

# INDEPENDENT MEDICAL EXAMINATION TRAINING FOR PHYSICIANS



HOW TO START, BUILD  
AND RUN A SUCCESSFUL  
**IME PRACTICE**

DECEMBER 5–6, 2019

IME SKILLS FOR PHYSICIANS:  
**THE MASTER'S PROGRAM**

DECEMBER 7–8, 2019

HOW TO EXCEL AT YOUR  
**EXPERT WITNESS DEPOSITION**

DECEMBER 7–8, 2019

Learn How to **SUPPLEMENT**  
or **REPLACE** Your Clinical Income

# Registration Information

**LOCATION/HOTEL ACCOMMODATIONS:** A limited block of rooms will be available at special rates at the site hotel, The Naples Grande Beach Resort ([www.naplesgrande.com](http://www.naplesgrande.com)) (\$205 Tower Guest Room). To make your reservations please call 1-844-210-5931 and mention that you are with SEAK, Inc or group code GSEAK19. Rooms are limited and this rate expires Wednesday, November 13, 2019 so you are strongly encouraged to make your reservations as soon as possible. Please see page 3 for hotel and travel information.

**TUITION INFORMATION:** Tuition is \$1,295 on or before September 30, 2019; \$1,395 October 1, 2019 - November 13, 2019 and \$1,495 after November 13, 2019. **Register early and save!**

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

**CONTINUING MEDICAL EDUCATION CREDIT:** Please see pages 4, 7 & 10 for CME information.

**CANCELLATIONS:** Conference cancellations received in writing on or prior to November 13, 2019 will receive a full tuition refund. Persons cancelling after November 13, 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)

Each course is \$1,295 on or before September 30, 2019; \$1,395 October 1, 2019 - November 13, 2019 and \$1,495 after November 13, 2019.

## PLEASE REGISTER ME FOR:

- How to Start, Build and Run a Successful IME Practice** (December 5-6, 2019)
- IME Skills for Physicians: The Master's Program** (December 7-8, 2019)
- How to Excel at Your Expert Witness Deposition** (December 7-8, 2019)

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

- How to Start, Build and Run a Successful IME Practice (\$895)**
- IME Skills for Physicians: The Master's Program (\$895)**
- How to Market and Grow Your IME Practice (\$895)**
- Causation of Occupational Injuries: Fact or Fiction (\$395)**
- How to Excel as an Expert Witness in Workers' Compensation Cases (\$595)**

Please print or type all items to assure accuracy.

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

**Priority Code: IME2019**

<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 name tag 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:		

# OPPORTUNITIES AS AN INDEPENDENT MEDICAL EXAMINER

**Performing IMEs is a superb way to supplement or replace your clinical income.**

Fees for IMEs conducted on behalf of insurance companies and law firms average over \$1,500 per exam. In fact, successful independent medical examiners are easily able to generate \$100,000+ per year by devoting just one day a week to IMEs. Performing IMEs also often generates expert witness work which examiners typically charge \$500+/hour for.

SEAK has been training IME Physicians for over 20 years. Our ACCME accredited IME training will show you how to conduct the highest quality IMEs and build a lucrative practice driven by repeat and word-of-mouth referrals.

Although many specialists conduct IMEs, the specialties in highest demand for IMEs include orthopedics, neurology, occupational medicine, neurosurgery, physical medicine & rehabilitation, pain, psychiatry, neuropsychology, chiropractic, and psychology.

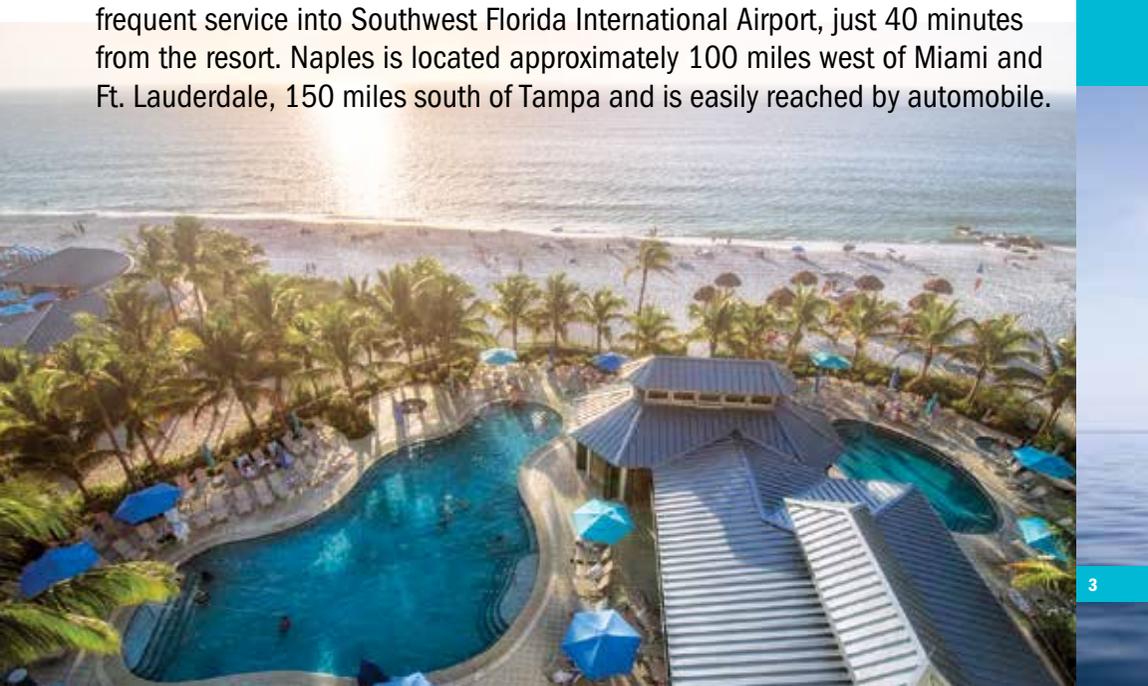
## Questions About SEAK's IME Training?

