Alabama spill, the Heaven's Gate Mansion, the Canadian Government UXO site, the OJ Simpson Crime Scene, the Tulum Mexico Resort, the Sandy Hook School Shooting and many others. Dr. Bell is an instructor for the Appraisal Institute.

**2:20pm – 2:30pm****BREAK AND NETWORKING OPPORTUNITY****2:30pm – 3:30pm****BREAKOUT SESSION: CHOOSE ONE**

Attracting Clients to Your Website: Blog Post and Search Engine Optimization

Homer R. Peterson II, PE, CSP

Mr. Peterson will explain and demonstrate with examples how experts can effectively drive traffic to their websites. He will discuss: blog posts, above the fold content, do's and don'ts, keywords, headers, and header tags, long and short tailed, and tracking your SEO google rankings. Mr. Peterson will provide practical suggestions for the use of search engine optimization and blog posts to increase traffic to your website.



**Homer R. Peterson II, PE, CSP** is president of Peterson Construction Consulting, Inc. and is an experienced expert witness. He specializes in occupational health and safety management systems, standards of care, wrongful death, personal injury, negligence, construction, safety, falls from height, fall protection, high-rise construction, OSHA matters, and steel erection. He provides consulting services, including expert witness services, to attorneys, insurance carriers, and companies engaged in both construction and general industry. Mr. Peterson successfully uses blogging and search engine optimization to increase his website traffic.

OR

How to Exceed the Expectations of Retaining Counsel

Brett Turnbull, Esq.

Attorney Turnbull will explain and demonstrate with examples, how experts can build a positive reputation for assisting retaining counsel effectively. He will discuss accessibility, communication, educating counsel, flexibility on scheduling, fees, report writing, and testifying. Attorney Turnbull will offer practical suggestions for exceeding the expectations of counsel.



**Brett Turnbull, Esq.** is a trial attorney and co-chair of complex litigation practice at Corey Watson. Attorney Turnbull has had more than a decade of successful courtroom experience in complex litigation including trucking cases, products liability, automobile defects, and nursing home malpractice. He received his BS from the University of Alabama and his JD from Cumberland School of Law, Stamford University. He has been honored by the National Trial Lawyers Top 40 Under 40 and a SuperLawyer.

***"Very helpful, informative. Wonderful speakers"******"Very good, lots of useful information"******"Well-crafted for relevance and a stellar cast of presenters with a focus on practical knowledge"******"This is exactly what I needed"******"Very good seminar – many excellent speakers"******"First and foremost, as a first year attendee I have to tell you the conference was AMAZING! I walked away with more real-world, directly applicable information than I thought was possible in a weekend. SEAK is an amazing organization and a fantastic resource."******"Very smart presenters"******"Very well organized. High level of professionalism"******"Impressive-true leaders in the field"******"Extremely beneficial"******"The SEAK conference on a scale from 1-10 was an 11. Thank you to you and your team and the professionals who spoke!"*****To register call 508-457-1111 or visit [www.seak.com](http://www.seak.com)**

## HOW TO WRITE A BULLETPROOF EXPERT WITNESS REPORT

Opal Sands Resort, Clearwater Beach, FL

Thursday–Friday, April 25–26, 2019

**Executive Summary:** *This limited attendance, interactive workshop teaches you how to draft superior reports.* Each attendee will be asked to submit in advance of the course a sample report for critique and use in the class demonstrations. Each attendee will be provided with a detailed 200+ page course handbook not available elsewhere. The course manual contains practical and specific bullet-point advice along with numerous examples of both poor and effective report language. You will leave the course with an extensive, customized set of action steps to follow to help you write more powerful, persuasive and defensible reports. The course is taught using six methodologies: lecture, questions and answers, well written report excerpts, report writing exercises, report critique exercises, and mock cross examination exercises. Continental breakfast and lunch with the faculty is provided each day. **This workshop will not be offered again in 2019.**

**Registration Information/Discounts:** To register, please use the form on page 2 or visit [www.seak.com](http://www.seak.com) or call 508-457-1111. Tuition is \$1295 on or before February 28, 2019; \$1395 March 1, 2019– April 2, 2019; \$1495 after April 2, 2019. Your tuition includes continental breakfast and lunch with faculty each day and a detailed conference manual. Group discounts are available for two or more persons registering from the same organization. Discount prices depend on the size of the group. Our programs can also be brought onsite to your organization. Please call 508-457-1111. **A special 50% Conference discount is available on all new and renewal standard listings in the SEAK Expert Witness Directory placed by attendees while at the seminar.**

**Cancellations:** Conference cancellations received in writing on or before April 2, 2019 will receive a full refund. Conference cancellations received after April 2, 2019 will receive a full tuition credit.



