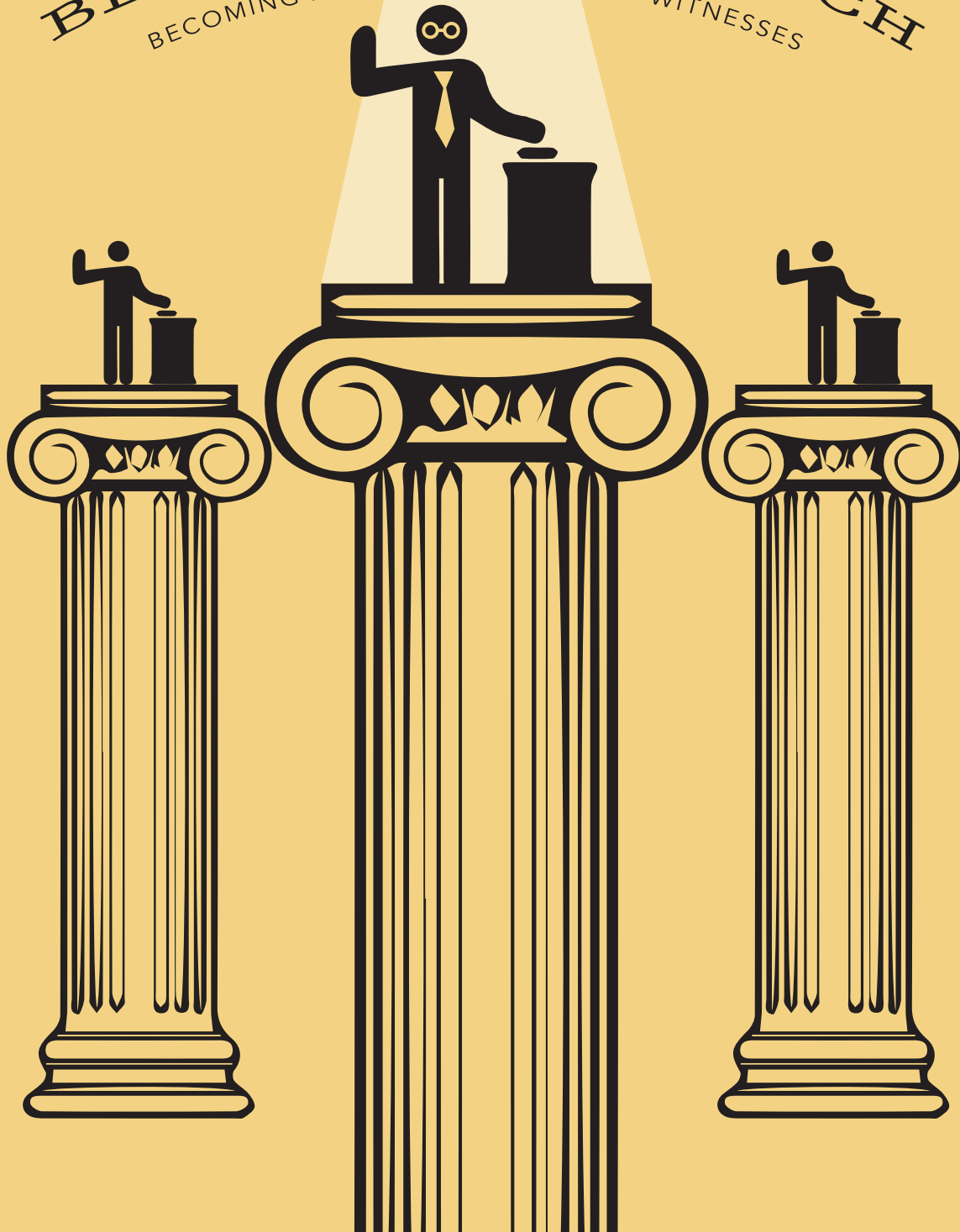


BEYOND REPROACH

BECOMING AN EXPERT ON EXPERT WITNESSES



FRIDAY, OCTOBER 10, 2014

8:00 AM TO 4:15 PM

DREXEL UNIVERSITY THOMAS R. KLINE SCHOOL OF LAW, 3320 MARKET STREET, PHILADELPHIA, PA.



