

The logo for SEAK, consisting of the letters 'SEAK' in a bold, white, sans-serif font with a horizontal line through the middle of the letters.

The Expert Witness Training Company

**VIRTUAL!**

# Expert Witness Training

## How to Make More Money as an Expert Witness

September 9-11, 2020 (Live via Zoom)

## How to Be a More Persuasive Expert Witness at Trial

September 23-25, 2020 (Live via Zoom)

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

Stream On Demand

**Learn how to excel and succeed  
as an expert witness.**

# Registration/Virtual Learning

## Registration For September Zoom Classes

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

Tuition is \$1295 on or before July 31, 2020, \$1395 August 1, 2020–September 1, 2020, and \$1495 after September 1, 2020. Your tuition includes 14 hours of interactive learning and a detailed conference manual. Group discounts are available for two or more persons registering together from the same organization. Discount prices depend on the size of the group. Our programs can also be brought onsite to your organization. Please call 508-457-1111 for more information. **A special 50% Conference discount is available on all new and renewal standard listings in the SEAK Expert Witness Directory placed by attendees during the seminars.**

**Continuing Education Credits:** There are no CEU credits for these courses.

**Cancellations:** Conference cancellations received in writing on or prior to September 1, 2020 will receive a full tuition refund. Persons cancelling after September 1, 2020 will receive a full tuition credit.

## SEAK Virtual Expert Witness Training:

The COVID-19 pandemic has forced postponement or cancellation of SEAK's live in-person training through October 2020. In response, SEAK has developed online and streaming on-demand expert witness training to serve our clients.

## Live via Zoom Expert Witness Training:

We are pleased to present our first ever live online expert witness training classes this September. These classes will be taught via Zoom and will be as interactive and practical as SEAK's in-person live classes. Our faculty will be fielding (and asking) many questions, conducting demonstrations and working collaboratively with our attendees to do what it takes to "move the needle." Each attendee will be provided with both an electronic and hard copy of the course manual. We have chosen to put on the classes for 5 hours each over a three-day period—starting each day at 12:00 pm eastern and ending each day at 5:00 pm eastern. This will make it easier for all time zones to participate and will break up everyone's screen time. These classes will not be recorded or available for later streaming. Recording by attendees is strictly prohibited (we want everyone to speak their mind and take part in demonstrations and discussions).

## On-Demand Streaming Expert Witness Training:

SEAK is pleased to now offer a large suite of on demand streaming expert witness training classes through [courses.seak.com](http://courses.seak.com). Each course can be streamed as often as you wish for one year. Our content includes many of our pre-recorded live expert witness training seminars as well as an all new webinar version of SEAK's signature "**How to Start, Build, and Run a Successful Expert Witness Practice**" course (see pages 10–12). Each course includes a detailed course manual. See course list on page 13.

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

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

Please join us from the comfort of your own home:

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

SEAK's signature business development and practice management training. **This unprecedented workshop will provide you with dozens of proven strategies for making your expert witness practice far more lucrative (live via Zoom September 9-11, 2020)**

## 2. How to Be a More Persuasive Expert Witness at Trial

SEAK's most intensive and hands-on trial skills training. **You will learn how to be vastly more effective at both direct and cross-examination (live via Zoom September 23-25, 2020).**

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

SEAK's most popular expert witness training program. **You'll be ready to start accepting cases immediately upon completing this course. Stream on Demand.**

## About SEAK, Inc.

**SEAK, Inc. is The Expert Witness Training Company.** We have trained thousands upon thousands of expert witnesses and publish numerous texts and practice aids for expert witnesses. SEAK's Expert Witness Directory is the #1 rated Expert Witness Directory. For more information, please visit [www.TestifyingTraining.com](http://www.TestifyingTraining.com) and [www.seakexperts.com](http://www.seakexperts.com).

### Questions About SEAK's Virtual 2020 Expert Witness Training?

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

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

## How to Make More Money as an Expert Witness

Virtual/Zoom

Wednesday–Friday, September 9–11, 2020

**Executive Summary:** This course will teach you how to dramatically increase the profitability of your expert witness practice. It is led by a thought leader in expert witnessing. The fast-moving, interactive presentation addresses revenue enhancement strategies from many perspectives including marketing, sales, fee setting, collections, practice management, branding, and positioning. You will leave with a personalized action plan describing the concrete steps you should take in order to make vastly more money through your expert witness practice. **SEAK will not be offering this course again in 2020.**

### You will learn how to:

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

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### Live via Zoom Expert Witness Training:

We are pleased to present our first ever live online expert witness training classes this September. These classes will be taught via Zoom and will be as interactive and practical as SEAK's in person live classes. Our faculty will be fielding (and asking) many questions, conducting demonstrations and working collaboratively with our attendees to do what it takes to "move the needle." Each attendee will be provided with both an electronic and hard copy of the course manual. We have chosen to put on the classes for 5 hours each over a three-day period starting each day at 12:00 pm eastern and ending each day at 5:00 pm eastern. This will make it easier for all time zones to participate and will break up everyone's screen time. These classes will not be recorded or available for later streaming. Recording by attendees is strictly prohibited (we want everyone to speak their mind and take part in demonstrations and discussions).

