



EXPERT WITNESS
SUMMIT
2007

FEWA ANNUAL CONFERENCE:
MARCH 29–31, 2007
RADISSON NEWPORT BEACH

PLUS 2 PRE-CONFERENCE WORKSHOPS:
ADVANCED CROSS-EXAMINATION
WORKSHOP

&

PERSUASION SKILLS WORKSHOP
FOR EXPERT WITNESSES

 **FORENSIC
EXPERT WITNESS
ASSOCIATION**

SEAK
EXCELLENCE IN EDUCATION SINCE 1980

CONFERENCE OVERVIEW

FEWA ANNUAL CONFERENCE: 2007 EXPERT WITNESS SUMMIT

MARCH 30–31, 2007

Renowned trial judges, nationally recognized attorneys, experts and jury consultants will discuss how you can improve all aspects of your practice and testimony, to succeed as an expert witness. Expert witnesses from all fields and with all levels of experience will benefit from this multi-disciplinary, two-day program. Take advantage of this unsurpassed opportunity to improve your skills while networking and meeting other professionals in a stimulating and collegial atmosphere.

SEE COMPLETE SUMMIT AGENDA PAGES 8–10
SEE REGISTRATION FORM PAGE 11

PRE-CONFERENCE WORKSHOP: ADVANCED CROSS-EXAMINATION WORKSHOP

MARCH 29, 2007

Designed for those experts who have already had training in testifying skills and significant testifying experience, this one-day course can help you become the rarest and most valuable of experts: one whom opposing counsel is worried about cross-examining. This advanced interactive workshop will help you learn how to achieve superior performance during cross-examination.

SEE COMPLETE WORKSHOP AGENDA PAGES 4–5
SEE REGISTRATION FORM PAGE 11

PRE-CONFERENCE WORKSHOP: PERSUASION SKILLS WORKSHOP FOR EXPERT WITNESSES

MARCH 29, 2007

This one-day workshop features numerous hands-on demonstrations and video clips to exemplify and reinforce persuasion skills that will teach you the fine art of persuading judges and juries.

SEE COMPLETE WORKSHOP AGENDA PAGES 6–7
SEE REGISTRATION FORM PAGE 11

CONFERENCE VENUE

RADISSON NEWPORT BEACH

4545 Mac Arthur Blvd. (at Birch)
Newport Beach, CA 92660

Room Rates: Please call the hotel directly at 949.833.0570 to make your room reservations—mention FEWA for the special rate of \$119 (ROH) if you reserve before March 14.



THURSDAY, MARCH 29, 2007 PRE-CONFERENCE WORKSHOPS

8 AM-4:30 PM	Pre-Conference Workshop: Advanced Cross-Examination Workshop	Steven Babitsky ESQ
8 AM-4:30 PM	Pre-Conference Workshop: Persuasion Skills Workshop for Expert Witnesses	James J. Mangraviti, Jr. ESQ

FRIDAY, MARCH 30, 2007 EXPERT WITNESS SUMMIT—DAY 1

8-8:30 AM	REGISTRATION AND CONTINENTAL BREAKFAST	
8:30-9:30 AM	A View From the Bench	Hon. Robert J. Moss
9:30-9:45 AM	BREAK AND NETWORKING OPPORTUNITY	
9:45-10:45 AM	Dodging the Bullets During Your Cross-Examination	Lawrence McClellan Elson PHD
10:45-11 AM	BREAK AND NETWORKING OPPORTUNITY	
11 AM-12 PM	Staying Within Yourself and Your Area of Expertise	James N. Sinunu ESQ
12 PM-1 PM	LUNCH WITH FACULTY (PROVIDED)	
1-2 PM	So You Are Considering the Management of Complex, Multi-Disciplined and Recurring or Sequential Litigation?	Geoffrey Hichborn, Sr. PE
2-2:15 PM	BREAK AND NETWORKING OPPORTUNITY	
2:15-3:15 PM	Trial Demonstration: Direct and Cross-Examination of the Expert Witness	R. Gregory Amundson ESQ Victoria L. Ersoff ESQ Michael S. Varat BSE, BSME
3:15-3:30 PM	BREAK AND NETWORKING OPPORTUNITY	
3:30-4:30 PM	Things Expert Witnesses Should Never Say in Court	Richard S. Linkert ESQ
5-6 PM	WINE AND CHEESE RECEPTION	

