Here's what our clients are saying about Predict™...

"I just used the Predict tool for the first time and was blown away with the product quality. I got ten times the number of participants of traditional focus group providers, with a comprehensive and easy-to-understand analysis. Predict showed me case weaknesses I hadn't seen, and alerted me to potential jurors that I needed to de-select. I will never go into trial again without Predict.

David L. Kwass, Partner | Saltz, Mongeluzzi, Barrett & Bendesky, PC

I am happy to recommend Predict with Precise. We submitted a complicated contested liability catastrophic personal injury case to Predict recently. The feedback we received from the multiple mock jury panels was extremely insightful and helped us to re-focus our liability strategy which led directly to a very successful resolution.

Thomas A. Masterson, Jr., Esquire | The Masterson Law Firm

We used Predict to get feedback on liability and damages issues in a catastrophic personal injury case. The entire process took less than three weeks and provided us with invaluable insight at a reasonable cost and helped us achieve a substantial eight-figure settlement for our clients. We intend to use it again.

Roger D. Landon, Managing Partner | Murphy & Landon

I've found Predict to be an invaluable tool for both settlement and trial preparation if settlement can't be achieved. It forces me to think concretely about trial presentation, and the feedback may be equal to a mock trial, which is far more time-consuming and expensive.

Harry S. Cohen, Esq. | Harry S. Cohen & Associates, P.C.

We used Predict in a complex case requiring analysis of how a federal jury might view the affirmative claims of both sides where each side claimed millions of dollars in damages against the other. Predict provided a quick, economical, and insightful analysis of potential juror biases that would have taken far more time, effort and money to obtain from a traditional focus group. Predict's insights strengthened our position and helped us obtain millions of dollars for our client. Given its cost-effectiveness and efficiency, Predict would be useful in every case headed to trial.

Andrew P. Baratta, Esq. | Baratta, Russell & Baratta

While preparing for a product liability case, we reached a point in which focus-group feedback was warranted, and Predict was an appealing, cost-efficient option. The approach and resulting report provided a fresh and sobering collection of perspectives, alerting me to necessary strategy adjustments. It was also instrumental in managing my client's expectations. We were more than pleased with the tool.

Daniel E. Rosner, Esq. | Rosner & Tucker, P.C.

What began as a project to **measure witness credibility** ended up helping plaintiff's counsel **reshape and re-form** their **trial strategy** yielding a **highly-favorable verdict**.

CASE DESCRIPTION: The plaintiff, a box truck driver, was delivering a 3,000 lb. transformer to a construction site. The plan was to use a pallet jack to pull the transformer out of the truck bed and onto a hydraulic liftgate that would lower the transformer to the ground. During the unloading process, the plaintiff fell off the back of the liftgate while it was still elevated; a moment later, the pallet jack and transformer fell on top of him, resulting in pelvic crush injuries. The plaintiff contends that as he pulled the pallet jack, the construction supervisor got into the back of the truck to push the transformer out and pushed too hard, causing the plaintiff and the transformer to fall. The supervisor denies being on the truck and claims that the transformer fell because there was too much weight on the liftgate and it tipped downward, which caused the plaintiff and the transformer to fall.

David L. Kwass
Partner

FIRM
Saltz Mongeluzzi Barrett & Bendesky

CASE TYPE
Construction Site Accident

VENUE
Philadelphia County Court of Common Pleas

RESULT
Predict called attention to a false conclusion likely to be drawn by a jury that convinced Attorney Kwass to shift the focus of his case strategy. The jury voted in favor of the plaintiff and returned an $8.52 million verdict.
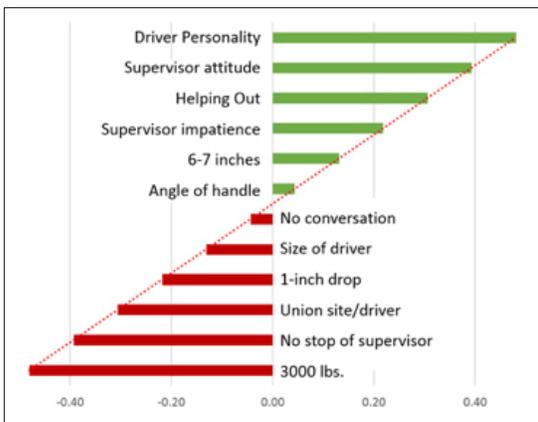
Mr. Kwass enlisted Predict to gain insight on the likely juror response to the testimonies of the plaintiff and supervisor. Since the two witnesses had different versions of the story, Mr. Kwass initially thought the credibility of the two men would determine the outcome—a "he said, he said" case.

The Predict study included short video clips, pulled from the depositions, of the witnesses recounting what happened. The video deposition clips were shown to 16 Delphi groups, with 12 participants in each group (192 total individuals), as part of the survey analysis.

Although more groups found the plaintiff more credible than the supervisor, the survey participants assigned more fault to the plaintiff. The critical concepts extracted during the Predict process highlighted the feeling many participants had that the plaintiff, as the truck driver, was the "captain of the ship" and responsible for the control of the transformer until he safely delivered it to the final destination. Participants stated that they could not imagine a truck driver just allowing a person to jump on their truck, look around, and move a 3,000 lb. transformer without giving permission and discussing what they would do.

The Delphi participants, like actual jurors, filled in the evidence gaps using their real-life experiences; many assumed that the trucking company would have been a union shop. They determined that the plaintiff should have shut everything down once protocol was breached and called a union official until the supervisor left the truck.

In fact, the plaintiff was not driving for a union trucking company. Once his truck entered through the gates of the construction site, he was no longer the "captain of his ship." Upon arriving at the site, he was now under the control and purview of the construction site supervisor.

Mr. Kwass and his team utilized the intelligence gained from the Predict report to adjust their case strategy and themes. Instead of a "he said, he said" case about witness credibility, they adjusted the focus to "control." Per Mr. Kwass, "Everything we showed the jury at trial about liability focused on the control the construction company exercised over its operations, including this delivery."

This case is one example of how Predict helped devise a powerful data-driven communication strategy and provided a competitive edge in the courtroom.

Predict's Concept Mirror identifies the critical concepts (strengths and weaknesses) extracted from the Delphi Groups' discussions

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Predict™

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 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.

Delphi Group Average Award Value Categorized by Education Level

Education Level	Award Value
HS	$167 K
BA	$310 K
MS	$382 K
PhD	$454 K

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.

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