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A large, light-colored diamond shape containing a profile of a woman's face looking upwards. Overlaid on the face are faint, glowing digital lines and nodes, suggesting a connection to technology or psychology.

# LITIGATION PSYCHOLOGY

A diamond-shaped inset in the upper right corner showing a blue wireframe model of a human brain, composed of interconnected lines forming a mesh.

**KNOW**  
**WITH CSI®**

## THE CHALLENGE

Litigation is a fact of business, but the uncertainty around how each situation will play out creates stress and challenges for your organization – financially, legally, and reputationally. These pressures limit your team's ability to provide strategic value back to the business, slowing progress and growth.

## THE SOLUTION

**Take control of your litigation with CSI's Litigation Psychology services.**

CSI® delivers research-based analysis to improve outcomes. CSI's Litigation Consultants are Ph.D.-level clinical and social neuroscientists with extensive experience in predicting human behavior to drive insights into jury decision making and in modifying human behavior for improved performance during deposition and trial testimony.

## THE BENEFITS CSI PROVIDES YOUR BUSINESS

- ◆ **Actionable, valid data** - Understand the scope of exposure and potential damages early in a case to aid in settlement and mediation discussions or trial preparation.
- ◆ **Effective depositions and trial testimony** - Ensure fact witnesses, corporate representatives, and expert witnesses are effective in their depositions and trial testimony and are prepared for plaintiff Reptile attacks that can decimate your case.
- ◆ **Case specific research** - Leverage scientifically-valid research to illuminate how the litigants, evidence, themes, and witnesses are likely to be viewed at the jury level, whether you ever go to trial or not.
- ◆ **Deep understanding of juror perspectives** - Gain an in-depth assessment of juror profiles – beyond simple demographics – via proven, scientifically-based psychometric methodologies to help your legal team compose the optimal audience.

**The investment in research and preparation is a fraction of the potential exposure and damages your company could incur. And the reputational loss may be incalculable.**



## RESEARCH <sup>FOR</sup> EARLY INSIGHTS

The more you know, the better you perform. Gut instincts and using outcomes from “cases like this one” invite assumptions and can take your case down the wrong path. Utilizing research during the litigation process provides actionable data and insight to drive positive outcomes. CSI uses scientifically-tested psychological methodologies – conducted by Ph.D.-level researchers – that are proven to contain costs and significantly increase the likelihood of a favorable outcome.

### ◆ LITIGATION RISK ASSESSMENT

CSI's research methodology has been refined over three decades to generate the most scientifically valid estimates of litigation risk and exposure used for deriving settlement strategies. CSI consultants can forecast the likely outcome scenarios and estimate accurate damage ranges in this age of rising verdicts. These “nuclear verdicts” are awards that are significantly higher than would be expected given the injuries of the case and have become much more common in recent years.

### ◆ FOCUS GROUPS

Pretrial research in the form of focus groups is essential to inform how the elements of your case – the litigants, evidence, themes, and witnesses - are likely to be viewed by the triers of fact. Focus groups can test the unknowns of early case assessments and can arm your legal team with the insights to approach settlement negotiations scientifically, maximizing your strategic positioning.

# MODIFYING HUMAN BEHAVIOR



## WITNESS EFFECTIVENESS TRAINING

Your case is only as strong as your weakest fact witness. Poor deposition testimony can drastically increase settlement values and is the top cause of adverse trial verdicts with high damage awards. Our analysis of thousands of deposition transcripts reveals that 95% of damaging and/or ineffective testimony can be traced to two specific neuro-psychological errors: 1) cognitive processing errors and 2) emotional-survival response errors. CSI has constructed a sophisticated and tested neuro-psychological training program to prevent these errors from occurring, thus protecting your business from increased economic exposure and vulnerability.

## CORPORATE REPRESENTATIVE TRAINING

Your selection of a Corporate Representative is critically important due to the high expectations for their testimony at deposition or trial. CSI has developed a Bootcamp program to evaluate and assess potential Corporate Representatives, as well as a Refresher program for current Corporate Representatives. The CSI Corporate Representative Training Bootcamp includes cognitive and emotional training plus personalized training for each individual in the program. With the Bootcamp, you can assess and evaluate specific Corporate Representative candidates - before they are needed - to ensure they are fully prepared for their role.

