

SERVICES BROCHURE

WE BRING YOUR CASE INTO FOCUS

JURY ROOM

Kansas City • Minneapolis/St. Paul • Dallas • Los Angeles

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OUR STORY

Looking to gain an edge in your cases? We Help You Learn the Most and Know the Most

Subtle differences and slight variations in details and themes can give you a persuasive advantage.

And that's how we can help. We scrutinize your case detail; we test ideas, concepts and themes; and help you **design, develop and present the most influential stories to resonate with jurors and decision makers**.

At Litigation Insights, a national, certified women-owned company (WBENC), we help our clients prepare their best cases. And we've done it consistently for many years. We understand the challenges of finding the key issues in a case, developing themes around them and communicating them with clarity and precision. When we work with you, your case is our case. We take ownership, and we see it through to the finish.



We're Dedicated to Finding the most Effective Case Themes and Communication Strategies for You

We strive for simple and credible stories that resonate with jurors, judges and arbitrators.

We bring you the highest levels of critical thinking using initial case evaluation methodologies, surveys, jury research and witness preparation expertise that deliver for our clients — including **43 Fortune 500 companies and dozens of firms in the Am Law 100.** We're proud of this distinguished client list, and we are grateful for their business and trust in us.

If you ask our clients, they will tell you about our pre-trial and trial evaluations. **They'll also say we have some of the most conscientious and accomplished litigation consultants** they've ever worked with.

We have four guiding principles that inspire our work for you:

- **Candor** We provide you the unvarnished facts and opinions of your case. Whether positive or negative, we communicate our findings to you with the utmost clarity and honesty.
- **Talent** We build our team with the best people. We attract people with winning attitudes who are prepared to go the extra mile. On average, our consultants have over 10,000 hours of litigation consulting experience.
- **Perseverance** Our determination, patience and creativity are focused on your unique needs, and we stay the course to help you achieve your desired outcome.
- Effectiveness We provide the most useful and insightful information that can be gleaned from the research. We give you facts and opinions that strengthen your case.

We want to help you do your best work, make the best decisions and be the most persuasive every time.

Gain a competitive edge by adding us to your litigation team.

REAL HELP

It Is Why Clients Hire Us

Our clients hire us when their cases are complex, difficult and unclear. They bring us in when issues are volatile, emotions are high and millions of dollars are at risk. We're asked to consult on tough litigation because we've seen so many tough cases, and more importantly, we've provided valuable insights.

Genuine help, in the form of useful information and critical thinking, is what we deliver. We pitch in and figure things out with you. We help you develop the best themes, select the best juries and prepare the best witnesses.

Just how do we provide real help?

- We Listen. We want to know what you are trying to accomplish and how we can support you in your goals.
- We Customize. We use our social science training to create test designs that strive to match what you expect at trial so you can rely on what you learn from our research projects. We minimize false positives so you have more confidence in the results.
- Useful Data Analysis and Meaningful Solutions. We interpret the data in meaningful ways for your trial prep and offer thematic and strategic solutions that resonate with members of the jury.
- Visual Storytelling. From years of experience and hundreds of engagements, we know the right combination of words and images to use for meaning and memorability.
- **Calm Under Fire.** Litigation preparation and trials themselves require long periods of concentration and level-headed thinking. We are a steady and dependable resource.

We pay attention to everything, we're easy to work with and we deliver the best findings.

Our difference is the service and results we provide. We're ready to help you.



OUR SERVICES

Pre-Trial • **Trial** • **Post-Trial**

Gain valuable insight. Prepare to persuade.

The best preparation helps you gain insight and be more persuasive. Our pre-trial, trial and post-trial services support you from the start and carry you through to the finish. We help you look at your case from all the important angles.

We work to identify themes and strategies that help you influence and persuade. We help you gain understanding and confidence and be savvier about your case.

How can we help you with your case? Let's talk.

PRE-TRIAL SERVICES



GRAPHICS FOR PRE-TRIAL MOTIONS & HEARINGS

Refined Graphics for Judges and Juries

Graphics preparation is often reserved for when the trial is already in sight. Yet, the long path before trial is replete with early opportunities to gain or maintain an advantage — or even stave off the trial itself. As such, your graphics play a remarkably important role in those crucial development stages.

As the Expert v. Novice academic research supports, arguing the merits of your case with a judge in pre-trial hearings is a lot like dealing with a jury, just 1/12 the size. Though perceived as experts, judges are subject to the same cognitive biases as jurors, making pre-trial graphics just as important as trial graphics for clear and persuasive communication.

The compelling graphics we provide can be indispensable demonstrative tools in a multitude of pre-trial situations, no matter what side of the case or motion you're on:

- Daubert hearings
- Markman hearings
- Motions for summary judgment
- Motions to exclude evidence
- Motions to exclude certain types of compensatory damages
- · Motions to add or dismiss a claim for punitive damages
- Tutorials in complex technical cases
- Mediations and settlement conferences

Whether they're simple flowcharts, timelines and document callouts or more detailed tutorials, animations, reconstructions or product comparisons, we'll help you plan, craft and tighten each and every graphic you need for any pre-trial scenario. And, of course, if a trial does come around, you'll have litigation-ready graphics on lock.

Powerful visuals show the strength of your motion, but also communicate to your opponent your resolve to win.

INITIAL CASE EVALUATION

Know Where You Stand Before You Start

Adapt and develop messages based on your issues and audiences, right from the beginning.

To persuade, you have to understand what you're up against. What are the thoughts and perceptions that currently exist? And how can you gain the right alignment with your particular audience — be it jury, judge or arbitrator?

With Initial Case Evaluation (ICE), we uncover details that help you communicate your case story in a convincing and relatable way. ICE helps you develop relevant core trial themes right from the beginning. In the evaluation process, you also learn about the important questions people have, and you can start to develop answers. Through a combination of the learnings from focus groups and our experience, you can become a Thematic Chameleon, aligning and adapting your messages to your jury in an appealing way.

