



**Merrie Jo Pitera, Ph.D.**

CHIEF EXECUTIVE OFFICER

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Dr. Pitera is a psychology and communications expert who specializes in complex litigation and trial consulting and has more than 25 years of experience in the field. Her areas of expertise include intellectual property, product liability/personal injury, employment, securities, commercial, and environmental litigation.

Merrie Jo is a perceptive listener and observer of jury dynamics and sentiments and provides clear insights into how they are likely to impact a case. In addition to being a jury specialist, Merrie Jo also prepares witnesses for depositions, trials and congressional hearings. She is a frequent national and international speaker on jury behavior and witness prep methods. She routinely publishes articles in a variety of law journals on jury selection and trial preparation. In February 2016, she published with her co-author, Dr. Barbara Hillmer, a book entitled: *Storytelling for the Defense: The Defense Attorney's Courtroom Guide to Beating Plaintiffs at their Own Game*.

Litigation Insights is a national, woman-owned company with more than 20 years of experience conducting jury research, developing trial graphics and assisting counsel with jury selection and case presentation during trial proceedings. As a full-service firm, the company provides everything from witness preparation and jury selection to trial graphics and courtroom technology.

**Education**

- Ph.D., Communication Studies, University of Kansas
- M.A., Social Psychology, University of Kansas
- B.A., magna cum laude, Psychology, Clemson University

**Professional Experience**

2007-	Chief Executive Officer Litigation Insights, Inc. Overland Park, KS
1999-2007	Partner (Managing Partner in 2001) Litigation Insights, LLC (formerly Center for Trial Insights – KS) Overland Park, KS
1996-99	Senior Litigation Consultant Center for Trial Insights Overland Park, KS
1993-96	Senior Litigation Consultant American Litigation Analysts Lafayette, LA and Lawrence, KS

1990-93      Litigation Consultant  
 Deloitte & Touche  
 New Orleans, LA

## Selected Publications

- Pitera, M.J. & Marinakis, C.M. (2016). Will My Expert Witness Appear Biased? *Insights*.
- Pitera, M.J. (2016). How Does My Retained Expert Witness Improve Credibility? *The Jury Expert*, Vol. 28, No. 1.
- Pitera, M.J. & Czyz, K. (2016). Which Is Best When Conducting a Mock Trial: One Jury Panel vs. Multiple Jury Panels? *Insights*.
- Pitera, M.J. & Hillmer, B. (2016). Storytelling for the Defense – The Defense Attorney’s Guide to Beating Plaintiffs at Their Own Game. Indie Books International, Oceanside, CA.
- Pitera, M.J. & Marinakis, C.M. (2016). Will My Expert Witness Appear Biased? *Insights*.
- Pitera, M.J. (2016). How Does My Retained Expert Witness Improve Credibility? *The Jury Expert*, Vol. 28, No. 1.
- Pitera, M.J. (2015). Mock Trial Versus Deliberation Group: What Is the Difference? *Insights*.
- Pitera, M.J. (2015). What Does a Mock Trial Cost? *Insights*.
- Pitera, M.J. (2014). Confidentiality and Online Jury Research: What Are the Risks? *Insights*.
- Pitera, M.J. (2014). When Is It Appropriate for a Witness to Show Anger? *Insights*. Winner of LitigationWorld Pick of the Week.
- Pitera, M.J. (2014). Witness Preparation: Beware of the Tricks Used to Encourage a Witness to Volunteer. *Insights*. Winner of LitigationWorld Pick of the Week.
- Pitera, M.J. (2014). Jury Research Education Series | Developing a Juror Profile: Having a Strong Foundation. *Insights*.
- Pitera, M.J. (2014). Voir Dire Strategy Tips: What Not to Do in Voir Dire. *Insights*.
- Pitera, M.J. (2014). Flying Blind in Jury Selection: The Value of Social Networking Searches. *Insights*.
- Leibold, J.M., Pitera, M.J., Price, J.M. & Dukart, J.Y. (2013). Attitudes toward Japanese corporations. *For the Defense: Defense Research Institute*.
- Pitera, M.J. & Wilinski, J. (2013). Inside the mind of the juror: Understanding perceptions and identifying biases. *Presented to Defense Research Institute*.
- Pitera, M.J. (2013). Voir Dire Strategy: Sacrificing Your Queen. *Insights*.
- Pitera, M.J. (2013). Witness Tip: Anxiety is the #1 Barrier to Affecting Communication. *Insights*.
- Pitera, M.J. (2013). Selecting your corporate representative. *Insights*.
- Pitera, M.J., Cohen, R., Johnson, J., Smith P., Woods, C. (2012). Rainmakers – Social Anomalies, Genetic Aberrations, Well-trained Salespeople or Just Really Good at What They Do? *Presentation for the DuPont Legal Network Marketing and Referral Conference*.
- Pitera, M.J. & Hillmer, B. (2012). All Jury Consultants Are Not Created Equal: Do You Have the Right Consultant for Your Research? – *Part I & II*. *Insights*.
- Pitera, M.J. (2012). Understanding the Modern Juror in Product Liability Litigation. *Presentation to Husch Blackwell Product Liability Group*.
- Rupp, T., Pitera, M.J., McQuin, R.S., Hudson, L., Stewart, M.R. (2011). Effective Opening Statements. *Panel presentation at Kansas Association of Defense Counsel*.
- Gerchen, R. & Pitera, M.J. (2011). Voir Dire: A New Spin. *Insights*.
- Pitera, M.J. & Babbitt, E.K. (2010). Social Media Craze: How the Internet Is Changing Efforts to Preserve the Judicial Process with Prospective Jurors at Trial. *Insights*.
- Pitera, M.J. (2010). Increasing the Approval of SJQs. *Insights*.
- Pitera, M.J. (2009). Characteristics of Improving the Credibility of Your Witnesses – *Part I, II & III*. *Insights*.
- Pitera, M.J. & Cox, S.S. (2009). Psychological Foundations of Juror Judgments and Juror Trends in Pharmaceutical Cases. *Prepared for the International Association of Defense Counsel Annual Meeting, Colorado Springs, CO*.