SATURDAY, MARCH 31, 2007 EXPERT WITNESS SUMMIT—DAY 2

8-8:30 AM	CONTINENTAL BREAKFAST	
8:30-9:30 AM	A View From the Bench	Hon. Kim Dunning
9:30-9:45 AM	BREAK AND NETWORKING OPPORTUNITY	
9:45-10:45 AM	How Experts Destroy Themselves: Lessons from High-Profile Cases	Daniel Horowitz ESQ
10:45-11 AM	BREAK AND NETWORKING OPPORTUNITY	
11 AM-12 PM	Persuading Jurors: The Most Effective Techniques for Experts	G. Christopher Ritter ESQ
12 PM-1 PM	LUNCH WITH FACULTY (PROVIDED)	
1-2 PM	Commenting on the Opposing Expert: Rebuttal Reports	Thomas M. Neches CPA
2-2:15 PM	BREAK AND NETWORKING OPPORTUNITY	
2:15-3:15 PM	Preparing for Deposition and Trial: Working with Counsel	Theodore 'Ted' Wacker ESQ
3:15-3:30 PM	BREAK AND NETWORKING OPPORTUNITY	
3:30-4:30 PM	Getting Your Work Done and Writing Excellent Reports	David A. Wilson PHD

Attend either pre-conference workshop—"Advanced Cross-Examination Workshop" or "Persuasion Skills for the Expert Witness"—and attend the FEWA 2007 Expert Witness Summit at a REDUCED RATE.

See REGISTRATION FORM on page 11 for complete details. Register by February 28 for BEST SAVINGS!

ADVANCED CROSS-EXAMINATION W

EXECUTIVE SUMMARY

Advanced Cross-Examination Workshop is an advanced course. It is designed for those experts who have already had training in the subject of testifying skills and those experts who already have had significant testifying experience. The purpose of this course is to help attendees become the rarest and most valuable of all experts, namely an expert whom opposing counsel is worried about cross-examining. *Advanced Cross-Examination Workshop* is a hands-on, interactive program which features didactic presentations, numerous memorable cross-examination demonstrations using volunteer attendees and detailed critiques of these demonstrations. Specific advice will be provided on how to achieve superior performance during cross-examination. Attendees will have the opportunity to have all their cross-examination questions answered.

LEARNING OBJECTIVES

By the completion of this seminar, you will learn how to:

- Prepare to perform in a superior fashion during cross-examination
- Artfully answer even the most difficult cross-examination questions
- Defeat counsel's cross-examination tactics
- Turn the tables on opposing counsel
- Become a more valuable expert witness

REGISTRATION INFORMATION

Tuition includes continental breakfast, breaks, lunch with faculty, a workshop manual *not available elsewhere*, and a unique, memorable educational experience. Registration is limited. Mail your registration form today—see page 11.

MCLE CREDIT

This workshop is approved for 7 hours MCLE credit by the State Bar of California.

HERE'S WHAT PAST ATTENDEES HAVE TO SAY:

"More candid info than I ever received from any attorney, including those I work with."

"Top notch—as always."

"Please don't ever stop giving this presentation."

"The whole day was great."

"Dynamic speaker."

THURSDAY, MARCH 29, 2007

8–8:30 AM	REGISTRATION AND CONTINENTAL BREAKFAST
8:30–9 AM	Trial Demonstration
9–9:45 AM	How Trial Attorneys Prepare for Cross-Examination of an Expert
9:45–10:45 AM	Juror Reaction to Cross-Examination of Experts
10:45–11 AM	BREAK AND NETWORKING OPPORTUNITY
11 AM–12 NOON	Preparing for Your Cross-Examination
12 NOON–1:15 PM	LUNCH WITH FACULTY (PROVIDED)
1:15–1:45 PM	Cross-Examination: Your C.V.
1:45–2:30 PM	Advanced Cross-Examination Techniques
2:30–2:45 PM	BREAK AND NETWORKING OPPORTUNITY
2:45–4 PM	Defeating Counsel's Cross-Examination Tactics
4–4:45 PM	Tough Questions and Tougher Answers
4:45–5 PM	Conclusion

FACULTY

Steven Babitsky, ESQ, is the President of SEAK, Inc. He was a personal injury trial attorney for twenty years and is the former managing partner of the firm Kistin, Babitsky, Latimer & Beitman. Mr. Babitsky is a prolific writer on expert witness issues and is the co-author of the texts *The A-Z Guide to Expert Witnessing*, *Cross-Examination: The Comprehensive Guide for Experts*, *Writing and Defending Your Expert Report: The Step-by-Step Guide with Models*, *How to Excel During Cross-Examination: Techniques for Experts That Work*, *The Comprehensive Forensic Services Manual: The Essential Resources for All Experts*, *2004 National Guide To Expert Witness Fees and Billing Procedures* and *How to Excel During Depositions: Techniques for Experts That Work*. Attorney Babitsky is the co-developer and trainer for the "Testifying Skills Workshop," the seminar leader for SEAK's Annual National Expert Witness Conference (now in its 16th year), and the scriptwriter for the videos "The Most Difficult Questions For Experts: With Answers," "The Expert Deposition: How to Be an Effective and Ethical Expert," "Cross-Examination: How to Be an Effective and Ethical Expert Witness," and "Winning Over the Jury: Techniques for Experts That Work." Mr. Babitsky has trained thousands of expert witnesses.