### Distinguished Faculty:

**Nadine Nasser Donovan, Esq.**, is a former trial lawyer with extensive litigation experience. She is a senior SEAK trainer and consultant, and has been on the SEAK Faculty since 2002, having trained hundreds of experts via SEAK's scheduled courses, customized on site expert witness training programs, and one-on-one consulting. Nadine is the co-author of the SEAK 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 *How to Be a Successful Expert Witness: SEAK's A-Z*

*Guide to Expert Witnessing*. She is licensed to practice law in New York, Massachusetts, and Rhode Island. In addition, Nadine is a Legal Writing Instructor at Boston University School of Law. Nadine also serves as a Dispute Resolution Arbitrator for the Financial Industry Regulatory Authority. Nadine previously practiced litigation for 21 years. She spent 18 years in the defense of medical professionals in medical malpractice actions and before medical licensing boards. Nadine started off her legal career in New York City, first as a prosecutor in Queens, and then as counsel for the City of New York. 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](mailto:nadine@seak.com).**

**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](mailto: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](http://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 July 2018. 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) upon written request at the 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.

**TO REGISTER, CALL 508-457-1111 OR VISIT SEAK.COM**

**HOW TO WRITE A BULLETPROOF EXPERT WITNESS REPORT****Opal Sands Resort, Clearwater Beach, FL****DAY ONE: Thursday, April 25, 2019****7:30-8:00 REGISTRATION & CONTINENTAL BREAKFAST**

**8:00-8:30 Introduction** Attendees will introduce themselves to the group. Faculty will explain the reasons why a well drafted report is critically important as a roadmap to direct testimony, talking points on cross, to help you to prepare to testify, and to enhance your brand. Faculty will explain the six major methodologies that will be used to teach the program, namely: lecture, questions and answers, analysis of well written report excerpts, report writing exercises, report critique exercises, and mock cross examination exercises. *Learning Objective: Explain the benefits of a well-written expert witness report.*

**Questions & Answers.**

**8:30-9:15 How to Protect Your Report, Yourself, and Your Opinions from Daubert, Qualifications, and Other Admissibility Challenges** An inferior investigation or straying outside of your true area of expertise can lead to an indefensible written report. A poorly written report can lead to being excluded from testifying. Such an exclusion is often a career ending event. In this section, the faculty will explain how opposing counsel can and will use Rule 702, Rule 703, and the Daubert line of cases to attempt to limit or exclude the expert's testimony. The legal basis for each of these challenges will be explained in easy to understand terms. Attendees will be provided with 16 methods and techniques to protect themselves from admissibility challenges. *Learning Objective: Describe techniques to protect yourself from having your testimony limited or excluded.*

**Questions & Answers.**

**9:15-10:15 How to Draft a Powerful, Persuasive, and Understandable Report** Every word in your expert report matters. In this segment the faculty will present twenty-two techniques for drafting a more powerful, persuasive and defensible expert witness report. Each of the techniques learned in this segment will be used in the segments that follow. *Learning Objective: Explain how to draft a more powerful report.*

**Questions & Answers.****10:15-10:30 BREAK AND NETWORKING OPPORTUNITY**

**10:30-11:30 How to Draft a Powerful, Persuasive, and Understandable Report (Continued)** Attendees will be asked to complete a series of writing exercises in which they will improve the language of sample report segments which they will be presented with. *Learning Objective: List action steps to draft more powerful, persuasive and understandable expert reports.*

**Questions & Answers.**

**11:30-12:00 Report Templates and How to Format Your Expert Witness Report** Looks matter. A well laid out report will carry more weight than a report exhibiting poor formatting and style. In this section, faculty will discuss the importance of style, layout, and formatting and provide twenty-three easily implementable suggestions for making your expert witness report stand out. Samples from well formatted reports will be provided and studied. Attendees will be asked to critique and suggest formatting improvements to sample report segments. *Learning Objective: Describe methods for improving the style, layout, and formatting of your expert witness report.*

**Questions & Answers.****12:00-12:45 LUNCH PROVIDED WITH FACULTY**

**12:45-1:45 How to Document Your Assignment** Attendees will learn how to obtain a clear and unambiguous expert witness assignment from counsel (with the necessary documents) and why this will increase the likelihood of meeting and exceeding the expectations of counsel. Attendees will be provided with a checklist of eight questions to ask retaining counsel at the beginning of the engagement. Faculty will explain six best practices that can be used to document the scope of the assignment in your report. Attendees will be provided with sample assignment sections of reports, will be asked to critique assignment report sections, and will be asked to draft a concise assignment section. *Learning Objective: Describe techniques to utilize when obtaining and documenting your expert witness assignment.*