The advantages of Initial Case Evaluation are numerous:

- **Minimize Risk.** You significantly reduce any surprises and the possibility of delivering a negative message.
- **Determine and Design Strategy.** You build a solid case strategy that strengthens your position before or during trial.
- **Reduce Costs.** You don't waste valuable time and resources on strategies that won't work, or worse, actually damage your case. Hit the mark the first time.

Get a jump on the issues that matter and gain an early advantage.

E-BRIEFS

e-Brief Design and Development Made Fast and Easy

Many courts require briefs in electronic format now, and this is an important opportunity to make your case quickly and persuasively. Well-organized and well-designed e-briefs help judges better understand your case by giving them everything they need in one place, including hyperlinks from your table of contents and table of authorities to case law, exhibits and other documents. Additionally, any section of your e-brief can be linked to transcripts, video designations, graphics, animations and other interactive multimedia.

e-Briefs are very effective in a number of case types including:

- Intellectual property
- Medical malpractice
- Product liability

Building Your e-Brief. First, we learn your case and gather the details of the brief and motion you want to present. We build your e-brief in an open, project management platform so you and your client have real-time access to the latest versions and modifications.

Delivering Your e-Brief. When complete, we deliver your e-brief in the court's preferred format: CD, DVD, Flash Drive or it can also be downloaded from our document-sharing servers. With a PDF file, the judge can easily make comments and notes in the document and request further details.

Make sure your e-briefs are thorough and user-friendly. We can help.

FOCUS GROUPS

What Are People Thinking? Discover Community and Juror Perceptions through Inductive Focus Groups

What are the "hot button" issues of a case, and how do people feel about them? That's what you're really looking for.

With Inductive Focus Group research, we uncover implicit assumptions, questions and reactions — both positive and negative. We also test people's reactions to different themes before you commit to one. We lay out the facts surrounding your case in a focus group and determine key issues. Finding those issues early on can make the difference in persuasively connecting with judges, jurors and arbitrators.

There are pre-existing opinions among people that will impact your case. The Inductive Focus Group explores jurors' personal experiences and concerns surrounding your case and reveals their prejudices and expectations.

Find out what resonates and what doesn't with qualitative feedback.

WITNESS PREP

Make Sure Your Witnesses Work for You, Not Against You

Your witnesses help tell your story. There is power in their voice, body language and messages, and you want them to maximize their effectiveness in all. We help make sure they do.

We use a proven method when we work with witnesses so they know how to respond to combative depositions and examinations. We prepare them for likely lines of questioning and help them be more thoughtful in their answers.

We also prepare witnesses to weave your case themes into their responses so they can advance your case story.

We provide assessment and guidance on:

- Messages that align with the jurors' sensibilities
- Consistency and focus in answers
- Non-verbal behaviors

When your witnesses are clear and concise with their testimony, they will be seen as more persuasive and more credible.

We make sure your witnesses are ready to deliver their key trial messages.

ELECTRONIC SITE SURVEYS

Bring Specific Locations and Events to Life to Create the Most Accurate Evidentiary Exhibits

Electronic site surveys allow us to digitally reproduce an environment with exact measurements creating some of the most compelling demonstrative and evidentiary exhibits you can use. They make case and location details easier to understand by precisely recreating topographical mapping, line-of-sight, roadway and building placement data.

Electronic site surveys are often used for the following types of cases:

- Car crashes
- Aircraft crashes
- Environmental contamination
- Device or mechanical failure
- Building elevation and boundary issues

Our site survey technology allows us to not only place trees, signage, fencing and buildings accurately on a land model, but to even reproduce the foliage on trees or road surfaces with remarkable accuracy.

Give juries and judges the details they need to decide in your favor.

Don't just tell — show.

MOCK TRIALS, REAL LEARNING

Take Your Messages and Trial Themes Out for a Test Run

A mock trial is your dress rehearsal for the most important trial aspects — opening statement, closing argument and even voir dire.

We handle everything, including finding the right mock jury so you can accurately test your case. Our mock trial research model allows you to incorporate individual witness testimony and graphics, while measuring reactions to your presentations.

Our mock trial format includes:

- Opening statements
- Case presentations
- · Live, video or surrogate witness testimony
- Closing arguments

During and following a mock trial, the jurors also complete short questionnaires about the case, the facts, the witnesses and their reactions. Then we divide the jurors into separate juries for additional fact-finding deliberations and debriefings.

The process lets us know if your themes hold up during small-group interaction, just like in a jury room. We'll find out if there's a danger of jury room bias or confusion or if you've inspired jury room advocacy.

Practice before you get to court.

ARBITRATION

Articulate Your Best Case in Arbitration

While arbitrators are professionally trained experts, they can be as biased as jurors. Like a mock-jury setting, we find surrogate arbitration panelists who give you a better idea of what could happen in a binding arbitration.

Arbitrators, just like jurors, appreciate effective storytelling. Whether it's complex financial or scientific concepts or chronologies, the use of graphics and presentation technology in your stories is important in providing arbitrators with a concise, useful summary of your argument.

The feedback collected during arbitration research helps you refine arguments, strengthen weak points and adapt your messages to an arbitrator's point of view. The same lessons can be applied to the preparation of your witnesses.

Be ready for the specialized demands of arbitration.



INSTANT VIDEO REPLAY

Video Deposition and Transcripts Synchronized and Indexed for Quick Reference

You want to find important testimony and facts quickly and easily. And you want to be able to produce them when the court asks.

We electronically transcribe and synchronize the official transcript with the video deposition, which allows us to search across all of the discovery testimony. This provides your trial team with the ability to access any piece of testimony in a matter of seconds.

Have video testimony easy to access and share.

WITNESS PREP FOR DEPOSITIONS

Even the Best Witnesses Need Practice and Feedback

Your witnesses must be confident and credible. They need to communicate clearly to a jury and keep emotions in check.

We work with your witnesses to ensure:

- Strong verbal articulation
- Productive non-verbal cues
- Concise message delivery

We know how to prepare witnesses for a courtroom or arbitration setting and make sure they understand what to expect so they can be at their best.

Get peak performance from your witnesses.