DREXEL UNIVERSITY
Thomas R. Kline
School of Law

BEYOND REPROACH

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SCHEDULE

8:00 a.m.	Registration & Continental Breakfast	1:00—1:15 pm	Break
8:30 a.m.	Welcome	1:15—2:45 p.m.	Experts' Varied Roles and Codes of Ethics
8:35 a.m.	Overview Professor David DeMatteo		<i>Panelists:</i> Gerald Cooke The Hon. Elizabeth T. Hey Greg Cowhey <i>Moderator:</i> Professor David DeMatteo
8:45–10:15 a.m.	Work Product Admissibility, in Light of Barrick v. Holy Spirit Hospital <i>Panelists:</i> The Hon. Mark I. Bernstein Dorothy Duffy Andrew Stern <i>Moderator:</i> Professor Gwen Roseman Stern	2:45—4:15 p.m.	The Expert Witness in a Criminal Case <i>Panelists:</i> David Rudovsky David Troyer <i>Moderator:</i> Michael Avery
10:15—10:25 a.m.	Break		
10:25–11:55 a.m.	The Controversy Surrounding 703 <i>Panelists:</i> The Hon. Mark I. Bernstein Dorothy Duffy Andrew Stern <i>Moderator:</i> Professor Gwen Roseman Stern		
12:00—1:00 p.m.	Lunch and Presentation Greg Cowhey		

Symposium Organizers:

David DeMatteo, Associate Professor of Law, Associate Professor of Psychology and Director of the JD-PhD Program in Law and Psychology at Drexel University School of Law

Gwen Roseman Stern, Associate Teaching Professor and Director of Trial Advocacy Program at Drexel University School of Law

SPEAKER BIOGRAPHIES

Michael Avery

Michael Avery has practiced as a civil rights and criminal defense attorney, representing clients in jury trials and arguing cases in federal and state appellate courts, including the United States Supreme Court. He joined the Suffolk Law faculty in 1998, where he was a tenured professor, teaching Constitutional Law, Evidence and related courses. He retired from Suffolk in 2014. He graduated from Yale College in 1966 and Yale Law School in 1970. Professor Avery was President of the National Lawyers Guild from 2003 to 2006.

Professor Avery is co-author of "Police Misconduct: Law and Litigation," (West), a leading treatise on civil rights law, co-author of the "Handbook of Massachusetts Evidence," (Aspen), the leading treatise on that subject, and the author of the forthcoming "Glannon Guide to Evidence," (Aspen), as well as several law review articles. Prof. Avery was the editor and a contributing author to "We Dissent," (NYU Press), a critical review of civil liberties and civil rights cases from the Rehnquist Court, and co-author of "The Federalist Society: How Conservatives Took the Law Back from Liberals," (Vanderbilt U. Press). He is a frequent presenter at continuing legal education programs and lectures across the country on civil rights and evidence law.

The Hon. Mark I. Bernstein

Judge Mark I. Bernstein has served as a Judge of the First Judicial District of Pennsylvania since April, 1987. He teaches Evidence and Civil Procedure on the faculty of Drexel's Thomas R. Kline School of Law. He is the author of comprehensive comments on the Pennsylvania Rules of Evidence published by Gann Law Books. The Supreme Court of Pennsylvania has appointed Judge Bernstein to serve on important committees concerned with the quality of Justice, including the Civil Jury Instruction Committee which publishes Standard Jury Instructions, and the Medical Malpractice Mediation Task Force encouraging alternatives to litigation in malpractice claims. In 1995, Judge Bernstein designed and implemented the case management system for all Civil Major Jury cases, as a result of which there is no backlog of civil cases in Philadelphia County.

Judge Bernstein is the recipient of the Foundation for Improvement of Justice Annual Award, for innovative court programs. He was named one of the 500 leading Judges in America by Lawdragon Magazine. Judge Bernstein writes extensively on the law particularly in the area of expert testimony. After graduating from the University of Pennsylvania Law School and before taking the bench in 1987, Judge Bernstein was in the private practice of law specializing in litigation.





Gerald Cooke

Psychologists Gerald and Margaret Cooke are in private practice in Plymouth Meeting, Pa. The practice is limited to forensic psychology, and approximately 50% of the case load is comprised of child custody cases. Gerald Cooke is American Board of Professional Psychology certified in Forensic Psychology. Since 1979, he has conducted approximately 800 custody cases and testified in approximately 285 cases.

Gregory Cowhey

Gregory Cowhey is a principal with McGladrey, a leading provider of assurance, tax and consulting services, with operations in 75 U.S. cities and 100 different countries. Mr. Cowhey has more than 25 years of experience providing forensic accounting, fraud investigation, business valuation and litigation support services for individuals, closely held companies, medium to large public and private corporations, government agencies, banks, attorneys and accounting firms. He is regularly retained to provide professional advisory services for a variety of engagement needs including economic damages analysis, financial and fraud investigations and expert testimony.

