



**Expert Witness  
Workshop & Mock Trial  
HoustonAppraisers.org**

**November 3, 2023  
8:30 am - 5:30 pm**

**Workshop Workbook & Program  
Hosted by the  
Houston Chapter of ASA  
American Society of Appraisers**

**4900 Fournace Place  
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**Welcome to the**



**Expert Witness  
Workshop & Mock Trial  
[HoustonAppraisers.org](http://HoustonAppraisers.org)**

**November 3, 2023  
8:30 am - 5:30 pm**

**Hosted by the  
Houston Chapter of the  
American Society of Appraisers**

# Howdy from Houston and Welcome!

to the third International **Expert Witness Workshop & Mock Trial!** The Houston chapter of the ASA, American Society of Appraisers, is very excited to host this educational workshop once again. Committee members welcome attendees from near and far, both in person and online. This ASA award-winning educational event allows expert witnesses—and professionals interested in becoming expert witnesses—an opportunity to explore, connect, network, and experience the world of testifying.

This year's Workshop involved more expert witness testimony than featured in the previous two events, with seven professionals testifying in Business Valuation, Gems & Jewelry, Machinery & Technical Specialties, Real Property—and returning to the Workshop stage, Appraisal Review. This event hosts multi-discipline appraisal professionals who offer litigation services and are committed to the sharing of this important, and much needed, education.

The Workshop23 Committee members are grateful to the attorneys and judge who have dedicated time and efforts to this event, and who make the 'mock' seem *oh, so real!* Their support is greatly appreciated by all Houston chapter members and your participation and generosity are unparalleled! Many thanks to our professional legal team who continually support this important and educational event, Denise Brown, Hon. Michael Landrum, James Smith, and Denise Peterson. The mock mediation, depositions, and trial testimony would be boring and no fun at all without real legal professionals and their contributions and dedication to unscripted learning. Thank you for your support and participation!

Many thanks for our expert witnesses who offered their time to be questioned—in direct, and in cross! Professional appraisers, Jeff Hays, Christine York, Scott Miller, Dane Sever, Amy Lawch, and Horacio Correa will round out the mock testifying as expert witnesses. Thank you for your support and participation!

And thank you to our Workshop23 Committee members! Lea Lteif, Leon Sleiman, Abigale Rigamonti, and Cameron Tipton for assisting with the event publicity and the operations of the day— you are very much appreciated!

And many thanks are extended to all attendees in person, and online! The success of the Workshop proves that quality expert witness testimony education is needed and appreciated, in many corners of the world! Mark your calendars for fall of 2025 when Workshop25 will return for more testimony excitement!

We have been honored to co-chair Workshop23!

Let's learn—connect—network— and let's tell the truth because.....

**the workshop is now in session!**



Pamela Bensoussan,  
ASA, ARM, ISA AM



Melanie Modica,  
ASA, ARM, ISA AM, CFLC

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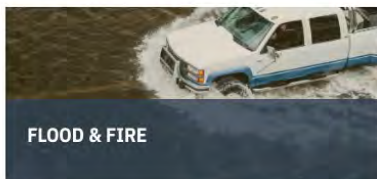
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## 2023 Expert Witness Workshop & Mock Trial TIMELINE

### MORNING SESSIONS

30min	8:00 – 8:30	Registration & Continental Breakfast
5min	8:30 – 8:35	Welcome & Opening Remarks
30min	8:35 – 9:05	<u>Keynote Address:</u> <b>Hon. Michael Landrum</b> <i>Truth, Justice and the American Way: How Expert Witnesses Make a Difference</i>
20min	9:05 – 9:25	<u>Mediation Education:</u> <b>Denise Peterson, JD</b> <i>Overview of Mediation and the Role of the Expert Witness</i>
20min	9:25 – 9:45	Mediation #1: <b>Denise Peterson and Horacio Correa</b>
5min	9:45 – 9:50	Educational 'Redirect' with Q&A
15min	9:50 – 10:05	BREAK
5min	10:05 – 10:10	<u>Mediation Education &amp; Case History:</u> <b>Denise Peterson, JD</b>
20min	10:10 – 10:30	<u>Mediation #2:</u> <b>Denise Peterson and Christine York</b>
15min	10:30 – 10:45	Educational 'Redirect' with Q&A
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15min	10:45 – 11:00	Deposition Education: <b>Denise Brown, JD</b> <i>Deposition Dangers and the Testifying Expert Witness— The Function of the Deposition and How an Expert Witness Can Make or Break a Case</i>
20min	11:00 – 11:20	<u>Deposition #1:</u> <b>Denise Brown and Scott Miller</b>
5min	11:20 – 11:25	Educational 'Redirect' with Q&A
20min	11:25 – 11:45	<u>Deposition #2:</u> <b>James Smith and Melanie Modica</b>
10min	11:45 – 11:55	Educational 'Redirect' with Q&A
20min	11:55 – 12:15	<u>Deposition #3:</u> <b>Denise Brown and Jeff Hays</b>
15min	12:15 – 12:30	Educational 'Redirect' with Q&A

