

Bolster Your Case by Persuasively Presenting Testimony and Evidence

# EVIDENCE AND EXPERT TESTIMONY BEST PRACTICES: SUPPORTING YOUR CASE

**Cherry Hill, New Jersey — April 23, 2008**  
**Saddle Brook, New Jersey — April 25, 2008**

## PRESENTED BY

Steven J. Fram  
Scott T. Heller  
Anthony L. Marchetti Jr.  
Michael F. Martino  
Scott B. Piekarsky  
Bruce D. Vargo

## CONTINUING EDUCATION

NY CLE - 7.0  
PA CLE - 6.0

*See inside for details!*



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## Make the Best Use of Your Evidence and Expert Testimony!

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- Challenge your opponent's expert by knowing exactly what questions to ask.
- Put our methods to the test: take part in skill-building direct and cross-examination practice.
- Deal knowledgeably with questions concerning hearsay.

# IMPORTANT DETAILS

## CHERRY HILL – April 23

Clarion Hotel & Conference Center  
Route 70 and I-295, 1450 Route 70  
Cherry Hill NJ 08034  
Phone 856-428-2300

## SADDLE BROOK – April 25

Saddlebrook Hotel and  
Conference Center  
50 Kenney Place, Saddle Brook NJ 07663  
Phone 201-843-0600

### TIME

REGISTRATION  
8:30 - 9:00 a.m.

PROGRAM  
9:00 a.m. - 4:30 p.m.

Complimentary snacks and refreshments are provided. Lunch is on your own.

### TO REGISTER

#### MAIL

Registration form on back of this brochure

#### PHONE

800-930-6182

#### FAX

715-835-1405

#### ONLINE

[www.nbi-sems.com](http://www.nbi-sems.com)

*Pre-registration is encouraged. If you need to register at the door, you may wish to call us first to confirm availability and to receive information regarding schedule or location changes.*

### TUITION

\$339 for the first registrant, \$329 for each additional registrant.  
Hardship tuition assistance is available. To apply, please call (800) 930-6182.

### DIRECTIONS/PARKING

To obtain directions and parking information please contact the facility listed above.

### REFERENCE MANUAL

*Evidence and Expert Testimony Best Practices: Supporting Your Case*

Our comprehensive course manual, written specifically to accompany this program, allows you to use it as a reference back at the office!

### AUDIO RECORDINGS

This seminar will be recorded in its entirety. If you can't attend, you can still obtain the benefits of the information provided by purchasing the manual and CD. See the registration form to order. If you wish to receive the cassette tape instead of the CD, please contact us at **800-930-6182**.

### CANCELLATION

Has your schedule changed? Visit us on the web or call one of our Customer Service Representatives to learn more about your cancellation options.

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If you aren't satisfied with a seminar or training resource, call or write us and we'll make it right.



## WHO SHOULD ATTEND

This **intermediate level program** is designed to provide attorneys of all experience levels with the strategies and tools they need to effectively work with evidence and expert testimony.

Paralegals may also benefit from learning the latest strategies in working with evidence and expert witnesses.

# WHAT YOU WILL LEARN

## I. STRATEGIES FOR WORKING WITH EVIDENCE AT TRIAL

*9:00 - 9:45, Written by Steven J. Fram. Presented by Steven J. Fram in Cherry Hill and Scott T. Heller, Michael F. Martino and Scott B. Piekarsky in Saddle Brook.*

- A. How to Maximize Use of Evidence Rules
- B. Effective Motion Practice - Motions in Limine
- C. Effectively Using Evidence to Influence the Jury
- D. Introducing Evidence to Maximize Results
- E. Tactics for Using Discovery Answers During Trial
- F. Use of Innovative Exhibits at Trial
- G. Practice Skills: Case Studies and Examples in Getting Your Evidence Admitted

## II. ATTACKING OPPOSING EVIDENCE

*9:45 - 10:30, Written by Anthony L. Marchetti Jr. Presented by Anthony L. Marchetti Jr. in Cherry Hill and Scott T. Heller, Michael F. Martino and Scott B. Piekarsky in Saddle Brook.*

