

## 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](http://www.mcle.org)  
Program Number: 2220078WBC

### REBROADCAST

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

Register at [www.mcle.org](http://www.mcle.org)  
Program Number: 2220078RBC

### REBROADCAST

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

Register at [www.mcle.org](http://www.mcle.org)  
Program Number: 2220078RB1

### ON DEMAND WEBCAST

View after Monday, November 29, 2021

Register at [www.mcle.org](http://www.mcle.org)  
Program Number: 2220078WBA

## Tuition *(includes written materials)*

- \$245
- \$220.50 MCLE Sponsor Members
- \$183.75 New Lawyers admitted to law practice after 2018, Pending Admittees, Law Students, and Paralegals

To apply for a need-based scholarship, email [scholarships@mcle.org](mailto:scholarships@mcle.org).

## Materials

The materials for this program are available *online* and can be downloaded via the link emailed to you upon registration.

Also, there is no need to take extensive notes. Two weeks after the live webcast, all registrants receive a link to a verbatim transcript of this program.

## CLE Credits

Earn up to 3 CLE credits

## About MCLE

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For course agendas, hours, fees, and discounts, please refer to the respective seminar pages. The fee includes program instruction and all electronic written materials unless otherwise noted.

To gain early access to online materials, please register in advance of the program.


Upon registration, MCLE will e-mail a confirmation.

Day-of-the-program registrations are welcome, with the exception of limited enrollment programs, or as otherwise noted.

We accept cash, checks, MasterCard, Visa, American Express, and Discover.

## Need special assistance?

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Individual attorneys are responsible for checking with their particular state CLE accreditation authority about whether and how much credit will be granted. Although MCLE does not pursue state-based credit, MCLE programs are regularly approved in many jurisdictions. It is the responsibility of the individual attorney to submit the information and certifications required under the respective state rule to the appropriate authorities in the jurisdictions in which they seek credit.

Depending on the jurisdiction, lawyers can satisfy their mandatory CLE requirements online with MCLE's webcasts, which feature periodic attendance prompts, electronic written materials, and the opportunity to receive a certificate of attendance.

## If your plans change

If you're unable to participate in a program on the date for which you registered, you will receive an email about how to access the program on demand via webcast and/or downloadable mp3 file, including the written materials in electronic form, in full satisfaction of the tuition paid. If you prefer a refund, let us know by the end of the business day prior to the program and we'll refund your tuition after deducting a \$35 processing fee. Note that limited enrollment programs are an exception, cancellation of which require two weeks notice and are subject to a \$55 processing fee.

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## Attorney scholarships

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  - 11-25... 500
  - 26-75... 1,000
  - 76-150 ... \$ 2,500
  - 151-250 .. 3,500
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