

**Predict reveals a key case issue** and the **ideal juror profile** to help garner a much **higher award** than expected.

**CASE DESCRIPTION:** Plaintiff contends her employer's personnel-decision was in retaliation to a workers' compensation claim. Additionally, she believes her employer, a construction company, invaded her privacy by contacting her doctor and insisting the doctor not put her on restricted work status. Plaintiff did not know about her company's contact with her physician. The employer claims her insubordination resulted in her termination as she refused an out-of-town work assignment.

Predict's statistical analysis examined and identified trends in juror demographics and their effect on a potential award. The result of the Delphi groups' evaluation showed that, compared to other demographic markers, the education level had the greatest impact relative to the total award (see graph below). Mr. Anderson utilized this insight to strategically select a jury that included three people with a doctoral degree, three jurors with a master's degree, and two with a bachelor's degree.

One of the critical concepts extracted from this study was about unions. Although the concept of a union was not mentioned in the case narrative, many of the Predict Delphi group participants filled in the "evidence gap" and

assumed there must be a union at this company. This "landmine" had the potential to devastate the plaintiff's case as the participants became convinced that she "must have violated a rule or lied about something that even the union couldn't defend" and that she must have been fired for cause. With this crucial insight, Mr. Anderson was able to proactively neutralize the issue during voir dire, opening statements and witness testimony by pointing out that the plaintiff was not a member of a union and there was no union at the company.

Mr. Anderson also learned that the members of the Delphi groups found the complete story, including details of plaintiff's interactions with the people who fired her, distracting. Mr. Anderson used this information to simplify and streamline his presentation of the facts, focusing on the critical details that jurors needed to render a verdict in favor of his client.

While Mr. Anderson was not thrilled with the initial case value forecasted by Predict, which was much lower than the actual award, he used the information from the final report to select a jury with the



**Thomas B. Anderson**  
Shareholder  
Thomson, Rhodes & Cowie, P.C.

### FIRM

Thomson, Rhodes & Cowie, P.C.

### CASE TYPE

Wrongful Termination and  
Invasion of Privacy

### VENUE

Court of Common Pleas  
Centre County, PA

### RESULT

Predict allowed Attorney Anderson to discover an issue that, if left unaddressed, could have derailed his case. Additionally, the Predict report provided critical insight to juror selection and helped produce a highly successful outcome. The jury voted in favor of the plaintiff and awarded \$260,095 in lost wages and benefits. Punitive damages totaled \$2 million.

most potential for his case and craft his arguments to defuse a potential landmine in his case.

This is just one example of how Predict can identify the jurors most receptive to your case and help devise a data-driven communication strategy.