- Pitera, M.J. & Nemecek, J. (2009). Arguing Hardship – You Can't Have It Both Ways. *Insights*.
- Smith, S.A. & Pitera, M.J. (2009). What Do Jurors Think of Pharmaceutical and Medical Device Manufacturers? And What Can Defense Counsel Do about It? *Prepared for ALFA International's 2009 Midwest Regional Health Care and Medical Device Joint Seminar*, Minneapolis, MN.
- Worthington, D.L., Stallard, M.J., Price, J.M., & Goss, P.J. (2002). Hindsight Bias, Daubert and the Silicone Breast Implant Litigation: Making the Case for Court-Appointed Experts in Complex Medical and Scientific Litigation. *Psychology, Public Policy and Law*, vol. 8(2), 1-26. [Won "2001 Top Paper" by the NCA Commission on Communication and Law.]
- Getzoff, S., Worthington, D.L., & Stallard, M.J. (2001). Confronting Jurors' Hindsight Bias. For the Defense: *The Defense Research Institute, Inc.*, 43(12), 20-23, 57.
- Goss, P.J., Worthington, D.L., Stallard, M.J., & Price, J.M. (2001). Clearing Away the Junk: Court-appointed Experts, Scientifically Marginal Evidence and the Silicone Gel Breast Implant Litigation. *Food and Drug Law Journal*, 56(2), 227-240. [Won the 2002 Burton Award for Legal Achievement.]
- Stallard, M.J., Price, J.M., & Dane, F.C. (2001). Complex Medical Litigation and Hindsight Bias: Strategies to Reduce Factfinders' Retrospective Attributions of Fault. In Roesch, R., Corrado, R.R., & Dempster, R.J. (Eds.). *Psychology in the Courts: International Advances in Knowledge*. London: Routledge.
- Numerous presentations and articles on communication, reducing hindsight bias in the courtroom and jury persuasion from 1997 to 2008.