## 2023 Expert Witness Workshop & Mock Trial TIMELINE

10min	12:30 – 12:40	BREAK transition to lunch room
30min	12:40 – 1:10	Learning Lunch: <b>Melanie Modica</b> MCLE 0.5 credit: <i>USPAP Ethics and Working with the Hired Appraiser: Overview of the Uniform Standards of Professional Appraisal Practice</i>
20min	1:10 – 1:30	BREAK
AFTERNOON SESSIONS		
30min	1:30 – 2:00	Educational Trial Prep: <b>Hon. Michael Landrum</b> <i>How to be an Effective Expert Witness--Don't Be "That Guy"</i>

### **Trial Testimony #1**

15min	2:00 – 2:15	DIRECT: <b>James Smith and Amy Lawch</b>
15min	2:15 – 2:30	CROSS: <b>Denise Brown and Amy Lawch</b>
15min	2:30 – 2:45	Educational 'Redirect' with Q&A

### **Trial Testimony #2**

15min	2:45 – 3:00	DIRECT: <b>Denise Brown and Christine York</b>
15min	3:00 – 3:15	CROSS: <b>James Smith and Christine York</b>
15min	3:15 – 3:30	Educational 'Redirect' with Q&A
15min	3:30 – 3:45	BREAK

### **Trial Testimony #3**

15min	3:45 – 4:00	DIRECT: <b>Denise Brown and Dane Sever</b>
15min	4:00 – 4:15	CROSS: <b>James Smith and Dane Sever</b>
15min	4:15 – 4:30	Educational 'Redirect' with Q&A

### **Trial Testimony #4**

15min	4:30 – 4:45	DIRECT: <b>James Smith and Jeff Hays</b>
15min	4:45 – 5:00	CROSS: <b>Denise Brown and Jeff Hays</b>
30min	5:00 – 5:30	Educational 'Redirect' with Q&A

**CLOSING REMARKS and Q&A PANEL  
of Attorneys and Expert Witnesses**

*Networking Happy Hour in the Lobby!*

# **Hon. Michael Landrum**

## **Truth, Justice, and the American Way: How Expert Witnesses Make a Difference**

**8:35 - 9:05am**



Michael Landrum is a former state court district judge. He presided in two Harris County Civil District courts for a combined six years. For 14 years, Michael served as a judge of the Harris County Tax Court, and currently practices primarily as an arbitrator and mediator.

In prior law practice, he represented businesses and business people in matters involving a wide variety of transactional litigation, and appellate matters.

Michael received his B.A. from The University of St. Thomas, and law degree from the University of Texas. He has been a licensed attorney since 1976 and is a board certified specialist in the fields of Civil Trial Law and Civil Appellate Law.

Michael and his wife, Mary Grace, reside in the Spring Branch area of Houston.

His contact information is:

713-961-5100

[mikellandrum@gmail.com](mailto:mikellandrum@gmail.com)

POBox 19422

Houston, Texas 77224

**Notes** \_\_\_\_\_

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# **Expert Witness Workshop & Mock Trial 2023**

## **MOCK STORYLINE**

Hurricane Calamity strikes Houston, Texas on September 1, 2021. Mr. and Mrs. Owniere own a multimillion dollar home along Blues Bayou and it floods with two feet of water. They also own a jewelry store that is burglarized during the aftermath when the city suffers extended power outages. Additionally, their small metal fabrication business is disrupted and disabled when equipment is damaged from a collapsed roof. To make matters worse, Mr. Owniere is excluded from a business he owns, from the actions of his three partners. As the recovery and rebuilding progress, the Ownieres find themselves dealing with insurance claim disputes, percentages of ownership for one business, bankruptcy of another, and questionable actions by Trust officers.