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



**James J. Mangraviti, Jr., Esq.**, has trained thousands of expert witnesses over the past 20+ years through seminars, corporate training, training for professional societies, 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)). Jim has been retained to prepare expert witnesses in a wide variety of cases such as catastrophic personal injury, medical malpractice, antitrust, patent infringement, homicide, commercial litigation, and product liability. He is a thought leader on expert witness business development who has mentored numerous experts and helped them grow highly lucrative practices. Jim is a former litigator with experience in defense and plaintiff personal injury law and insurance law. He received his BA degree in mathematics *summa cum laude* from Boston College and his JD degree *cum laude* from Boston College Law School. Jim is the co-author of numerous texts on expert witnessing. **Jim can be reached at 978-276-1234 or [jim@seak.com](mailto:jim@seak.com).**



**Kelly J. Wilbur, Esq.** joined SEAK in 2020 as Assistant Vice President/Associate Consultant. Prior to joining SEAK, she practiced for five years as a litigator. She specialized in personal injury defense, worked frequently with expert witnesses and tried several cases. Kelly received her J.D., *cum laude*, from the University of Massachusetts School of Law in 2015 and graduated from St. Mary's College of Maryland with a B.A. in Political Science. **Kelly can be reached at 781-491-6802 or [kelly@seak.com](mailto:kelly@seak.com).**

*"Treasure trove of real world, practical information."*

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

*"Jim, you are definitely a great pioneer in this area. I love that you give a lot of great information, but you make it an interactive and personal experience. Where we all learn from one another."*

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## How to Make More Money as an Expert Witness

### Virtual/Zoom

#### DAY 1: Wednesday, September 9, 2020

##### 12:00–12:45 PM (EST) What Potential Clients are Looking For in Expert Witnesses

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

##### 12:45–1:30 PM (EST) How to Recognize and Showcase What Makes You Most Attractive To Potential Clients

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

##### 1:30–2:15 PM (EST) Finding Your Niche and Utilizing it to Increase Your Income

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

##### 2:15–2:30 PM (EST) BREAK

##### 2:30–3:15 PM (EST) Positioning Yourself in the Best Possible Light

The faculty will explain how to make yourself as attractive as possible to potential clients, including: how to project a positive and professional image (and the biggest mistakes experts make in this area), how case selection influences your image, which cases/law firms to seek out and which cases/law firms to avoid, how to demonstrate effective communication skills, how and when to fill in gaps and build your CV, why you should keep a low profile, and how to gain hands-on and relevant testifying experience. [Questions & Answers.](#)

##### 3:15–4:00 PM (EST) How to Develop and Implement an Income Maximizing Fee Structure

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

##### 4:00–4:15 PM (EST) BREAK

##### 4:15–5:00 PM (EST) How to Minimize Collection Difficulties and Write Offs

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

#### DAY 2, THURSDAY, SEPTEMBER 10, 2020

##### 12:00–12:45 PM (EST) How to Convert a Higher Percentage of Inquiries into Paid Assignments

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

##### 12:45–1:30 PM (EST) How Much Are Your New Clients Worth?

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

##### 1:30–1:45 PM (EST) BREAK

##### 1:45–2:30 PM (EST) Fundamentals of Expert Witness Business Development

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

##### 2:30–3:00 PM (EST) How to Track Your New Client Development

Faculty will explain techniques for tracking inquiries and cases. A model tracking form will be provided. [Questions & Answers.](#)

##### 3:00–3:15 PM (EST) How to Data Mine Your Old Cases and Inquiries to Make More Money

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

*“Thank YOU, Jim, for an excellent course yet again. I am working on my 4 pages of to-dos and making progress. I am grateful for your guidance, instruction, and support in this exciting endeavor.”*

*“Thanks again so much for the course! Definitely gave me a number of great ideas to make my expert witness practice grow.”*

*“Jim, It was truly a life altering experience! Thank you.”*

*“Thanks again so much for the course! Definitely gave me a number of great ideas to make my expert witness practice grow.”*