If you have any questions about our upcoming SEAK IME Training feel free to contact SEAK's President, Steven Babitsky at 508-548-9443 or [StevenBabitsky@Seak.com](mailto:StevenBabitsky@Seak.com).

## Hotel and Travel Information

The Naples Grande Beach Resort ([www.naplesgrande.com](http://www.naplesgrande.com)) features a gorgeous beach on the Gulf of Mexico and is located within walking distance to upscale shopping and multiple restaurants. It is a 1.5 minute drive to shops, galleries and restaurants of Fifth Avenue. See page 2 for group rate information.

Most major domestic carriers and several international airlines provide frequent service into Southwest Florida International Airport, just 40 minutes from the resort. Naples is located approximately 100 miles west of Miami and Ft. Lauderdale, 150 miles south of Tampa and is easily reached by automobile.



# How to Start, Build and Run a Successful IME Practice

The Naples Grande Beach Resort, Naples, FL

Thursday–Friday, December 5–6, 2019

ALSO  
AVAILABLE  
ON DVD

## Executive Summary:

This is SEAK's highly-acclaimed continuing education seminar on the topic of independent medical evaluations. Past SEAK IME attendees have substantially increased the success of their IME practices, have been able to raise their fees and have vastly improved their IME practices. The faculty has over 40 years of IME experience and are dynamic presenters. The learning methodology will utilize the latest research obtained specifically for this course to identify and solve the most pressing problems facing the seminar participants. Participants will be involved in a series of unique interactive learning experiences including mock direct and cross-examinations and demonstrations. **This course is only offered once a year.**

## WHAT YOU WILL ACCOMPLISH BY ATTENDING:

- Start and run an efficient and profitable IME practice
- Understand specifically what providers are looking for from IME physicians
- Improve the opportunities for growing an IME practice
- Understand the IME selection process
- Avoid the biggest mistakes IME physicians make
- Write higher quality and more valuable IME reports
- Write more persuasive, defensible IME reports
- Reduce your legal risks
- Obtain high-quality clients with repeatable business
- Effectively deal with the most difficult ethical problems associated with IMEs
- Solve most or all of your IME problems
- Build a premier IME practice with built-in sustainability

## Registration Information:

Tuition is \$1,295 on or before September 30, 2019; \$1,395 October 1, 2019 – November 13, 2019 and \$1,495 after November 13, 2019. **To register, please use the form on page 2, call (508) 457-1111 or visit [www.seak.com](http://www.seak.com). Register early and save!**

**Continuing Education Information:** 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.

## Faculty:



**Anthony J. Dorto, MD, FAAEP** is the Medical Director of the Disability Assessment Center in Miami, Florida, which performs Independent Medical Evaluations, second opinions, functional capacity, and earning capacity assessments. Dr. Dorto is certified by the American Board of Independent Medical Examiners, is a Fellow of the American Academy of Disability Evaluation Physicians, and is Board Certified in Physical Medicine and Rehabilitation. Dr. Dorto has lectured and written extensively on IMEs, symptom magnification and malingering, disability evaluation, and impairment rating. Dr. Dorto is an experienced trainer and has been on the SEAK IME faculty since 2003.



**Steven Babitsky, Esq.**, is the President of SEAK, Inc. He was a workers' compensation trial attorney for twenty years and is the former managing partner of the firm Kistin, Babitsky, Latimer & Beitman. He is the founder of the National Organization of Social Security Claimants' Representatives, the cofounder of the American Board of Independent Medical Examiners, and the creator of the AMA Guides Newsletter. Mr. Babitsky is the co-author of the texts *Writing and Defending Your IME Report: The Comprehensive Guide*, *Understanding the AMA Guides in Workers' Compensation*, *Litigating Stress Cases in Workers' Compensation*, *How to Be a Successful Expert Witness: SEAK's A-Z Guide to Expert Witnessing*, *How to Be an Effective Expert Witness at Deposition and Trial: The SEAK Guide to Testifying as an Expert Witness*, and *How to Write An Expert Witness*

*Report*. Attorney Babitsky created the course *How to Start, Run, and Build a Successful IME Practice* as well as the *IME Skills For Physicians: The Master's Program*. He consults with physician groups to help improve their IME practices.

**“Excellent coverage of entire process”**

**“Terrific course material and presenters”**

**“Fantastic and very helpful”**

**“Excellent”**

## COMMENTS FROM PAST ATTENDEES:

*“Excellent ~ one of the best I have been to in 20 years”*

*“Absolutely superb”*

*“Extremely well run, informative, and entertaining”*

*“Faculty very competent and good teachers”*

*“More than excellent ~ profitable”*

*“Excellent preparation and presentation”*

*“Very practical”*

*“Excellent way of learning in shortest period of time”*

*“Full of usable information”*

*“Outstanding seminar with multiple practical tips”*

# How to Start, Build and Run a Successful IME Practice

The Naples Grande Beach Resort, Naples, FL

Day One (Thursday, December 5, 2019)

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

### 8:00–8:15 Introduction

The faculty introduces themselves, explains the goals for the course and the interactive teaching methodology that will be utilized.