# ANTI-REPTILE TRAINING

Reptile attorneys prey upon the natural psychological tendencies of witnesses and jurors. Their manipulative tactics compromise witnesses and their exploitation of communications principles seduces juries. Ultimately this psychological warfare forces inflated settlements and can completely change the trajectory of your case. Traditional witness prep does not adequately prepare witnesses to sidestep the manipulative questioning about safety, danger, or responsibility. The CSI team's doctoral-level training in cognitive and behavioral science has led to the development of the leading Anti-Reptile instruction available. CSI's Anti-Reptile program enhances our mock trial and witness effectiveness training services during discovery and guides our recommendations for *voir dire*, opening statements, and witness preparation leading up to trial.

## ◆ DEPOSITION TESTIMONY

If witnesses are not specifically trained to deal with Reptile questions and tactics, the odds of them delivering damaging testimony is high. We leverage our expertise in neurocognitive science, communication science, personality theory, learning theory, and emotional control to conduct a sophisticated cognitive schema reconstruction process which, upon completion, makes the witness immune to Reptile attacks.

## ◆ VOIR DIRE

Reptile attorneys use *voir dire* to seed keywords and theories with prospective jurors in order to make their case themes more familiar and believable during trial. CSI's doctoral-level team collaborates with defense counsel to develop *voir dire* to identify biased jurors, but also strategically re-primes jurors with the defense terms, language, and definitions that will make the jury more receptive to the defendant's opening statements.

## ◆ OPENING STATEMENTS

Reptile attorneys lure opposing counsel into responding to plaintiff's themes and dubious claims – an action which reinforces the plaintiff's position. CSI's neuropsychology experts prevent counsel from playing into the hands of opposing counsel and help to develop opening statements that change the cognitive lens through which jurors view the case. This lens can drastically affect how jurors perceive information as a case progresses, so one must choose this lens very carefully.

## ◆ TRIAL TESTIMONY

Witnesses are easily ensnared in a "gotcha moment" that ignites their emotions or coaxes them into a contradiction in front of an impressionable jury. CSI has deconstructed how Reptile attorneys conduct safety rule attacks and emotional attacks to gain leverage in the courtroom. This insight, coupled with our advanced cognitive training in the areas of attention, concentration, focus, and information processing, helps witnesses to thwart these attacks and protect their integrity in the eyes of jurors.

# PREDICTING HUMAN BEHAVIOR

## MOCK TRIALS

- ◆ Courtroom Sciences' mock trials aren't about trial practice; our mock trials provide a realistic simulation to test case strategies and acquire real-time scientifically significant data on juror sentiment and case valuation. Our mock trials employ an adversarial design involving either live or videotaped witness testimony, similar to the case-in-chief structure of an actual trial.
- ◆ Because Courtroom Sciences' mock trials allow jurors to deliberate over a jury charge, they are effective at predicting not only liability issues, but also the potential range of damages. This information provides valuable insights not only for trial, but also for mediation and settlement negotiations.
- ◆ Courtroom Sciences' meticulous approach, along with our qualifications in psychometrics, results in the highest predictive validity possible.





## JURY SELECTION

- ◆ Popular opinions suggest that demographics are the principal consideration during jury selection. In reality, demographics are not predictive of jury orientation. Research indicates that other, less obvious factors including attitudes, beliefs, life experiences, and personality greatly influence how a juror will respond to the case narrative, evidence, and witnesses.
- ◆ CSI's scientific jury selection services typically begin with the development of a profile of the most and least favorable juror characteristics. This profile is used to guide the development of a juror questionnaire as well as lines of inquiry during *voir dire*. CSI's trial consultants apply psychometric methodology to more fully assess juror profiles before cases go to trial. Our proven research protocols and interview techniques, conducted by Ph.D.-level researchers, provide valuable knowledge of the preexisting psychological determinants of how the case will be construed - helping your legal team compose the optimal audience for your defense.

Contact CSI® today to learn more about how we've helped businesses gain early insights into litigation risk, develop effective witnesses, and predict juror decision making for improved outcomes.

