



NATIONAL ASSOCIATION OF CERTIFIED VALUATION ANALYSTS

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NACVA AND THE IBA'S 2010 ANNUAL CONSULTANTS' CONFERENCE *SESSION SUMMARY*

THE FONTAINEBLEAU MIAMI BEACH

MIAMI BEACH, FL USA

Track: Litigation Consulting

Session Title: *How to Identify and Manage Malpractice Risks in Your Role as an Expert Witness*

Session Summary: The Program will begin with a survey of malpractice exposure faced by all valuation professionals in their role as an expert witness. Increasingly, witness immunity fails to protect experts from malpractice and breach of contract claims. Among these malpractice risks are disqualification at a Daubert hearing due to flawed methodology; the arguably greater problem of qualifying as an expert witness only to be subjected to damaging cross-examination; deficient disclosures under expert witness discovery rules; inadvertently breaking the seal of attorney-client privilege; and, conflict of interest. A companion topic would be retaliatory claims by clients when pressured to pay outstanding expert witness fees. Solutions to these problems will be offered.

CPE Hours / Fields of Study: One (1) hour / Behavioral Ethics (BE)

Presenter Bio:



Jonathan Ziss, JD, is a 1984 graduate of the Villanova University School of Law. He is a member of the bars of both Pennsylvania and New Jersey. While at Villanova, he was a staff member of the Villanova Law Review and his academic honors include Phi Beta Kappa. Jonathan has accumulated a significant amount of trial and appellate experience in the state and federal courts as well as before administrative tribunals. Jonathan concentrates his practice in the area of commercial litigation, aviation litigation and professional liability. Jonathan has authored numerous articles on the subject of fiduciary responsibility and professional standards, and he has lectured accountants, architects, attorneys, bankers, and fiduciaries on topics related to professional risk and claims management. He is Chair of the Professional Liability Underwriting Society, Mid-Atlantic Steering Committee; past Vice Chair of the PA Bar Association State Civil Rules Committee; a member of the Philadelphia Bar Association Federal Court Rules Committee; and, a member of the Pennsylvania Defense Institute. In 2007, Jonathan co-founded Art Title Advisors, LLC, which researches the ownership history of fine arts as a means of title due diligence.