### 8:15–9:00 The Biggest Mistakes IME Physicians Make and How to Avoid Them

In this segment the faculty will utilize their 40 years plus of experience to identify and discuss the most common and significant IME mistakes physicians make: administratively, gathering and reviewing the medical records, conducting the examination, interacting with the examinee, report writing, testifying at deposition and hearing, billing, collection and marketing. **Questions and Answers**

### 9:00–9:30 Pleasing the Clients: The Latest Research on What Clients Really Want and How Can You Deliver It

Faculty will review with attendees the results of their research into what IME clients are looking for from IME physicians and how these influence their selection process. Included in the discussion will be: credentials, specialization, cooperativeness, report writing ability, and ability and willingness to testify at deposition or hearing. **Questions and Answers**

### 9:30–10:30 Advanced Physical Examination Techniques and the Quality IME Demonstrated

In this segment the faculty will discuss and demonstrate an exceptional IME exam. Discussion and demonstration will include: interview and history, questionnaires, review of records, diagnostic studies, physical orthopedic/neurological evaluation, testing in numerous examination positions, tools of the trade, report writing and comment sections of the report. **Questions and Answers**

## 10:30–10:45 BREAK AND NETWORKING OPPORTUNITY (WITH THE FACULTY)

### 10:45–12:00 Identifying Symptom Magnification, Fraud and Malingering: Advanced Techniques

Faculty will discuss and demonstrate with the use of videos, the proper symptom magnification definitions, injury red flags, non-organic signs and their meanings, how to identify and demonstrate any inconsistencies, specific tests for symptom magnification, the proper use of functional capacity evaluation, and the role of surveillance. **Questions and Answers**

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

### 12:45–1:45 Writing the Bulletproof IME Report: Exceeding Expectations

In this segment the faculty will discuss and demonstrate how to draft an IME report that will stand up under scrutiny and cross-examination. Volunteers will be called upon to defend their pre-submitted IME reports. **Questions and Answers**

### 1:45–2:30 Efficiently and Effectively Dealing with Medical and Other Records and Materials Provided: Solving the Most Common Problems

The faculty will explain the most efficient techniques for obtaining, organizing, and reviewing the medical and other records provided. Emphasis will be placed on missing and disorganized records. **Questions and Answers**

## 2:30–2:45 BREAK AND NETWORKING OPPORTUNITY (WITH THE FACULTY)

### 2:45–3:30 IME Ethical Dilemmas: Avoiding Pitfalls and Mine fields

In this segment the faculty will identify the most common and difficult IME dilemmas faced by IME physicians and will offer practical suggestions for resolving them. **Questions and Answers**

### 3:30–4:30 Innovative Premium Fee Setting and Billing Techniques

Faculty will present cost-effective efficient protocols for premium fee setting and billing. Emphasis will be placed on being paid for the time spent, expertise and quality of the work product. **Questions and Answers**

### 4:30–5:00 Working with Defense Attorneys: What They Are Really Looking For

The attendees will be provided insight into what defense attorneys are really looking for from IME physicians. Videos of defense attorneys explaining their needs and issues will be presented. **Questions and Answers**

**“Excellent and informative.”**

**“Spot on for myself as I will start doing IMEs full-time soon.”**

**“Fantastic course, comprehensive A+”**

**How to Start, Build and Run a Successful IME Practice**

The Naples Grande Beach Resort, Naples, FL

Day Two (Friday, December 6, 2019)

**6:30-7:00 CONTINENTAL BREAKFAST****7:00-8:00 Advanced Practice Management: Maximizing the Efficiency of Your IME Practice**The faculty explains how to make your IME practice more efficient and profitable. **Questions and Answers****8:00-9:00 Innovative, Professional, and Cost Effective IME Marketing Methods That Work: Selection and Engagement**Attendees will be presented with simple, cost-effective strategies to market and expand their IME practice. Emphasis will be placed on what the physician and staff can do to build a premium practice. **Questions and Answers****9:00-9:15 BREAK AND NETWORKING OPPORTUNITY****9:15-9:30 IME Brokers and Scheduling Companies**The faculty will discuss and explain how to identify the companies physicians may want to work with, how to develop good working relationships and what should be avoided in considering working with these companies. **Questions and Answers****9:30-10:00 Causal Relationships and the IME Physician: What You Need to Know**Attendees will be presented with a detailed review of the numerous causal relationship issues they face and will be provided techniques and explanations for dealing with them. Demonstrations with volunteers will be conducted to illustrate key points of contention. **Questions and Answers****10:00-10:15 BREAK AND NETWORKING OPPORTUNITY (WITH THE FACULTY)****10:15-11:00 The IME Physician Deposition: How to Excel**The faculty will provide a detailed checklist containing many of the issues physicians will face at deposition. Special emphasis will be placed on particular IME issues and questions. Demonstrations based on pre-submitted reports will highlight key points. **Questions and Answers****11:00-11:30 How to Deal With Requests for “Modifications,” “Alterations,” or “Corrections” to Your Report**Attendees will express the most troubling issues they face in the cat and mouse requests of attorney and clients for modifications, alterations and corrections of their reports. The faculty will offer practical, ethical, and time tested solutions to these vexing issues. **Questions and Answers****11:30-12:00 Independent Medical Examination Risk Management: What Can Go Wrong and How to Avoid It**The faculty will identify the most potentially troubling and dangerous risk management issues for IME physicians and offer safe protocols for dealing with these issues. Particular emphasis will be placed on avoiding unnecessary risk. **Questions and Answers****12:00-12:45 LUNCH WITH FACULTY (PROVIDED)****12:45-1:30 Disability, Impairment and Ability to Work**In this segment the faculty will review with the attendees what their role should be in evaluating and defining the disability, impairment and ability to work of examinees. Particular emphasis will be placed on the precise wording of opinions and reports. **Questions and Answers****1:30-2:15 Trick and Difficult Questions for the IME Physician**The faculty will demonstrate in an interactive fashion the most difficult common questions IME physicians face and how to answer them truthfully and artfully. Insight will be provided into the significance of the questions and the replies. **Questions and Answers****2:15-2:30 Takeaways, Conclusions and Evaluation**

The faculty will review key points and open the floor for a free-flowing discussion of the issues covered in the entire two day conference.