SUPPLEMENTAL JURY QUESTIONNAIRES

Learn How People Feel about the Specific Issues in Your Case with a Supplemental Jury Questionnaire

Personal experiences with specific issues are the most important and reliable forecasters of individual and collective judgment.

That's why we recommend the use of court-approved jury questionnaires. Two to three pages long, they are usually based on the results from focus group or mock trial research.

The benefits of supplemental jury questionnaires are numerous:

- Provide a solid base of information about each juror
- Identify and validate cause challenges and peremptory strikes
- Better understand potential jury attitudes and reactions to your case issues

Ask the best questions. Gain the most useful insights.

VOIR DIRE DEVELOPMENT

Design Your Best Case from the Very Beginning

We help you develop voir dire questions tailored to your specific case issues. We elicit the attitudinal and experiential information for the best use of your peremptory strikes for jury deselection.

Start strong with strategic voir dire communications that help you:

- Reveal jurors' attitudes and experiences so you can strike those who are hostile to your case
- Introduce key themes of your case as early as possible
- Discreetly identify favorable jurors and what they think about the case issues so you can better communicate to them during trial

We also observe jurors during voir dire and rank them for deselection.

Obtain the best jurors for your case. Gain influence as early as possible.

JURY SELECTION: THE SCIENCE & ART OF CHOOSING A JURY FOR YOUR CASE

We Bring You Third-Party Perspective and Jury Selection Expertise

Seating a jury can make or break your case, even before one word of argument or testimony is uttered. It is important to identify those jurors sitting in the box who won't be willing to listen to your story and ensure they don't end up on your jury.

We can be in the courtroom with you and behind the scenes — studying profiles, developing questionnaires and helping you select the best jurors for the case. We are experienced in drafting the critical questions so you can make the most effective use of cause challenges and peremptory strikes.

During jury deselection, we help you:

- Develop criteria and questionnaires (with court approval) to determine which jurors are likely proponents and which ones are opponents
- Conduct social media research on prospective jurors to uncover additional key information
- Develop questions for voir dire to uncover further biases
- Make deselection decisions in court

When your trial begins, we also help observe and report on jury reactions so you can tailor your case accordingly.

Choose your jury carefully. Choose well.

SOCIAL MEDIA PROFILES

Social Media Accounts Reveal How People Really Think and Feel, Exposing Risk as Well as Opportunity

You can learn a lot about someone by researching their public social media accounts and communications.

Prospective jurors often share personal information in public forums like Facebook, Google Plus, Twitter, Instagram and Pinterest. We collect and summarize these valuable background details for use throughout the jury selection process. That information can be critical during the voir dire phase and help determine when you select a jury candidate to be struck.

Days before — or even the day of — jury selection, we provide a quick-reference e-file that summarizes the findings for use on a smartphone, tablet or laptop in the courtroom.

Valuable jury panel information is just a few clicks away. Click **here** to learn more about how we use social media in the courtroom.

FEEDBACK JURIES

Make Sure You Are Getting through and Being Understood

Feedback or "shadow" juries give you feedback on your arguments and effectiveness in the courtroom.

It's hard to be aware of how jurors respond to your case in real time. We can give you another perspective through the eyes of a demographically similar feedback jury.

A feedback jury can give you immediate guidance on your themes, evidence, witnesses and presentation exhibits. We recruit a group of four to six jury eligibles using demographic and jury characteristics similar to your actual jury panel.

The information from a feedback jury helps you clarify and refine elements of your case as you go forward. You can adjust and improve.

Get constructive feedback on your opening statements and promises made.

WAR ROOM INSTALLATION

We Set up Your Onsite Trial Room So You Have All of the Tools You Need to Work and Manage Your Case

We provide the best computers, audio-visual equipment and Internet connections available in your trial room and the courtroom.

We handle the physical layout of the trial venue and make sure the technology runs smoothly. You have quick, easy and convenient access to private space for strategy discussions, witness briefings, presentation practice and simple quiet time.

We have the experience to work smoothly with your IT Department, the court or hotel staff to get you up and running, and we can keep you going without interruption.

Workspace on demand and tailored for you.

PRESENTATION TECHNOLOGY & GRAPHIC DESIGN

Keep the Spotlight on You and Your Message

We handle the presentation technology details so you can concentrate solely on your case.

Your exhibits, video clips and demonstratives must look good, sound good and work as they're designed to work. We live by the mantra that a presentation is only successful when it is fast, reliable and readily available.

We help you with the three main elements of a successful presentation:

- **The Right Story.** We review your materials with you to make sure you have all the key parts of your evidence and story assembled.
- The Right Software and Hardware. We place your story or exhibit content in the best software and hardware devices so they display quickly and clearly.
- **The Right Delivery.** We drive the software and hardware elements of your presentation and keep everything on track.

Well-designed graphics and animations that support focused trial themes make a big difference, and we can make sure they make a positive impact. Good graphics should engage, educate and persuade in a storytelling format that appeals to jurors.

The best graphics and animations will:

- Clarify important case details
- Reinforce case themes and keywords
- Ensure consistent and compelling communications throughout trial

Our consultants have been involved in hundreds of trials and have thousands of hours of trial preparation and war room experience. Our illustration and graphic design skills are second to none, and we have work and the references to prove it. Let us share them with you.

We run your show from the "hot seat."



JURY RECONVENING: UNDERSTANDING GROUP DYNAMICS

We Discover Your Case Strengths and Weaknesses through Group Discussions and Decisions

Individual thoughts and feelings change in group settings. We bring the jury together again in person as a group and find out not only jurors' individual opinions but also about the group deliberations and how these discussions developed. You will gain valuable insight into decision rationale, including reactions to key arguments, witness testimony and demonstratives.

We look for patterns in individual thinking and compare those to the collective decisionmaking process and outcome. Persuasion within the group becomes the focus, and it's important to see how those dynamics play out.

Find out more about how juries interact and make decisions as a group. Prepare now for the future.

POST-VERDICT INTERVIEWS

What Worked in Your Trial? What Did Not? Why?

Post-trial individual juror interviews bring understanding and clarity on how decisions are made.