**Questions & Answers.**

**1:45-2:45 How to Document Your Qualifications** Attendees will learn sixteen best practices for persuasively and accurately describing how and why they are qualified to opine on the case at hand. Sample expert witness report segments regarding qualifications will be reviewed. Attendees will be asked to critique the qualifications sections from several sample reports as well as draft a concise qualifications section to a report. *Learning Objective: List methods for most effectively documenting your qualifications.*

**Questions & Answers.****2:45-3:00 BREAK AND NETWORKING OPPORTUNITY**

**3:00-4:15 How to Best Describe Your Document Review, Research & Investigation** Many problems in expert reports are not caused by the drafting of the report per se. Instead, these problems are a reflection of suboptimal document review, research & investigation. Put simply, if the work prior to the expert report is flawed, it will make drafting a solid report difficult. In this segment, attendees will learn proven techniques for forming solid opinions which can be easily documented into a persuasive and defensible expert witness report. In addition, attendees will be provided with sixteen techniques for how to best document their review of documents, research and investigation. Sample report segments will be reviewed.

Attendees will be asked to critique sample report segments as well as to draft a concise documents reviewed and research/investigation sections. *Learning Objective: List techniques to better document your document review, research and opinions.*

**Questions & Answers.****4:15-5:00 How to Make Optimum Use of Charts, Graphs, Timelines, and Photographs in Your Expert Witness Report**

A picture says a thousand words. In this segment the faculty will explain and demonstrate the advantages of adding charts, graphs, timelines and photographs to an expert witness report and provide eleven best practices suggestions for doing so. Sample reports segments with charts, graphs, timelines and photographs will be provided. Attendees will be asked to critique for possible improvement several report segments containing charts, graphs, timelines and photographs. *Learning Objective: Describe when and how charts, graphs, timelines and photographs should be used to improve an expert report.*

**Questions & Answers.**

***"Your class was exactly what I needed to advance my practice. The hot seat is the best place to learn. You are a fantastic teacher with great command of the material and the classroom."***

***"The course was fun and engaging, if for no other reason than learning what not to do, haha. I didn't even mind being torn a new one - that's what I signed up for!"***

**HOW TO WRITE A BULLETPROOF EXPERT WITNESS REPORT****Opal Sands Resort, Clearwater Beach, FL****DAY TWO: Friday, April 26, 2019****6:30–7:00 CONTINENTAL BREAKFAST**

**7:00–7:45 How to Best Deal with Confounding Data and Studies and Alternate Explanations and Theories** Slam dunk opinions are few and far between. Almost every close case has facts, research or other items that undercuts the expert witness's opinions. Such information is ignored in a report at the expert witness's peril. In this segment, attendees will learn five techniques for how to properly document confounding information, alternative explanations and alternative theories in a way that puts this information into context. Sample report segments will be reviewed. Attendees will be asked to critique relevant report sections as well as to draft a concise report segment dealing with confounding data, studies, or alternative explanations and theories. *Learning Objective: List action steps to best document confounding data.* **Questions & Answers.**

**7:45–9:15 Properly Expressing Your Opinion** An expert witness is retained primarily for the purpose of giving an opinion or opinions. Opinions need to be expressed in an expert witness report clearly, confidently, and with supporting rationale. In this segment attendees will learn fourteen techniques for more persuasively stating opinions in their reports. Sample report segments will be reviewed. Attendees will be asked to critique relevant report sections as well as to draft a concise report segment in which they clearly and persuasively express their opinion(s). *Learning Objective: Discuss best practices for expressing opinions in expert witness reports.* **Questions & Answers.**

**9:15–9:30 BREAK AND NETWORKING OPPORTUNITY**

**9:30–10:15 How to Best Rebut The Opposing Expert's Opinion(s)** When an expert witness is aware of the opposing expert witness's opinions, these should be dealt with in the expert's report. In this segment attendees will learn nine techniques to persuasively document how and why the opposing expert's opinion is flawed. Sample report segments will be reviewed. Attendees will be asked to critique relevant report sections as well as to draft a concise report segment in which they rebut an opposing expert's opinion(s). *Learning Objective: List techniques for effectively rebutting the opposing expert's report.* **Questions & Answers.**

