



SECTION *of* LITIGATION

AMERICAN BAR ASSOCIATION



***More than Nuts & Bolts: How to Construct
and Deconstruct Expert Testimony***

Sponsored By:

**Section of Litigation Construction Litigation Committee
Section of Litigation Expert Witnesses Committee
Section of Public Contract Law**

Monday, February 12, 2007

Offices of:

**Thelen Reid Brown Raysman & Steiner LLP
701 Eighth Street, NW
Washington, District of Columbia 20001**

Dear Colleagues:

This interactive program will give you the tools you need to select construction experts, facilitate preparation of their reports, prepare for expert depositions, and conduct examination of those experts at trial or arbitration. During the morning sessions, construction industry experts and experienced lawyers will cover these topics within the context of the most common construction disputes, including defective construction, schedule delays, code violations, and cost overruns. During the afternoon session, participants will divide into smaller groups and work directly with an expert witness to prepare and present both a direct and cross-examination.

We look forward to seeing you in Washington, DC.

D. Andrew Williams
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& Laney, P.A.
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Special thanks to our sponsors:

Navigant Consulting, Inc.

**Thelen Reid Brown Raysman &
Steiner LLP**

Program Schedule

7:30 – 8:10 a.m. Continental Breakfast and Opening Remarks

8:10 – 9:30 a.m.

I. Where do I begin? Understanding the expert issues arising out of management of the construction project and the types of documents critical to preparation for expert testimony in any construction dispute.

Speakers: Tony Warner, *Warner Construction*
James Newland, Esq., *Thelen Reid Brown Raysman & Steiner LLP*

9:30 – 9:40 a.m. Break

9:40 – 11:00 a.m.

II. Whom do I hire? Knowing the types of experts you need to consider when faced with claims of construction defects and code violations.

Speakers: Derek Hodgkin, *Construction Science and Engineering, Inc.*
Kim Reome, *The Kenrich Group, LLC*
Richard Coe, Esq., *Weir Partners*

11:00 – 12:20 p.m.

III. How do I help my expert prepare the report and get ready for deposition? Working with your expert to make his/her testimony regarding the cause of schedule delays defensible and understandable.

Speakers: Ted Trauner and Wayne DeFlaminis, *Trauner Consulting*
Larry Harris, Esq., *Greenberg Traurig*

12:20 – 12:30 p.m. Break

12:30 - 2:00 p.m. Lunch

IV. How does my expert persuade the fact finder at trial? Presenting a persuasive case for damages through the presentation of demonstrative evidence to the jury or arbitrator.

Speakers: Laura Miller and Bill Guernier, *Navigant Consulting, Inc.*
Michael Branca, Esq., *Peckar, Abramson, Bastianelli
& Kelley, LLP*

2:00 – 2:10 p.m. Break

2:10 – 3:30 p.m.

V. Breakout Session 1: Preparation and Presentation of Direct Examination [80 minutes]

Participants will break out into one of the groups below and work directly with the expert and experienced attorneys to prepare a direct examination of the expert. [40 minutes]

Group 1 will present a 20 minute direct examination of their expert to Group 2 and then Group 2 will present a 20 minute direct examination of their expert to Group 1.

- A. Construction Management
 - Group 1. Warner
 - Group 2. Warner Construction Expert 2
- B. Schedule Delays
 - Group 1. Trauner
 - Group 2. DeFlaminis
- C. Defect Claims
 - Group 1. Hodgin
 - Group 2. Reome
- D. Damages
 - Group 1. Guernier
 - Group 2. Miller

3:30 – 4:50 p.m.

VI. Breakout Session 2: Preparation and Presentation of Cross Examination [80 minutes]

Participants will break out into one of the groups below and work directly with the expert and experienced attorneys to prepare a cross examination of the expert based on the direct examination observed during Session 1. [40 minutes]

Group 2 will present a 20 minute cross examination of the Group 1 expert and then Group 1 will present a 20 minute cross examination of the Group 2 expert.

- A. Construction Management
 - Group 1. Warner
 - Group 2. Warner Construction Expert 2

- B. Schedule Delays
 - Group 1. Trauner
 - Group 2. DeFlaminis

- C. Defect Claims
 - Group 1. Hodgins
 - Group 2. Reome

- D. Damages
 - Group 1. Guernier
 - Group 2. Miller

4:50 p.m. Closing Remarks

Registration and General Information

Registration Fee

The registration fee is \$130.00 for Section of Litigation and Section of Public Contract Law members and \$185.00 for non-members.

The meeting fee includes course materials, continental breakfast and lunch for attendees.

Tax Deduction for Education Purposes

In the United States, an income tax deduction may be allowed for educational expenses undertaken to maintain or improve professional skills. This includes registration, travel, meals and lodging (see Tres. Reg. 1.162.5) (*Coughlin vs. Commissioners*, 203 F.2d 307).

Dress

Courtroom attire is encouraged for all participants, in keeping with the program for this meeting.

MCLE Credit

Credit will be requested from MCLE states with general requirements for all attorneys. Each state has its own rules and regulations; therefore, certain programs may not receive credit in some states. Please check with your state for confirmation of program's approval or contact Emily O'Keefe at 312-988-6256 for confirmation of the number of credits approved by any particular state.

Registration Form

More Than Nuts & Bolts: How to Construct and Deconstruct Expert Testimony

Date: Monday, February 12, 2007

Location: Offices of Thelen Reid Brown Raysman & Steiner LLP
701 Eighth Street, NW
Washington, District of Columbia 20001

Name _____

Affiliation _____

Address _____

City _____ State _____ Zip Code _____

Telephone _____ Fax _____

E-mail _____

ABA Member No. _____

The information submitted on this registration form will be used only to create an attendance list for this program.

Registration Information

\$130.00 (Section of Litigation and Section of Public Contract Law members)

\$185.00 (Non-Section members)

Registration deadline is February 5, 2007. Checks for attendance and course materials should be made payable to the American Bar Association.

I will attend the meeting and my check for \$_____.00 is enclosed.

For additional information about the program, please contact:
Drew Williams, (803) 227-4212, DWilliams@TurnerPadget.com, or
Cathy Altman, (214) 855-3083, caltman@ccsb.com

***Return this form with payment to:
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