Whether it's good news or bad news, you want to know how and why a verdict was reached. You need to validate and reinforce good strategies and techniques and avoid less effective ones in the future. And, it's important to capture these impressions immediately after a verdict.

We Help You Get to the Heart of the Matter

We interview jurors individually and ask them specifically which components of your themes and arguments resonated with them. We get them to open up and be frank about their attitudes and opinions. This method is powerful for isolating individual interpretations, bias and reactions.

Prepare for Appeals

Post-trial juror interviews are particularly valuable for appeals and for pending litigation on similar matters.

Gain reliable insight into individual juror thoughts and reactions and apply what you learn to future cases.



GRAPHICS GALLERY

The Importance of Adding a Visual Component to Testimony at Trial Cannot Be Understated

Our research shows that comprehension and retention of trial themes is greatly enhanced by the incorporation of effective visuals. We have created hundreds of innovative presentations that grab and hold jurors' interests while conveying the nature and details of your case. Following are a few examples of our work.

GALLERY



Accident with Saw



ACL



Airplane Manufacturing





Amosite in Lungs



Bicycle Accident



Cybex Accident





Dirt Removal



Distracted Driver



Contaminants in WTC Dust



Financial – Factoring



Firefighter



Genie Accident



Grievance



Harassment



How Electric Current Flows



How Home Loans Are Funded



How Home Loans Are Funded Out of State



Hypertension

GALLERY



Instrument Panel



Latency



Managing Rotor



How the Medical Care System Works



Metal Casting



Night Crash



Patent Trademark



Pressure Sore



Production Over Safety



Ship Asbestos



Proper Ventilation — OSHA Regulations



Ship Construction



Sand Build-Up Reduces Production



Tractor Modification



Sandblasting Job Site



Turbine Patent

Our visual communications experience enables us to quickly assist with concept development, design and creation of trial demonstratives and evidentiary exhibits.



INDUSTRIES

Need Someone Who Knows Your Industry?

From aviation to toxic tort, we've got the years and breadth of case experience to help you gather and understand research and fine-tune your case.

ASBESTOS

Mesothelioma and Asbestos-Related Illnesses Are Numerous and Complicated — and We Know the Field

Asbestos exposure and its alleged harms continues to be a highly litigated issue, and we've been involved in hundreds of cases. We've developed jury questionnaires, prepared expert witnesses and designed deliberation groups to assess jury reactions to primary case themes, arguments and evidence.

We've tested questions and cases related to:

- Asbestos exposure from welding machines and asbestos-containing products
- Performance of mask and respirator protection for asbestos and silica dust
- Asbestosis vs. idiopathic pulmonary fibrosis diagnoses
- The alleged synergistic effects of smoking and asbestos exposure in causing lung cancer

Our jury research focus groups and mock trials have analyzed opening statements and case-in-chief overviews from each side. We've also tested variations in verdict form instructions to determine the effects of different instructions on damage amounts.

Our graphics concisely illustrate the science and concepts important in this genre.



We've worked on the front lines of asbestos litigation for nearly two decades. We know the issues and we can help.

AUTOMOTIVE

As a Frequent Target of Negative Media Attention, Auto Companies Need to Have Spot-On Messages to Persuade a Skeptical Jury

Litigation has never been easy for auto manufacturers. Fault and causation are difficult to pin down. Numerous variables and complex series of events can create grey areas, which plaintiffs can — and will — use to their advantage with a jury.

Automotive companies are in the limelight now more than ever, and unflattering press can turn public opinion against you — not just directly, but by mere association with the industry. Add in politics, regulatory pressure, social media and entrepreneurial plaintiffs' lawyers, and what may initially have seemed like small-scale issues can become mass tort litigation in no time.

We're here to offer a variety of services to give you back the edge.

For example, we'll test your case on representative mock jurors and tease out the most influential evidence, most effective trial graphics and most memorable case themes. We'll look at the toughest challenges of your case — whether they be prior accidents, an adverse NHTSA report, a recall or a particularly sympathetic plaintiff — and help you defuse them. And when that case comes to trial, we'll identify the jurors most likely to be receptive to your well-tailored story — and those you should avoid.

Our research can help you not only to present your best case at trial, but to pick the best case to try. When and where applicable, we can use our extensive research to help inform your input into the selection of bellwether cases, so you can identify the cases most likely to support your overall litigation strategy.

We've supplied our research and analysis to a number of the major auto manufacturers. **Our experience runs the gamut of automotive litigation matters, such as:**

- Product liability
- Warranty claims
- Litigation with suppliers and contractors

• Design defect

- Recalls
- Manufacturing defect
- Regulatory compliance

Before, during, and after trial, our insights will prepare you for any case this unpredictable arena can throw at you.

AVIATION

Measure Jurors' Reactions to Mechanical Failure, Human Error and Related Damages

When accidents occur, we help you graphically present and emphasize the most impactful details and themes.

We've supported a variety of personal injury and accidental death cases in the aviation industry, including those involving alleged mechanical failure, maintenance failure and process failure. Our clients learn how jurors are likely to assign fault and damages.

Examples of recent cases include:

- Commercial Plane Crashes We measure and report on mock jury reactions to maintenance process problems and cockpit voice recordings and collect opinions on damage awards.
- **Private Plane Crashes** We research and support cases involving mechanical malfunctions, pilot error and damage award amounts.

Research projects include deliberation groups, mock trials and inductive focus groups.

Our visual communications specialists produce accident reconstruction videos, animations and timelines that help explain a sequence of events leading up to an accident.



We know the airlines, the equipment and the questions that arise in aviation litigation.

BANKING & FINANCE

We Have the Know-How to Translate Even the Most Complex Case into an Accessible Story

Banking and finance cases are packed with enough esoteric concepts and jargons to make most jurors' eyes glaze over. To make matters worse, messy mergers can wreak havoc on your witness pool, making it even more difficult for your business to tell a cohesive story. And with a public still struggling to regain trust and confidence in the financial sector, that story has to be clearer and more powerful than ever.