**10:15–10:45 How to Properly Use Boilerplate, Standard Language, and Disclaimers** Most experts use standard boilerplate language and disclaimers in their expert witness report. In this segment the faculty will offer seven guidelines on the use and misuse of boilerplate language. Sample boilerplate language and sample disclaimers will be provided. Attendees will be asked to critique relevant report sections as well as to draft a concise report segment containing standardized verbiage. *Learning Objective: Identify boilerplate language and disclaimers to include in your expert report.* **Questions & Answers.**

**10:45–11:00 BREAK AND NETWORKING OPPORTUNITY**

**11:00–11:30 Discovery, Ethics and The Influence of Retaining Counsel** Faculty will explain the various discovery rules which (depending upon the jurisdiction the case is in) may govern your communications with counsel and draft reports. Suggestions for how and when to communicate with retaining counsel will be provided. Also included will be eight suggestions for how to protect your credibility and deal with potential overreaching by retaining counsel. *Learning Objective: Describe best practices for communicating with and working with retaining counsel.* **Questions & Answers.**

**11:30–12:00 How to Excel When Drafting Rule 26 Reports for Federal Court** Federal Rule of Civil Procedure 26 governs what must be included in expert witness reports in federal cases. Following Rule 26 is mandatory. In this segment attendees will learn how to make sure their report complies with FRCP 26. Specific techniques to excel when drafting Rule 26 reports will be provided as well as sample Rule 26 report segments. *Learning Objective: List the legal requirements for Rule 26 reports and describe techniques for complying with these requirements.* **Questions & Answers.**

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

**12:45–1:15 Quality Control & Editing Techniques for Expert Witness Reports** At best, mistakes in an expert witness report can be embarrassing. At worst, mistakes can completely destroy an expert witness's credibility. In this segment attendees will learn the ten point protocol for quality controlling their reports. Included will be a detailed quality control checklist which can be used by the expert or one of the expert's support staff. *Learning Objective: Identify protocols for editing and reviewing expert witness reports.* **Questions & Answers.**

**1:15–2:15 How to Defend Your Expert Witness Report at Deposition, Hearing & Trial** An expert witness is likely to be attacked through his report while testifying. In this segment attendees will participate in mock testimony demonstrations based upon their pre-submitted reports. Each demonstration will focus on: 1. How could the expert have better handled the attack/tactic that was being used by counsel? 2. How could the expert have avoided or lessened the attack had the expert drafted their report differently? Attendees will be provided with a fifteen point outline of how, specifically, attorneys will attack an expert through their report. *Learning Objective: Describe techniques for defeating opposing counsel's tactics while testifying about your report.* **Questions & Answers.**

**2:15–2:30 The Biggest Report Writing Mistakes Expert Witnesses Make: And How to Avoid Them** To reinforce the concepts learned in this workshop, attendees will be provided with a list of the 32 biggest mistakes that expert witnesses commonly make on their reports. The list is designed to be used as a take home quality control checklist. *Learning Objective: Identify the biggest mistakes expert witnesses make in their reports.* **Questions & Answers.**

*"Thanks Nadine it was a blast I love SEAK conferences because I learn a lot in a very short period of time."*

*"I was especially impressed that you so carefully prepared, reviewed reports, and organized a schedule that kept the days interesting."*

*"This conference, your teaching, was the best conference I have attended in my entire professional career. I did hear from a number of participants that they come back multiple times to your course and I can see why. There is just so much valuable content."*

*"Having never written an EW report, I have enough information to now do so. Exceptionally impressive"*

*"It was excellent. I was blown away by how much I learned by lunch on day 1."*

**How to Start, Build and Run a Successful Expert Witness Practice****Opal Sands Resort, Clearwater Beach, FL****Thursday–Friday, April 25–26, 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 \$200-\$500 or more per hour. **How to Start, Build and Run a Successful Expert Witness Practice** is an intensive, content rich workshop that is designed to show you how to start, build, and run a successful expert witness practice. This course is appropriate for professionals with all levels of legal-consulting experience including prospective and novice expert witnesses. Attendees will learn from an experienced faculty in a step-by-step fashion how to start, build, and run a successful and ethical expert witness practice. **This is SEAK's most popular expert witness training program.**

**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/Discounts:** To register, please use the form on page 2 or visit [www.seak.com](http://www.seak.com) or call 508-457-1111. Tuition is \$1295 on or before February 28, 2019; \$1395 March 1, 2019– April 2, 2019; \$1495 after April 2, 2019. Your tuition includes continental breakfast and lunch with faculty each day and a detailed conference manual. Group discounts are available for two or more persons registering from the same organization. Discount prices depend on the size of the group. Our programs can also be brought onsite to your organization. Please call 508-457-1111. **A special 50% Conference discount is available on all new and renewal standard listings in the SEAK Expert Witness Directory placed by attendees while at the seminar.**

**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](mailto: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](http://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 and revised in August 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)<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.**

**Distinguished Faculty:**

**James J. Mangraviti, Jr., Esq.**, has trained thousands of expert witnesses through seminars, conferences, corporate training, training for professional societies, one-on-one training/mentoring, and training for governmental agencies including the FBI, IRS, SEC, Secret Service, and Department of Defense. 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 books, including: *How to Be an Effective Expert Witness at Deposition and Trial*; *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).



