

JURY CONSULTING

FTI Consulting understands that preparing for trial is an intricate, daunting and costly process. Working with lawyers who try some of the most high-profile, large exposure cases in the country, our jury consultants are committed to providing cost effective and skillfully implemented research and consulting services that offer substantial benefit and clear direction.

SERVICE HIGHLIGHTS

- Tenured team of Ph.D. clinical, social and behavioral scientists with national experience
- Proven research methods and track record
- Collaborative work with other FTI Consulting colleagues including graphics, trial technology, and financial and economic consulting practices

A COMBINATION OF RESEARCH AND CONSULTING SERVICES THAT SUPPORT POSITIVE OUTCOMES AND RESOLUTION

Our national Jury Consulting practice brings years of experience designing each research protocol with precision and forethought. We go beyond the data to investigate how jurors process your case information, juror perception and feelings about damages, and their comprehension of and reactions to exhibits, unfavorable evidence/testimony, and corporate citizenship.

Whether preparing witnesses to increase their confidence and persuasiveness, formulating well-honed juror questionnaires that reveal any bias and prejudice, or implementing a peremptory strategy that makes best use of each strike, FTI Consulting consultants perform and deliver with incisive skill, reliability and proven track records.

Our team works hand-in-hand with the trial team, including our graphics and trial technology consultants, building consensus and maximizing the opportunity for counsel to achieve the best outcome.

Services Include:

Community Attitude Surveys — Survey research is playing an increasingly important role in litigation. We design surveys to provide valuable intelligence regarding attitudes and knowledge in the venue that can be used in planning jury research, assessing the needs for a change of venue or helping counsel answer questions about which venue to file.

Focus Groups — No litigant should ever go to trial without testing how venue matched jurors perceive his or her basic story. Focus group research provides that opportunity and a little more – to test trial themes and strategy, assess verdict and damages, and observe deliberations.

Mock Trial Research — Our mock trial research takes focus group research to the next level – it provides opportunities to rehearse and hone case presentations (e.g. opening and closing statements), and evaluates the impact of documents, demonstrative evidence and witness testimony. While the majority of mock trial research are one-day events, for cases with multiple parties and witnesses, cross-cutting claims and counterclaims, or especially cases with complex facts and issues, a multi-day exercise is often more appropriate.

Arbitration/ Bench Exercises — The arbitration/bench exercise is ideal for high-profile cases, which include Markman hearings and “bet-the-company” matters. Surrogate neutrals with similar bench experience as your adjudicator provide counsel with the most strategic point of view.

FTI CONSULTING HAS JURY CONSULTING EXPERIENCE WITH THE FOLLOWING TYPES OF CASES:

- Environmental/Toxic Tort
- Intellectual Property
- Antitrust
- Breach of Contract
- Labor and Employment
- Class Action and Serial Litigation
- Insurance: Bad Faith, Reinsurance, Subrogation, Coverage
- Securities
- Civil Rights/First Amendment: Section 1983 cases
- Product Liability
- White Collar Crime (RICO)

Trial Strategy — FTI Consulting's consultants typically begin an engagement by examining the anatomy of each claim and related case issues by reviewing documents, interviews, and other evidence. At this early juncture, discovery is honed, bad facts are identified and neutralized, and impactful designations are selected from deposition transcripts and videos to impeach witnesses.

Witness Preparation — Our psychologists have proven expertise in enhancing the testifying skills of fact and expert witnesses. We identify and coach demeanor and delivery that can undermine the credibility of an otherwise effective witness.

Jury Selection— FTI Consulting designs voir dire questions and juror questionnaires that help uncover juror bias and prejudice during oral voir dire. We create juror profiles using empirical data from research, similar case experience and telephone surveys. In court, FTI Consulting's consultants analyze jurors' verbal and non verbal responses to questioning and implement a peremptory strategy that makes the best use of each challenge.

Trial Monitoring— The benefits of in-court trial monitoring are invaluable. FTI Consulting's consultants can attend trial proceedings to observe and assess juror reactions, courtroom dynamics, the effectiveness of witness testimony and opening/closing statements, and other factors. These observations are translated into on-the-spot strategic consulting and witness preparation. Shadow juries can also be arranged.

Post-trial Interviews— FTI Consulting continually improves our understanding of trial outcomes by interviewing jurors after trial. This can help determine a strategy for your client's next case and form a basis for how your team can deal with similar issues in serial litigation.

Pre-trial research — We apply a variety of social science research methods to questions and objectives that have strategic value, including:

- What is the relative strength of your case versus the opposition?
- What themes resonate and best communicate your story?
- What is the range of risk associated with taking your case to a jury?
- What factors help build consensus in order to achieve early settlement?
- How do race and culture impact your verdict and damages?
- What are the barriers to juror comprehension and learning, and how can they be overcome?
- Which demographic characteristics correlate with your case?
- What can be done to help turn complex information into concepts and language that can be understood and remembered?
- Which exhibits, testimony and demonstrative evidence drive juror decisions?
- Which witnesses do jurors find credible and persuasive?



Critical thinking at the critical time™

About FTI Consulting

FTI Consulting, Inc. is a global business advisory firm dedicated to helping organizations protect and enhance enterprise value in an increasingly complex legal, regulatory and economic environment. With more than 3,700 employees located in 22 countries, FTI Consulting professionals work closely with clients to anticipate, illuminate and overcome complex business challenges in areas such as investigations, litigation, mergers and acquisitions, regulatory issues, reputation management and restructuring. The company generated \$1.4 billion in revenues during fiscal year 2010. More information can be found at www.fticonsulting.com.