**“Great way to start an IME practice.”****“Very informative about legal aspect, provided good tips to perform concise and thorough IME.”****“It was fantastic and I will refer my colleagues. Both you and Tony have tremendous talent and expertise. Thank you for sharing it with us.”****TO REGISTER VISIT [WWW.SEAK.COM](http://WWW.SEAK.COM) OR CALL 508-457-1111**

## IME Skills for Physicians: The Master's Program

The Naples Grande Beach Resort, Naples, FL

Saturday–Sunday, December 7–8, 2019

ALSO  
AVAILABLE  
ON DVD

**Executive Summary:** This is the most advanced training available on Independent Medical Evaluations (IMEs) and will be offered only once in 2018. Attendees will learn through lecture, case studies, questions and answers, demonstrations, and interactive learning how to distinguish themselves as independent medical evaluators. Physicians completing these intensive two days of training will raise the level of their IME work product, produce more valuable and defensible reports, and become “go-to” evaluators sought after by insurers, attorneys, brokers, and other clients. Physicians who are serious about improving their IME skills are encouraged to attend and participate in this advanced training. **Tuition includes continental breakfast and lunch with faculty each day, a written critique of your CV, a written critique of one of your sample IME reports, and a detailed conference manual.**

### What You Will Learn by Attending:

- History Taking Recommendations for Complex Cases Including Those with Multiple Injuries
- Formulating and Communicating Defensible Opinions
  - Causation and apportionment in-depth
  - How to effectively use objective medical evidence
  - How and when to use evidence-based medical literature
  - How to effectively use diagnostic testing and explain the results thereof
  - How to write a high quality IME report with bullet-proof opinions
  - Effective use of time lines, tables, and charts in your reports
  - Mechanism of injury
- Disability and Fitness for Duty
  - How and when to use disability guidelines
  - How to confidently deal with questions on ability to return to work, work capacity, and restrictions
- How to obtain and perform fitness for duty exams
  - How to defend return to work opinions
- How to Effectively Deal with Attacks by Counsel during Cross-Examination

### HERE'S WHAT PAST ATTENDEES HAD TO SAY:

*“Both excellent instructors”*

*“Entertaining”*

*“Excellent handout book”*

*“Goldmine of legal and medical pearls of knowledge”*

*“Informative, thorough, well referenced”*

*“New and useful info and technique”*

*“Outstanding”*

*“Well organized – a lot of work put in”*

*“Excellent presentations”*

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### Distinguished Faculty:

**James B. (Jim) Talmage, MD** is an orthopaedic surgeon by training. He is Board Certified in Orthopaedic Surgery and in Emergency Medicine. He serves as Assistant Medical Director for the State of Tennessee Division of Workers' Compensation. He is an Adjunct Associate Professor of Occupational Medicine at Meharry Medical College in Nashville. He is a Past President of the American Academy of Disability Evaluating Physicians (AADEP). Since 1992 he has lectured over 700 times to physician audiences in courses sponsored by AADEP, AAOS, ACOEM, SEAK, and multiple other organizations. He does unpaid peer review of articles submitted to two medical journals. He is a Co-Editor of the textbook published by the American Medical Association on Causation and the textbook on Work Ability. He has helped author many AMA products on impairment rating. He is a paid consultant to the Federal Motor Carrier Safety Administration (FMCSA).



**Steven Babitsky, Esq.,** is the President of SEAK, Inc. He was a workers' compensation trial attorney for twenty years and is the former managing partner of the firm Kistin, Babitsky, Latimer & Beitman. He is the founder of the National Organization of Social Security Claimants' Representatives, the cofounder of the American Board of Independent Medical Examiners, and the creator of the AMA Guides Newsletter. Mr. Babitsky is the co-author of the texts *Writing and Defending Your IME Report: The Comprehensive Guide*, *Understanding the AMA Guides in Workers' Compensation*, *Litigating Stress Cases in Workers' Compensation*, *How to Be a Successful Expert Witness: SEAK's A-Z Guide to Expert Witnessing*, *How to Be an Effective Expert Witness at Deposition and Trial: The SEAK Guide to Testifying as an Expert Witness*, and *How to Write An Expert Witness Report*. Attorney Babitsky created the course *How to Start, Run, and Build a Successful IME Practice* as well as the *IME Skills For Physicians: The Master's Program*. He consults with physician groups to help improve their IME practices.



**IME Skills for Physicians: The Master's Program**

The Naples Grande Beach Resort, Naples, FL

Day One (Saturday, December 7, 2019)

**7:30–8:00 CONTINENTAL BREAKFAST & REGISTRATION****8:00–8:15 Introduction**

The faculty introduces themselves.

