

Expert Witness Training Detailed Outline for CEC/Seminar Course

The following schedule for the one day seminar identifies the complete range of topics and their organization for the:

1. Expert Witness Training Book
2. Online (and DVD) video training program
3. Continuing Education Credit Course

Contents

INTRODUCTION 9:00am

LESSON 1: STEPPING INTO THE LEGAL GAME 9:05am

Understanding the Overall Legal Framework

Federal Rule of Evidence 702 and the Daubert Guideline

The Expert Witness as part of a Team

Two Sides

Legal Settings beyond the Courtroom

Lawyers Need Experts

Why Do Lawyers Need You?

Who is an Expert?

What Does Your Job History Say About You?

Taking a Long-Term Perspective to Litigation Support

Explaining Legal Jargon

Writing a Contract for your Services

The Intricacies of Client Selection

First Contacts with Attorneys and Clients

Assessing the Case

Other Litigation Support Roles

LESSON 2: MONEY AND ETHICS 9:30am

Ethical Considerations

Acting Ethically

Having Unethical Things Done to You

Previous Writings or Testimony

Formalizing Your Retention as an Expert

Getting Paid for Your Work

Creating a Fee Schedule

Asking for a Retainer

Obtaining Approval for Extra Work

Asking for Advance Payments

Keeping Records and Submitting Invoices

LESSON 3: GETTING HIRED BY LAWYERS 10:00am

Where Are These Lawyers?

Letting the Lawyers Learn About You

Speaking and Writing to Attract Attention

Have Your Own Website

Marketing

A Professional CV

Listing You and Your Credentials

Using Internet Registries

Using Intermediary Organizations

Other Approaches for Getting the Word Out

What Do Lawyers Consider When Hunting for Experts?

Convincing Attorneys That You Can Help Them

Appearance and Demeanor

Growing Your Role with Each Case

Conflicts

BREAK..... 10:30am

LESSON 4: WORKING WITH ATTORNEYS 10:45am

Expert Witness for the Plaintiff

Expert Witness for the Defense

Looking at It from the Other Side's Perspective

Assisting Attorneys during the Discovery Process

Conducting an Investigation

Deciding What Information to Consider

Using Support Staff for Data Collection or Research

Collecting Information

Organizing Your Research Efforts

Keeping the Attorney up to Date on Your Efforts

Relating to the Clients

Stay Neutral

Don't be an Attorney's Hired Gun

Possible Conflicts with the Attorney's Client

Don't be a Client's Hired Gun

Helping Your Attorney during a Deposition

Problems Working with Attorneys

Maintaining Contact with the Attorney

LESSON 5: CONDUCTING EXPERT INVESTIGATIONS 11:15am

Laying the Foundation for Your Opinions

Ensuring Admissibility of Your Work

Conversations and Meetings

Conducting Interviews

Conducting Site Inspections

Maintaining Chain of Custody

Running Tests

Applying the Latest Methodologies

Staying Current

Taking notes

Evaluating Gaps in History or Documentation

Accreditation and Certification

Has your work been 'peer reviewed'?

LESSON 6: WRITING AN EXPERT REPORT 11:45am

Consider Clarity, Organization, and Memory

The Importance of Your Choice of Words

Understanding what is Discoverable

Federal Rules of Civil Procedure – Rule 26

Your Report

Background and Credentials

Exhibits

Compensation and Contact Information

Bases and Methodologies

Other Considerations for your Report

Understand the Law(s) Involved
Alternative Structures to Consider
Additional Issues to Consider
Hedging and Disclaimers

Reviewing your report

Reviewing your Case File
Updating Your Expert Report

LUNCH BREAK 12:15pm

LESSON 7: PSYCHOLOGY AND LEGAL TACTICS 1:15pm

Different Styles of Questions

Questions That Attempts to Discredit You
Accusations of 'Coaching'

Attacking your Impartiality
Attacking Your Ethics and Your Integrity
Questions That Attempt to Manipulate You
Questions That Constrain Your Answers
Painting You into a Corner

Different Styles of Opposing Lawyers

The Intimidator
The Long-Distance Runner
The Buddy
The Fighter
The Showman
The Trickster

Your Relationship with Attorneys

Working with your own Attorney
Working with the Opposing Attorney

LESSON 8: DEPOSITIONS 1:45pm

Physical, Mental, and Emotional Preparation

Understanding the Deposition Process

The Effects of Your Testimony

It All Begins with a Subpoena

The Purpose of the Deposition

Preparing at a Pre-Deposition Conference

*Protecting Other Cases You May Be Working on
Working toward Settlement*

Describing the Deposition Setting

The Job of the Court Reporter

What Can You Expect from the Opposing Attorney?

*What Do They Want from You?
The Other Side Wants to Discredit You*

Defending Yourself with the Little Things

Helping Your Own Attorney

Helping the Court Reporter

When It's Over

Confidentiality Before, During, and After the Deposition

LESSON 9: COMMON TESTIMONIAL QUESTIONS 2:15

Top Testifying Pluses and Minuses

Characterizing Testimonial Answers

Sample Q&A -- the Good, the Bad, and the Ugly

Defusing the Compound Question

Attacking the Factual Basis of Your Testimony

Questions That Denigrate or Demean

The Hypothetical Question

Questions that Try to Anger You

Avoiding Absolute Answers

Avoiding Guesswork in Your Answers

Avoiding Legal Determinations

Avoiding the 'Hired Gun' Trap

Setting up Conflicts with Other Authorities

Avoiding Concession Questions

BREAK..... 2:45pm

LESSON 10: PREPARING FOR TESTIMONY 3:00pm

Testifying in Mediations, Arbitrations or in Court

Federal Rule of Evidence 706

The Expert Witness's Role in the Proceedings

Primary Responsibilities of the Expert

Helping your Attorney with Questions

Analyzing the Other Expert's Deposition

Designing Demonstrative Evidence

Final Reviews and Rehearsal

LESSON 11: TESTIFYING SUCCESSFULLY 3:30pm

Your Role in Court

Leading up to Your Testimony

Characteristics of your Testimony

Making an Entrance

Conveying Professionalism and Confidence
Establish and Maintain Credibility

The Main Phases of Trial Testimony

Keeping Their Attention

Avoid Being Boring

General Techniques for Answering Questions

Stick to Simple English

Connecting With the Jury

Words to the Wise

Maintaining Your Composure

Being Honest and Unbiased

Helping and Not Hurting Your Side during the Case

Discussing Assumptions You Made

Using Demonstrative Exhibits

Being Professional outside the Courtroom

LESSON 12: MINIMIZING THE DANGERS

OF CROSS-EXAMINATION 4:00pm

The Best Guidelines to Follow

Cross Examination Attacks on You

Using Your Prior Work against You

Attacking Your Qualifications and Testimony

Attacking Your Investigation

Defending Yourself

Be Honest

Avoid Speculation

Retain Control

Dealing with Mischaracterization of Your Responses

References to Alleged Misconduct in Your Past

Recognizing the Most Common Questioning Traps

Questions that Challenge You

'Out-of-Context' Questions

Pigeonholing Questions

Questions about Things You Did Not Do

Fair but Harmful Questions

Silent Questions

Isn't Your Opinion Just an Opinion?

Avoiding Weakness and Uncertainty in Your Responses