### Selected Professional Presentations

- Pitera, M.J. (2016). Try or not to try: Using Jury Research to Inform Trial Decisions. *Presentation to Earl E. O'Connor Inn of Court*, Overland Park, KS.
- Pitera, M.J. (2016). Millennials and Gen-Xers Are in Your Jury Box – Are You Ready? *Presentation to Southern Conference of Bar Presidents*, Branson, MO.
- Pitera, M.J. & Marinakis, C.M. (2016). Unique Approaches to Jury Research to Leverage Your Position. *Webinar presentation for State Farm Insurance*.
- Pitera, M.J. (2016). Masters' Panel Session, Panel Member. *ASTC 35<sup>th</sup> Annual Conference*, Redondo Beach, CA.
- Pitera, M.J. & Bloomberg, A. (2015). To Settle or Not to Settle: Using Jury Research to Inform Trial Decisions. *CLE Presentation to in-house claims adjusters for AmTrust North America*, Dallas, TX.
- Blackwell, J.W., Ford, B. & Pitera, M.J. (2015). Litigation Masters: Trial Demonstration. *Presentation for the 35<sup>th</sup> Annual Mid-Year National Bar Association Conference*, St. Louis, MO.
- Pitera, M.J. & Wilinski, J. (2014). To Select or Deselect? How to Develop a Juror Profile in Employment Cases. *Presentation for Ogletree, Deakins, Nash, Smoak & Stewart*, Kansas City, MO.
- Pitera, M.J. (2014). Why Witness Prep Matters: Improving Your Strategic Position. *Presentation for Dentons*, Kansas City, MO.
- Pitera, M.J. (2014). When a Lawsuit Makes It to the Jury: The Litigation Risks Both Transaction and Litigation Attorneys Should Know. *CLE presentation for State Farm Insurance*, Bloomington, IL.
- Pitera, M.J. (2013). Juror Bias & Diversity in the Courtroom. *Presentation for Twin Cities Diversity in Practice*, St Paul, MN.
- Pitera, M.J. (2013). Connecting with Your Jury: Ways Jurors Learn, Remember and Make Decisions. *Presentation at DRI Conference*, National Harbor, MD.
- Pitera, M.J. (2012). Early Case Assessment & Jury Research: Lessons learned in products liability & environmental cases. *Presentation for Faegre Baker Daniels*, Minneapolis, MN.
- Pitera, M.J., Cohen R, Johnson, J., Smith P., Woods, C. (2012). Rainmakers – Social Anomalies, Genetic Aberrations, Well-trained Salespeople or Just Really Good at What They Do? *Presentation for the DuPont Legal Network Marketing and Referral Conference*, Toronto, Canada.
- Pitera, M.J. (2012). Understanding the Modern Juror in Product Liability Litigation. *Presentation to Husch Blackwell Product Liability Group*, Kansas City, MO.
- Pitera, M.J., Rupp, T., McQuin, R.S., Hudson, L., Stewart, M.R. (2011). Effective Opening Statements. *Panel presentation at Kansas Association of Defense Counsel*, Kansas City, MO.

- Pitera, M.J. (2011). Jury Research: Lessons Learned. *Chevron Litigation Forum*, Houston, TX.
- Pitera, M.J., Hofer, Jr., B.R., & Pollack, M. (2010). How to Avoid the Highlight Reel: Analysis and Preparation of Witness Testimony for Deposition and Trial. *CLE for the Lloyds of London Syndicate*, London, U.K.
- Pitera, M.J. & Kelly, T. (2010). Jurors' Perceptions and Gender. King & Spalding University. *The Houston Women's Affinity Group*, Houston, TX.
- Piorkowski, J. & Pitera, M.J. (2009). The Future of Science in the Courtroom: Persuading Jurors from the "CSI" Generation. *International Association of Defense Counsel Annual Meeting*, Colorado Springs, CO.
- Pitera, M.J., Smith, S.A., Huntley-Taylor, J. & Worthington, D.L. (2009). How to Play Well with Others: Strategies and Guidelines When Working with Your Fellow Trial Consultants. *Presentation at the American Society of Trial Consultants Conference*, Atlanta, GA.
- Pitera, M.J., & Leibold, J.M. (2009). Top Five Recession Effects – The Myths, the Trends and the Implicit Bias. Larson • King: *Corporate Counsel Summit on Litigation and Trial Strategies*, St Paul, MN.
- Smith, S.A. & Pitera, M.J. (2009). Managing Juror Perceptions of the FDA and the Medical Device and Pharmaceutical Industry. *Presentation at the ALFA International Midwest Regional, Health Care and Medical Device Joint Seminar*, Minneapolis, MN.
- Numerous presentations on communication, implicit bias and jury persuasion from 1997 to 2008.

### **Professional Memberships**

- Member, American Society of Trial Consultants
  - Co-Chair of American Society of Trial Consultants Nomination Committee – 2013 to present
  - Chair of the American Society of Trial Consultants Development Committee – 2009-2010, 2012-2013.
  - Elected to the American Society of Trial Consultants Board of Directors – 1996-2000.
- Member of Women Who Mean Business. Selected by the Kansas City Business Journal as one of the 25 honorees for the annual award – 2010.
- Member of the American Psychology – Law Society, Division 41 of the American Psychological Association