ORKSHOP



TRIAL DEMONSTRATION

Attendees will witness an initial demonstration of cross-examining an attendee. The performance of the expert attendee will be critiqued and specific recommendations for improvement will be provided.

QUESTIONS AND ANSWERS.

HOW TRIAL ATTORNEYS PREPARE FOR CROSS-EXAMINATION OF AN EXPERT

Attendees will be provided with an insider's view as Attorney Babitsky discloses the secrets of how he and other trial attorneys prepare to cross-examine experts. Included will be a detailed disclosure of how the attorney conducts his research and investigation of the expert, how he decides which questions to ask, which questions not to ask and how to ask each question, and how the attorney's cross-examination strategy and tactics are settled upon.

QUESTIONS AND ANSWERS.

JUROR REACTION TO CROSS-EXAMINATION OF EXPERTS

Attorney Babitsky will explain how jurors react to cross-examination of experts. Specific recommendations on how to best impress a jury during cross-examination will be provided. A mock cross-examination demonstration of an attendee will be conducted and critiqued, with emphasis on the issue of how the cross-examination would have likely played before a jury. Specific recommendations on how the expert could have performed better in front of the jury will be provided. QUESTIONS AND ANSWERS.

PREPARING FOR YOUR CROSS-EXAMINATION

Superior performance during cross-examination is usually far less a result of inspiration and far more a result of thorough preparation. Attorney Babitsky will provide detailed and specific advice, strategies and techniques regarding how to best prepare for cross-examination and will review the likely areas of inquiry that experts will face during cross-examination. A mock cross-examination demonstration of an attendee will be conducted and this demonstration will be critiqued with emphasis on the issue of how specific preparation steps would have likely improved the expert's performance.

QUESTIONS AND ANSWERS.

CROSS-EXAMINATION: YOUR C.V.

Attendees will learn how counsel will attempt to challenge their qualifications during cross-examinations. Artful responses that meet these challenges will be suggested. Volunteer attendees will be cross-examined on their pre-submitted CVs. CROSS-EXAMINATION DEMONSTRATIONS.

ADVANCED CROSS-EXAMINATION TECHNIQUES

Attorney Babitsky will explain specific techniques experts can use in order to raise their performance during cross-examination to the highest level. Mock cross-examination demonstrations of attendees will be utilized, and these will be critiqued with emphasis on what techniques were effectively used by the expert and what techniques could and should have been used to make the expert much more effective. QUESTIONS AND ANSWERS.

DEFEATING COUNSEL'S CROSS-EXAMINATION TACTICS

Through didactic presentations and mock trial demonstrations, attendees will learn from Attorney Babitsky the most challenging tactics counsel uses to assault an expert during cross-examination and, more importantly, specific advice on how to defend against each and every one of these tactics. QUESTIONS AND ANSWERS.

TOUGH QUESTIONS AND TOUGHER ANSWERS

Experts attending will be inundated with a memorable, rapid-fire fusillade of dozens of difficult and insidious trick questions from Attorney Babitsky. Each expert's response to these questions will be analyzed and critiqued with specific suggestions given on the most artful way to answer the question and, for many, how to turn counsel's own trick question against him. QUESTIONS AND ANSWERS.

CONCLUSION

A review of the advanced cross-examination techniques learned in the course will be conducted. The faculty and attendees will then present and list the specific action steps incorporating these techniques that experts will be taking away in order to raise their cross-examination skills to the next level. QUESTIONS AND ANSWERS.

PERSUASION SKILLS WORKSHOP FOR

EXECUTIVE SUMMARY

Persuasion Skills Workshop for Expert Witnesses teaches experts the fine art of persuading judges and juries. To be effective, an expert witness needs technical competence combined with the ability to persuade the judge, jury or other fact finder. *Persuasion Skills Workshop for Expert Witnesses* will utilize numerous hands-on demonstrations and video clips of expert testimony to exemplify and reinforce the persuasion skills and techniques taught in the course. Attendees will learn many of the same advanced techniques that successful trial lawyers use to persuade and convince. There will be significant time set aside for questions and answers.