We know the disadvantages you face,

and we have 20 years of experience working with banks across the country. Our expertise will help you present your case in the most effective way possible. We have helped banks achieve favorable outcomes in a variety of cases, including:

- Breach of fiduciary duty
- Commercial lending
- Mortgage lending

- Ponzi schemes
- Shareholder and securities
- Trust, investment and investment management fraud

Our research will determine jurors' emotional and cognitive responses to plaintiffs' claims and identify your best course of defense. In cases like these, jurors tend to use their own experiences and biases to fill any gaps in their understanding; our strategic insights and trial-ready graphics will help you fill those gaps with the evidence that supports your story.

With hundreds of banking cases under our belt, let us give you the tools and guidance to present the best case possible.

BUSINESS LITIGATION & CONTRACTS

We Help You Sort Out the Issues in Business Litigation and Reduce Risk in Contract Disputes

We've been involved in many types of matters between businesses, and the sizes of the cases have ranged from hundreds of thousands to billions. Whether you are in settlement discussions, trial or arbitration, we can help you come to the table with your strongest case.

We help clients resolve a breadth of complex business disputes, including:

Antitrust

- Shareholder and securities
- Contract disputes and business torts
- Insurance coverage

• Franchising

With myriad clauses, descriptions and penalties built in, contract disputes are difficult to litigate and defend. We help you look at it from all of the most important perspectives.

We've conducted research and developed graphics for cases involving:

- Breach of partnership agreements
- Timeliness of delivery

• Reseller and fee agreements

Performance under licensing

• Quality of goods

• Interpretation of liquidated damages



Commercial insurance, business and contract litigation are difficult for jurors to comprehend. We help you find the most direct and influential ways to explain it.
CONSTRUCTION

We Keep the Jury Focused on the Facts and Themes that Support Your Story

When something goes awry in construction, fingers tend to point in all directions. If a construction schedule isn't met or a customer claims the project result doesn't match expectations, litigation is all too frequent and far too costly. In an industry with so many moving parts, so many steps and so many players between planning and completion, it's easy for a jury to get bogged down in the minutiae — and lose sight of where the responsibility lies. What you really need is to reframe and refocus to pinpoint exactly where things went wrong.

We've come to the aid of large construction companies, engineering firms, insurance companies, contractors and developers; no matter your business' role in the building process, we've handled it all.

Among others, our cases have involved claims of:

- Late project completion
- Budget overruns
- Design deficiencies
- Construction defects
- Breach of contract
- Environmental hazards
- Site accidents and safety violations
- Changes in schedule or scope of work



Our professionals cut to the thematic core of your case. We'll discover which of the many details, documents and witnesses are likely to be the most memorable and persuasive to a jury. Meanwhile, we'll build custom graphics based on our insights, tailor-made to help jurors understand your side from a technical and financial perspective — even when numerous testifying experts are involved.

We know the ins and outs of construction litigation. Together, we'll help the jury navigate the complexities and focus on your message.

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ELECTROCUTION

From Failed Equipment to Fallen Trees, an Electrical Accident Can Hit You Hard and Fast with Costly Litigation

It can be difficult to establish the exact source of an electrical accident, and feisty plaintiffs' lawyers are more than happy to point the finger at you.

Those same lawyers can and will use potentially horrific injuries or property damage as emotional triggers, causing jurors to lose sight of the facts most important to your defense. Even vague claims may surprise you with a steep verdict.

Let's keep the burden of proof squarely on the plaintiff. We'll find out how jurors in your area are likely to respond and help you identify and emphasize themes that will focus them on your story. We're well-versed in the many intricacies of the relevant codes and standards, so we can speak your language — and translate it persuasively to a lay jury.

We've helped utilities and co-ops successfully defend against claims such as:

- Personal injury/ wrongful death
- Property damage
- Punitive damages

We offer the full range of services. Worried about juror bias? We'll



single out likely problem jurors for voir dire, making sure your case is heard fairly and openly. Need a memorable, nuanced reconstruction graphic? Our graphics team has decades of experience showing jurors exactly what they need to see.

A sudden electrical accident doesn't need to spell trouble for your company. Let's get the jury on your side.

EMPLOYMENT

We Help Businesses Defend Themselves in Employment Law Matters

Big businesses are big targets for employment lawsuits. We help businesses protect their interests and defend all types of claims.

We've performed jury and theme research in a variety of employment law defense cases. Most often, we convene deliberation groups and study mock jurors' responses to questions and case details so you can develop a thematic storyline that persuades.

The types of cases we've studied:

- ADA claims
- Wrongful termination
- Sex discrimination
- Age discrimination
- Race discrimination
- Religious discrimination
- Retaliation
- Harassment
- Sexual assault
- Hostile work environment
- Compensation disputes

 Two Paths to Complaint Resolution

 Harassment Policy

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The employee often receives the benefit of the doubt and more sympathy in an employment law case. We help you find ways to even the playing field.

We find weaknesses and determine strengths so you can defend your business effectively.

FIRE

One Failed Conductor or Fallen Tree Can Cause Millions — Even Billions — in Property Damage

Fire cases are costing utility companies, power cooperatives, insurance companies and railroads more money every year. Environmental factors like droughts, currently wreaking havoc on the western US in particular, further increase the frequency and destruction of these fires.

Meanwhile, plaintiffs, ranging from property owners to government agencies, are coming up with increasingly creative ways to amplify the breadth of claims and achieve class certification. One popular new approach classifies the fire damage as an eminent domain "taking," entitling plaintiffs to the fair market value of their property.

Against these unsettling developments, basic defense strategies just aren't enough. Jurors are given endless reasons to hand you the mounting bill.

But we can identify the most effective approach to counter the claims against you. Whether you're accused of having started the fire or of having failed to take adequate steps to suppress or prevent it, our experience can help you minimize damages or even refute liability altogether. We've aided defense teams confronting a vast range of damages claims, including:

- Evacuation costs
- "Reasons personal"
- Intangible environmental damage
- Loss of use and profits
- Annoyance, discomfort, inconvenience
- Emotional distress/ punitive damages
- Catastrophic
 property loss
- Extra damages for trespass
- Soil sterilization



Facing exorbitant damages for a fire? Look no further than Litigation Insights.