**8:15–9:00 Advanced History Taking**

The faculty will discuss and demonstrate interviewing and history taking techniques in complex cases including those with multiple injuries and/or illnesses, as well as multiple dates of injury. Attendees will be encouraged to perfect their interviewing techniques, including asking the questions necessary to obtain a good understanding of the mechanism and magnitude of injury. **Exercises and Case Studies. Questions & Answers.**

**9:00–10:00 IME Causation In-Depth**

The faculty will present causation analysis for both occupational and non-occupational injuries and illnesses. Attendees will learn the meaning of cause and effect, apportionment, and recurrence. They will also learn the differences between proximate, precipitating, and predisposing causes; as well as worsening, exacerbation, and aggravation. Attendees will be presented with illustrative case studies and exercises to bring these static concepts to life. **Questions & Answers.**

**10:00–10:15 BREAK & NETWORKING OPPORTUNITY****10:15–12:00 IME Causation In-Depth (Continued)**

Attendees will be presented with vexing causation issues to analyze and work through with the help of the faculty and fellow attendees. Examples will include symptoms vs. disease, arthritic changes and hip/knee replacements, and mechanisms of injury. **Medical-Legal Demonstrations. Questions & Answers.**

**12:00–12:45 LUNCH (PROVIDED WITH FACULTY)****12:45–2:45 Effective Use of Objective Medical Evidence & Diagnostic Test Results**

The faculty will present when and how to most effectively use objective medical evidence, results of diagnostic testing, medical literature, and disability guidelines. The faculty will explain and demonstrate the most effective and persuasive techniques for explaining and presenting the medical significance of objective medical evidence and diagnostic test results to a judge, fact finder, or jury. Use of normative values and medical literature will be demonstrated with case studies and exercises. **Questions & Answers.**

**2:45–3:00 BREAK & NETWORKING OPPORTUNITY****3:00–4:00 Forming Defensible Opinions**

The faculty will demonstrate, with the aid of examples, how to form opinions that are medically and legally supportable, defensible, and thereby credible. **Medical-Legal Demonstration. Questions & Answers.**

**4:00–4:30 Ability to Work**

The faculty will discuss and demonstrate what physicians should and should not say about ability to return to work, work capacity, disability, impairment, and restrictions. **Medical-Legal Demonstrations. Questions & Answers.**

**4:30–5:00 Takeaways & Discussions**

Concluding remarks will be followed by an open and frank give and take between the faculty and the attendees.

**TO REGISTER VISIT [WWW.SEAK.COM](http://WWW.SEAK.COM) OR CALL 508-457-1111**

**IME Skills for Physicians: The Master's Program**

The Naples Grande Beach Resort, Naples, FL

Day Two (Sunday, December 8, 2019)

**6:30–7:00 CONTINENTAL BREAKFAST****7:00–8:30 Mechanism of Injury**

The faculty will present the mechanism of injury for the injuries that evaluators are most commonly faced with and will offer the attendees the tools, techniques, and literature to support a robust analysis of the mechanism of injury. **Case Studies. Questions & Answers.**

**8:30–9:00 Fitness for Duty Exams**

The faculty will present what IME physicians need to know about the legal and medical aspects of fitness for duty examinations, reports, and testimony. **Medical-Legal Demonstrations. Questions & Answers.**

**9:00–9:15 BREAK & NETWORKING OPPORTUNITY****9:15–10:45 Writing Your IME Report**

Attendees will learn best practices for IME report writing including formatting, documentation of records reviewed, qualifications of the examiner, history, physical examination, expressing defensible opinions, and avoiding mistakes. **Medical-Legal Demonstrations. Questions & Answers.**

**10:45–11:00 BREAK & NETWORKING OPPORTUNITY****11:00–12:00 Dealing Effectively with the Attacks of Counsel**

The faculty will explain attacks that IME physicians can expect to face including those on your impartiality, bias, finances, credibility, credentials, and medical opinions. Techniques for successfully dealing with these attempts to destroy you will be explained and demonstrated. **Questions & Answers.**

**12:00–12:45 LUNCH (PROVIDED WITH FACULTY)****12:45–1:45 Building Your IME Brand and Becoming a “Go-To” IME Physician**

Faculty will explain and demonstrate with examples how attendees can build their brand, image, credibility, and reputation. The attendees will be presented with ten techniques for becoming a sought after “go-to” IME physician who works on complex, interesting, and lucrative IMEs. **Questions & Answers.**

**1:45–2:15 Defending Return to Work Decisions**

Faculty, through demonstrations, will illustrate how to defend physical capacity and activity decisions under rigorous cross-examination. Faculty will also discuss questions about liability of physicians for workers who get re-injured when returned to work. **Questions & Answers.**

**2:15–2:30 Takeaways, Conclusions, Evaluation**

The faculty will review key points and open the floor for a free flowing discussion of the issues covered in the two-day training session. **Questions & Answers.**

**“Very well done.”**

**“Outstanding. I have been doing IMEs for 18 years and learned quite a bit of information that I will put into use immediately. Thank you!”**

**“Very pleased with seminar, very informative.”****“Excellent, very informative, eye opening.”****“Thank you for an excellent course.”****“Excellent. The sample IME reports were outstanding. Thank you!”****“Excellent job!”**

**SEAK 2019 IME Training****How to Excel at Your Expert Witness Deposition****The Naples Grande Beach Resort, Naples, FL****Saturday - Sunday, December 7-8, 2019**

**Executive Summary:** *How to Excel at Your Expert Witness Deposition* is SEAK's most intensive deposition training seminar. It is designed to help expert witnesses to markedly improve their deposition skills. *How to Excel at Your Expert Witness Deposition* is fast moving and content rich. The course is taught using five methodologies: lecture, interactive exercises, videos of experts testifying in real cases, mock deposition demonstrations, and questions and answers. This is a hands on course. All attendees will have the opportunity to practice their deposition skills through in class exercises and to receive feedback from the faculty. **SEAK will not be offering this course at any other times in 2019.**

**After completing this interactive training you will be able to:**

- Demonstrate improved active listening skills.
- Deliver powerful, bullet point responses.
- Answer questions truthfully while leaving yourself some flexibility.
- Employ numerous proven strategies to excel at deposition.
- Recognize and defeat opposing counsel's tactics.
- Excel at answering trick questions.
- Articulately answer questions regarding your qualifications, fees, biases, opinions, methodology, and report.
- Effectively deal with skeletons in your closet.
- Better handle abusive questioning.
- Prepare an individualized protocol to excel at expert witness depositions.