Various lawsuits require the specializations and knowledge from expert witnesses, and each testifies in the progression from mediations, to depositions, to testifying at trial in the courtroom. A personal property appraisal is submitted for damaged furniture at the residence, and is the subject of an appraisal review to conclude an opinion of compliance with a professional appraisal standard of care.

Attorneys, expert witnesses, insurance representatives, trust officers, business valuation, machinery and equipment appraisals, personal property appraisal review, gems and jewelry values—and more are involved.

Guess what? You got it! ...These litigation assignments are fictional and not true. All names, companies, properties, and details are fabricated. Viewers and attendees are advised to understand everything is made up, because everything is made up.

Get ready for some fun in mediation, then in depositions, and finally in the courtroom with live, unscripted action!



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# Denise Peterson, JD, FCIArb

## Mediation Education— What it is, and What is Not *The Role of the Expert Witness in Mediation Assignments*



Denise Peterson is a full-time mediator, arbitrator, and occasional professor at South Texas College of Law, her alma mater. Her legal career started as an associate for Morgan Lewis, where she worked on matters relating to the housing crisis, asbestos defense, employment, and general civil litigation.

She is licensed in Texas and New York and is a qualified solicitor to the senior courts of England and Wales. She is a Fellow of the Chartered Institute of Arbitrators and a past vice chair of the North American Branch. Currently pursuing her master's degree in legal history, she writes and speaks frequently on negotiation, dispute resolution, mediation, Houston's civil rights history, and ethical concerns for attorneys, including issues arising from implicit bias.

# Session: Mock Mediation

Segment One 9:25 - 9:50

Mediation Attorney: Denise Peterson

Expert Witness: Horacio Correa

Mr. and Mrs. Owniere own a small metal fabrication shop that owns computer numerical control (CNC) equipment, which is equipment that precision cuts metal to a specific limit, and sells to the finished products to various industrial end users. The manufacturing equipment is damaged during the hurricane when the roof is blown off of the building, and the equipment is damaged. The business fails and the couple file for bankruptcy. The damaged equipment is valued by Horacio Correa, of Correa Appraisal LLC, for a liquidation sale using a Fair Market Value. The creditor's appraisal is much different than the owners' and the owners need a credible valuation for the 30+ year old equipment, instead of the higher values claimed by the bank.

**Notes** \_\_\_\_\_

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**Expert Witness  
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# Session: Mock Mediation

Segment Two 10:05 - 10:45

Mediation Attorney: Denise Peterson

Expert Witness: Christine York

The aftermath of a hurricane leaves more than physical destruction, as businesses are vulnerable to theft when power outages last for weeks. Mr. & Mrs. Owniere own a small jewelry store that is burglarized and various jewelry items are stolen. Christine York, of Christine York Jewelry & Appraisal LLC, values a David Webb designed pendant/brooch set with a large center carved cabochon emerald, accented with a fancy surround of round cut diamonds, together with smaller emerald cabochons, sapphires, and rubies. The lawsuit ensues for insurance claim disagreements. Ms. York is hired by the insurance company and appraises the set, concluding a Replacement Value.

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# **Denise Brown**

## **Overview of Depositions and the Role of the Expert Witness**

### **10:45 - 11:00am**



As a native Houstonian, Denise Brown dedicates her career to the pursuit of justice and fairness. Denise was that weird kid who knew she wanted to be a lawyer in the 2nd grade. After graduating from Baylor University, Denise set her sights on becoming a trial lawyer and attended South Texas College of Law.

Denise spent more than a decade defending insurance companies and those accused of hurting people before opening her own practice. Denise now represents those who have been injured or wronged by others. As a trial lawyer for more than 23 years, her favorite place is in the courtroom. When she's not in trial, Denise loves to spend time with her 7 and 8 year old children. They can often be found gardening, traveling, and generally causing mischief and good trouble.

# Session: Mock Deposition

Segment One 11:00 - 11:25

Deposition Attorney: Denise Brown

Expert Witness: Scott Miller

Mr. Owniere is one of four partners in a business, Specialty Contractor Services LLC, each owning 25% of the company. On August 27, 2021, soon before Hurricane Calamity struck Houston, the other three partners accepted Mr. Owniere's resignation from the company, but he never submitted a resignation – verbally or in writing. He is locked-out of the company and is blocked from conducting all business. His legal counsel hires Scott Miller, owner of Convergent Capital Appraisers, and Mr. Miller values his 25% interest in the company in the context of the Fair Value standard of value, as prescribed by the Texas Business Organizations Code.