HEALTHCARE

Don't Let Increasing Litigation Eat Up Providers' Defense Funds

As our healthcare provider clients know, there's a whole lot going on behind the scenes that keeps the industry running. Those complexities — along with shifting political winds — also mean the industry is in constant flux. As such, healthcare litigation is abundant and continues to increase, not only in the number of cases, but in its scope, frequency and stakes.

Interestingly, many of the same types of healthcare cases have existed for decades. What has changed most is the scale — namely, increasing classaction certification — which has caused settlement costs to skyrocket for insurers, medical device companies and others. As a result, even healthcare giants are scraping their defense-fund coffers, while such high litigation costs can threaten the very existence of smaller companies.



In the current environment, understanding how jurors are likely to respond to your case is paramount.

Our services are comprehensive. From pre-trial research through post-verdict analysis and juror interviews, we customize our analysis to fit your company, your case and your juror demographics. We know how jurors are likely to feel about the many nuanced aspects of the industry, and we'll find the right messages to put your best case forward. In fact, we've done so in a wide variety of healthcare defense cases:

• Antitrust

- Government investigations
- Contract disputes for insurance providers
- Medical malpractice
- Class actions
- Regulatory compliance
- Qui tam litigation

Protect yourself against the turbulent healthcare climate. We'll give you the confidence and preparation to take on any high-stakes case.

INTELLECTUAL PROPERTY

Understand It, Explain It and Defend It

Your clients are creating inventions, new methods and technologies that need to be protected and defended. When infringement or theft occurs, we can help you build a case to protect your clients and their interests.

Projects we can help with include deliberation groups, mock trials, discovery insights research and inductive focus groups. And our visual consultants can produce technical illustrations, presentations, animations, charts and timelines that demonstrate functionality and compare product features.

We've worked in a variety of technical disciplines, including chemical, computer software and hardware, manufacturing, medical devices, pharmaceuticals and telecommunications. We apply this industry understanding to protect rights in a variety of legal matters, including:

Trade Secret Cases:

- Chemical formulas
- Automotive technology
- Paint mixtures
- Investment models
- Industrial tool design

Trademark Cases:

Logo colors

- .
- Names
- Art
- Confusion and
 reverse confusion

Patent Infringement Cases:

- Adhesive tabs
- Computer software
- Hard drives
- DVD technology
- Medical devices



We can help you present your most technical intellectual property cases.

OIL & GAS

Mitigate the High Stakes Risk in an Often Unfriendly Environment

When millions of dollars are on the line, you want to know your case is in good hands. The oil and gas industry is frequently subject to negative press that can stoke juror bias and stack the odds against you.

Our mock jury studies, witness prep and trial graphics help craft and present relatable themes, tailored to your audience. We can also identify the jurors most likely to carry biases against your client and who might gravitate to your opponent's messaging. In short, we can turn your "Big Oil" case into a compelling, persuasive story.

We've handled cases involving:

- Contract disputes
- Environmental claims, including groundwater and soil contamination
- Health and personal injury claims
- Mineral rights
- Underground trespass

With years of experience and clients that include some of the biggest corporations in the business, we certainly know the issues. Let us anticipate, identify and overcome your case challenges so you can be at your most confident.



Cases in this industry are heated and bias prone. Let's work together to craft a message that resonates.

PHARMA & MEDICAL DEVICE MATTERS

We Help Build Strong Defenses for Cases Related to Medications and Medical Implants

New medications and medical device engineering have allowed millions of people to live longer and more comfortably. The growth and size of the industry has also attracted mass tort and large individual lawsuits.

We help our clients mount defenses to matters involving:

- Hip, knee and spine orthopedic implants
- Antidepressant complications with suicide and pregnancies
- Blood-thinning drug interactions
- Long-term side effects of NSAID-class drugs
- Interventional cardiology devices
- Medical malpractice

We put together deliberation groups and focus groups to test for bias and assess opinions and attitudes, and then we tell you what it all means.



We simplify and clarify complex medical issues so your most compelling case points can be presented and understood.

PRODUCT LIABILITY

Defend Product Liability and Manufacturing Defects

Product liability and product defects are constant challenges for manufacturers. We've helped clients with a number of these cases.

We've performed extensive mock jury research on product defect, causation, failure to warn and failure to test issues and **have supported litigation related to such products as**:

- Heavy machinery from industrial cranes to bailing machines
- Respirators
- Automobiles
- Chemical exposures

We help you prepare expert witnesses to make sure their explanations are direct and clear and that they represent your side professionally. Our graphics help make their messages memorable.





We understand technical product specs, manufacturing steps and their implications and help you make sure that others do, too.

TOXIC TORT

Address Big Liability Questions through Research and Understanding

Advances in technology, manufacturing and medicine bring benefits to our daily lives, but they can also bring additional litigation exposure. We've helped clients face litigation brought on behalf of individuals and groups, and we know how to assess community and jury opinions.

We've designed and administered deliberation groups, mock trials and questionnaires testing themes and reactions for toxic tort cases all over the country. We've worked on toxic tort cases related to:

- Occupational exposure (benzene, asbestos and NORM)
- Exposure in the home (mold, lead and radon)
- Consumer products (pesticides and cleaning chemicals)
- Water contamination by pesticides and fertilizers
- Water contamination by livestock waste

We've been involved in numerous cases involving global manufacturing companies and matters related to exposure to their products and manufacturing processes.





Help jurors take the emotion out of toxic tort cases.

TRANSPORTATION

Develop and Frame Your Case Themes and Visuals to Make Sure the Jury Understands You

Transportation litigation is gritty, complex and often emotion-laden. We'll help you understand the jury, so they can — in turn — understand you. From crashes involving planes, trains and automobiles to motor carriers and aviation engineers, our dedicated team has the resources and years of experience you need.