- A. How to Block Admission of Evidence
- B. Strategies for Questioning the Validity of the Evidence to Persuade the Jury
- C. Practice Skills: Case Studies and Examples in Opposing Evidence

## III. GETTING SCIENTIFIC AND EXPERT TESTIMONY ADMITTED INTO EVIDENCE

*10:45 - 12:00, Written by Michael F. Martino. Presented by Bruce D. Vargo in Cherry Hill and Michael F. Martino in Saddle Brook.*

- A. "Gatekeeping Obligations" in Federal Court
- B. "Gatekeeping Obligations" of Scientific and Expert Testimony in State Court
- C. Considerations for Plaintiff Counsel
- D. Considerations for Defense Counsel
- E. Impact of Daubert and Kumho Tire on Judges and Experts
- F. Planning Ahead to Gain Control Over When and How Daubert Challenges Will be Made
- G. How to Introduce Expert Testimony in Clear, Succinct Ways
- H. Qualifications of Experts
- I. Threshold the Expert Must Meet
- J. How to Show Research Verifying the Methodologies and Theories Your Experts Rely Upon
- K. Using Hypotheticals to Support Your Case
- L. Admissibility of Expert Reports
- M. Practice Skills: Case Studies and Examples in Getting Your Evidence Admitted

## IV. ATTACKING OPPOSING EXPERT TESTIMONY

*1:00 - 2:00, Written by Bruce D. Vargo. Presented by Bruce D. Vargo in Cherry Hill and Scott T. Heller, Michael F. Martino and Scott B. Piekarsky in Saddle Brook.*

- A. How to Block Admission of Opposing Expert Testimony
- B. Cross-Examining Opposing Experts - Questioning Techniques That Work
- C. Challenging the Expert's Evidence
- D. How to Illustrate the Invalidity of the Expert's Methodologies

## V. ETHICS, EVIDENCE AND EXPERTS

*2:00 - 2:50, Written by Scott B. Piekarsky. Presented by Anthony L. Marchetti Jr. in Cherry Hill and Scott B. Piekarsky in Saddle Brook.*

- A. Confidentiality and Privileged Communications With Experts
- B. Work Product Doctrine
- C. Fees and the Expert Opinion
- D. Avoiding Conflicts of Interest

## VI. EVIDENCE, EXPERTS AND HEARSAY IN THE COURTROOM

*3:05 - 3:45, Written by Scott T. Heller. Presented by Steven J. Fram in Cherry Hill and Scott T. Heller in Saddle Brook.*

- A. The Hearsay Rule
- B. Hearsay Exclusions and Exceptions
- C. Admissibility of Hearsay Evidence
- D. Electronic Evidence and Hearsay

## VII. MOCK EXAMINATION AND CROSS EXAMINATION OF EXPERT WITNESSES

*3:45 - 4:30*

\*If needed, the above agenda may be changed to best accommodate all of our attendees.

# Evidence and Expert Testimony Best Practices: Supporting Your Case

April 23 — Cherry Hill

April 25 — Saddle Brook

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## WHO WILL TEACH YOU

### APRIL 23 - CHERRY HILL

**STEVEN J. FRAM** is a shareholder in the law firm of Archer & Greiner, P.C., where he chairs the firm's commercial litigation practice group. Mr. Fram concentrates his practice on the resolution of complex business disputes, including business torts, class actions, intellectual property and technology matters, and shareholder and corporate governance disputes. He is a frequent lecturer on litigation, ethics and technology law issues to business and professional groups. He is a member of the Camden County, New Jersey State and American bar associations. Mr. Fram earned both his B.A. degree, magna cum laude, and his M.A. degree from Cornell University and his J.D. degree, cum laude, from Georgetown University Law Center.

**ANTHONY L. MARCHETTI JR.** is an attorney with Cureton Caplan where he practices in the firm's Litigation Practice Group. His practice covers a wide range of complex litigation and appellate matters including consumer fraud, corporate litigation, including shareholders' and creditor rights, employment litigation, intellectual property, immigration law and professional negligence. Mr. Marchetti also has developed a personal injury practice limited to seriously injured persons. He has been admitted to practice in federal and state trial and appellate courts in New Jersey and Pennsylvania, including the Third Circuit Court of Appeals. Mr. Marchetti received his B.S. degree from Pennsylvania State University and his J.D. degree from Temple University School of Law.