LEARNING OBJECTIVES

By the completion of this seminar, you will learn how to:

- Persuade without advocating
- Perfect your “teaching” style while testifying
- Employ twelve different advanced techniques to build bonds with the jury
- Make your testimony much more memorable and interesting
- Better read the jury and adapt your testimony
- Understand what makes expert testimony persuasive
- Create memorable catch phrases and analogies
- Make a more positive first impression on the jury
- Avoid the biggest mistakes which can turn off a judge or jury including 25 indicators of deceptiveness
- More comfortably discuss and explain your own qualifications
- Use more powerful, persuasive language
- Turn boring subject matter into fascinating testimony

REGISTRATION INFORMATION

Tuition includes continental breakfast, breaks, lunch with faculty, a workshop manual *not available elsewhere*, and a unique and practical hands-on learning experience. Registration is limited. Mail your registration form today—see page 11.

MCLE CREDIT

This workshop is approved for 7 hours MCLE credit by the State Bar of California.

HERE'S WHAT PAST ATTENDEES HAVE TO SAY:

“Excellent. Very informative. Taught skills that I will definitely use.”

“Well planned, followed outline, useful reference booklet.”

“I liked it.”

“Top notch as always—many pearls, every section very informative.”

“Excellent.”

“Good (more practice of presented techniques will help me).”

“Great practical information.”

THURSDAY, MARCH 29, 2007

8–8:30 AM	REGISTRATION AND CONTINENTAL BREAKFAST
8:30–9:30 AM	Introduction & Executive Summary
9:30–10:30 AM	Preparation
10:30–10:45 AM	BREAK AND NETWORKING OPPORTUNITY
10:45–11:15 AM	How to Best Put Forth Your Qualifications
11:15–11:30 AM	Commenting on the Opposing Expert and His/Her Opinion
11:30 AM–12 NOON	Developing a Harmonious Interaction with Retaining Counsel
12 NOON–1 PM	LUNCH WITH FACULTY (PROVIDED)
1–2 PM	Creating and Using Powerful, Memorable Language and Analogies
2–3 PM	Optimizing Your “Teaching” Skills
3–3:15 PM	BREAK AND NETWORKING OPPORTUNITY
3:15–3:30 PM	Reading and Bonding with the Jury
3:30–4 PM	Dealing with Problem Areas and Weaknesses
4–4:30 PM	The Biggest Mistakes Experts Make That Can Turn Off Judge and Jury
4:30–4:45 PM	Takeaways and Conclusions

FACULTY

James J. Mangraviti, Jr., ESQ, has trained hundreds of expert witnesses across the United States and Canada. He is a former litigator with experience in defense and plaintiff personal injury law and insurance law. He currently serves as Vice President and General Counsel of SEAK, Inc. Mr. Mangraviti received his BA degree in mathematics *summa cum laude* from Boston College and his JD degree *cum laude* from Boston College Law School. His publications include the texts *The A-Z Guide to Expert Witnessing*, *Cross-Examination: The Comprehensive Guide for Experts*, *National Guide to Expert Witness Fees and Billing Procedures*, *Writing and Defending Your IME Report*, *How to Excel During Cross-Examination: Techniques for Experts That Work*, *How to Excel During Depositions: Techniques for Experts That Work*, *The Comprehensive Forensic Services Manual: The Essential Resources for All Experts*, *Writing and Defending Your Expert Report: The Step-by-Step Guide with Models*, and *How to Become a Dangerous Expert Witness: Advanced Techniques and Strategies*.



EXPERT WITNESSES

INTRODUCTION & EXECUTIVE SUMMARY OF PERSUASION TECHNIQUES FOR EXPERT WITNESSES

An opening mock trial demonstration followed by an explanation of the goals of the course and the interactive teaching methods the course will employ, i.e. a combination of didactic lectures, questions and answers, exercises, and mock trial demonstrations. The instructor will preview and explain the numerous persuasion skills techniques that will be taught and practiced in the course. **QUESTIONS AND ANSWERS.**

PREPARATION

An expert's ability to persuade is to a very large degree predicated on how and how much the expert prepares. In this segment, the instructor will explain the critical importance of proper preparation as it relates to persuasion, provide numerous examples and review a detailed check list of how experts should prepare, by themselves and with retaining counsel. **QUESTIONS AND ANSWERS.**

HOW TO BEST PUT FORTH YOUR QUALIFICATIONS

Experts must be able to put forth their own qualifications in such a way that balances getting their qualifications in front of the jury against the risk of overwhelming and boring the jury and appearing pompous. In this segment, the instructor will explain how to strike the correct balance, which qualifications to highlight, and how to show the jury that your qualifications are particularly relevant to the issues in the case at hand. The instructor will demonstrate a non-traditional approach to presenting qualifications and will further demonstrate with attendees how they can best put forth their qualifications. **QUESTIONS AND ANSWERS.**

