

**ATTACKING THE EXPERT'S OPINION (CALIFORNIA)**  
Registration Panel

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**ALL REGISTRATIONS MUST BE PREPAID.**  
 Individual \$279 per person  
 Group \$259 per person for 2 or more preregistering at the same time.  
 Early Bird Discount \$259 per person when registering 3 weeks prior to seminar date.

“The most useful combination of rules, concepts,  
and examples of expert cross-examination EVER.”

-Don Kemna, Shook, Hardy & Bacon



# Attacking the Expert's Opinion

Presented by

## Robert Musante

“Musante gives David a game plan  
against all expert Goliaths.”

-Carlos J. E. Guzman, Kazan McClain

Columbia, SC  
Charleston, SC

February 24, 2011  
February 25, 2011

# Attacking the Expert's Opinion

The adverse expert is typically the most dangerous witness because he testifies cloaked in the mantle of the “unbiased scientist”; thus his testimony — if accepted by the jury — can determine an issue, maybe the entire case.

There is one right, logical method with which to effectively attack that testimony at deposition ... no matter the area of law, no matter the field of expertise. As never before, this seminar brilliantly elucidates that logical method and teaches the archetypal set of integrated questions that are at the heart of every great cross-examination of an adverse expert ... whether in deposition or trial.

If done right, the cross-examination of an adverse witness at deposition is an intellectually rigorous discipline requiring the diligent and skillful application of the logical rules that best exploit case theory opportunities and best attack case theory problems.

All litigators should have studied the discipline's dozens of rules while still in law school, and, later on, should have observed their law firms' experienced litigators effectively employing those rules in every adverse deposition. Yet, sadly, the vast majority of litigators practice for an entire career without ever truly understanding this crucial syllogism:

***Trial is argument. Deposition is trial.***  
***Thus, deposition is argument.***

### Who Should Attend?

The litigator - associate or partner - who does not yet take great adverse expert depositions, but wants to. And soon.

Speaker available for questions during all breaks & post-seminar.

Approved for 6.5 CLE credits  
See inside for complete continuing education information

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# Seminar Agenda

## 8:30 - 10:00 a.m.

- ◆ World-class expert introduced
- ◆ Overview: deposition logic applied to experts
- ◆ When attacks vs. expert should be played at deposition
- ◆ Cross-examiner's problems
- ◆ Expert's pedestal & expert's problems
- ◆ The structure of every opinion: O = R + 2F
- ◆ End point opinions, subordinate opinions, bedrock findings, & bedrock assumptions
- ◆ Critical listening skills (a quick test)

## 10:00 - 10:10 a.m. Break

## 10:10 - 11:20 a.m.

- ◆ The schematic every-case-forever chart introduced
- ◆ Five categories of expert opinions
- ◆ Two must-be-asked questions
- ◆ Ten types of expert rules
- ◆ X and Y factors defined
- ◆ Scientific vs. experiential rules (science vs. art)

## 11:20 - 11:30 a.m. Break

## 11:30 - 12:30 p.m.

- ◆ Non-expert rules and the cloak of expertise
- ◆ Expert's rule's essential factors ("necessary" and "sufficient")
- ◆ Expert's weighing process
- ◆ Critical listening skills (2nd quick test)
- ◆ Two incredibly important -and easy to master- techniques

## 12:30 - 1:30 p.m. Lunch

## 1:30 - 2:50 p.m.

- ◆ Attacks vs. expert's X factors
- ◆ The certainty scale and two archetypal arguments
- ◆ Six sources of assumptions
- ◆ Attacking expert's findings derived through expert methods
- ◆ Attacking expert's findings derived through non-expert methods
- ◆ Expert's self-anointed pedestal-status (3rd quick test)

## 2:50 - 3:00 p.m. Break

## 3:00 - 4:30 p.m.

- ◆ Expert's three - and only three - attacks vs. Y factors
- ◆ Numerical hypothetical questions (bright line test vs. subjective grey)
- ◆ Freud vs. Frasier (expert's psychological insights)
- ◆ Occam's Razor. (the law of parsimony)
- ◆ Musaccam's Razor and the weak links in expert's opinion
- ◆ Attacking expert's double standard re career
- ◆ Attacking expert's double standard re case
- ◆ Coda: Don't squander the deposition of opposing expert