Mr. Cowhey has provided expert testimony in trials in federal Court, U.S. Bankruptcy Court, and state courts. In addition, he has frequently been appointed by special masters and judges to serve as the "court's expert" in business and intangible asset valuation disputes in New Jersey, New York and Pennsylvania. He is also retained to serve as an arbitrator in disputes involving valuation, economic damages, purchase accounting and other areas of financial specialization.

David DeMatteo

David DeMatteo is Director of the JD/PhD Program in Law and Psychology, Associate Professor of Law at Drexel's Thomas R. Kline School of Law and Associate Professor of Psychology in Drexel University's Psychology Program. His research interests include psychopathy, forensic mental health assessment, drug policy and offender diversion. His research has been funded by the National Institute on Drug Abuse, Pennsylvania Department of Health, Pennsylvania Commission on Crime and Delinquency and the American Psychology-Law Society.

Professor DeMatteo is licensed as a psychologist in Pennsylvania, where he conducts forensic mental health assessments of juveniles and adults. He is among a select group of professionals in the U.S. to gain Board Certification in Forensic Psychology by the American Board of Professional Psychology.

He has co-authored four books in his field, including "Forensic Mental Health Assessment: a Casebook," published by Oxford University Press, as well as more than 80 articles and book chapters. He is the associate editor of Law and Human Behavior, on the editorial boards of several other journals and a reviewer for more than 20 scientific journals. Professor DeMatteo was chair of the American Psychological Association's Committee on Legal Issues in 2011, and he is currently council representative to APA for the American Psychology-Law Society. He is also a fellow of the American Psychological Association.



Dorothy Duffy

Dorothy Duffy is a partner in the Plymouth Meeting law firm of O'Brien & Ryan LLP. Ms. Duffy handles complex litigation, with an emphasis on medical malpractice defense. She has defended hundreds of cases in Philadelphia and the surrounding Pennsylvania counties and has tried dozens of cases in both the Pennsylvania state and federal courts. Ms. Duffy has served as lead trial counsel in complex medical trials resulting in defense verdicts including cases involving vascular surgery, plastic and reconstructive surgery, obstetrics, gynecology, radiology, psychiatry, emergency medicine and general surgery. She has also represented defendants in mass tort litigation involving products liability, including silicone gel breast implants and various drugs, and has served as liaison counsel for mass torts in state litigation, as well as on a national level in federal multi-district litigation. Ms. Duffy is a 1986 graduate of Temple University School of Law, Philadelphia, and a 1983, magna cum laude, Phi Beta Kappa graduate of the Catholic University of America. Ms. Duffy is a member of the American Board of Trial Advocates. Along with those memberships she is also a member of the Montgomery County Bar Association and the Pennsylvania Bar Association.

The Hon. Elizabeth Hey

Judge Elizabeth Hey is a U.S. Magistrate in the Eastern District of Pennsylvania. She began her legal career as a law clerk to the Honorable Collins J. Seitz of the United States Court of Appeals for the Third Circuit. After serving as an associate at Dechert LLP from 1991 to 1995, she joined the Federal Community Defender Office for the Eastern District of Pennsylvania, where she served in the trial and appeals units. She was appointed as a Magistrate Judge in April 2007. Judge Hey earned her BA degree from Vassar College in 1983, her JD from Villanova University School of Law in 1989, and a PhD in Clinical Psychology from Hahnemann (now Drexel) University in 1991.

David Rudovsky

David Rudovsky is a founding partner of Kairys, Rudovsky, Messing & Feinberg LLP. He has practiced in the civil rights and criminal defense fields for 45 years, including cases on police and governmental misconduct, prisoners' rights, first amendment freedoms, and racial discrimination.

Mr. Rudovsky has argued two civil rights cases in the United States Supreme Court: *Mitchell v. Forsyth* (1985) (immunity of Attorney General for illegal electronic surveillance) and *City of Canton v. Harris* (1989) (liability of municipalities for civil rights violations by police). He has also prepared numerous amicus briefs in civil rights cases in the Supreme Court and has argued scores of civil rights and criminal law cases in the federal and state courts.

Since 1987, Mr. Rudovsky has been a Senior Fellow at the University of Pennsylvania School of Law where he teaches courses in Constitutional Criminal Procedure, Criminal Law and Evidence.

Mr. Rudovsky has written a number of practice books for civil rights and criminal cases. These include "Police Misconduct: Law & Litigation," and "The Law of Arrest, Search and Seizure in Pennsylvania." He has also written scholarly articles in law reviews on civil rights and the criminal justice system.