**Chip Darius, OHST, CET, CSHO**, is an OSHA / Safety Consultant and Trainer with 27 years' experience serving clients in general industry, construction, utilities and emergency services. In addition to his consulting and training business, Mr. Darius is an Instructor for the OSHA Training Institute Region 1 Education Center, where he has been teaching courses on OSHA regulations for over a decade. Mr. Darius is a well experienced Forensic Expert Witness and Litigation Consultant in catastrophic injury, fatality and personal injury matters. He has experience in both plaintiff and defense cases, in state and federal matters. He has significant testimony experience in depositions and at trials. Mr. Darius has conducted training at international, national, regional, state and local conferences and seminars. He earned BS and MA degrees from the University of Connecticut. Mr. Darius has also been a certified Emergency Medical Technician for 36 years.

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

Opal Sands Resort, Clearwater Beach, FL

DAY ONE: Thursday, April 25, 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**

*"Jim, the program was fantastic and I learned a lot. You and Chip were just terrific. I could have easily done another few days with both of you. Thanks again for a really great 2 days."*

*"Dear Jim. Thank you for recommending the course. It was terrific and I look forward to starting some expert witness work. In fact, I received a request during the course and am applying the retention agreement from SEAK."*

*"Jim, thank you for the opportunity to attend your class. It was great to see the excitement created by you and Chip with the valuable knowledge, practical application and the entertaining moments of the classroom as you presented the subject material. Your presentation was great. Thanks again."*

*"Mr. Mangraviti, the training was outstanding. You and chip highlighted key points and gave great examples to illustrate your points."*

**How to Start, Build and Run a Successful Expert Witness Practice****Opal Sands Resort, Clearwater Beach, FL****DAY TWO: Friday, April 26, 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-spiliation 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**

***"Chip, thanks for the tremendous amount of relevant and detailed info in this class. You did a terrific job. This class will make a big difference in my success and everyone who attended, I'm sure."***

***"Jim, congratulations on putting on an excellent and informative course. It will be extremely helpful in cultivating my expert witness practice."***

***"Jim, I had a great time and got a great value for the time and money invested for the conference."***

***"One of the most applicable trainings I have been to in a long time (I attend multiple a year)."***

***"I liked that the speakers went individually through the class and told them a fee range that would be acceptable. As the owner of a small business in a very specialized field, I've struggled to know what fees are appropriate for me."***

***"A++; Thank you for your feedback and time."***

***"Absolutely loved the dynamic "no hold barred" disposition of both presenters. Great!"***

***"Both Jim and Chip made the audience feel they really cared about our success."***

***"I found both presenters to be informative & captivating. A two-day seminar often involves glazed-over looks at some point, but the attendees of this course were attentive & hanging on every word."***

## How to Be a More Persuasive Expert Witness at Trial **NEW!**

Opal Sands Resort, Clearwater Beach, FL

Thursday – Friday, April 25–26, 2019

**Executive Summary:** *How to Be a More Persuasive Expert Witness at Trial* is SEAK's most intensive and in-depth trial skills training program. It is designed to help expert witnesses to markedly improve their direct and cross examination performance at trial. *How to Be a More Persuasive Expert Witness at Trial* is fast moving and content rich. This is a hands-on interactive training program taught using six methodologies: lecture, video clips of experts testifying in real cases, interactive exercises, in-class mock trial demonstrations (based on presubmitted attendee CVs and reports/facts patterns), detailed "after action" video critiques of the in class mock trial demonstrations, and questions and answers. All attendees will have the opportunity to practice their direct and cross examination skills and to receive feedback from the faculty. **SEAK will not offer this all new course at any other times in 2019.**

**Registration Information/Discounts:** To register, please use the form on page 2 or visit [www.seak.com](http://www.seak.com) or call 508-457-1111. Tuition is \$1295 on or before February 28, 2019; \$1395 March 1, 2019– April 2, 2019; \$1495 after April 2, 2019. Your tuition includes continental breakfast and lunch with faculty each day and a detailed conference manual. Group discounts are available for two or more persons registering from the same organization. Discount prices depend on the size of the group. Our programs can also be brought onsite to your organization. Please call 508-457-1111. **A special 50% Conference discount is available on all new and renewal standard listings in the SEAK Expert Witness Directory placed by attendees while at the seminar.**

**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](mailto: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](http://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 created in June 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)<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.