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

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

**Accountants:** Earn 16.5 CPE credits in the field of study of Specialized Knowledge and Applications. SEAK, Inc. is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors through its website: [www.nasbaregistry.org](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 January 2018. To register, please follow the instructions below. **Appraisers:** Credits from The American Society of Appraisers will be applied for on written request at the time of registration. **Arborists:** SEAK will apply for Continuing Education hours through The International Society of Arboriculture (ISA) on written request at time of registration. **Attorneys:** Credit varies by state. Continuing legal education credits for attorneys will be applied for if requested in writing at the time of registration. **Engineers:** 14 PDHs. The acceptance of this course is dependent upon your state(s) of registration. The vast majority of states do not require preapproval of either courses or course sponsors. **Life Care Planners:** SEAK will apply for credits through The Commission on Health Care Certification (CHCC) upon written request at the time of registration. **Physicians:** SEAK, Inc. is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education for physicians. SEAK, Inc. designates this live activity for a maximum of 14 AMA PRA Category 1 Credit(s)<sup>™</sup>. Physicians should claim only the credit commensurate with the extent of their participation in the activity.

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

**Registration Information:** Tuition is \$1,295 on or before September 30, 2019; \$1,395 October 1, 2019 - November 13, 2019 and \$1,495 after November 13, 2019. **To register, please use the form on page 2, call (508) 457-1111 or visit [www.seak.com](http://www.seak.com). Register early and save!**

**FACULTY:**

**James J. Mangraviti Jr., Esq.,** 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, NYPD, SEC, Secret Service, and Department of Defense. He currently serves as Principal of The Expert Witness Training Company SEAK, Inc ([www.testifyingtraining.com](http://www.testifyingtraining.com)). 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*; and *How to Write an Expert Witness Report*. Jim can be reached at 978-276-1234 or [jim@seak.com](mailto:jim@seak.com).

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

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

The Naples Grande Beach Resort, Naples, FL

Day One (Saturday, December 7, 2019)

7:30 – 8:00 Registration and Continental Breakfast with Faculty

**PART I: LAW, STRATEGY & SKILLS**

**8:00 – 8:45 Law and Procedure** Attendees will learn the key legal principles and rules which govern depositions including what questions can be asked, the legal basis and limits of “fishing expeditions,” applicability and limits of claims of privilege, meaning and effect of “off the record,” meaning and effect of “the standard stipulations,” discoverability of expert-retaining counsel communication, time limits, limitations on questioning because of abusive intent, harassment, or undue burden, admissibility of deposition questions at trial, reading and signing, and protective orders. **Questions and Answers Learning Objective:** Explain the law and procedure governing expert witness depositions.

**8:45 – 9:30 Understanding Opposing Counsel’s Strategies and Goals** Excelling at deposition requires an appreciation of opposing counsel’s likely strategies. Attendees will learn why opposing counsel will likely ask open ended questions and may interrogate the witness in a non-confrontational manner designed to keep the witness talking. Attendees will also learn the numerous likely goals of retaining counsel and will be provided with suggestions for dealing with each of these. These likely goals include learning the expert’s opinions, learning the expert’s qualifications, locking down the expert, sizing up the expert as a witness, probing for bias, discovering the expert’s factual assumptions, gathering as much information as possible, using the expert to help his own case, intimidating the expert, learning what the expert did, and setting the stage to later get the expert or the expert’s opinion excluded. In addition, the faculty will discuss the strategies of retaining counsel at deposition including objections and questioning of their own expert. **Questions and Answers Learning Objective:** List the strategies and goals of opposing counsel.

**9:30 – 10:15 How to Improve Your Active Listening Skills** Excelling at deposition requires superior active listening skills. Deponents should be able to recognize and recall every word of a question and should be able to repeat back questions asked of them verbatim. In this segment attendees will be shown how to improve their active listening skills using techniques such as picturing the question as if it were written on a white board. The group will conduct interactive exercises to assess, practice and improve their active listening skills. **Questions and Answers Learning Objective:** Describe techniques for improving active listening.

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

**10:30 – 11:15 How to Leave Yourself Wiggle Room** A fundamental technique for truthfully and artfully answering deposition questions is to do so in a manner, where appropriate, that does not leave the witness 100% boxed in and locked down. In this segment attendees will learn how to recognize and truthfully respond to lock down questions in a way that leaves the expert some flexibility, but does not make the expert sound evasive or defensive. The group will conduct interactive exercises to assess, practice and improve their responses to lock down questions. **Questions and Answers Learning Objective:** List techniques for recognizing and truthfully and artfully answering lock down questions.