Mr. Rudovsky is President of the Board of Directors of the Defender Association of Philadelphia and Vice President of the Board of the Pennsylvania Innocence Project.

In 1986, Mr. Rudovsky was a recipient of the MacArthur Foundation Fellowship for his work in Criminal Justice. He received the Philadelphia Bar Foundation's Judge Gerald F. Flood Award for Public Interest Accomplishments, the ACLU Civil Liberties Award, and the Philadelphia Bar Association Cesare Beccaria Award for Criminal Justice.





Andrew J. Stern

Andrew J. Stern is one of the Philadelphia area's most accomplished trial lawyers, an advocate widely known for his ardent representation of clients and the results it produces in the courtroom, including record-setting verdicts.

A former partner with The Beasley Firm who joined Kline & Specter in 2005 as a partner, Mr. Stern in 2000 won a jury verdict that is still talked about – a \$100 million award for a baby who suffered severe brain damage in a medical malpractice case. The verdict is the largest medical malpractice verdict in Pennsylvania.

In 2004, Mr. Stern won a \$38.2 million verdict in Delaware County Court in a case against Penn DOT and the Borough of East Lansdowne for a girl who was badly injured in an auto accident at an infamously dangerous intersection. This verdict is one of the largest in a Pennsylvania county outside of Philadelphia.

Mr. Stern has broad experience in product liability cases, where he has successfully handled suits involving aircraft accidents, defective helmets and head gear, defective machine tools as well as automotive and construction related litigation.

In 1986, he received his law degree from The Beasley School of Law of Temple University, and was one of the "Founding Fathers" of the Temple Trial Team.

From 2004-2010, Mr. Stern served as a member of the Pennsylvania Supreme Court Civil Procedural Rules Committee.

He has been involved for many years in teaching trial advocacy techniques to students at Drexel University Law School, the National Institute for Trial Advocacy and other CLE related courses.

Gwen Roseman Stern

Gwen Stern is the Director of the Trial Advocacy and Associate Teaching Professor at Drexel's Thomas R. Kline School of Law. Professor Stern's expertise includes medical malpractice and product-liability law and promoting trial advocacy skills and community awareness of legal procedures. She has been a faculty member providing intensive trial advocacy training on both a local and national level for the National Institute for Trial Advocacy.

Professor Stern teaches Advanced Trial Advocacy, Introduction to Trial Advocacy and Pre-Trial Advocacy. She has groomed the law school's accomplished Trial Team, which has brought back trophies from regional and national competitions. She also directs the Marshall-Brennan Constitutional Literacy Project, which she brought to Philadelphia as a joint undertaking between Drexel and the University of Pennsylvania law schools to encourage city high-school students to learn about their rights and responsibilities under the Constitution.

Previously, Professor Stern was an adjunct professor at Temple University's Beasley School of Law. She handled personal injury and medical malpractice cases for firms that include Kline & Specter PC and White and Williams LLC.



David E. Troyer

David E. Troyer is Assistant U.S. Attorney in the Eastern District of Pennsylvania, where he serves as senior litigation counsel, is a member of the Organized Crime Strike Force and serves as Discovery/Giglio Coordinator. He was chief of the Organized Crime Strike Force in 2007-08.

Mr. Troyer received awards from the U.S. Department of Justice for his handling of a 1996 investigation and RICO prosecution of the North Coast Colombian Drug Cartel, a 2007 investigation and RICO prosecution of the Pennsylvania Latin Kings gang and the 2014 Kaboni Savage capital RICO case. During the 1990s, he was Assistant U.S. Attorney in the Southern District of Florida, where he served as Deputy Chief of the Narcotics Section and supervised the High Intensity Drug Trafficking Areas Task Force.

From 1982-90, Mr. Troyer was Assistant State Attorney in the 11th Judicial Circuit of Florida, where he was assigned to the Narcotics, Organized Crime & Public Corruption and Felony divisions, the latter of which he led in 1985-86.

His teaching and lecturing activities include stints at the U.S. Department of Justice National Advocacy Center, the National College of District Attorneys, the International Law Enforcement Academy in El Salvador and the Southeast Regional Counterdrug Training Academy. He received his JD from The Beasley School of Law at Temple University, where he received the Barrister's Award for Trial Advocacy and was Marshal of Phi Alpha Delta.





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The Drexel Law Review is a general interest journal run by students at the Drexel University School of Law. Published semiannually, each volume contains articles written by legal scholars and student editors.