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

**Virtual Expert Witness Training****How to Make More Money as an Expert Witness****Virtual/Zoom****DAY 2: Thursday, September 10, 2020****3:15–3:30 PM (EST) BREAK****3:30–4:00 PM (EST) How to Identify and Reach the Attorneys Most Likely to Hire You**

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

**4:00–5:00 PM (EST) How to Maximize Repeat and Word of Mouth Business**

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

**DAY 3, FRIDAY, SEPTEMBER 11, 2020****12:00–12:45 PM (EST) How to Develop a Comprehensive and Effective Internet Strategy**

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

**12:45–1:30 PM (EST) How and Where to Advertise: Evidence Based Best Practices**

Research and evidence suggests that advertising and listing in expert directories can be remarkably cost effective and that, for most experts, there is little if any backlash from tasteful, factual ads. The faculty will specifically explain what should and should not be in expert witness advertisements, how specifically to maximize the effectiveness of your ads, and how and where to test advertising. [Questions & Answers.](#)

**1:30–2:00 PM (EST) Advanced Networking Techniques for Expert Witnesses**

The faculty will explain and provide examples of six specific techniques for staying in front of clients and how specifically to implement each. The faculty will further describe methods for networking with one's colleagues and how this can lead to case referrals. Also discussed will be which professional organizations to join, how to leverage your personal relationships, why you should serve as a mentor, which conferences you should attend, and how to use online networking through LinkedIn to boost your expert witness practice. [Questions & Answers.](#)

**2:00–2:15 PM (EST) BREAK****2:15–2:45 PM (EST) How to use Public Speaking and Writing to Increase Your Revenue**

Speaking and writing can be very good for your bottom line. The faculty will explain and demonstrate the subtle nuances that need to be navigated to get the most out of your speaking engagement. The faculty will explain where to talk, how to get invited, when the best time to talk is, and how to get invited back and will offer advice on risk management so that the expert's presentation does not come back to haunt the expert. In regards to writing, the faculty will explain how to choose the correct topic to write on, the various types of writing that experts can do (white papers, articles, peer review articles, blogs, books, etc.), how to calculate the cost of writing, risk management considerations influencing your title, content, and where to publish—all with the aim of generating lucrative cases. [Questions & Answers.](#)

**2:45–3:15 PM (EST) Direct Outreach**

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

**3:15–3:45 PM (EST) Reducing Non-Billable Time**

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

**3:45–4:00 PM (EST) BREAK****4:00–4:15 PM (EST) Leveraging Your Name and Reputation to Earn More Money: Bringing on Additional Experts**

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

**4:15–5:00 PM (EST) Personalized Action Plans**

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

***“Jim, Thanks for making the class extremely memorable. You did an excellent job teaching! I now have a large list of tasks I need to complete with my expert witness business.”***

***“Jim, thanks for the excellent course last week, which is changing my actions today and I am sure will have long term impact for the future.”***

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

## How to Be a More Persuasive Expert Witness at Trial

Virtual/Zoom

Wednesday–Friday, September 23–25, 2020

**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 five 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) 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 be offering this course again in 2020.**

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

### DISTINGUISHED FACULTY:



**James J. Mangraviti, Jr., Esq.**, has trained thousands of expert witnesses over the past 20+ years through seminars, corporate training, training for professional societies, 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)). Jim has been retained to prepare expert witnesses in a wide variety of cases such as catastrophic personal injury, medical malpractice, antitrust, patent infringement, homicide, commercial litigation, and product liability. He is a thought leader on expert witness business development who has mentored numerous experts and helped them grow highly lucrative practices. Jim is a former litigator with experience in defense and plaintiff personal injury law and insurance law. He received his BA degree in mathematics *summa cum laude* from Boston College and his JD degree *cum laude* from Boston College Law School. Jim is the co-author of numerous texts on expert witnessing. **Jim can be reached at 978-276-1234 or [jim@seak.com](mailto:jim@seak.com).**



**Kelly J. Wilbur, Esq.** joined SEAK in 2020 as Assistant Vice President/Associate Consultant. Prior to joining SEAK, she practiced for five years as a litigator. She specialized in personal injury defense, worked frequently with expert witnesses and tried several cases. Kelly received her J.D., *cum laude*, from the University of Massachusetts School of Law in 2015 and graduated from St. Mary's College of Maryland with a B.A. in Political Science. **Kelly can be reached at 781-491-6802 or [kelly@seak.com](mailto:kelly@seak.com).**

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## How to Be a More Persuasive Expert Witness at Trial