**BRUCE D. VARGO** is an attorney with Robertson, Freilich, Bruno & Cohen, L.L.C. in Newark, where his business litigation practice includes a wide range of matters involving trade secret protection, patent and trademark infringement, telecommunication regulations, product liability, insurance and environmental impairment. He has represented clients across a diverse array of business sectors, including computer software, computer manufacturing, consumer electronics, energy, radio, telecommunications, transportation, finance and healthcare. Mr. Vargo has lectured on intellectual property and litigation issues before organizations and at conferences across the country. He currently serves on the editorial board of the ABA's Technology for Litigators Committee within the Litigation Section. He served as an adjunct professor at Seton Hall Law School (2006-2007) teaching a legal writing course and was included in Marquis *Who's Who in American Law* (2007-2008). He is admitted in New Jersey,

the Commonwealth of Pennsylvania, and the United States District Court for the District of New Jersey. Mr. Vargo earned his B.S. degree from Rochester Institute of Technology in New York, his M.B.A. degree from Seton Hall University W. Paul Stillman School of Business and his J.D. degree from Seton Hall University School of Law. Prior to embarking on his legal practice, Mr. Vargo spent ten years in the telecommunications industry designing computer systems.

### APRIL 25 - SADDLE BROOK

**SCOTT T. HELLER** is a partner with the law firm of Gibling & Combs in Morristown, where he practices in medical malpractice-defense. He is certified by the Supreme Court of New Jersey as a civil trial attorney. Mr. Heller has previously lectured and written several articles on his area of practice. He belongs to the Morris County and New Jersey State bar associations and is a member of the Medical Malpractice Committee of the New Jersey State Bar Association. Mr. Heller earned his B.A. degree, cum laude, from Susquehanna University and his J.D. degree from Seton Hall University School of Law.

**MICHAEL F. MARTINO** is a partner in the Livingston law firm of Stein, McGuire, Pantages & Gigli, LLP, where his main areas of practice are litigation and personal injury defense. Mr. Martino is board certified in civil trial law by the New Jersey Supreme Court. He earned his B.A. degree from Farleigh Dickinson University and his J.D. degree from Rutgers University. Mr. Martino is a member of the New Jersey State and American bar associations, the Defense Research Institute and the American Arbitration Association. In 2005 and 2006 he was named one of New Jersey's "Super Lawyers."

**SCOTT B. PIEKARSKY** is a partner in the Hackensack law firm of Piekarsky & Schettino, LLC, where he practices in the areas of professional liability, insurance law, general negligence, small business representation, real estate law and condominium law. Mr. Piekarsky frequently lectures to various professional groups and has written articles on legal malpractice, condominium law and ethical issues. He is a member of the Bergen County, New Jersey State and American bar associations, the New Jersey Defense Association and the Defense Research Institute. He is a former barrister with the Pashman American Inn of Court. Mr. Piekarsky earned his B.S. degree, magna cum laude, from Ramapo College of New Jersey and his J.D. degree from Seton Hall University School of Law.

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### NY CLE - 7.0

This course has been approved in accordance with the requirements of the New York State Continuing Legal Education Board for a maximum of 7.0 credit hours, of which 6.0 hours can be applied to the areas of professional practice requirement and 1.0 hour can be applied toward the ethics and professionalism requirement. This live format program is appropriate for experienced attorneys.

This activity has been approved as a nontraditional format activity (self-study) and is appropriate for experienced attorneys only.

### PA CLE - 6.0

This program has been approved by the Pennsylvania Continuing Legal Education Board for a total of 6.0 hours, including 5.0 hours of substantive law, practice and procedure CLE credit and 1.0 hour of ethics, professionalism or substance abuse CLE credit.

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## EVIDENCE AND EXPERT TESTIMONY BEST PRACTICES: SUPPORTING YOUR CASE

Seminar Number: 42783

Please check appropriate box

- April 23**  
Cherry Hill, NJ
- April 25**  
Saddle Brook, NJ

### SEMINAR TUITION

**\$339** — first registrant  
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Please photocopy this form for multiple registrants.

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