

SEMINAR

Witness Preparation the Better Way

Unlocking the secrets to testimonial success

Answers are hugely consequential. In this engaging program, Ken Berman, popular public speaker and author of the ABA best-selling book *Reinventing Witness Preparation*, teaches his pathbreaking approach to preparing witnesses—markedly different from the conventional approach. Most lawyers prepare their witnesses based on the idea that the less information the witness gives to opposing counsel, the better. Berman shows why that approach puts witnesses on a road to testimonial failure, why brevity is often more harmful than helpful, and how lawyers can prepare their clients so that the answers actually help their cases.

Berman's approach is based on the idea that witnesses need to get their stories out and that the goal of effective preparation is to teach witnesses how to testify in ways that build trust and credibility with the factfinder and support the theme of the case. Between an experienced cross-examiner and the witness, the witness is at a disadvantage. Berman shows how witnesses, if properly prepared, can neutralize that dynamic, avoid the interrogator's traps, and get the upper edge in spheres that matter: content, theme development, style, and likability.

Agenda

- Dangers of Conventional Witness Preparation
- How Witnesses Get Hurt When Giving Short Answers, Avoiding Ambiguous Questions, and Claiming Lack of Memory
- Knowing and Preparing Your Witness for Deposition or Cross
- Avoiding Testimonial Traps
- Effective Testimonial Style
- Preparing for Direct Examination
- Problems with Memory, Documents, and Other Special Issues

Instructor



KENNETH R. BERMAN co-chairs the business litigation practice group at Nutter McClennen & Fish LLP in Boston, Massachusetts. Mr. Berman represents clients in complex business cases, intellectual property disputes, and real estate and land use litigation. Mr. Berman is also an author, columnist, and public speaker. In addition to authoring *Reinventing Witness Preparation: Unlocking the Secrets to Testimonial Success*, he writes a quarterly column for *Litigation*, the flagship litigation journal of the ABA, where he challenges assumptions and conventional wisdom about litigation and legal disputes, suggesting solutions to things most lawyers are unaware might need fixing. His TED-style talks on witness preparation and persuasion have received wide acclaim from bar groups around the country.

Materials Also Available: Reinventing Witness Preparation

If you can't get enough of Ken Berman's insights during the program, you can order *Reinventing Witness Preparation*. This guide helps you properly prepare your client to testify at trial with clear and simple rules. Available from The American Bar Association at <https://www.americanbar.org/products/inv/book/309140159/>.



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Dates & Location

LIVE WEBCAST

Wednesday, November 3, 2021
9:30 am–12:30 pm

Register at www.mcle.org
Program Number: 2220078WBC

REBROADCAST

Thursday, November 18, 2021
9:30 am–12:30 pm

Register at www.mcle.org
Program Number: 2220078RBC

REBROADCAST

Monday, November 29, 2021
2:00 pm–5:00 pm

Register at www.mcle.org
Program Number: 2220078RB1

ON DEMAND WEBCAST

View after Monday, November 29, 2021

Register at www.mcle.org
Program Number: 2220078WBA

Tuition *(includes written materials)*

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 - 6-10 250
 - 11-25... 500
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 - 151-250 .. 3,500
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