

Prolumina sets the standard for responsive and effective use of strategic consulting, visual design, and trial technologies for winning performance from mediation and settlement efforts to the courtroom. Our client-focused approach and forward-looking strategies translate into custom, cost-effective solutions that support your team and create a lasting impact on your judge and jury.

Every case is unique and requires different demands and needs which make it difficult to give an exact quote or estimate of time and costs. However, our fees are based on the time spent on any given task or assignment, and the primary variations in costs would derive from the seniority and experience of the staff members performing those duties. There are some services (e.g., mock trials, focus groups, case strategy sessions, witness preps, etc.) which may be more economically billed on a project basis.

Please feel free to contact me anytime for questions on pricing per area.

Noah Wick, M.A.  
National Director of Consulting  
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## **Description of Services**

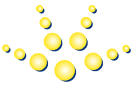
### **Strategic Consulting**

#### **Litigation Risk Assessment**

Prolumina consultants can provide you with an objective, third-party assessment of your case and the risks involved with your impending litigation. In doing so, the consultants consider the facts of the case, the perceived strengths and weaknesses, the trial venue, juror decision-making processes, and any cultural, historical, or psychological variables that may impact your case. All recommendations are based on empirical research and our many years of personal experience.

#### **Case Strategy**

A vital part of trial preparation is developing the most compelling story possible, and a sound presentation strategy that will hold up under pressure and withstand challenge. Many cases are complex and involve numerous witnesses, a multitude of critical facts, and hundreds, if not thousands or even hundreds of thousands, of documents. At Prolumina, we conduct highly structured strategic development sessions that are designed to create the information architecture around which the most credible case can be built. The objective of this process is getting the case down to “clear” and “simple,” allowing the jurors to understand, process, and utilize information and evidence presented to your advantage. The Case Strategy sessions also allow us to identify and effectively deal with case complexity issues. Our consultants will work with your team to zero in on key concerns, key strengths, key questions, themes, impressions, and visual images for use at trial. The exercise results in the preparation of what we refer to as a “60-Second Trial,” and very specific recommendations. The “60-Second Trial” is a simple but highly effective tool



used to cut through the non-essential and focus on the issues that really matter. The Case Strategy session is also highly useful in preparing an indelible and governing opening statement, developing the most effective and jury-comprehensible order of proof, and delivering a powerful summary at the end of evidence.

### **Witness Preparation**

The Witness Preparation model that is used by the consultants at Prolumina is a model that has been successfully employed for more than 15 years. The process has been carefully designed to provide the witness with a better understanding of the deposition and/or trial process, and to address key principles of non-verbal, or behavioral communication that can significantly impact witness credibility and juror acceptance of testimonial evidence. It is the responsibility of the attorneys to prepare the witness, substantively, with the information that will be introduced into evidence and addressed by attorneys in direct, and in cross-examination – in other words, **what** the witness will say. It will be the responsibility of Prolumina's litigation consultants to work with the witness in addressing **how** the witness communicates to the court and to the jury during testimony, and to assist the witness in developing the confidence and control, in delivery, that will enhance credibility, likeability, rapport, and juror acceptance of the information the witness provides during questioning.

### **Small Group Research**

The purpose of small-group research is to discover the range of attitudes, beliefs and experiences that jurors will bring with them into the courtroom. Furthermore, by studying a representative group's response to a case, one is able to understand the underlying emotional and psychological motivations of potential jurors. By understanding these, a trial team is better prepared to predict and address how their jury will assimilate the information presented at trial. Often, critical viewpoints or reactions that would not be anticipated by the trial team are identified. The participant deliberations may be viewed by counsel sitting behind a one-way mirror or on a video monitor, and are videotaped for later analysis and review.

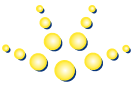
There are two types of small-group research: Focus Groups and Mock Trials. Focus Groups are generally shorter in duration and less complex in scope than Mock Trials. All small-group research projects are customizable and billed as a fixed-price. Costs vary according to a number of factors, including number of participant-jurors, length of project, location, and complexity of the project. Cost-effective Focus Groups can be designed for under \$10,000.

#### ***Focus Group***

Focus Group research involves brief presentations of a case to a panel of surrogate jurors. The presentations can be tailored to focus on a few specific themes, facts, key witnesses, demonstratives or arguments. After the group meets to discuss case details, a consultant-facilitator probes participants in an open-ended and projective manner to get their reactions to a variety of topics. Among other information, Focus Groups may reveal:

- Participant's baseline attitudes and beliefs
- Participant's perspective of case strengths & weaknesses
- Highlights specific issues and problems central to the case
- A detailed range of responses that may be expected in trial
- The impact of specific themes and order of evidence

#### ***Mock Trial***



A Mock Trial is similar to a Focus Group, except it usually involves longer presentations of the case, including key testimony, exhibits, demonstrative evidence, and arguments to the surrogate jurors. Based on the feedback from the mock juries, opening statement and evidence presentation strategies are revised. Specifically, the analysis and report will provide:

- Analysis of the issues and factors that resonated with jurors and influenced their decisions
- The strengths and weaknesses for both sides
- The persuasive impact of witnesses
- The persuasive impact of exhibits, demonstrative evidence, and presentation technologies
- Strategic themes, that provide jurors with the organization structure which will optimize the probability of a favorable verdict

### **Jury Selection**

Voir dire strategy, planning and jury selection is conducted by Prolumina's lead jury consultants, Dr. Jonathan Lytle and Craig Smith. Jury selection services may include:

- Case Orientation and Review – gaining an understanding of the nature and scope of the case, key issues, and a review of venue-based similar cases and outcomes.
- Identifying high-risk issues specific to this case
- High-risk juror profile development based on venue demographic data.
- Development of supplemental questionnaires specific to the issues and challenges of the case at hand.
- Voir dire strategy – proposal and review of questions and sequencing designed to identify and address bias.
- In-court observation and scoring

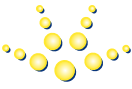
### **Trial Monitoring**

In-court trial monitoring is highly recommended as a tool for understanding how to adjust your litigation strategy during the course of a trial. Our trial consultants can help counsel monitor all aspects of trial. Immediate feedback and analysis is provided on jurors' nonverbal responses and their receptiveness to arguments, exhibits and witnesses. In addition, our trial consultants will provide our own analysis to help with trial strategies and to prepare for closing arguments. Also, the information gleaned from trial monitoring proves to be invaluable as you prepare for future trials.

### **Shadow Jury**

Research participants are recruited who match the demographic and experiential characteristics of the potential jurors in the trial venue. They observe everything the jury observes. They leave the courtroom when the jury leaves the courtroom. Shadow jurors are debriefed after each court day to provide feedback and strategies for trial counsel to utilize the following day and throughout the trial. The shadow jury can be present for opening statements, with key witnesses, or throughout the trial. Shadow Juries will help your case by:

- Gaining daily insight into how a jury is likely perceiving the case.



- Observing if messages are coming across as intended.
- Measuring the impact of specific testimony, arguments, or evidence.
- Assessing the credibility of each witness or expert.
- Discovering misunderstandings or uncertainty which can be corrected the following day.

### **Post-Verdict Juror Interviews**

Post-verdict interviews with jurors will tell you how and why the jury reached a decision. This information can then be used for future trials involving similar issues. Furthermore, attorneys can improve their own performance based on the results of these interviews. In many recent cases, the information revealed in post-verdict juror interviews has been used to appeal decisions.

## **Trial Graphics**

### **Visual Consulting and Trial Graphic Creation**

Prolumina has the unique advantage of intimate case knowledge and detailed facts about many of the complex issues in this case. This will eliminate lengthy and costly explanations and overviews of the facts at hand. Building from our vast experience communicating complex arguments to juries across the country, our senior graphic artists will quickly and competently craft stunning demonstratives and artful visuals to clearly and simply convey the essential facts.

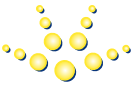
Examples of Mediation/Trial Graphics- <http://www.prolumina.net/services/trial-graphics/>

## **Trial Technology Consulting**

### **Pre-Trial / Database Preparation**

Many litigation support providers are content to simply rely on load files from external databases, Prolumina, however, takes a lot of care in customizing our trial database so we can quickly and easily reference any particular document by underlying deposition exhibit number, bates-stamped number if available, trial exhibit number once assigned, and / or a “friendly name” or shorthand reference to the document. We will work with your exhibit listing to populate the description fields in our database so as to get up to speed quickly on the “hot documents.” Within a very short period of time, we will be intimately familiar with key exhibits of the case.

We anticipate working with your document management database images as well as any and all underlying deposition transcripts, deposition exhibits, videos, trial graphics, and demonstratives, and load these all into carefully customized trial database to ensure rapid recall of any database element.



### **In-Court Trial Technology Consulting**

Prolumina's in-court trial technology consultants are second to none. Our consultants have been supporting litigation attorneys longer than anyone in the Northwest and have been involved with national-level and serial litigation including: BP Oil Spill hearings, multiple Sub-Prime Mortgage matters, in re: W.R. Grace Bankruptcy Confirmation Hearing, Children's Motrin, Vioxx, Pain Pump, Welding Rod, PPA, Diet Drug, Asbestos, Hormone Replacement Therapy, Enron and many others. These cases all required that hundreds of thousands of documents, videos and graphics be readied for trial. Prolumina's trial technology consultants have significant experience working on large matters, experience that will be beneficial to your case.

Our in-court consultants average over ten years of experience in trial and each put in over 1,500 hours per year sitting in court so you can rest assured that the presentation and technical aspects will be flawless. Each consultant comes to trial equipped with two trial laptops outfitted with the latest trial presentation applications and a host of utilities and applications to make our jobs more efficient and more cost-effective for your client. We are able to accomplish much more in a shorter amount of time given our expertise and experience coupled with the tools we bring.