COMMENTING ON THE OPPOSING EXPERT AND HIS/HER OPINION

Experts in a case are almost always faced with a colleague working for other parties proffering differing opinions. In this segment, the instructor will explain and demonstrate the optimum ways for commenting on and discrediting the opposing expert's opinion while avoiding disrespect for the expert himself and avoiding appearing to be an advocate. **QUESTIONS AND ANSWERS.**

DEVELOPING A HARMONIOUS INTERACTION WITH RETAINING COUNSEL

The most effective direct examinations are characterized by a smooth and balanced interaction between the expert and retaining counsel. The instructor will explain and demonstrate how to develop an optimum interaction such that the expert's testimony appears spontaneous and not rehearsed, is succinct and substantive, avoids long narratives, where the expert is not lead and where the expert is able to read retaining counsel for signals as to when to elaborate and when to move on. **QUESTIONS AND ANSWERS.**

CREATING AND USING POWERFUL, MEMORABLE LANGUAGE AND ANALOGIES

A cornerstone of persuasiveness is the ability to use powerful and memorable language. Powerful language allows the expert to be understood, and memorable language allows the expert's testimony to be recalled easily by the jury and easily referred to by retaining counsel during summation. A crucial tool in using powerful and memorable language is creating and using analogies to help explain your technical expert testimony. The instructor will explain the techniques for developing powerful, memorable language and analogies and will work with attendees through exercises so that they can develop new, powerful, memorable language and analogies that they can use in future cases. **QUESTIONS AND ANSWERS.**

OPTIMIZING YOUR "TEACHING" SKILLS

The most persuasive experts utilize the communication and persuasion techniques employed by superb teachers. The instructor will explain and exemplify the ten "teaching" techniques that experts can use to make themselves more persuasive. The instructor will also conduct exercises and demonstrations with the attendees, allowing them to further develop and improve their own teaching skills. **QUESTIONS AND ANSWERS.**

READING AND BONDING WITH THE JURY

The most persuasive experts are able to tweak their testimony to the particular jury in question, build bonds with the jury, and even react midstream to the jurors' reaction to their expert testimony. In this segment, the instructor will explain how to read, build bonds with, and better persuade the jury. **QUESTIONS AND ANSWERS.**

DEALING WITH PROBLEM AREAS AND WEAKNESSES

No expert's opinions, qualifications and credibility are 100% bullet-proof. Weaknesses and problem areas will always exist to some extent. The time to first (and most effectively) deal with and defuse such problem areas is during direct examination, not cross. In this segment, the instructor will explain the importance of dealing with such problems head-on during direct examination and how best to do so. The techniques for dealing with problems will also be demonstrated with volunteer attendees. **QUESTIONS AND ANSWERS.**

THE BIGGEST MISTAKES EXPERTS CAN MAKE THAT CAN TURN OFF JUDGE AND JURY

Effective experts must avoid verbal and non-verbal conduct that is likely to diminish their persuasiveness. In this segment, the instructor will explain the biggest mistakes experts make which can turn off a jury, including a review of 25 indicators of deceptiveness. **QUESTIONS AND ANSWERS.**

TAKEAWAYS AND CONCLUSIONS

The instructor will answer any and all outstanding questions and then work with the attendees to develop a "bullet-point" list of the most important concepts, techniques and action steps learned in this workshop. **QUESTIONS AND ANSWERS.**

2007 EXPERT WITNESS SUMMIT

EXECUTIVE SUMMARY

Expert witnesses from all fields and with all levels of experience will benefit from the multi-disciplinary, advanced learning techniques offered at the *2007 Expert Witness Summit*. Renowned trial judges, nationally recognized attorneys, experts, and jury consultants will discuss how experts can improve all aspects of their practice and testimony and succeed as expert witnesses. This advanced two-day program will include lectures, trial demonstrations, and lively and provocative question and answer periods. Seminar attendees will have an opportunity to improve their skills while networking and meeting other professionals in a stimulating and congenial atmosphere. Each presenter will conclude with a question and answer period.

LEARNING OBJECTIVES

By the completion of this seminar, you will learn how to:

- Improve your expert witness testimony
- Develop new practice management techniques
- Defend yourself during deposition and cross-examination
- Develop advanced deposition techniques
- Make yourself invaluable to counsel
- Communicate your expertise effectively
- Improve your jury presence

REGISTRATION INFORMATION

Tuition includes continental breakfast each day, breaks, lunch with faculty each day, a workshop manual *not available elsewhere*, and a unique and practical hands-on learning experience. Registration is limited. Mail your registration form today—see page 11.

