



PRESENTING AND CHALLENGING EXPERT WITNESSES POST-SANCHEZ



JUSTICE MARK B. SIMONS
California Court of Appeal
1st Dist., Div. 5



JUDGE THOMAS TRENT LEWIS
Los Angeles Superior Court
Supervising Judge, Family Law Division

6 Hours of MCLE/Specialization Credit!
Lunch Provided!

JUNE 2018

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PRESENTING AND CHALLENGING EXPERT WITNESSES POST-SANCHEZ

FOCUS

In its landmark decision, *People v. Sanchez*, the California Supreme Court established new and significant limits on the ability of experts to testify to hearsay statements they relied on to form their opinions. *Sanchez* has been called, “the most impactful California Supreme Court decision on evidence in the last decade.” *Sanchez* represents a seismic shift away from allowing experts to serve as the conduit for otherwise inadmissible hearsay. Nearly every family law case involves expert testimony regardless of its size or complexity. Whether you litigate or mediate, you need a foundation for determining what evidence is admissible and what is not.

Experts routinely testify in child custody and domestic violence proceedings, and with respect to financial matters, business valuations, income for support, pension valuations, deferred compensation, and property valuations.

This course will be taught by Justice Mark Simons and Judge Thomas Trent Lewis. They will present an in-depth analysis of *Sanchez*, including why family law cases are not exempt and what types of hearsay experts may still rely upon in presenting their opinions. Don't be the only lawyer in the case who doesn't understand *Sanchez*. This is an evidence program you will not want to miss!

HIGHLIGHTS

QUALIFYING EXPERT WITNESSES

- When expert testimony is necessary
- Who is an expert
- How to qualify an expert witness
- How to challenge an expert's qualifications or theories
- Whether the theoretical basis for the expert's opinion is consistent with family law principles and the limitations under *Sargon v. U.S.C.*

UNDERSTANDING HOW THE HEARSAY RULE IMPACTS EXPERT TESTIMONY

- How the hearsay rule applies to expert testimony
- What evidence is hearsay and what evidence is not
- What hearsay exceptions apply to the expert's testimony
- Whether the documents the expert relied upon constitute hearsay and what exceptions to the hearsay rule apply in family law proceedings
- Whether different rules apply to e-documents
- When an expert may *rely* on out-of-court statements to form his/her opinion

- When an expert may *testify* as to those same out-of-court statements

PREPARING YOUR EXPERT WITNESS

- Who your expert interviews
- What critical steps you must take following that interview

PRESENTING EXPERT TESTIMONY

- The foundational elements for the expert's testimony
- The rational basis for the expert's theory under *Sargon v. U.S.C.*
- The strategic basis underlying the presentation of evidence

CHALLENGING EXPERT TESTIMONY

- Whether to challenge at a deposition
- Use of the motion in limine
- Challenges in the trial court
- Whether there is a sufficient basis for the expert's opinion under Ev. C. §§801(a) and 803 when certain evidence is excluded

COURSE MATERIALS

Enrollees will receive a complete version of all slides used by the presenters, plus other supplemental materials. You have the option of receiving either printed course materials OR course materials on a USB drive, which allows you to save them to your hard drive and take notes directly next to the material covered. See order form to make your selection.

6 HOURS MCLE/SPECIALIZATION CREDIT

Approval of specialization credit in Family Law has been granted by the California Board of Legal Specialization, and approval of MCLE credit for this activity has been granted by the State Bar of California in the amount of 6 hours.

To enroll or for more information, call 1-800-747-3161 (Ext. 2)

FACULTY



JUSTICE MARK B. SIMONS received an undergraduate degree from the University of Michigan and his J.D. from the University of Chicago, where he served on the Law Review. After a clerkship with U.S. District Judge Alvin B. Rubin in New Orleans, he began practice as an associate with Cooley in San Francisco. After serving as a deputy public defender in Contra Costa County, Justice Simons was appointed to the trial court in 1980. In 2001, he was appointed to the First District Court of Appeal in San Francisco. Justice Simons was an adjunct professor of law and taught evidence at Hastings College of the Law from 2002 through 2004. He has lectured on evidence topics to numerous lawyer and judicial groups, including the B. E. Witkin Judicial College, and served as Dean of the Judicial College in 1995 and 1996. Justice Simons is the author of *California Evidence Manual*, published by Thomson West. He has twice received the *Bernard Jefferson Award* for Distinguished Service in Judicial Education. In 2014, Justice Simons and Justice Corrigan were jointly awarded the *First Annual Distinguished Service Award* in judicial Education by the Judicial Council.