Transportation litigation is characterized by a wide variety of issues. But that's no problem — we've brought our potent mix of exploratory, analytical, consultative and graphical services to a full range of transportation cases, including:

- Catastrophic accidents, including wrongful death and personal injury
- Property damage
- Environmental spill claims
- Defects in the design or manufacture of transportation equipment
- Contract disputes

We've honed our skills and our understanding of your industry over 20 years. Whether you need a pulse on how a jury will view your defense of a contract, that perfect animation depicting the conditions that led to a head-on collision or a graphic demonstrating your company's commitment to safety, we have you covered.



Regardless of your transportation case needs, our full range of effective services will ensure you don't enter the fray unprepared.



OUR TEAM

Meet Your Support Staff

We ask the right questions, listen to the answers, analyze the responses and help you develop compelling stories and visuals that speak effectively to your audience.

JURY RESEARCH



Merrie Jo Pitera, Ph.D. CEO



C. K. "Pete" Rowland, Ph.D. Chairman Emeritus



Jill M. Leibold, Ph.D. Director – Jury Research



Christina Marinakis, J.D., Psy.D. Director – Jury Research



Barbara Hillmer, Ph.D. Senior Consultant



Robert Gerchen Senior Consultant



Patricia Steele, J.D. Senior Consultant



Jennifer Nemecek Consultant



Jessica Baer, M.A. Consultant



John Wilinski, M.A. Consultant



Alyssa Tedder-King, M.S. Consultant



Veronica Neutzler Case Manager



Danielle Eberle Case Manager



Carey Hand Senior Case Manager

JudeAnne Heath Case Manager, Social Media Content Manager

VISUAL COMMUNICATIONS



Adam Bloomberg Managing Director – Visual Communications



Adam Wirtzfeld Director – Visual Communications



Joan Beck, M.A. Medical Illustrator



Cort Chase Senior Trial Technology Consultant



Bret Eltiste Senior Trial Technology Consultant



Shannon Gilley Senior Designer -Animator



Marti Martin Designer – Graphics Case Manager



Jeff Murphy Senior Trial Technology Consultant



Amanda Scheid Design Consultant



Neal Skorpen Design Consultant



MERRIE JO PITERA, PH.D.

Chief Executive Officer

Dr. Pitera is a psychology and communications expert who specializes in complex litigation and trial consulting and has more than 25 years of experience in the field. She helps clients perform at their highest levels and has managed hundreds of cases during her career. She understands what's at stake, and she knows how to help clients build persuasive themes.

Her areas of expertise include intellectual property, employment, commercial, environmental and product liability/personal injury litigation. Merrie Jo is a perceptive listener and observer of jury dynamics and sentiments and provides clear insights into how they are likely to impact a case. In addition to being a jury specialist, Merrie Jo also prepares witnesses for depositions, trials and congressional hearings. She is a frequent national and international speaker on jury behavior and witness prep methods. She routinely publishes articles in a variety of law journals on jury selection and trial preparation. In February 2016, she published with her co-author, Dr. Barbara Hillmer, a book entitled: *Storytelling for the Defense: The Defense Attorney's Courtroom Guide to Beating Plaintiffs at their Own Game*.

Education

Ph.D., Communication Studies, University of Kansas

M.A., Social Psychology, University of Kansas

B.A., magna cum laude, Psychology, Clemson University

Selected Articles and Presentations

Pitera, M.J. & Hillmer, B. (2016). *Storytelling for the Defense — The Defense Attorney's Courtroom Guide to Beating Plaintiffs at Their Own Game.* Oceanside, CA: Indie Books International.

Pitera, M.J. (2015). Mock Trial Versus Deliberation Group: What Is the Difference? Insights.

Pitera, M.J. (2015). What Does a Mock Trial Cost? Insights.

Pitera, M.J. (2014). Witness Tip: When Is It Appropriate for a Witness to Show Anger? *Insights. Winner of LitigationWorld Pick of the Week*.

Pitera, M.J. (2014). Witness Preparation: Beware of the Tricks Used to Encourage a Witness to Volunteer. *Insights. Winner of LitigationWorld Pick of the Week*.

Pitera, M.J. (2014). Voir Dire Strategy Tips: What Not to Do in Voir Dire. Insights.

Leibold, J.M., Pitera, M.J., Price, J.M. & Dukart, J.Y. (2013). Attitudes toward Japanese corporations. *For the Defense: Defense Research Institute*.

ADAM BLOOMBERG

Managing Director — Visual Communications

With more than 20 years of experience, Adam has consulted with hundreds of trial teams and corporate clients to develop communication strategies and presentations that educate, inform and persuade. He creates materials and exhibits for mock trials, focus groups, arbitrations and trials.

With Presentation Technology a part of our Visual Communications department, Adam has led trial and war room technology and logistics efforts for a plethora of cases, such as toxic tort, product liability and commercial cases. While we have presentation technology consultants ready for the courtroom, Adam has been seen in the hot seat himself honing his skills on occasion. Over the years, he has published articles on trial technology in various professional periodicals including the *National Law Journal*.

Education

B.S., Communications, Texas Christian University

Selected Articles and Presentations

Bloomberg, A. (2016). Combating Negative Juror Attitudes toward Insures with Effective Visuals. *Insights*.

Bloomberg, A. (2016). Four Trial Prep Lessons (and a Few Idiosyncrasies) of Great Trial Attorneys. *Insights*.

Bloomberg, A. (2015). How to Make Video Depositions More Engaging to Jurors. Insights.

Leibold, J.M. & Bloomberg, A. (2015). Combating Negative Juror Attitudes toward Insurers with Effective Visuals. *US Law, Fall/Winter 2015*.

Bloomberg, A. & Wilinski, J. (2015). To Settle or Not to Settle: Using Jury Research and Trial Graphics to Inform Trial Decisions. *CLE Presentation to in-house claims adjusters, in-house/ outside counsel for Federated Rural Electric Insurance Exchange, Lenexa, KS*.

Bloomberg, A. (2015). Understanding Generational Differences in Jurors' Attitudes and How Today's Media Is Influencing Trial Graphics. *Thompson Coe – 14th Annual Texas Insurance Law Update, Dallas, TX*.

Bloomberg, A. (2015). Civil Litigation: Understanding Generational Differences in Jurors' Attitudes. *Hennepin County Bar Association, Minneapolis, MN*.