MCLE CREDIT

This workshop is approved for 12 hours MCLE credit by the State Bar of California.

HERE'S WHAT PAST ATTENDEES HAVE TO SAY:

"Enlightening and will improve my testimony skills."

"I found these seminars to be outstanding, very helpful for me."

"Anyone seriously interested in forensic work cannot fail to benefit from FEWA's programs."

"I credit these seminars for teaching me how to best apply my appraisal skills in the litigation arena."

"Thank you for a great program—Looking forward to next year!"

"I wish I had been exposed to the material years ago; in a word, it was OUTSTANDING!"

"A 'must' conference, no matter how long you have been an expert."

FRIDAY, MARCH 30, 2007

8–8:30 AM	REGISTRATION AND CONTINENTAL BREAKFAST
8:30–9:30 AM	A View From the Bench
9:30–9:45 AM	BREAK AND NETWORKING OPPORTUNITY
9:45–10:45 AM	Dodging the Bullets During Your Cross-Examination
10:45–11 AM	BREAK AND NETWORKING OPPORTUNITY
11 AM–12 NOON	Staying Within Yourself and Your Area of Expertise
12 NOON–1 PM	LUNCH WITH FACULTY (PROVIDED)
1–2 PM	So You Are Considering the Management of Complex Multi-Disciplined and Recurring or Sequential Litigation?
2–2:15 PM	BREAK AND NETWORKING OPPORTUNITY
2:15–3:15 PM	Trial Demonstration: Direct and Cross-Examination of the Expert Witness
3:15–3:30 PM	BREAK AND NETWORKING OPPORTUNITY
3:30–4:30 PM	Things Expert Witnesses Should Never Say in Court
5–6 PM	WINE AND CHEESE RECEPTION

SATURDAY, MARCH 31, 2007

8–8:30 AM	CONTINENTAL BREAKFAST
8:30–9:30 AM	A View From the Bench
9:30–9:45 AM	BREAK AND NETWORKING OPPORTUNITY
9:45–10:45 AM	How Experts Destroy Themselves: Lessons from High-Profile Cases
10:45–11 AM	BREAK AND NETWORKING OPPORTUNITY
11 AM–12 NOON	Persuading Jurors: The Most Effective Techniques for Experts
12 NOON–1 PM	LUNCH WITH FACULTY (PROVIDED)
1–2 PM	Commenting on the Opposing Expert: Rebuttal Reports
2–2:15 PM	BREAK AND NETWORKING OPPORTUNITY
2:15–3:15 PM	Preparing for Deposition and Trial: Working With Counsel
3:15–3:30 PM	BREAK AND NETWORKING OPPORTUNITY
3:30–4:30 PM	Getting Your Work Done & Writing Excellent Reports

FRIDAY'S CONFERENCE SESSIONS & FACULTY



A VIEW FROM THE BENCH

Honorable Robert J. Moss will discuss how the expert witness's demeanor, language and presentation, together with the content of the expert's testimony, affect the jury and judge. He will review some of the more common mistakes experts make and will offer practical suggestions for experts on how to improve the quality and effectiveness of their testimony.

Honorable Robert J. Moss is a Superior Court Judge of the Orange County Superior Court. He received his BA from the University of California Irvine and his JD from Loyola University School of Law. Judge Moss was a former civil litigator and was appointed 2005 Judge of the Year by the Orange County Chapter of the American Board of Trial Advocates.

DODGING THE BULLETS DURING YOUR CROSS-EXAMINATION

Lawrence McClellan Elson, PHD, will explain how to deal effectively with lawyers who are looking for ways to bring you down and discredit your testimony. He will discuss defining your area of expertise, knowing and differentiating assumptions from fact, and avoiding unwelcome surprises. Dr. Elson will demonstrate how to stay cool and maintain control in the face of adversity, how to avoid taking aggressive cross-examination personally, and how to reach the jury in the face of such examination.

Dr. Lawrence McClellan Elson is a clinical and forensic anatomist specializing in issues of injury causation and mechanisms of injury, with offices in Chatsworth and the Napa Valley, California. Dr. Elson received his BA and his PHD from the University of California at Berkeley. He has written and lectured extensively throughout the U.S. and Canada on anatomic bases of injury for both medical and legal groups. Dr. Elson is a highly experienced expert witness who has testified on hundreds of personal injury and medical malpractice cases.