**Robert Musante** is the country's foremost teacher of deposition cross-examination skills. His experience includes being a deputy district attorney in Sacramento and Alameda counties, a civil trial attorney in Contra Costa County, and a lecturer in civil trial practice at Boalt Hall Law School for 16 years. He has taught the logic essential to taking great adverse depositions to more than 35,000 litigators in 41 states and has lectured in-house to 80 law firms including:



- Arnold & Porter
- California AG
- Day Casebeer
- DLA Piper
- Dorsey & Whitney
- Hanson Bridgett
- Hoge Fenton
- Howard Rice
- Kazan McClain
- K&L Gates
- Jones Day
- Morgan Lewis
- Nixon Peabody
- Nossaman Guthner
- O'Melveny & Myers
- Perkins Coie
- Sedgwick
- Seyfarth Shaw
- Vinson & Elkins
- Wilson Sonsini

See [www.killerdepo.com](http://www.killerdepo.com) for thousands of rave reviews and the complete list of major firms and organizations taught.

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If interested in becoming a PESI speaker or have a new topic idea, please contact Cara Schomisch at [cschomisch@pesilaw.com](mailto:cschomisch@pesilaw.com) or 715-855-5291.

## REGISTRATION INFORMATION

### COLUMBIA, SC February 24, 2011

Holiday Inn Hotel & Suites  
8105 Two Notch Rd • 29223  
(803) 736-5600

### CHARLESTON, SC February 25, 2011

Doubletree Guest Ste Historic Charleston  
181 Church Street • 29401  
(843) 557-2644

#### Seminar Schedule:

- 8:00 a.m. Check-in or Register
- 8:30 a.m. Program begins
- 12:30-1:30 p.m. Lunch (on your own)
- 4:30 p.m. Program ends

#### HOW TO REGISTER:

**INTERNET** [www.pesilaw.com](http://www.pesilaw.com)

**MAIL** in registration form with payment.

**FAX** registration form with credit card information to 800-675-5026.

**PHONE** 888-263-5879

Please have credit card available.

If registering within one week of seminar, please call 888-263-5879, M-F 7-5 CT, for space availability. Walk-ins are welcome with payment at the door but admission & manual cannot be guaranteed. •Cash will not be accepted at the door.

We would be happy to accommodate your ADA needs; please call at least two weeks prior to the seminar date.

## CONTINUING EDUCATION INFORMATION

**South Carolina Attorneys:** PESI, LLC has been approved as a continuing education provider of Minimum Continuing Legal Education credit by the State Bar of South Carolina, Office of Certification. This program will qualify for MCLE credit by the State Bar of California in the amount of:

Total Hours: 6.5 (of which the following hours will apply)

0.0 legal ethics,

0.0 elimination of bias in the legal profession,

0.0 prevention, detection and treatment of substance abuse.

Provider Number: 2799. Bar number required.

PESI certifies that this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the State Bar of California governing minimum continuing legal education.

*If your profession is not listed, please contact your board to determine your continuing education requirements and check for reciprocal approval. Many boards will approve this seminar based on other board approvals shown here. PESI, LLC, provides all attendees with documentation of attendance.*

**Rave Reviews** “Top seminar of all I've seen. Don't teach my competitors.”

-Tom Schroeder, Womble Carlyle

“Very helpful in breaking down elements of every expert's testimony.”

-Kristin Schumacher, Perkins Coie

“Sophisticated and persuasive framework for attacking expert opinions. Great job.”

-Steve Rasch, Thompson & Knight

“Best seminar I've been to.”

-Sharon D. Mayo, Arnold & Porter

#### TUITION INCLUDES:

The full-day, quality seminar from America's premier provider of continuing education; the manual; and complimentary morning refreshment break.

**Individual: \$279** per person

**Best Value! Group: \$259** per person for groups of 2+ **registering together**

**Early Bird Discount: \$259** per person when registering 3 weeks prior to seminar date.

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#### PESI RISK-FREE GUARANTEE:

If you are not satisfied with this seminar, we'll make it right. Call PESI at 888-263-5879.

*“Your satisfaction is our goal... and our guarantee!”*

Mark Helland, President

#### HASSLE-FREE CANCELLATION POLICY:

If you contact us before the seminar date, you can exchange for a certificate to attend another PESI seminar, or receive a tuition refund less a \$30 cancel fee. Contact PESI at 888-263-5879 for more information.

**Our Philosophy is Simple: We guarantee your satisfaction. If you are not satisfied with this seminar, call us and we'll make it right. 888-263-5879**