JILL M. LEIBOLD, PH.D.

Director – Jury Research

With over 11 years of trial consulting experience, Jill has applied her expertise in juror decision-making to hundreds of cases across all genres of litigation. Clients rely on her skills in preparing challenging witnesses for deposition and trial, and on her extensive experience in jury selection for both civil and criminal cases. She specializes in developing statistically based, juror risk profiles to identify jurors for cause and peremptory strikes, and also applies the qualitative analyses to develop case stories and themes.

Jill frequently presents at national legal conferences and writes for legal trade publications about juror attitudes, implicit bias and jury selection in the areas of environmental and toxic torts, personal injury, asbestos, insurance bad faith, patent and trademark, product liability, fraud and criminal cases.

She is based in Los Angeles and applies her understanding of California juries in pro bono work for the state and local communities. For example, she worked with a team of local and national counsel to develop a standard juror questionnaire for asbestos cases for the Southern California courts

Education

Ph.D., Social Psychology, Michigan State University

M.S., Social Psychology, The Pennsylvania State University

B.A., summa cum laude, Psychology, University of Minnesota - Minneapolis

Selected Articles and Presentations

Leibold, J.M. (2016). Litigating the Bad Faith Claim. *Panel presented to the USLAW Spring* 2016 Client Conference, Rancho Palos Verdes, CA.

Leibold, J.M. (2016). Are Jurors Biased against Foreign-Made Products? Insights.

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Leibold, J.M. (2015). Who Is the Ideal Juror to look for during voir dire? *The Jury Expert, Volume 27, No. 1.*

Leibold, J.M. (2015). Defending Lung Cancer Cases: Navigating the Smoky Haze. *Presented at the Defense Asbestos Litigation Symposium, June 2015 Meeting, Las Vegas, NV*.

Leibold, J.M., Spalding, S., Forgas, S., Solheim, M. & Umberger, R. (2015). Preparing the Company Witnesses for the Reptile Questions. *Presented at the USLAW Client Conference, Boston, MA*.

CHRISTINA MARINAKIS, J.D., PSY.D.

Director — Jury Research

Christina began her career in trial consulting in 2010 after over a decade of research, study, and applied practice in law and psychology. She has assisted trial counsel during jury selection and with daily trial monitoring in venues across the country, helping clients obtain favorable outcomes in notoriously difficult jurisdictions such as Baltimore, Miami, St. Louis, Los Angeles, Philadelphia and San Francisco. Christina draws from her backgrounds in law, psychology, and jury research to draft juror questionnaires, voir dire questions, jury instructions, and verdict forms. Through her experience conducting focus groups, mock trials, and shadow juries, she has analyzed hundreds of mock jurors, in addition to interviewing actual jurors post-verdict. Christina regularly assists counsel in developing and implementing trial themes throughout voir dire, opening statements, and witness testimony, and she is particularly skilled at translating legal concepts to juror vernacular. Her case experience includes products liability, antitrust litigation, class action, legal and medical malpractice, contract disputes, patents, securities, fraud, trade secrets, employment discrimination, wage and hour, toxic tort and criminal work for both prosecutors and defendants.

Education

- Psy.D., Clinical Psychology, Widener University
- J.D., summa cum laude, Delaware Law: Widener University
- M.A., Clinical Psychology, Widener University
- B.S., Bioscience Psychology, The Pennsylvania State University

Selected Articles, Publications and/or Presentations

Pitera, M.J. & Marinakis, C.M. (2016). Unique Approaches to Jury Research to Leverage Your Position. *Webinar presentation for State Farm Insurance*.

Marinakis, C.M. (2015). Bias is in the Eye of the Beholder: Response to Revealing Juror Bias Without Biasing Your Juror: Experimental Evidence for Best Practice Survey and Voir Dire Questions. *The Jury Expert, Vol. 27, No. 4*.

Marinakis, C.M. (2015). Response to Jury Decision-Making in Excuse Defense Cases: A Novel Methodological Approach. *The Jury Expert, Vol. 27, No. 4*.

Marinakis, C.M. (2015). Juries in Lead Paint Litigation: Using Voir Dire and Graphics to Gain an Edge at Trial. *Presented at the National Lead Litigation Conference, Boca Raton, FL*.

Marinakis, C.M. (2015). Diversity in the Courtroom: A Competitive Advantage. *Presented to in-house counsel for Honeywell International, Inc., Parsippany, NJ.*

ADAM WIRTZFELD

Director — Visual Communications

With 17 years of experience as a graphic designer, 11 creating graphics for litigation, Adam is an accomplished visual storyteller who is adept at explaining complex ideas through a careful combination of words and images. Before joining Litigation Insights, he worked for several years as a user-interface designer, which strengthened his abilities to logically and clearly explain difficult concepts and processes to jurors.

As our Director of Production, Adam oversees and helps design and plan a wide variety of concepts with his design team and animators. Adam works directly with trial teams to identify communication challenges and create compelling visual presentations that convey the necessary messages, while matching the team's presentational style and budget. His experience in thematically communicating case themes has proven effective in front of juries, judges and arbitrators in diverse venues around the country.

Education

Visual storytelling, design and illustration, Joe Kubert School of Cartoon and Graphic Art

B.A., Philosophy and German, Grinnell College

Selected Articles and Presentations

Bloomberg, A. & Wirtzfeld, A.W. (2015). Multigenerational Jurors' Attitudes and Effective Storytelling through Trial Graphics. *CLE Presentation for Fredrikson & Byron, PA, Minneapolis, MN*.

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Wirtzfeld, A.W. (2012). Demonstrative exhibits today: Developing and exceeding your communication strategy. *Presentation for Larson King*.

Wirtzfeld, A.W. (2012). Using Microsoft Office's Clipboard Tool within PowerPoint: Moving Slides from Presentation to Presentation with Ease. *Insights*.

Wirtzfeld, A.W. & Featherly, R. (2011). PowerPoint 101: An interactive workshop. *Presented at International Association of Defense Counsel Midyear Meeting*.





HOW CAN WE HELP?

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