STAYING WITHIN YOURSELF AND YOUR AREA OF EXPERTISE

James N. Sinunu, ESQ, will discuss how experts should consider and describe their core area of expertise in their curriculum vitae, during the court-ordered pre-trial disclosure, and at deposition and trial. He will demonstrate the numerous pitfalls for experts who stray outside their area, including cross-examination, disqualification and damage to the expert's credibility and reputation. Attorney Sinunu will explain why it makes economic sense for experts to develop and stay within their area of expertise and to keep it as narrow as possible. He will offer practical advice on how best to resist attempts from counsel to lead experts outside their true expertise.

James N. Sinunu, ESQ, specializes in toxic tort and environmental matters. His practice includes product liability, insurance coverage, residential and nursing home care litigation, and commercial law. He regularly serves as an arbitrator, mediator, and judge pro tem. He received his BA in Economics from Stanford University and his JD from Hastings College of Law. Mr. Sinunu is currently on the Board of Directors of the Association of Defense Counsel of Northern California, he and served as Chair of its Toxic Torts Committee from 2002-2004.

SO YOU ARE CONSIDERING THE MANAGEMENT OF COMPLEX, MULTI-DISCIPLINED AND RECURRING OR SEQUENTIAL LITIGATION?

Geoffrey Hichborn, Sr., PE, will discuss pros and cons of undertaking the assigned task of finding and managing other experts with diverse and relevant qualifications in complex cases, including dealing with a series of cases having similar claims—some call it sequential litigation. He will describe the unique aspects of sequential litigation and complex cases with an emphasis on those which involve many expert disciplines. Mr. Hichborn will review strategic, legal, and budgetary objectives of retaining counsel, and conveying those to the other retained experts. He will offer practical suggestions for setting the scope of work of the expert witnesses and billing for services.

Geoffrey Hichborn, Sr., PE, is president of Hichborn Consulting Group in Orange, California. He received his BS in civil engineering from the University of California at Irvine. Mr. Hichborn has over 26 years of construction materials testing experience. He is a highly experienced expert witness who has extensive experience in distressed concrete cases and with multi-disciplined claims.

TRIAL DEMONSTRATION: DIRECT AND CROSS-EXAMINATION OF THE EXPERT WITNESS

R. Gregory Amundson, ESQ, and Victoria L. Ersoff, ESQ, will present a mock trial and Michael S. Varat, automotive engineer, will act as the expert witness. The stipulated facts are these: a wrongful death products liability case involves a rollover of a sports utility vehicle on a freeway; the SUV rolled when the right rear tire failed due to a nail puncture; the decedent driver was thrown from the vehicle and died from head injuries sustained during the rollover; the decedent was not wearing his seat belt.

R. Gregory Amundson, ESQ, is a partner and trial attorney at the California law firm of Wood, Smith, Henning & Berman. He is a member of the American Board of Trial Advocacies and has taken twenty cases to verdict.

Victoria L. Ersoff, ESQ, is a partner and trial attorney at the California law firm of Wood, Smith, Henning & Berman. She represents clients in all facets of business, construction, and personal injury litigation in state and federal courts.

Michael S. Varat, BSE, BSME, is an automotive engineer with Keva Engineering in Camarillo, California. He has consulted on over 5000 transportation accidents and for all major insurance carriers, automotive companies, and defense & plaintiff attorneys.

THINGS EXPERT WITNESSES SHOULD NEVER SAY IN COURT

Richard Linkert, ESQ, will discuss and demonstrate the numerous things that expert witnesses should never say in court. He will explain the difficulties experts can get themselves into and provide practical advice on how to avoid these potential disasters.

Richard Linkert, ESQ, is the managing partner in the Sacramento Law Firm of Matheny, Sears, Linkert & Long, LLP. He received his BA from the University of California at Berkeley and his JD from McGeorge School of Law. Attorney Linkert is an experienced trial lawyer who specializes in civil litigation, products liability and professional malpractice.

SATURDAY'S CONFERENCE SESSIONS & FACULTY

A VIEW FROM THE BENCH

Honorable Kim G. Dunning will explain the factors that go into presenting persuasive expert testimony to a judge and jury. She will discuss how experts lose credibility and believability when they testify. Judge Dunning will offer practical suggestions for how experts can maintain their integrity while still offering persuasive and convincing expert testimony.

Honorable Kim G. Dunning is currently the Assistant Presiding Judge of the Orange County Superior Court. Judge Dunning received her BA from Stanford University and her JD from Southern Methodist University School of Law.