### 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 to testify 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. He is the co-author of the text *How to Be an Effective Expert Witness at Deposition and Trial: The SEAK Guide to Testifying as an Expert Witness*. Steve trains hundreds of experts every year. **He may be contacted at 508-548-9443 or [stevenbabitsky@seak.com](mailto:stevenbabitsky@seak.com).**

**How to Be a More Persuasive Expert Witness at Trial****NEW!****Opal Sands Resort, Clearwater Beach, FL****DAY ONE: Thursday, April 25, 2019****PART I: DIRECT EXAMINATION TECHNIQUES & STRATEGIES****7:30-8:00 CONTINENTAL BREAKFAST (Provided with Faculty) AND REGISTRATION****8:00-10:00 Direct Examination – How to Excel**

Attendees will learn techniques for delivering more powerful and persuasive direct testimony including conclusions first, using memorable soundbites, acting like a great teacher, proper body language, confident tone and pace, maintaining a smooth balance with retaining counsel, being yourself, self editing – what they need to know, not everything you know, using powerful and memorable language and analogies, numbered lists, using easy to understand language, emphasizing key points and many others. **Questions & Answers.** *Learning Objective: List multiple strategies for delivering powerful and persuasive expert witness testimony.*

**10:00-10:15 BREAK AND NETWORKING OPPORTUNITY****PART II: DIRECT EXAMINATION AREAS OF INQUIRY****10:15-11:15 Introducing Yourself to the Jury: Developing a Bond and Establishing Your Qualifications**

In order to establish yourself as an expert and give an opinion under FRE 702 you must lay the foundation of your qualifications based upon your knowledge, skills, experience, training, and/or education (admissibility). Beyond being allowed to testify, establishing your qualifications/background properly will make you more credible and persuasive to the fact finder (weight). In this segment, attendees will learn specific techniques regarding testifying as to your background and qualifications, such as name dropping, less is more, showing what you have in common with the jury and many others. Through a series of hands-on written and testifying exercises, attendees will learn and practice how to better present their own unique qualifications. **Questions & Answers.** *Learning Objective: Describe techniques for more effectively introducing yourself to the jury.*

**11:15-12:00 Explaining Your Opinion's Foundation: What You Did, How You Did It and Why You Did It**

Per FRE 702, each of your opinions must be based on sufficient facts or data; your opinion must be the the product of reliable principles and methods; and you need to reliably apply those principles and methods to the facts of the case. In the section, we will focus on your investigation and methodology. You will learn multiple techniques for better articulating what you did, how you did it, and why you did it. Through a series of hands-on written and testifying exercises, attendees will learn and practice how to better testify to their methodology. **Questions & Answers.** *Learning Objective: Describe techniques for more effectively explaining your investigation and methodology.*

**12:00-12:45 LUNCH (Provided with Faculty)****12:45-1:30 BOTB: Bringing Out the Bad: How to Manage Problem Areas and Weaknesses During Your Direct Examination**

The most effective way to deal with potential problem areas and likely areas of attack are to bring these issues out on direct, characterize them in a favorable fashion and place them in the proper context for the jury. Such problem areas could include fees, expert witness income, qualifications issues, missing information, past cases, and myriad other potential problems. Through a series of hands-on written and testifying exercises, attendees will learn and practice how to better bring out the bad on direct examination. **Questions & Answers.** *Learning Objective: Describe techniques for more effectively dealing with potential problem areas on direct examination.*

**1:30-2:30 Your Opinions: Expressing in a Confident, Understandable and Persuasive Manner**

As an expert witness, your reason for testifying is to help the trier of fact by providing opinions. In this section, attendees will learn techniques for presenting persuasive opinions including the goldilocks level of confidence, not going too far, numbered reasons, citing literature, relating to the experience of the jurors and others. Through a series of hands-on testifying exercises, attendees will practice how to express more persuasive opinions. **Questions & Answers.** *Learning Objective: Describe techniques for articulating more persuasive expert witness opinions in court.*

**2:30-2:45 Visual Aids: Designing and Using Effective Demonstratives**

A picture says a thousand words. In fact, jury research shows that demonstrative evidence can make expert witness testimony both more persuasive and more memorable. In addition, the use of a demonstrative may allow the expert to get out of the jury box to a more comfortable teaching position. In this section, attendees will be provided with examples of effective demonstratives and advice on choosing, developing, and using effective visual aids. **Questions & Answers.** *Learning Objective: Describe a new demonstrative tool you will use to explain your testimony.*