### Virtual/Zoom

DAY 1: Wednesday, September 23, 2020

#### PART I: DIRECT EXAMINATION TECHNIQUES & STRATEGIES

##### 12:00–2:00 PM (EST) 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.*

##### 2:00–2:15 PM (EST) BREAK

#### PART II: DIRECT EXAMINATION AREAS OF INQUIRY

##### 2:15–3:00 PM (EST) 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.*

##### 3:00–4:00 PM (EST) 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 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.*

##### 4:00–4:15 (EST) PM BREAK

##### 4:15–5:00 (EST) PM 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.*

DAY 2, THURSDAY, SEPTEMBER 24, 2020

##### 12:00–1:00 PM (EST) 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.*

##### 1:00–1:45 PM (EST) 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.*

##### 1:45–2:00 PM (EST) BREAK

##### 2:00–2:45 PM (EST) 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

##### 2:45–3:00 PM (EST) Preparing for Your Direct Examination

Being a more 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.*

##### 3:00–4:00 PM (EST) 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. **Questions and Answers.** *Learning Objective: Explain how to become more effective during direct examination.*

*“Amazing.”*

*“Awesome.”*

*“Excellent, [Presenter] is really effective at sharing his wisdom with the audience.”*

*“Good stuff: lots of good information.”*

*“Material was excellent & ... excellent presenter.”*

*“Outstanding, as always!”*

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

## How to Be a More Persuasive Expert Witness at Trial

### Virtual/Zoom

DAY 2: Thursday, September 24, 2020

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

##### 4:00-5:00 PM (EST) 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.*

DAY 3, FRIDAY, SEPTEMBER 25, 2020

#### Part V: CROSS EXAMINATION AREAS OF INQUIRY

##### 12:00-1:00 PM (EST) 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.*

##### 1:00-1:45 PM (EST) 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.*

##### 1:45-2:00 PM (EST) BREAK

##### 2:00-2:30 PM (EST) 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.*

##### 2:30-3:00 PM (EST) 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.*

##### 3:00-3:45 PM (EST) 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.*

##### 3:45-4:00 PM (EST) BREAK

#### PART VI: CROSS EXAMINATION PREPARATION & PRACTICE

##### 4:00-4:15 PM (EST) 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.*

##### 4:15-5:00 PM (EST) 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.*

*"Very informative, educational."*

*"Very interactive!"*

*"Very well done!"*

*"Great workshop!"*

*"It was very informative & interesting."*

*"Thank you again! Your expertise and experiences provided invaluable insight and ideas. Worth every penny!"*

*"It was a very enjoyable time, and I learned more than I had in the past. You and Jim put together a totally first-rate performance, and I'll be coming back again."*

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## 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, 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)). Jim 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).**

*"Jim: It was great speaking to you the other day. I made the plunge and completed the online course. I had a phone call this morning, and it went well, in part because I knew how to phrase things properly, and in part because your course and honest feedback gave me confidence that I knew what to do. I am excited about my business going forward. I am sure I will be contacting you again in the future."*

*"Jim, thanks again for your great [online] course. Just got my first two cases already!"*

*"A 'must attend' for anyone interested in this line of work"*

*"Fantastic. Far exceeded my expectations."*

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## OVERVIEW OF TOPICS:

- **The Role of Expert Witnesses in Civil Litigation** - 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.
- **What Successful Expert Witnesses Have in Common** - What the nation's "go to" experts have in common and how they got to their position of prominence.
- **Finding and Developing Your Niche in the Expert Witness Marketplace** - The advantages of identifying a niche for yourself. Participants will be provided with a protocol for researching their niche, determining the proper fit, and developing their niche to its fullest potential. Faculty will provide feedback on your suggested niche.
- **Pulling Together a CV Appropriate for Expert Witness Work** - Anyone considering an expert witness practice needs to prepare and maintain a CV. Participants 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. Two sample CVs provided.
- **Bulletproofing Yourself — Your Qualifications, Marketing Activities, Website, Image & Reputation** - How to avoid potentially devastating problems in an expert's qualifications, marketing activities, web site, image and reputation. Multiple examples provided.
- **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 road map to bolster the persuasiveness of any opinion.
- **Bulletproofing Your Opinions — Research, Investigation, Chart Review and Examination** - An expert's opinion will only be as strong as the facts, research and investigation upon which it is based. You will learn how to conduct an investigation, perform research, and collect data in a manner that bolsters your opinion.
- **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, participants will learn how to insulate their opinions from the appearance of being under the improper 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.
- **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 report.