HOW EXPERTS DESTROY THEMSELVES: LESSONS FROM HIGH-PROFILE CASES

Daniel Horowitz, ESQ, will discuss how expert witnesses in major trials have destroyed themselves. He will explain the level of scrutiny experts can expect and how they should prepare for trials. Attorney Horowitz will discuss the expert testimony in such cases as *People v. Scott Peterson*, the *Michael Jackson* case and other high-profile cases, and he will offer practical suggestions on how experts can improve their performance at trial.

Daniel Horowitz, ESQ, is a nationally prominent criminal defense attorney who has taken over 150 major criminal cases to trial. He is a national legal commentator seen on the Abrams Report, Court TV, and major television networks. Attorney Horowitz has represented Pavel Lazarenko (the former Prime Minister of Ukraine), Al Pacino, Geraldo Rivera and other high-profile clients and has had extensive experience with expert witnesses.

PERSUADING JURORS: THE MOST EFFECTIVE TECHNIQUES FOR EXPERTS

G. Christopher Ritter, ESQ, will discuss and demonstrate proven strategies that expert witnesses can use to make their cases more persuasive and easier for jurors to understand. He will offer real-world examples and explain how and why they work so effectively.

G. Christopher Ritter, ESQ, is a member of The Focal Point LLC, which has offices in Oakland and Santa Fe. Attorney Ritter is a graduate of the University of Chicago Law School and an active member of the California Bar Association. He taught trial practice and evidence courses at University of California Hastings School of Law. He has also taught programs for the National Institute of Trial Advocacy (NITA), the State Bars of California, Texas and Virginia, and the National Association of Criminal Defense Lawyers. He is the author of Creating Winning Trial Strategies and Graphics, the definitive work in this area and published by the American Bar Association. He has worked with lawyers from around the country on some the most high-profile civil and criminal cases, including numerous Fortune 100 companies and working for the defense in Colorado v. Kobe Bryant.

COMMENTING ON THE OPPOSING EXPERT: REBUTTAL REPORTS

Thomas M. Neches, CPA, will discuss and explain the protocol he follows before commenting on an opposing expert's report. He will review scanning the report for obvious problems and potential errors, discussing these areas of concern with retaining counsel, and obtaining approval to research the issues. Mr. Neches will explain the research process, types of objective data, and standards to refute effectively an opposing expert's underlying data, methods and conclusions. He will offer practical advice experts can utilize to write effective rebuttal reports.

Thomas M. Neches, CPA, managing partner of Thomas Neches & Company LLP, provides accounting, financial, business valuation and statistical analyses to assist attorneys involved in litigation. Mr. Neches has testified as an expert in numerous state and federal courts. He is a Certified Public Accountant, Accredited in Business Valuation, a Certified Valuation Analyst and a Certified Fraud Examiner. He received his BA in Mathematics and Literature from the University of California San Diego and his MS in Operations Research from UCLA. Mr. Neches has testified for both plaintiff and defense in antitrust, breach of contract, fraud, intellectual property, lender liability, personal injury and wrongful termination cases.

PREPARING FOR DEPOSITION & TRIAL: WORKING WITH COUNSEL

Ted Wacker, ESQ, will discuss how an expert witness is properly prepared by retaining counsel. He will discuss the role of the expert, theme of the case, coordination of the experts, role playing, scheduling and final preparation. Attorney Wacker will offer practical suggestions on what experts should demand of counsel and what they need to do themselves to best prepare for depositions and trial.

Theodore (Ted) Wacker, ESQ, is a trial attorney with the Newport Beach law firm of Robinson, Calcagnie & Robinson. He received his BS from San Diego State University and his JD from San Diego School of Law. Attorney Wacker oversees the mass tort litigation involving pharmaceutical products and is a member of the Federal Multi-District Vioxx Litigation Science & Expert Committee. He has lectured and written on expert witness issues.

GETTING YOUR WORK DONE & WRITING EXCELLENT REPORTS

David A. Wilson, PHD, will explain and demonstrate how to maximize the effectiveness of your computer software to efficiently produce high-quality expert reports. He will reveal tricks and techniques for using Microsoft Excel, PowerPoint, and Word to create effective reports, tables and graphics. He will show how to use software notebooks to capture and cross-reference your research data with no hard copy trail. Dr. Wilson will provide attendees with a quick-reference guide containing step-by-step instructions for useful software-related tasks, and he'll provide sample documents that can be used on a PC or a Mac.

Dr. David A. Wilson was first paid to do computer programming by IBM forty years ago. He received a BS from Cornell and a MS and PHD from Stanford. Dr. Wilson has taught advanced programming seminars for IBM, Apple, Sun Microsystems, and many other firms worldwide. He has worked on cases involving patent infringement, theft of trade secrets, and other software-related matters and has submitted expert reports ranging in size from 20 to 200 pages.



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