**2:45-3:00 BREAK AND NETWORKING OPPORTUNITY****3:00-3:45 Rebuttals: Commenting on the Opposing Expert and His/Her Opinions**

As an expert witness, you may be called upon to comment on the opinion(s) of an opposing expert. In this segment, attendees will learn specific techniques to effectively and respectfully critique an opposing expert by challenging investigation, methodology, literature, assumptions, and ultimately the expert's conclusions. Attendees will participate in interactive exercises where they practice commenting on the opposing expert and that expert's opinions. **Questions & Answers.** *Learning Objective: Describe techniques for effectively commenting on and rebutting another expert's opinions.*

**PART III: DIRECT EXAMINATION PREPARATION & PRACTICE****3:45-4:00 Preparing for Your Direct Examination**

Being more a persuasive expert on direct examination is a function of hard work. Simply put, the harder you prepare, the more persuasive you will be. In this section, attendees will learn an effective methodology for preparing to testify on direct examination. **Questions and Answers.** *Learning Objective: Describe techniques for preparing to testify during direct examination.*

**4:00-5:00 In Depth Direct Examination Demonstrations and Practice Questions**

In this segment and as time permits, we will practice the techniques learned earlier in the day with mock direct examination trial demonstrations. These mock trial exercises will be based on reports and fact patterns presubmitted by volunteer attendees. Instant video playback will be used to critique the volunteers and offer personalized suggestions for improvement. **Questions and Answers.** *Learning Objective: Explain how to become more effective during direct examination.*

**How to Be a More Persuasive Expert Witness at Trial****NEW!**

Opal Sands Resort, Clearwater Beach, FL

DAY TWO: Friday, April 26, 2019

**PART IV: CROSS-EXAMINATION TECHNIQUES & STRATEGIES**

6:30-7:00 CONTINENTAL BREAKFAST (Provided with Faculty)

**7:00-8:00 Cross-Examination – How to Excel**

Attendees will learn techniques for delivering more effective cross-examination testimony including making concessions, disagreeing without being disagreeable, active listening, dealing with setup questions, dealing with mischaracterizations, avoiding the numbers game, maintaining a consistent demeanor, not being defensive, not letting counsel cut you off, staying in your sandbox, dealing with impeachment and many others. **Questions & Answers.** *Learning Objective: List strategies for delivering more effective expert witness testimony during cross-examination.*

**PART V: CROSS EXAMINATION AREAS OF INQUIRY****8:00-9:00 Qualifications**

A likely area of attack during cross-examination is ones qualifications. This could include questions about any misleading information on your CV, "awards," multiple claimed areas of expertise, missing credentials/experience, past mistakes, knowledge of the relevant literature, professional failures, relevancy of experience, recency of experience, age, and many others. Through a series of hands-on exercises, attendees will learn and practice how to defend their qualifications during cross examination.

**Questions & Answers.** *Learning Objective: Describe techniques for more effectively defending your qualifications during cross-examination.*

9:00-9:15 BREAK AND NETWORKING OPPORTUNITY

**9:15-10:00-Bias, Fees, Marketing, Honesty, and Money**

A common way to challenge an expert witness during cross-examination is to try to portray the expert as being biased. There are many common ways to do this including giving the same opinion in multiple cases, fees, forensic income, marketing activity/language, out of court statements, ethical violations, skeletons in your closet, your web site, working mainly for plaintiffs or defendants, having an indirect financial interest in the case, etc. Through a series of hands-on exercises, attendees will learn and practice how to effectively deal with bias attacks during cross-examination. **Questions & Answers.** *Learning Objective: Describe techniques for more effectively dealing with bias attacks during cross-examination.*

**10:00-10:30 Independence/Relationship with Counsel**

A highly effective way to undermine an expert witness is to try to establish that the expert is just a mouthpiece of retaining counsel. Avenues to effectuate this could be counsel as the sole or primary source of information or assumptions, communications with the lawyer, ongoing and previous work for the lawyer, and preparation sessions. Through a series of hands-on exercises, attendees will learn and practice how to deal with lack of independence from counsel attacks during cross-examination. **Questions & Answers.** *Learning Objective: Describe techniques for more effectively dealing with lack of independence from retaining counsel attacks during cross-examination.*

