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Video: Adding to Your Case: Examining and Cross Examining Expert Witnesses

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**NOVA SOUTHEASTERN
UNIVERSITY**

Shepard Broad College of Law

Law Center Plus: Continuing Your Legal Education

Adding to Your Case: Examining and Cross Examining Expert Witnesses

**Friday, March 18, 2016
7:30 am – 9:30 am
3305 College Avenue
Ft. Lauderdale, FL 33314**

Michael Dale

Professor of Law

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Michael J. Dale has been a member of the faculty at NSU Shepard Broad College of Law since 1985, teaching courses in family law, juvenile law and in the family and juvenile clinic. He also teaches litigation courses including civil procedure, conflicts of laws, evidence, trial advocacy and international litigation. He has been a practicing lawyer specializing in civil rights litigation for 40 years. He is admitted to practice in the states of Arizona, Florida, New Mexico and New York as well as before the United States Supreme Court and numerous federal appellate and district courts. He has organized the NITA Deposition Skills Program at NSU College of Law for 25 years.



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Professor Webber has taught at NSU College of Law since 2010. Professor Webber's courses include: Employment Discrimination, Remedies, and Lawyering, Skills and Values. Professor Webber's scholarship draws on political science theory to analyze Supreme Court decisions on federal employment discrimination law. Her article, Correcting the Supreme Court – Will It Listen? Using the Models of Judicial Decision-Making to Predict the Future of the ADA Amendments Act, appears in the February 2014 issue of the University of Southern California Interdisciplinary Law Journal. This article was selected for presentation at the Eighth Annual Colloquium on Current Scholarship in Labor and Employment Law and the Midwest Political Science Association 2014 Annual Conference.



Jack L. Harari

West Boca Medical Center, Chief Medical Officer

Jack L. Harari, M.D., J.D., F.A.A.E.M.

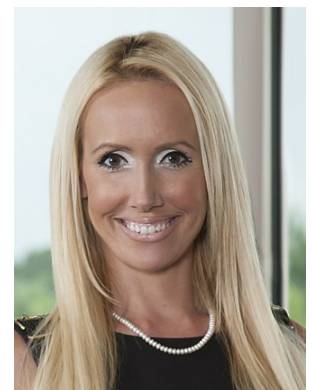
Dr. Harari is the Florida Atlantic University Charles E. Schmidt College of Medicine Associate Dean for Academic Affairs - West Boca Medical Center. Dr. Harari obtained his MD degree from the University of Miami in 1981. He completed his residency in Emergency Medicine in Jacksonville, FL and is board certified in Emergency Medicine. Dr. Harari has an interest in Health Care Regulatory Law and in 2009 obtained a JD degree with a concentration in Health Law from NSU Shepard Broad College of Law. Dr. Harari is licensed to practice Medicine and is a member of the Florida Bar.



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Valerie Barnhart is a Partner with Kelley Kronenberg. She focuses her practice on business transactions and data privacy and security matters. Valerie is an adjunct professor at Nova Southeastern University and devotes substantial time assisting students who are preparing for the Florida Bar Examination, and serves as an elected representative on the Florida Bar Board of Governors Young Lawyers Division. Valerie is a Certified Information Privacy Professional (CIPP/US) and a Certified Information Privacy Manager (CIPM) accredited by the International Association of Privacy Professionals.



Welcome & Introduction:

7:55 to 8:00 am

Elena Rose Minicucci, JD Director, Alumni Relations, NSU Shepard Broad College of Law Welcome & Introduce Professor Michael Dale, Professor Kathryn Webber, Valerie Barhart, Esq. and Dr. Jack Harari.

Seminar Presentation

8:00 - 8:15 am — Direct Exam Lecture

Professor Michael Dale

8:15 - 8:45 am— Direct Exam Role Play

Professor Michael Dale and Valerie Barnhart, Esq. conduct the Direct Exam of Expert Witness, Dr. Jack Harari, Esq. Professor Kathryn Webber, Judge
Discussion and Q&A to follow

8:45 - 9:00am— Cross Exam Lecture

Professor Michael Dale lectures on Cross Exam techniques

9:00 – 9:30 am— Cross Exam Role Play

Professor Michael Dale and Valerie Barnhart, Esq. - Cross Exam of Expert Witness, Dr. Jack Harari.
Professor Kathryn Webber, Judge
Discussion and Q&A to follow

9:30 am – Seminar Ends

Handouts and Resources: includes relevant portions of the following documents or links to the articles, used with author's permission:

- Organization ABA Journal Online: Organizing the Case by James W. McElhaney
http://www.abajournal.com/magazine/article/organizing_the_case/
- Preparation ABA Bookstore Online: Litigators on Experts: Strategies for Managing Expert Witnesses from Retention through Trial - ISBN 978-1-60442-929-9 Product Code: 5310400
<http://shop.americanbar.org/eBus/Store/ProductDetails.aspx?productId=214912>
- Expert Witnesses ABA Online: 10 Tips for Posturing Your Case for Successful Daubert Challenge
<http://apps.americanbar.org/litigation/committees/expertwitnesses/practice.html>

ABA Online: See Generally: <http://apps.americanbar.org/litigation/committees/expertwitnesses/home.html>
- Witnesses During Testimony Restrictions on Lawyers Communicating with Witnesses During Testimony: Law, Lore, Opinions, and the Rule
<http://www.floridabar.org/divcom/jn/jnjournal01.nsf/Author/F361C04FC87E0EF2852575D600654478>
- Rules Florida Rules of Civil Procedure – Experts [http://www.floridabar.org/TFB/TFBResources.nsf/0/10C69DF6FF15185085256B29004BF823/\\$FILE/Civil.pdf](http://www.floridabar.org/TFB/TFBResources.nsf/0/10C69DF6FF15185085256B29004BF823/$FILE/Civil.pdf)
- Statutes Florida Statutes Sec. 90.702 “Testimony by Experts” (2015)

Florida Statutes Sec. 90.704 “Basis of Opinion Testimony by Experts” (2015)

This section was amended effective July 2, 2013 to prohibit the disclosure of inadmissible facts or data to a jury by the proponent of an expert opinion or by inference unless the court determines that their probative value in assisting the jury's evaluation of the expert's opinion substantially outweighs their prejudicial effect. As a result of the amendments, the effect of s. 90.704, F.S., is conformed to the effect of Federal Rule of Evidence 703. (Adopting the Daubert for admitting expert witness testimony)

Florida Statutes Sec. 90.705 “Disclosure of Facts or Data Underlying Expert Opinion” (2015)

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<http://www.NITA.org>



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