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# James E. Smith



Jim Smith specializes in environmental, intellectual property and related litigation. He has tried cases and argued appeals in both civil and criminal matters. In addition to trials and arbitrations, Jim has appeared before the U.S. Environmental Protection Agency, the Texas Commission on Environmental Quality, the Railroad

Commission of Texas, and other administrative agencies and has been the lead oral advocate before the U.S. Court of Appeals for the 5th Circuit, the Supreme Court of Texas, and several Texas Courts of Appeals. Jim has been listed in Chambers USA in Environmental Litigation since 2005.

He has been selected for inclusion in Texas Super Lawyers since 2003 and Best Lawyers in America in Environmental Law since 1995. His degree in chemical engineering combined with his legal experience enable him to bring a unique perspective as he represents refining, petrochemical and other resource related industry clients.

# Session: Mock Deposition

Segment Two 11:25 - 11:55

Deposition Attorney: James Smith

Expert Witness: Melanie Modica

When the multimillion-dollar residence that is located along Blues Bayou floods with 2 feet of water during the hurricane, Mr. and Mrs. Owniere's high-end personal property suffers extensive damage. Furniture must be replaced according to their insurance policy. The couple hires Melanie Modica, of Modica Fine Art LLC to provide an appraisal review for the report submitted by the appraiser hired by the insurance company. The Ownieres collection is not properly identified in the appraisal from the insurance company. Ms. Modica measures the work under review for compliance with the Uniform Standards of Professional Appraisal Practice and concludes it is not a credible appraisal report, and not worthy of belief.

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# Session: Mock Deposition

Segment Three 11:55 - 12:30

Deposition Attorney: Denise Brown

Expert Witness: Jeff Hays

Mr. and Mrs. Ownier own a multimillion-dollar home, in a Trust, that was originally purchased for \$4,000,000.00 two years before the hurricane. The trust officer had the property appraised at the time of purchase and the opinion of value supported the sales price, which is the amount the Trust paid to buy the home. After flooding in 2 feet of water during the hurricane, \$1,000,000.00 of repairs are made to the home. Two years have passed and Mr. & Mrs. Ownier have tragically died in a small aircraft crash. Their sole heir and beneficiary is their only nephew, Sam Lucky. The Trust officer has the property valued again and sells it. Mr. Lucky contends the house was sold for less than it was worth, and contends the actions of the Trust officer, and enters into a lawsuit against the financial institution, which is the Trustee. To assist in Trust management, Real Estate Appraiser Jeffrey Hays, of J & J Hays, Inc. is hired by the Trustee to complete appraisals of the property for the purchase, and again after the flood. Each appraisal provides a market value opinion of the property.

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Hon. Michael Landrum presents  
*How to be an Effective Expert Witness- Don't be "That Guy"*

## **Session: Mock Trial**

Segment One 2:00 - 2:45

Trial Attorney on DIRECT: James Smith

Trial Attorney on CROSS: Denise Brown

Expert Witness: Amy Lawch

Amy Lawch, of A.A. Benjamin Ltd., is hired by Mr. and Mrs. Owniere to value stolen jewelry. An antique Parure Suite consisting of a necklace, pendant, brooch, earrings, and tiara, all handmade, were taken from their jewelry business when power outages left it vulnerable to burglars. The whole set is stolen and an insurance claim is filed. Ms. Lawch is hired by Mr. and Mrs. Owniere and values the Suite for a replacement value. The insurance company states it will replace the individual items and piecemeal a set together, instead replacing the property with another original set. A non-original set of mismatched items will greatly affect the value.

## **Notes** \_\_\_\_\_

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**Expert Witness  
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# Session: Mock Trial

Segment Two 2:45 - 3:30

Trial Attorney on DIRECT: Denise Brown

Trial Attorney on CROSS: James Smith

Expert Witness: Christine York

Refer to Ms. York’s testimony and scenario during her mediation testimony, regarding the David Webb designed pendant/brooch set with a large center carved cabochon emerald, accented with a fancy surround of round cut diamonds, together with smaller emerald cabochons, sapphires, and rubies in an insurance claim dispute. Mediation did not provide an agreeable solution!