**11:15 – 12:00 Deposition Strategies for Expert Witnesses** Attendees will learn forty-seven techniques for excelling at their deposition. These include telling the whole truth, listening carefully to objections, insisting on finishing answers, not exaggerating, speculating, or guessing, avoiding arguing, not showing weakness, following a question answering protocol, staying calm, avoiding absolute words, avoiding rambling by putting a period on the answer, recognition of unintelligible questions, breaking counsel’s momentum, staying in your sandbox, using time limits to your advantage, and encouraging opposing counsel to lose his cool. Many of these techniques will be demonstrated by short videos and interactive exercises. **Questions and Answers Learning Objective:** List techniques for excelling at your deposition.

**12:00 – 12:45 Lunch (Provided with Faculty)****12:45 – 1:30 Deposition Strategies for Expert Witnesses (Continued)****PART II: CORE AREAS OF INQUIRY**

**1:30 – 2:30 Qualifications** Expert witnesses should expect probing questions regarding why specifically they are qualified to opine in the case. Failure to excel in this area can lead to the expert being excluded from testifying - which can be a career ending event. Attendees will learn techniques for answering expected questions about their qualifications. Issues covered include articulating relevant experience and education and how these apply to the case at hand, dealing with missing or sub optimum levels of experience or credentials, CV issues, “have you ever done?” questions, number of similar cases, and recognizing what you are not an expert in. Many of these lines of inquiry will be demonstrated by short videos and will be practiced by the attendees through interactive exercises. **Questions and Answers Learning Objective:** Describe techniques for answering qualifications questions.

**2:30 – 3:15 Bias and Fees** The more opposing counsel can establish an expert as being biased, the less believable that expert will be. Attendees will learn techniques for answering expected questions about their bias and fees. Issues covered include fee questions, plaintiff v. defendant issues, long held beliefs, billings to date, bills, prior writings, prior testimony, association with outside groups, political beliefs, opinion always the same in every case, influence of retaining counsel, and percentage of income questions. Many of these lines of inquiry will be demonstrated by short videos and will be practiced by the attendees through interactive exercises. **Questions and Answers Learning Objective:** Explain methods for answering bias and fees questions.

**3:15 – 3:30 Break (Networking Opportunity)**

**3:30 – 5:00 Opinions** Expert witnesses are retained to provide opinions and must be able to articulate these opinions persuasively at deposition. Attendees will learn techniques for answering expected questions about their opinions. Issues covered include what the expert will and will not be testifying to, degree of flexibility in opinions, areas of agreement with opposing expert, new/additional opinions, degree of certainty, and rationale for opinions. Many of these lines of inquiry will be demonstrated by short videos and will be practiced by the attendees through interactive exercises. **Questions and Answers Learning Objective:** Describe strategies for responding to questions about your opinions.

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**SEAK 2019 IME Training****How to Excel at Your Expert Witness Deposition****The Naples Grande Beach Resort, Naples, FL****Day Two (Sunday, December 8, 2019)****6:30 – 7:00 Continental Breakfast with Faculty**

**7:00 – 7:45 Methodology** Opposing counsel may use the deposition to set the expert witness up for a later motion to exclude under *Daubert*. If the expert is so excluded this can often be a career ending occurrence. Attendees will learn techniques for answering expected questions about their methodology. Issues covered include how the expert's theory was tested, where the theory was subjected to peer review and publication, known or potential error rate, standards and controls, general acceptance in field, evidence of level of care, why extrapolation was justified, alternative explanations, and basis of research. Many of these lines of inquiry will be demonstrated by short videos and will be practiced by the attendees through interactive exercises.

**Questions and Answers Learning Objective:** Explain techniques to protect yourself from being set up for a *Daubert* challenge.

**7:45 – 8:15 Your Expert Witness Report** In many if not most cases an expert witness will have submitted a written report prior to deposition. The expert witness's report will often raise numerous potential issues at deposition. Attendees will learn techniques for answering expected questions about their reports. Issues covered include who helped write the report, drafts/preliminary reports, research, footnotes or lack thereof, and mistakes/typos. Many of these lines of inquiry will be demonstrated by short videos and will be practiced by the attendees through interactive exercises. **Questions and Answers Learning Objective:** Describe strategies for answering questions about your report.

**8:15 – 9:00 Facts/Bases of Opinions** An expert witness's opinions are only as strong as what these opinions are based on. Expert witnesses can expect to be questioned closely regarding the bases of their opinions. Attendees will learn techniques for answering expected questions about the basis of their opinions. Issues covered include key facts of the case, assumptions, documentation, existence and extent of firsthand inspection, what was not done, cherry picking, interviews, veracity judgments, investigation, reliance on staff and/or other experts, timeline, and hypothetical questions. Many of these lines of inquiry will be demonstrated by short videos and will be practiced by the attendees through interactive exercises. **Questions and Answers Learning Objective:** List the key facts that you will likely be asked about at deposition.

**9:00 – 9:15 Break (Networking Opportunity)**

**9:15 – 9:45 Opposing Expert** An expert witness can expect numerous questions concerning the opposing expert and the opposing expert's opinions. Attendees will learn techniques for answering expected questions about opposing experts. Issues covered include qualifications, methodology, areas of agreement, and reasons for disagreement. Many of these lines of inquiry will be demonstrated by short videos and will be practiced by the attendees through interactive exercises. **Questions and Answers Learning Objective:** List techniques for responding to questions about opposing expert and opposing expert's opinions.