*"The CV/resume exam segment was very useful. Like many in the audience, I will be working to improve mine!!"*

*"One of the most practical seminars that I've attended"*

*"Loaded with powerful information"*

*"Instantly executable information."*

*"Very enlightening- a big eye opener."*

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**OVERVIEW OF TOPICS (continued):**

- **Best Practices in Forensic Office Management** - Participants will learn a myriad of techniques that will help them run an efficient and successful expert witness practice. These include optimum new case intake procedures, billing systems, documents 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.
- **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 your 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.
- **Best Practices in Report Writing** - Faculty will review best practices for dealing with requests for preliminary, draft, or other written reports. Best practices for responding to input from counsel, formatting, editing, controls over release of the report, signing, and proofreading will also be provided.
- **Deposition Best Practices** - Participants will be provided with an in-depth look at scheduling, billing, postponements, cancellations, errata sheets, and retention/destruction of deposition transcripts.
- **Trial Best Practices** - Participants 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.
- **Best Practices in Fee Setting, Fee Schedules & Agreements, Billings and Collections** - How to correctly value your time and set your fee. The importance of not undercharging and how to determine exactly what your 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.
- **Advanced Marketing Techniques for Building an Expert Witness Practice** - An 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.
- **Ethics and Risk Management** - How to deal with common ethical problems. The potential civil and professional liability of experts. Numerous specific risk management techniques for experts including avoidance, maintaining the appropriate insurance coverages, due diligence, confidentiality protocols, anti-spoilation procedures, avoiding conflicts and the overriding importance of being 100% honest.

***“Outstanding – reality based presentation of “those things to be expected.”***

***“A useful combination of stories from the front lines & practical advice.”***

***“The class was outstanding! It was presented in such an easy to understand manner.  
Thank you again for a great class!”***

***“Fabulous! Interesting, stimulating, very effective”***

***“I believe the seminar was truly impressive and very informative”***

***“A great learning experience presented with real world examples”***

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Learn how to far more effectively deal with the subtle nuances and hidden pitfalls in workers' compensation cases including: causation, impairment, disability, restrictions and limitations, necessity of medical care, permanency and return to work. Taught by the Honorable Kirsten Tate, a distinguished workers' compensation administrative law judge and Steve Babitsky, Esq., a successful workers' compensation claimant's attorney and thought leader in expert witness issues. *How to Excel as an Expert Witness in Workers' Compensation Cases: Special Techniques* is appropriate for medical experts who are both treaters and IME providers (i.e. both claimant and defense).

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Patent work is perhaps the most lucrative of all expert witness case types. Fees for experts in patent cases commonly run in the six figures. *How to Excel as an Expert Witness in Patent Cases: Special Techniques* is designed to assist those technical and medical experts who wish to excel in patent cases or those who wish to break into this field. Patent cases are often the highest stakes civil litigation, with disputes in the seven to ten figure range. Attorneys in these cases are highly selective, well-funded and are looking for experts who understand the nuances of working on these challenging and rewarding cases. This streaming course will provide viewers with the insights, skills and information to enable them to excel at patent cases.

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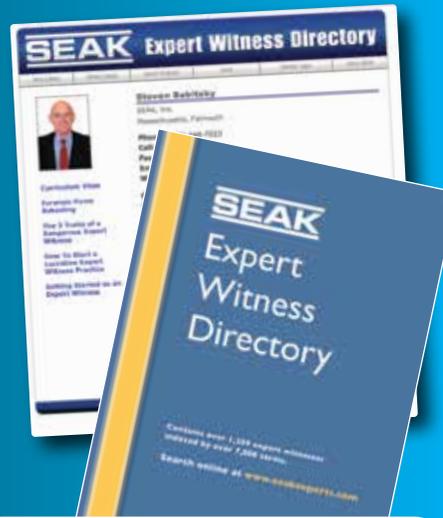


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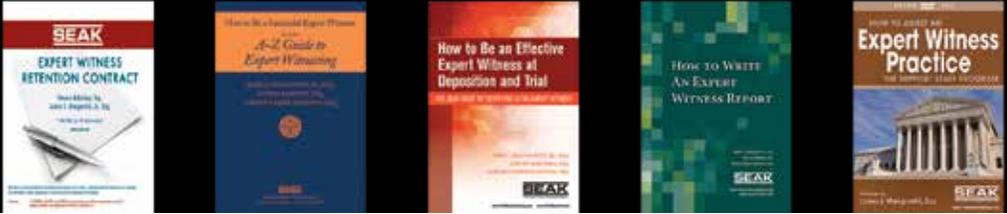
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