JUDGE THOMAS TRENT LEWIS is the Supervising Judge for the Los Angeles County Family Law Division. Judge Lewis became a CFLS in 1985 and was inducted into AAML in 1987. He was inducted as a Fellow of the International Academy of Family Law in 2016. He served on the Family Law and Juvenile Advisory Commission until 2014 and he is a past faculty member for the judicial training committee for Family Law. He is a past president of the California Chapter of the Association of Family and Conciliation Courts. He is also a contributing author of The Rutter Group's *California Practice Guide: Family Law* and serves as Program Director for CFLR. In 2010, he was awarded the *Outstanding Jurist Award* by AAML's Southern California Chapter, and in 2014, he became the first emeritus member of the Association of Certified Family Law Specialists. Among his many awards are the 2015 Los Angeles County Bar Association Family Law Section *Spencer Brandeis Award*, the 2016 Southern California Inn of Courts *Outstanding Jurist Award*, and the 2017 San Fernando Valley Bar Association *Stanley Mosk Legacy of Justice Award*.

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Contributing Authors: Judge Thomas Trent Lewis, Judge James M. Mize, Bruce E. Cooperman and Michael Asimow

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3 VOLUMES

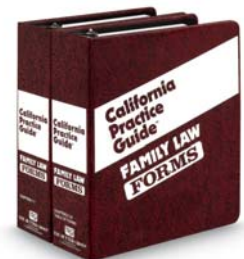
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2 VOLUMES

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REGISTRATION: 8:00 AM
PROGRAM: 8:30 AM - 4:00 PM
LUNCH PROVIDED

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- LOS ANGELES**
June 9, 2018 (Sat.)
Sheraton Universal Hotel
333 Universal Hollywood Drive
(818) 980-1212
- BURLINGAME**
June 16, 2018 (Sat.)
San Francisco Airport Marriott Waterfront
1800 Old Bayshore Highway
(650) 692-9100
- SACRAMENTO**
June 23, 2018 (Sat.)
Westin Sacramento
4800 Riverside Boulevard
(916) 443-8400

TUITION DEADLINES

Enrollees are entitled to an early enrollment discount. Your registration(s) will be considered "At Door" unless received in our office by the deadline dates listed below (**NO EXCEPTIONS**):

Early Bird tuition deadline (all locations): **4-27-2018**

Advance tuition deadlines:

San Diego: **5-25-2018** Burlingame: **6-9-2018**

Los Angeles: **6-1-2018** Sacramento: **6-16-2018**

ADDITIONAL INFORMATION

Hotels: Although hotels block rooms at a special rate, they may become unavailable a few weeks before the course begins.

Refunds: Tuition is 80% refundable up to 10 days before the start of the selected program.

Confirmation Will Be Sent: Retain a copy of your completed registration form. If you do not preregister, call to confirm that space is available and that there are no changes in location or times.

Additional Fees: \$75 split registration; \$50 each change in location.

TUITION

<input type="checkbox"/>	Early Bird Tuition (see Tuition Deadlines)	\$ 495
<input type="checkbox"/>	Advance Tuition (see Tuition Deadlines)	\$ 795
<input type="checkbox"/>	"At Door" Tuition	\$995

Note: This program is produced in conjunction with the California Family Law Report (CFLR). The TRG RUTTERPASS is not accepted for this program.

TOTAL

COURSE MATERIALS

Please select which method you would like to receive your course materials

- Course Materials on USB Drive** (must bring laptop)
- Printed Course Materials**



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