



ANNUAL CONSULTANTS' CONFERENCE

JUNE 8-11
2011
SAN DIEGO

NATIONAL ASSOCIATION OF CERTIFIED VALUATORS AND ANALYSTS • INSTITUTE OF BUSINESS APPRAISERS

Track: **Litigation Consulting**

Sponsored by the Financial Forensics Institute

Session Date/Time: **Friday, June 10, 2011 • 2:05 – 3:45 PM**

Session Title: **When Retaining Counsel Becomes an Expert's
Greatest Risk —An Expert's Guide to Survival**

Session Summary:

Forensic experts focus a great deal of effort on protecting themselves from the challenges and attacks from opposing counsel. Many experts, however, overlook the various risks presented by their own retaining counsel. This session will focus upon how retaining counsel can impair an expert's credibility through misleading assumptions, incomplete foundational documents, unrealistic financial and time constraints, and substandard direct examination. It will also explore ways experts can quickly recognize the warning signs and act affirmatively to maintain their credibility and effectiveness. After attending this session, participants will be able to: distinguish between "evidence" and retaining counsel's "spin on the evidence," identify deficiencies (both intentional and unintentional) in the evidentiary material provided by counsel, deflect counsel's imposition of unrealistic budgets and timelines, identify four key areas for which the expert, in addition to formulating opinions, can add to the strength of counsel's case, employ strategies to enable retaining counsel to maximize the impact of the expert's testimony, and refocus retaining counsel's wish list into realistic expectations.



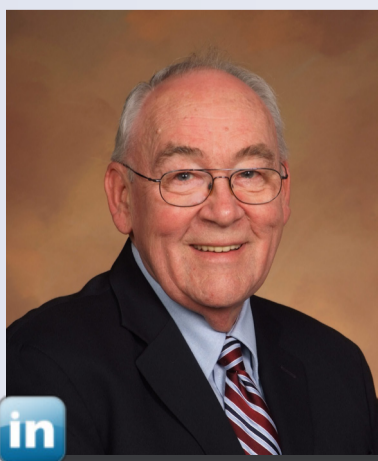
CPE Hours/Fields of Study: **CPE: 2 • 2Hrs-SK&A**

Presenter Bio(s): **Michael G. Kaplan, CPA/ABV/CFF, CVA, CFFA**



Michael has more than 35 years of experience in the areas of forensic accounting, business valuation and litigation consulting. He is the principal of Kaplan Abraham Burkert Associates, Forensic Valuation Consultants and Senior Advisor at Freeman & Mills, Inc. He has rendered services in numerous litigation matters, including business litigation, professional malpractice matters, fraud and embezzlement, intellectual property, marital dissolution, loss of earnings, employment matters, and partner and shareholder disputes. He has qualified to testify in court as an expert witness in approximately 250 matters. He has also served as a court appointed expert and accounting referee. Michael is the president of the Financial Forensics Institute and chief architect and lead instructor of the "Litigation Bootcamp for Financial Experts" and the "Expert Witness Bootcamp."

P. Dermot O'Neill, CPA/ABV, CFF, CVA, CFFA



Dermot has over 40 years of experience as a CPA with the last 15 years dedicated exclusively to business valuation and litigation. He has testified in seven states as well as several federal districts and federal bankruptcy court. He is a member of the NACVA Litigation and Forensics Board as well as managing editor of the National Litigation Consultants' Review.