**PART III: SPECIAL SITUATIONS**

**9:45 – 10:15 Giving a Deposition in a Case Where You Didn't Write a Report** It is becoming increasingly common for expert witnesses in state courts to be asked not to write a report. In this segment the faculty will offer practical advice regarding resulting issues such as, how to prepare for a deposition where you did not write a report, discussing with retaining counsel potentially drafting a simple list of opinions with reasons, and special techniques to prepare for a deposition in cases where a report was not written. **Questions and Answers Learning Objective:** Discuss options to excel at depositions in cases where no report was written.

**10:15 – 10:45 Dealing with Skeletons in Your Closet** Some experts are concerned about being asked about things in their past that they rather not talk about. In many cases questions in this area may be inappropriate. In further instances, questions about skeletons in the closet may be permissible at deposition, but would probably not be admissible at trial. In this segment the faculty will explain what is and is not likely to be a problem and how to deal with common issues such as being sued, disciplinary problems, being terminated, failing tests, mediocre or worse grades, health issues, private life, divorces, bankruptcy, arrests, convictions, etc. Each attendee will be afforded the opportunity to anonymously submit to the faculty for review, comment, and advice any issues which they may be concerned with in their own backgrounds. **Questions and Answers Learning Objective:** Explain techniques for dealing with skeletons in your closet.

**10:45 – 11:00 Break (Networking Opportunity)**

**11:00 – 11:30 Abusive Questioning** Experts may at some point experience questioning that is abusive and beyond the scope of what is legally permissible. Faculty will review the legal rules dealing with abusive questioning and provide practical advice for determining what is and is not abuse and how to deal with abusive questioning. **Questions and Answers Learning Objective:** Describe strategies for dealing with abusive questioning.

**11:30 – 12:00 Video Depositions** More and more expert witness depositions are recorded on video. These video depositions present additional challenges for the expert. In this segment the faculty will provide suggestions for excelling during a deposition that is recorded on video. Demonstrations will be conducted to provide feedback to how attendees look while being deposed. In addition, the attendees will be shown video clips of actual depositions to exemplify the issues that can occur with video depositions. **Questions and Answers Learning Objective:** Describe strategies for excelling during video depositions.

**12:00 – 12:45 Lunch (Provided with Faculty)****PART IV: TACTICS AND DEFENSES**

**12:45 – 1:30 Recognizing and Defeating Opposing Counsel's Deposition Tactics** The faculty will explain numerous tactics that opposing counsel may use against the expert. Many of these tactics will be demonstrated by showing videos of actual depositions or by interactive exercises using volunteer attendees. The faculty will provide suggestions for dealing with each of the tactics. Tactics covered include going for the jugular off the bat, wearing the deponent down, intimidation, fishing for contradictions, catchalls, magic words, hypotheticals, mischaracterizations, and authoritative treatises. **Questions and Answers Learning Objective:** Identify opposing counsel's deposition tactics and explain strategies for defeating each tactic.

**1:30 – 2:00 Trick and Difficult Questions** The faculty will demonstrate, utilizing questions submitted by the attendees, numerous trick and difficult questions. The goal is to practice the techniques learned in the class such as active listening, refusal to be 100% locked down, and defeating counsel's tactics. The answers provided by volunteer attendees will be critiqued and possible better answers will be provided. **Questions and Answers Learning Objective:** Describe a protocol for answering trick and difficult deposition questions.

**PART V: PREPARATION**

**2:00 – 2:30 Expert Witness Deposition Preparation Protocol** Success at deposition is far more a function of preparation, rather than inspiration. In this segment the faculty will provide suggestions for how to develop a protocol for proper preparations. Issues covered include, identifying issues of potential vulnerability, what to ask retaining counsel to do to prepare you, dealing with a refusal by retaining counsel to prepare you, getting your facts and files in order, how to review your file, what to know cold, and preparing headline-bullet point responses to key anticipated questions. **Questions and Answers Learning Objective:** Explain a protocol for diligently preparing for an expert witness deposition.

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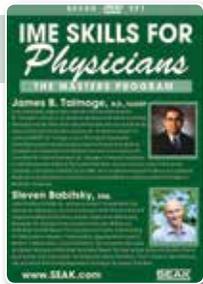
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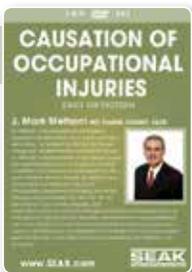
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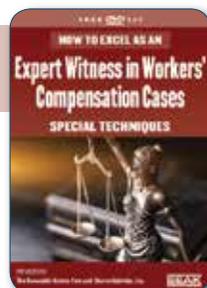
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Presented by J. Mark Melhorn MD, FAAOS, FAADEP, FACS

This DVD set is for anyone who is involved with IMEs workers' compensation or occupational health. Every new workers' compensation case involves the determination of causation. The evidence based science of causation has been difficult to assemble. This course brings together the science of causation, the law, and the daily application of both.

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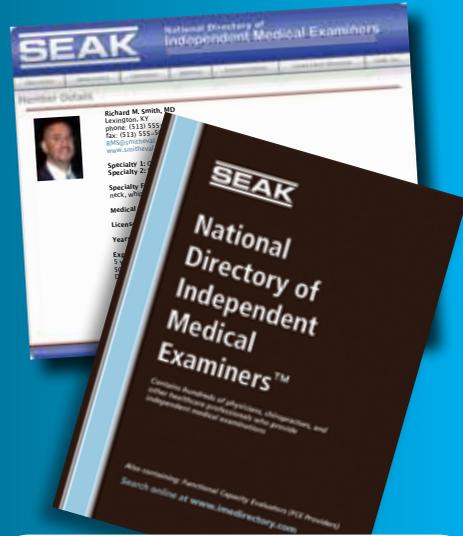
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