**10:30-11:00 Impeachment with Prior Statements, Testimony, Writings, and Learned Treatises**

A classic way to challenge an expert witness is by confronting that expert with their own past statements, testimony, writings or learned treatises (journal articles, texts, etc.). The idea behind impeachment with prior statements is that the expert was either lying then or is lying now, either way the expert is a liar. In terms of learned treatises, it is that the expert disagrees with "the book" on the topic. Through a series of hands-on exercises, attendees will learn and practice how to deal with impeachment and learned treatise attacks during cross examination. **Questions & Answers.** *Learning Objective: Describe techniques for more effectively dealing with impeachment and learned treatise attacks during cross-examination.*

11:00-11:15 BREAK AND NETWORKING OPPORTUNITY

**11:15-12:00 Investigation/Methodology, and Opinions**

Your expert opinion is only as strong as the investigation and methodology upon which it is based. Issues that can be pressed in this regard during cross include your assumptions, what you failed to do, information you didn't have, reliability of information you did have, calculations and formulas, time lapses, reliance on other experts, error rate, ruling out alternatives and other *Daubert* factors. Through a series of hands-on exercises, attendees will learn and practice how to deal with challenges to their investigation, methodology and opinions during cross examination. **Questions & Answers.** *Learning Objective: Describe techniques for more effectively dealing with investigation, methodology and opinions questions during cross-examination.*

12:00-12:45 LUNCH (Provided with Faculty)

**PART VI: CROSS EXAMINATION PREPARATION & PRACTICE****12:45 – 1:00 Preparing for Your Cross-Examination**

Being more a persuasive expert on cross examination is more dependent on perspiration than inspiration. In this section, attendees will learn a time tested protocol and methodology for preparing to testify on cross-examination.

**Questions & Answers.** *Learning Objective: Describe techniques for preparing to testify during cross-examination.*

**1:00 – 2:30 In Depth Cross-Examination/Trial Demonstrations and Practice Questions**

In this segment and as time permits, we will practice the techniques learned earlier in the seminar with longer mock cross-examination demonstrations. These mock trial exercises will be based on reports and fact patterns presubmitted by volunteer attendees. Instant video playback will be used to critique the volunteers and offer personalized suggestions for improvement. Attendees will also have the opportunity to practice responses to trick and difficult cross-examination questions.

**Questions & Answers.** *Learning Objective: Explain how to become more effective during cross-examination.*



**Register Today. Call 508-457-1111 or Visit [www.seak.com](http://www.seak.com).**

“ I USUALLY ASK NEW CLIENTS HOW THEY HEARD ABOUT ME, AND 4 OUT OF 5 SAY THE SEAK DIRECTORY! THANK YOU. ”

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“ Here's what your colleagues are saying:

*“Your website has been so helpful for my business. I am busy beyond my expectations.”*

*“Thank you for all the referrals I receive from SEAK. I never advertise anywhere else, SEAK keeps me busy!!”*

*“I really haven't had to do anything other than keep my SEAK listing and I'm busier than I want to be.”*

*“I'm receiving 2-3 referrals per month from the SEAK directory.”*

*“Thank you for all your referrals. Surely your directory is read by more attorneys than other directories.”*

*“The attorney got my name out of the SEAK directory (second person to do so within a week!).”*

*“Thank YOU for all the work you have sent my way”*

*“I am quite busy with inquiries. 2 more attorneys just called me. Thank you very much this is really fabulous.”*

*“Over the years, I found your services invaluable and the best use of my marketing dollar.”* ”

# SEAK 1-1 EXPERT WITNESS TRAINING

SEAK has provided individual training and assistance to hundreds of expert witnesses. Work can be done over the phone, via Skype/Facetime, through email, or in person.

## OUR SERVICES INCLUDE:

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Providing individualized strategies to expand your expert witness practice.
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Personalized assistance in creating a powerful and bulletproof CV.
- **TESTIFYING TRAINING**  
Intensive 1-1 training in preparation for deposition, trial or a *Daubert* hearing.
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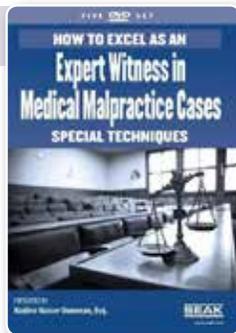
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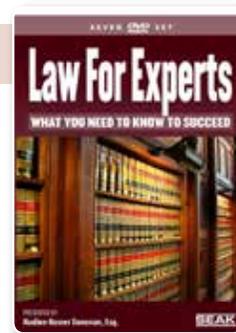
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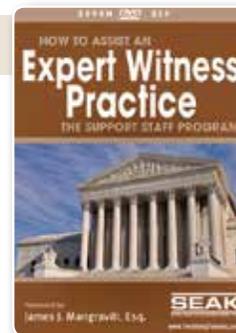
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