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# Session: Mock Trial

Segment Three 3:45 - 4:30

Trial Attorney on DIRECT: Denise Brown

Trial Attorney on CROSS: James Smith

Expert Witness: Dane Sever

Regarding the multimillion-dollar home in a Trust, that was originally purchased for \$4,000,000.00 two years before the hurricane, the heir Mr. Lucky hires Dane Sever, of Sever & Associates, and contends the house was sold for less than it was worth. He also contends the actions of the Trust officer, and enters into a lawsuit against the financial institution. Mr. Sever is hired by Mr. Lucky to value the property for a Market Value as of the date of the sale. Consider the deposition testimony of Jeff Hays.

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# Session: Mock Trial

Segment Four 4:30 - 5:00

Panel Q&A 5:00 - 5:30

Trial Attorney on DIRECT: James Smith

Trial Attorney on CROSS: Denise Brown

Expert Witness Jeff Hays

Refer to the scenario above in Trial Segment Three, and also Mr. Hays' testimony during his deposition regarding the Market Value of the Ownieres' residence, involved in the sale by the Trust.

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# Testifying Expert Witnesses

*Presented in Order of Timeline*



## **Horacio Correa, ASA**

Machinery & Equipment Appraiser, Tax Consultant, Finance Professional

Horacio Correa is an Accredited Senior Appraiser, licensed real estate appraiser, Senior Property Tax Consultant and Financial Planning & Analysis Manager and Financial Controller for an international chemical manufacturer. He currently works as Financial Controller for a 50/50 Joint

Venture for one of the leading manufacturers pioneering the implementation of carbon capturing technology to produce methanol on a global basis for mass production.

Mr. Correa began as a process chemist for a Japanese company and slowly transitioned his chemical and petrochemical experience into a deeper understanding of valuation for the chemical and petrochemical industry. His appraisal experience expanded beyond chemical and petrochemical into Polyolefin manufacturing facilities, earth moving equipment, metal fabrication, oil & gas equipment, and several others.

As an experienced real estate appraiser, he values both residential and commercial properties. His experience has included appraising residential, retail, office, industrial and multi-family properties. In his role as a Senior Property Tax consultant, he has worked with Fortune 500 organizations as an in-house tax representative, where he was able to identify tax saving opportunities.



## **Christine York, GG, ASA, Master Gemologist Appraiser**

Christine York has served in several leadership positions for the American Society of Appraisers including as Houston Chapter president, ASA Governor Region 6, ASA International Gems & Jewelry Committee Member, ASA International Ethics

Committee Member, and Treasurer of the GIA Alumni Houston Chapter.

Christine has conducted jewelry appraisals for individuals, lawyers, FBI, US Marshalls Service and the DEA and appraised jewelry for most major retail jewelry stores in the Houston area during the period 1987-2003. As a jewelry appraiser, Ms. York values items for insurance, estate, fair market value, liquidation, etc. Each item is completely described as to its metal, stones and or diamond content as well as manufacturer together with a photo of the items in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP) and ASA standards. Christine has maintained a business office for individual appointments for appraisal of jewelry from 1987 to the current day.

# Testifying Expert Witnesses

*Presented in Order of Timeline*



## **Scott Miller, ASA, Business Valuation Appraiser**

Scott S. Miller has over 35 years of professional business experience that ranges from senior operations management with publicly-traded companies to handling all aspects of operations in small privately-held manufacturing and service businesses.

Scott received his BST in Printing Management from Pittsburg State University and his Master of Business Administration from the University of Houston and has over 10 years of business / financial asset valuation and consulting experience. He is a past President of the Houston ASA chapter, is currently serving as Governor of ASA Region 3, and is a member of the Houston Estate and Financial Forum.

Scott is the Managing Member of Convergence Financial LLC dba Convergent Capital Appraisers. Prior to the formation of Convergent Capital Appraisers, Scott held positions with McClure, Schumacher & Associates, RR Donnelley Financial, several positions/locations with Bowne & Co., Inc., and Industrial Screenprint, Inc.



