

BETTER BIG CASE RESULTS:

FINDING GEMS OF INFORMATION, AND AVOIDING PITFALLS

Joe Price at Faegre Baker Daniels relies on Litigation Insights to help determine what moves people and influences decision-making.

Minneapolis lawyer Joe Price has practiced law for more than 40 years, helping scores of corporate clients defend against product liability claims primarily in the medical and pharmaceutical fields.

But Price, a partner with Faegre Baker Daniels in Minneapolis, is the first to admit that he doesn't know everything, even with decades of experience. Judges, juries, opposing counsel and other influencers are persuaded in different ways, by different arguments and different methods.

When he needs added perspective and advice, Price calls Litigation Insights to test case themes, conduct jury research, work with witnesses, and develop compelling graphics. With expertise in psychology and persuasive communications, Litigation Insights delves into the facts and circumstances, looking for the nuances that can sway opinions.

"Litigation Insights helps us understand potential case themes better so we can evaluate the best options in terms of settlement or trial and the likelihood for success," Price said. "Sometime the issues in a case are counter-intuitive to what even the most experienced trial lawyers might think."

For example, in one case a man was seriously injured when his ladder slipped out from under him.



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— Joe Price, Partner, Faegre Baker Daniels

He claimed that a slippery sealant on the floor was to blame. Price thought, understandably, that the plaintiff would have a sympathy advantage in the court of public opinion.

A mock trial was convened by Litigation Insights and testimony at the mock trial showed the man had rejected a suggestion that he use a boom lift for the job. He also declined help in holding his ladder and keeping it secure.

"We felt the jury would be sympathetic to the plaintiff, but the jury members at the mock trial said he was at fault," Price said. "That was eye-opening."

■ LITIGATION INSIGHTS A VALUED SET OF EYES

Price has worked with Merrie Jo Pitera, CEO of Litigation Insights, in all phases of a case, from

discovery to verdict, and also for jury research. Litigation Insights helps determine how a jury will react to different themes and facts in a case. Price also appreciates their fresh perspective and creative problem-solving.

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At trial, Litigation Insights consultants may also sit in a courtroom to observe testimony and gauge jury responses. Litigation Insights also provides courtroom graphics and animations to convincingly present a case to a jury.

“I have used every one of their services – jury consulting, case theme development, witness preparation, and graphics,” Price said. “It’s nice to have all of this expertise available at one firm. Working with Litigation Insights is efficient and convenient for us.”

Price has worked with Litigation Insights for over 16 years now. It’s the only litigation consulting firm he recommends.

“It’s like anything else – if you get results and they give you quality advice at a competitive price you stay with them,” Price said. “They know us and our business and they are thoughtful, attentive and are willing to go the extra mile to help. They’re a real partner in the process.”

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A CONSTANT VARIETY

Learning something new almost every day is what Price enjoys most.

“The variety in our practice keeps things very interesting,” said Price. “And you learn so many medical and scientific facts that have significance in our daily existence.”

Price said his practice today is almost exclusively the defense of mass tort and class action cases involving pharmaceutical products and medical devices.

Price’s experience includes litigation involving intrauterine devices, mammary implants, orthopedic prostheses, cardiovascular devices, and a wide variety of prescription and over-the-counter drugs and nutritional supplements. Price also served as national coordinating counsel for 3M in the silicone breast implant litigation.

Faegre Baker Daniels has nearly 800 attorneys in 12 cities in the United States and abroad. About 65 attorneys in the firm do product liability work, Price said.

THE VALUE OF LITIGATION CONSULTING SERVICES

Litigation consulting services add value in the early, middle and late stages of a matter. Here are a few examples:

- 1 Trial strategy and theme testing – find out which points resonate with jurors and how to frame your case and better connect with them.
- 2 Compelling and clear graphics – most people are visual learners and professionally designed graphics get your important points across more effectively.
- 3 Presentation technology services - ensure seamless and reliable exhibit presentation support in court. Enjoy the peace of mind in having a trained professional be responsible for the presentation software and equipment.