## **Amy J. Lawch, ISA AM, GG, JVA, AGA, Gems & Jewelry Appraiser**

Amy Lawch is a graduate gemologist with a specialization in antique and period jewelry. She works closely with banks, attorneys, private individuals and museums. Amy is a frequent lecturer and has been an instructor at the Antique and Period Jewelry and Gemstone Conference in New York. Ms. Lawch

spoke to The Friends of the Mansfield Traquair Centre in Edinburgh on Phoebe Anna Traquair, noted Scottish Arts and Crafts artist. She was actively involved in the Gulf Coast chapter International Society of Appraisers, The Society of Jewelry Historians and Gemological Institute of America Alumni Association. Amy Lawch is the owner of A. A. Benjamin, Ltd., She has been the subject of articles in Town and Country magazine, Paper City, Htexas magazine, the Houston Chronicle, The Houston Press, The Jewish Herald Voice and The Villages by Media Ink.

Ms. Lawch was the Regional Representative for Bonhams Auctioneers. She sourced all types of art, furniture, jewelry, Asian Artifacts and objects for Bonhams auctions in the US and the UK. She previously represented Selkirks, one of the oldest privately held auction houses in the U.S., founded more than one hundred seventy-five years ago in St. Louis. Ms. Lawch was the representative for Phillips International Auctioneers (now Phillips de Pury). Amy managed the Houston office and was responsible for all business activity in the Southern U. S. and assisted with jewelry auctions in New York, London and Geneva.

# Testifying Expert Witnesses

*Presented in Order of Timeline*



## **Melanie Modica, ASA, ARM, ISA AM, CFLC, Personal Property Appraiser, Fine Art, and Appraisal Review & Management Specialist**

Melanie Modica is an Accredited Senior Appraiser for personal property, fine art, and dually accredited in Appraisal Review & Management (ARM), with the American Society of Appraisers. Her ARM designation supports services for reviewing personal property appraisal reports, often for use in litigation. She offers services in the Houston metropolitan area, and remotely nationwide.

Melanie Modica is an instructor and contributor to the ASA ARM Principles of Valuation courses, 201, 203 and 204. These courses are offered to members in all disciplines of ASA, who seek the knowledge and training to become ARM designated appraisers upon completing the coursework and examinations. Melanie offers appraisal review services for supporting litigation matters and disputes, and has expert witness experience in the state of Texas. She was the co-developer and inaugural Chair of the international Expert Witness Workshop & Mock Trial, sponsored by the Houston chapter.

Melanie currently serves as the ARM Committee Secretary-Treasurer, and the Houston ASA chapter President. She is also a past president of the Houston chapter, serving 2013-14. She has also served as the Forensic Expert Witness Association (FEWA) Vice President of Education. She served as the ASA Personal Property Committee Membership Chair, 2017-18 and was the Personal Property Chair for the ASA International Appraisers Conference, 2016-17. She has been an invited presenter at several ASA International Appraisers Conferences (IAC) and International Conferences (IC).



## **Jeffrey L. Hays, ASA Real Property Appraiser**

Jeffrey Hays graduated from Rice University in 1978 after earning a degree in Economics and entered the local real estate industry that same year. A member of the Houston Association of Realtors, Jeff is a licensed Texas Real Estate Broker, a State Certified Residential Real Estate Appraiser and senior member of the American Society of Appraisers with ASA designation in Real Property. Jeff served as Houston Chapter President in 1991-92 and is a current Houston ASA Chapter Board Member. He is currently a member of the HAR MLS Advisory Group.

Jeff Hays has a working knowledge of many suburban communities and high value homes in Houston neighborhoods of River Oaks, Memorial, West University, Tanglewood, and the Heights. He keeps up to date on growth and development trends shaping real estate markets and life across the greater Houston area and beyond.

# Testifying Expert Witnesses

*Presented in Order of Timeline*



## **Dane Sever, ASA**

Dane Sever has been a Real property appraiser since 1979. He started Sever and Associates in 1985. Dane received the IFA designation from NAIFA in 1988, the CRP designation from Worldwide ERC in 1990 and ASA designation in 2019. He is an instructor of real property appraisal qualifying and continuing education courses for NAIFA, ASA, Houston Community College, Kaplan Real Estate School and Columbia Institute since 1992. Dane is an AQB Certified USPAP Instructor and has taught the Houston chapter hosted USPAP classes for the last few years. Dane retired from active appraisal activities in 2022 and enjoys spending time with his grandchildren.

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